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The Honourable Tony Whitford, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Tuesday, October 29, 2002****Members Present**

Honourable Roger Allen, Mr. Bell, Mr. Braden, Mr. Delorey, Mr. Dent, Mrs. Groenewegen, Honourable Joe Handley, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Lafferty, Ms. Lee, Honourable Michael Miltenberger, Honourable Jake Ootes, Mr. Roland, Honourable Vince Steen, Honourable Tony Whitford.

ITEM 1: PRAYER

-- Prayer

SPEAKER (Hon. Tony Whitford): Please be seated. Good afternoon, colleagues. Our first order of business is Ministers' statements. The honourable Minister responsible for Youth, Mr. Allen.

ITEM 2: MINISTERS' STATEMENTS**Minister's Statement 83-14(5): Youth Corps Program**

HON. ROGER ALLEN: Mr. Speaker, it is my pleasure today to provide an update to Members on the establishment of the NWT youth corps program.

The youth corps program is designed to assist in the development and delivery of specialized projects to support NWT youth as they develop their skills and contribute to their communities. To date three projects have been approved:

- the Sahtu trapping industry training project
- the Beaufort-Delta youth entry level skills project; and
- the Inuvik fur trapping training project.

The Sahtu trapping industry training project is a partnership between the youth secretariat, the Department of Resources, Wildlife and Economic Development, Human Resources Development Canada, the Sahtu Divisional Board of Education, the Fur Institute of Canada and local community groups. In this program participating youth will have an opportunity to learn trapping and trapping industry skills, as well as gain educational upgrading and other personal development training. Most importantly, the program provides youth with a valuable experience of traditional culture.

The youth secretariat and the Beaufort-Delta District Education Council are sponsoring the Beaufort-Delta youth entry level skills project. Youth from around the region will have the opportunity to receive training in computer technology, the oil and gas industry and tourism, as well as educational upgrading in preparation for re-entry into the school system or job market.

The Inuvik fur trapping training project will allow youth in open custody to learn valuable skills related to trapping, on the land survival and basic safety so that when they return to their communities they will be in a better position to contribute to their own growth and development.

Discussions are underway to finalize projects in the Deh Cho, North Slave and South Slave regions.

Because this is a new initiative of this government, we are paying careful attention to how well each of these different approaches work in achieving our objectives of developing youth skills and leadership. The youth secretariat will be working closely with each of the project sponsors to evaluate project outcomes.

Mr. Speaker, I am also pleased to advise Members that 19 smaller projects have been approved under the youth contributions project. This project provides support for small projects of \$5,000 or less that assist youth in a range of development opportunities. Projects funded to date include support for students traveling to the Dream Catchers Conference, youth role model tours and junior ranger projects.

Mr. Speaker, our youth need strong support, good role models and the positive involvement of caring adults. With the youth secretariat, I am pleased to be able to assist in these areas and to provide NWT youth with support towards a stronger future for all of us. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Minister. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Great Slave, Mr. Braden.

ITEM 3: MEMBERS' STATEMENT**Member's Statement on Launch of the United Way Foundation**

MR. BRADEN: Thank you, Mr. Speaker. I was pleased to be able to participate, along with dozens of other Yellowknife residents, at the launch of the United Way Foundation here in Yellowknife. This launch was kicked off last Wednesday, October 15, at the Fire Hall. The NWT is the 125th member of United Way Canada, Mr. Speaker. This provides another option for each of us to make the NWT and the times we live in a better place.

I would particularly like to commend the many volunteers who work to bring this very valuable part of our community to reality, particularly two constituents of Great Slave, Doris McCann and Bob Haywood. I also want to congratulate Lowell Ann Fuglsang, Don Babey, and Roslyn Smith, the new president of the United Way board, who are all instrumental in making this happen. I think a special thank you goes to former mayor Dave Lovell, who is the honorary campaign chairperson and a consistent believer.

This moving to the NWT would really not be possible, Mr. Speaker, without the cooperation and support of the federal and territorial governments. In this, I want to commend the Minister of Finance and his people for working with the United Way supporters to bring this opportunity to the GNWT's 2,500

employees. Contributions to United Way can mean financial support for agencies in the NWT, in Yellowknife, or any registered charitable organization in Canada. The payroll deductions approach can enable individuals and program participants to better plan their support for community social programs.

Mr. Speaker, we are among the most generous givers in Canada, and here is an even better way for people to plan their giving, help good causes, and even get those much-appreciated tax breaks. The first United Way fundraising campaign comes to a close at the end of this week, Mr. Speaker. I congratulate everyone who has worked so hard to make this a reality here in the North. Thank you.

-- Applause

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

Member's Statement on Capital Infrastructure Concerns in Mackenzie Delta

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, as we all know, communities depend on improvements to our infrastructure and capital in our communities. In most cases, infrastructure is old and needs to be replaced. Mr. Speaker, there have been several capital items in my riding, which seems to be ongoing and not really in construction phase but in the planning phase. Constituents in communities I represent are concerned in regard to how soon can we see these capital items come on stream and see them constructed in regard to budgets that have been presented to this House.

Mr. Speaker, I am talking about the community of Aklavik's curling rink proposal, which has been brought forth to this House. The money has been approved in the capital budget of this government, but yet, Mr. Speaker, very little progress has been done in that area. The other project that comes to mind is the Tsiigehtchic water improvement program to improve the water in Tsiigehtchic for the residents of Tsiigehtchic by way of \$100,000, which has been approved in last year's budget and a million dollars next year.

Mr. Speaker, there again, the community is waiting to see exactly where the plans are on exactly how soon can this project be implemented.

Mr. Speaker, the other project is in Fort McPherson, where they have requested that the fire truck in Fort McPherson be moved in the capital items, which was for 2004-2005, and also wanting to know if it has been reallocated for the years 2003-2004.

Mr. Speaker, as communities and as leaders of our communities, they are concerned in regard to the financial situation of this government. I think, Mr. Speaker, it is crucial that those projects succeed and be carried forth and completed in a reasonable time.

Mr. Speaker, we hear of capital projects in this government that are being fast-tracked to the detriment of small communities. In small communities, we do not have the human resources, engineers and what not, yet the government has access to those people. I think it is appropriate that this government does whatever it can to speed up these projects and see them come

to light. At the appropriate time, Mr. Speaker, I will be asking the Minister of Municipal and Community Affairs questions on this matter.

-- Applause

MR. SPEAKER: Thank you, Mr. Krutko. Item 3, Members' statements. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Member's Statement on Beaufort-Delta Leaders' Meeting

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, this week in Inuvik, the Beaufort-Delta leaders are once again meeting to go over issues of importance and further discussions on processes with self-government and work with this government, so I wish them the best in their deliberations and what they are doing. Unfortunately, I will not be able to be there as we are taking part in session here and I look forward to see the results of their meetings and the motions that would come out of them, and hopefully pursuing implementation of those motions with this government. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Roland. Item 3, Members' statements. The honourable Member for Frame Lake, Mr. Dent.

Member's Statement on Support and Caring for Seniors

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, I would like to take this opportunity to congratulate the Yellowknife Association of Concerned Citizens for Seniors on their continuing efforts to improve community support for the health of seniors.

Mr. Speaker, this association, otherwise known as YACCS, has been working for more than 19 years with partners, including the NWT and Yellowknife Seniors Society, and other agencies to do this work. Mr. Speaker, seniors over 50 are the fastest growing segment of the Northwest Territories population. We number 6,000 out of the NWT population of 43,000. I say we because, unfortunately, Mr. Speaker, I have joined that group. It is interesting to note, though, that on this side of the House, there are I think only two of us who are there, but we have many Members on the other side who are...

SOME HON. MEMBERS: Many, many!

-- Laughter

...among the seniors. Mr. Speaker, as we age, 8 percent of us can expect to become afflicted with Alzheimer's or dementia in our lifetime.

AN HON. MEMBER: A hundred percent on the other side of the floor!

-- Laughter

AN HON. MEMBER: That's right -- 100 percent over there!

-- Laughter

MR. DENT: Unfortunately, Mr. Speaker, that is no laughing matter. Mr. Speaker, in Yellowknife alone, I am told there are

31 individuals meeting the definition of dementia. Apparently, with an additional 35 seniors showing early signs.

Mr. Speaker, this condition means losing awareness while your body still functions. These seniors deserve a caring and compassionate level of care, and the government has an obligation to support them properly. The Yellowknife Association of Concerned Citizens for Seniors are anxious to partner with the government in their quest to provide that care. Through Aven Manor and Aven Court, YACCS has been providing care for residents and patients with long-term care at Aven Manor. Mr. Speaker, they are full and they cannot properly meet the special care requirements of dementia and Alzheimer's patients. These patients need increased levels of care. There is no place for these seniors.

Mr. Speaker, I would like to congratulate the Minister of Health and Social Services on that department's contribution of an initial \$50,000 in planning funds, but I would like to remind him, Mr. Speaker, that this is only a beginning; there is still a long way to go. It is critical that the government plan to put real dollars towards the care of individuals in the North who have been the cornerstone by which this Territory was developed. We owe them that reasonable level of care. Thank you, Mr. Speaker.

-- Applause

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

Member's Statement on Senior Citizens Home Repair Program

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I have stated in this House many times that I have worked closely with the Hay River Seniors' Society since being an elected almost three years ago. Today, Mr. Speaker, I would like to address a program administered by the NWT Housing Corporation. That being the Senior Citizens Home Repair Program.

Mr. Speaker, the Senior Citizens Home Repair Program is a program that provides financial assistance to seniors who own and occupy their own homes. The forgivable loan of up to \$20,000 is to be used to repair or improve the condition of the client's home in order to make their home safer and enables seniors to maintain an independent lifestyle.

My problem with this project, Mr. Speaker, is that it is not offered to all seniors. Like most government programs, there is an income threshold in effect. A senior cannot qualify for this program if their household income is above \$37,500 and this, Mr. Speaker, is a combined household income. Mr. Speaker, this government has spoken volumes about how our elders are one of our most precious resources and how much we value our elders. Well, Mr. Speaker, apparently we value seniors as long as they have not saved too much money for their golden years.

Mr. Speaker, I have stood up in this House on many occasions and criticized other government departments for the income thresholds they have in place as a prerequisite for their programs. I have always, Mr. Speaker, advocated for a sliding scale on government programs whereby if a person is over the income threshold they might not receive 100 percent of the

program benefit but they could still receive a slightly reduced amount.

Mr. Speaker, seniors aged 60 and over represent approximately 6 percent of our population and in 20 years this figure is expected to double. Mr. Speaker, the economic spending power of seniors is something this government cannot afford to ignore.

Mr. Speaker, in June of 2000 the Legislative Assembly passed a motion recommending that the GNWT undertake a review of all programs and services offered to seniors in the NWT. As a result, Mr. Speaker, it was determined that seniors programs and services exist in a complex service environment and government departments have varying eligibility criteria which is confusing for seniors.

Mr. Speaker, our society encourages individuals to be productive and to go out and earn a living to provide for their families. Our seniors have saved...

MR. SPEAKER: Mr. Delorey, your time for Member's statement is up. Mr. Delorey, you have the floor.

MR. DELOREY: Thank you, Mr. Speaker. I seek unanimous consent to conclude my statement.

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

MR. DELOREY: Mr. Speaker, our society encourages individuals to be productive and go out and earn a living to provide for their families. Our seniors have saved all their lives and have been productive members of our society. Mr. Speaker, when they reach retirement these same seniors quickly find out that they do not qualify for government programs for seniors because they have worked hard and followed all the rules. They are damned if they do and they are damned if they don't, Mr. Speaker.

I commend the Minister of Education and his departmental officials for this year instituting a sliding scale for the Seniors' Fossil Fuel Subsidy. It is very welcome news for both myself and the constituents that I represent. Apparently someone is listening. I certainly hope, Mr. Speaker, that the Minister of Housing is listening to the needs of seniors and that he agrees to take the measures to allow more seniors to access the Housing Corporation's Senior Citizens Home Repair Program. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Delorey. Item 3, Members' statements. The honourable Member for Yellowknife South, Mr. Bell.

Member's Statement on Addictions Treatment in the NWT

MR. BELL: Thank you, Mr. Speaker. I wanted today to talk a bit about addictions treatment in the Northwest Territories. We know that most recently the Minister of Health commissioned a study that was recently made public, called A State of Emergency, Mr. Speaker, and it was done by Chalmers and Associates I believe out of Saskatchewan. It speaks to our current state of affairs and condemns, I guess, the current

system that we have, so much so that it says we cannot simply add bits and pieces to what we have. We have to start at the ground level and rebuild the whole community addictions program system, and to simply add resources would be counter-productive.

I think intuitively all of us recognize this and I think that I have said over the past number of years that our legacy as a government and the last government has been that of closing addictions facilities. That has certainly not been an acceptable answer to what is indeed a state of emergency, Mr. Speaker. I think that we all know step one is to identify the problem but more importantly, Mr. Speaker, step two is to do something about it. We seem to feel the need to commission studies from consultants who are paid by the thousands and thousands of dollars and if we cannot put a price tag on something, Mr. Speaker, we seem to not take it seriously or devalue the kinds of things that the common people of the Northwest Territories have been telling us for some time.

Mr. Speaker, clearly we need to listen to the people who have been yelling at us over the last number of years to take action and to do something. Very recently, Mr. Speaker, there was an inquest in town at the Explorer Hotel to look at the suicide of a young woman in Yellowknife, a very tragic situation, and clearly I think, Mr. Speaker, preventable. Six very common sense local people got together to form a list of recommendations to bring forward to, among one of the parties at any rate was the Government of the Northwest Territories.

Mr. Speaker, as I go down these, and I will read them, they are very common sense and I think things that we should pay close attention to. They talking about widening the scope of services available through the existing treatment centres to include programs that focus on drug addictions. They also talk about funding the establishment of a medical detox facility...

MR. SPEAKER: Mr. Bell, your time is up for Member's statement. Mr. Bell, you have the floor.

MR. BELL: Mr. Speaker, I would like to seek consent to conclude my statement.

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

MR. BELL: Sorry, Mr. Speaker, I was hoping I only I needed it from you, but thank you, colleagues. One of the other recommendations is to ensure that the funding allocated to the treatment of mental illnesses and addictions more accurately reflects the prevalence of these illnesses in the patient population. And, Mr. Speaker, they talk of removing funding barriers for patients who require out of province treatment for medical illnesses and addictions. These are not \$1,000 an hour or \$1,000 a day consultants. They are everyday Northerners making some very common sense recommendations.

Mr. Speaker, we hear from our constituents, all of us do, and they tell us that there is no how-to manual if you are a parent who believes that your child, your 13, 14 or 15-year-old child, has an addictions problem. There is not a pamphlet that says, so you think your child has a problem here is what you do, but there needs to be, Mr. Speaker. This government needs to take this seriously. It is not just about the Department of Health. As

a government we need to make this a priority and engage, as I have said, step two doing something about it. Thank you.

-- Applause

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

Member's Statement on Vital Statistics Format Change for Marriage Certificates

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, it has come to my attention that if someone requires a copy of their marriage certificate they would apply to Vital Statistics and remit a fee of ten dollars, but you may receive your marriage certificate with the incorrect date of birth recorded on it.

In 1970 Vital Statistics acquired a new system which changed the format of marriage certificates. Prior to 1970 all marriage certificates had the age of the person on them. Once converted to the new format, they required a date of birth and the system arbitrarily inserted January 1st of the year that coincided with the age recorded on file. Therefore, a person's date of birth became January 1st of the year of their age. If you would like to have a marriage certificate with the proper information on it, Vital Statistics then requires you to remit twenty dollars, along with an application to make a correction or change to your marriage certificate.

Vital Statistics say that they cannot amend the certificate without an application and a twenty-dollar fee. There would be no amendment to make had they not inserted the incorrect date of birth to begin with. This is a very time consuming process. What should take about a week then is now taking several weeks, as well as costing an additional twenty dollars to the applicant.

Mr. Speaker, we had this situation brought to our attention by a constituent in the process of getting a copy of their marriage certificate. This may sound like a small thing, but these are the little things that really annoy people.

AN HON. MEMBER: Hear. Hear.

MRS. GROENEWEGEN: If this was the private sector, Mr. Speaker, we would call this very poor customer service. It is not a very client friendly approach and it is a bureaucratic glitch which I want changed, and later today I will have questions for the Minister responsible for this. Thank you.

-- Applause

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

Member's Statement on Expressing the Will of the Silent Majority

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, today I would like to acknowledge the silent majority. By that I mean the territorial chiefs, the aboriginal organizations, the hamlets and the many people throughout the North who wrote or phoned in to support the unsupportable.

As Members know, the chiefs in my riding demanded that I support the Premier whether his actions were right or wrong, and that if I did not I should resign. Members heard that my colleague, David Krutko, faced similar pressures from his region.

Mr. Speaker, we were the minority. Most territorial leaders realize that one can only make excuses for so long and then there is no excuse for actions that are legally and morally wrong. Mr. Speaker, I would like to tell the territorial leaders that abstained from writing or calling in support of the Premier that I know you as well as some Members who made a moral stand on this issue, I know that you will be able to sleep well at night.

Mr. Speaker, I acknowledge the silent majority. I know it is difficult to make a stand where there are projects or initiatives in your region that could be hurt by vocally opposing the Premier's actions. I would like the silent majority out there to know that there are Members of this House who are trying to make the government accountable for the good of the people out there. I would like the public to know that there are a few politicians who do honour the oath of office.

Mr. Speaker, I would also like to thank all the people who called me and those who emailed and supported me and my colleagues who took a stand for what is right and wrong. Thank you, Mr. Speaker.

-- Applause

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

Member's Statement on National Skills Canada Competition

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, today I would like to recognize my constituent Allyson Stroeder who is the executive director of the Skills Canada Northwest Territories/Nunavut office and the good work that her office has been doing over the summer months.

Mr. Speaker, between May 30 and June 2, the 20 member Northwest Territories/Nunavut team competed at the National Skills Canada Competition in Vancouver, British Columbia. They had shown tremendous strength for 11 out of 20 participants ranked sixth or higher in their respective categories.

Furthermore, Mr. Speaker, Yellowknife's very own Mara Smith received the gold medal in the category of worksite safety. This is the first time a Northwest Territories competitor had won a gold medal at any event in these competitions and we should be very proud of this achievement.

I might also draw attention to the fact that this is a female competitor and winner. Something the organization has been working very hard to increase, is the female participation in these skills competitions with their conference in February called Power Up for Young Women, Power Up Conference, as well as the go-kart races they have in the summer time.

Mr. Speaker, I would also like to acknowledge and congratulate other winners in this race: Adrian Green of Yellowknife in welding; James Cracknell of Yellowknife in web page design

who came third; Chris Fournier of Yellowknife in web page design who came third; Dan Milligan of Yellowknife, TV/video production, who came sixth; Dustin Milligan of Yellowknife, TV/video production, ranked sixth; Amanda Lyons of Yellowknife, in prepared speech, ranked fourth; also Tyler McTavish of Yellowknife in plumbing; Margaret Butz of Yellowknife in hairstyling; Nicole Dennis of Yellowknife in hairstyling who came sixth; Richard Walsh of Yellowknife, graphic design; Janine Ruptash-Stauffer of Yellowknife, culinary arts; Tom Torravilk, of Yellowknife, in culinary arts; and Carolyn George of Yellowknife who came fifth in aircraft maintenance.

I will just close by saying it is with her dynamism and energy that this organization is being so successful in their endeavors and I would like to recognize and congratulate them.

-- Applause

MR. SPEAKER: Thank you, Ms. Lee. Item 3, Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

Colleagues, I would like to direct your attention to the presence in the visitor's gallery of Mr. Henry Zoe, a former Member of the Legislative Assembly, I think the 12th and 13th Assemblies, Mr. Zoe.

-- Applause

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

HON. JAKE OOTES: Thank you, Mr. Speaker. Today I would like to recognize and I would like the indulgence of the Members to name some of the individuals in our gallery. I would like to recognize the class of Ms. Sarah McGary. She is the teacher of the grade 10 class at St. Pat's High School in Yellowknife here. The students will be in this Legislature, I understand, to hold a Youth Parliament of their own as a class in the next week. I hope Members bear with me, I would like to read off the names of the members, Mr. Speaker.

We have Tanis Baile -- Tanis is my granddaughter; Susan Baines, Talisa Cumming, Dominic Debogorski, Cheryl Fernandez, Jessica Gorin, Corrine Inward-Jones, Brittany Jones, Stephanie Laity, Michelle Latremouille, Mandy Lyons, Lindsay McKay, Gina Michel, Dezerae Pidborochynski, Sara Reid, Katherine Riviere, Melissa Weinkaut, and Megan Russell. Absent today are Carolyn Crouch, Dezerae Pidborochynski may be absent, also absent is Sara Reid and Katherine Riviere.

Please help me welcome the students and the names will be in the Hansard for their information, Mr. Speaker. Thank you.

-- Applause

MR. SPEAKER: Item 5, recognition of visitors in the gallery. I would like to welcome everyone to the visitor's gallery here and thank you for coming to watch the Members go about your business. Welcome. Item 6, oral questions. The honourable Member for Hay River South, Mrs. Groenewegen.

ITEM 6: ORAL QUESTIONS**Question 424-14(5): Vital Statistics' Provision of Marriage Certificates**

MRS. GROENEWEGEN: Thank you, Mr. Speaker. I think that the Minister responsible for Health and Social Services is responsible for vital statistics if I am not mistaken, so my question today is for Mr. Miltenberger.

Is Mr. Miltenberger aware of this unfortunate bureaucratic maze that people have to go through who are looking for copies of marriage certificates with proper information on them? Thank you.

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

Return to Question 424-14(5): Vital Statistics' Provision of Marriage Certificates

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, only in so far as what I have heard the Member say in this House today. Thank you.

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

Supplementary to Question 424-14(5): Vital Statistics' Provision of Marriage Certificates

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, my constituency assistant had the opportunity to call vital statistics and confirm whether or not this was in fact the case today and it was confirmed to her that this is the process that people must follow if they want to get a certificate with the proper information. What is the Minister prepared to do about this? Thank you.

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

Further Return to Question 424-14(5): Vital Statistics' Provision of Marriage Certificates

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I will be confirming the facts as put forward by my colleague. My initial reaction is if in fact it is a government-generated problem then it is our mistake and it is very difficult for myself as an MLA to say that we should be charging people to fix the government's mistake so I will check and I will report back. Thank you.

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

Supplementary to Question 424-14(5): Vital Statistics' Provision of Marriage Certificates

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, would it be reasonable then to inform my constituent who has had this problem that in fact she will not be responsible for the \$20 extra that she is being asked to submit with the application to get her marriage certificate corrected? Thank you.

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

Further Return to Question 424-14(5): Vital Statistics' Provision of Marriage Certificates

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, it would be best to indicate just what I have said in this House that I will check. It seems like a problem that needs fixing. I have been made aware of it in this House and now I will seek to remedy that situation and report back. Thank you.

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

Question 425-14(5): Update on Mackenzie Delta Capital Projects

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Municipal and Community Affairs regarding my Member's statement. I have received quite a few calls from the leaders in our communities concerned about the capital projects that have been approved through this House, but yet, Mr. Speaker very little progress has occurred in that area.

I would like to ask the Minister, could you give me an update regarding the status of the Aklavik curling rink project, the Tsiigehtchic water improvement project, and also the Fort McPherson fire truck?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen. There were a few questions in there. I will let you pick which one you want to answer. Mr. Steen.

Return to Question 425-14(5): Update on Mackenzie Delta Capital Projects

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, the Member addressed three capital projects in three different communities. If I may, I could respond to Tsiigehtchic's water quality capital project. At this time, there was \$100,000 for 2003 and \$1 million for 2003-04. Public Works and Services is supposed to be visiting the community in November of this year to assess the water system operations and begin discussions on the new capital project with the council. Public Works and Services is also undertaking a filter testing program. That is called a macro filter system. It is supposed to be over and done with by the end of October, at which time they will be discussing the results with the community. Thank you.

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

Supplementary to Question 425-14(5): Update on Mackenzie Delta Capital Projects

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, these capital items have been in the works for some time. I have done my best to keep them in the ranks of ensuring the capital dollars have been approved through this House, but yet, Mr. Speaker, we seem to see very little progress on movement of

seeing these infrastructure come to fruition and be constructed so people can use them.

I would like to ask the Minister, what are we doing to improve the resource people and allowing them more access to communities by way of our engineers, people within Public Works and Services. You mentioned a bunch of time lines, but I would like to know, what are we doing to have a better working relationship between communities and the Department of Municipal and Community Affairs and Public Works and Services to fast track these projects?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 425-14(5): Update on Mackenzie Delta Capital Projects

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, Public Works and Services has been working...the question is to the Minister of MACA? Both MACA and Public Works and Services have been working with communities and trying to improve our consultation process and our communications on all of our capital projects, so that the communities are up to date on where the projects are sitting. At this present time, there is no plan to change any of the time lines as far as completion of the projects, including the fire truck for Fort McPherson and the curling rink for Aklavik. Thank you.

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

Supplementary to Question 425-14(5): Update on Mackenzie Delta Capital Projects

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to ask the Minister, can he assure the House that we will see these projects completed by year end next fall, so that we know that we have a year, the money has been approved in the budget, and that those projects will be completed by the fall of 2003.

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 425-14(5): Update on Mackenzie Delta Capital Projects

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, it is my understanding that Public Works and Services is putting out an RFP for the curling rink at this time. That is for the design of the curling rink. We are expecting the RFP to close at the end of October and award in November and complete the design. Take the design to the hamlet council and then proceed from there.

There is no intention to divert the project or slow it down in any nature. We do intend to complete it within the time lines.

The Member also questioned, Mr. Speaker, on the delivery of the fire truck for Fort McPherson. We are proceeding with a plan to update the delivery of the fire truck from 2004-05 to 2003-04. We already said that, I believe last spring when the same question was asked. We said we would consider moving

it up at that time, so that is still in the plan. We are going to move it up by one year.

As far as the capital project for Tsiigehtchic's water system, once we decide on a filter system, if it is appropriate and satisfactory to the community and to Health and Social Services, if it brings the colours within standards and the community is happy with that, we intend to go forward with that and proceed, complete the project as planned next year. Thank you.

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

Supplementary to Question 425-14(5): Update on Mackenzie Delta Capital Projects

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, as we all know, the construction season in the Northwest Territories is pretty short. I think it is crucial that we, as a government and as a Legislature, once we approve the budget for the new fiscal year, prior to April 1st, if we can have these projects constructed and the materials brought into our communities before the end of the barging season, which is usually in September.

I would like to ask the Minister, what are we doing to ensuring that we do implement these capital projects within the time frame that they are set, that we do not see cost overruns or projects being extended into the next fiscal year. What are we doing to improve that?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 425-14(5): Update on Mackenzie Delta Capital Projects

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, the department is considering all aspects of a project, as far as timing is concerned, what has to be done and what portions of the project have to be completed by certain times in order to meet the time lines of barge delivery, or winter road deliveries...all those things are taken into consideration as we plan the project.

All through that, there is the process of keeping the client informed as to what we have to have in place as far as funding is concerned by certain times. As far as approvals from the communities are concerned, those all have to fall in place in order for Public Works and Services to meet the deadlines. Thank you.

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

Question 426-14(5): Senior Citizens Home Repair Program

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, as I stated in my Member's statement, I have advocated in this House repeatedly for the need to have GNWT programs adequately reflect the needs of all residents of the Northwest Territories. The current income thresholds in effect in our seniors programs do not allow for this. The current income thresholds in effect for seniors to qualify for Housing Corporation's Senior Citizen's Home Repair Program is

\$37,500, and this is for the entire household, Mr. Speaker. My question is to the Minister of Housing, Mr. Allen. Would the Minister please state what his department is currently doing for seniors who have scrimped and saved for their retirement and find themselves in a position of being over the designated income threshold, and therefore cannot qualify for the Senior Citizens Home Repair Program? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Return to Question 426-14(5): Senior Citizens Home Repair Program

HON. ROGER ALLEN: Thank you, Mr. Speaker. We are working in concert with a number of agencies and interdepartmentally to try to find the most equitable method to deal with all seniors programs. We have also wanted to work with ECE and review how they had incorporated the sliding scale model in their delivery of programs to see if that would conform to the way that would best suit the seniors.

I may add that we also continue to consult with the various seniors' societies in the various communities to see what is most equitable to them as well, and affordable. That is what we are planning to do. Thank you.

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

Supplementary to Question 426-14(5): Senior Citizens Home Repair Program

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I am pretty sure I heard the Minister say that they are communicating with ECE and checking out the sliding scale model to see if it would fit. Could the Minister inform this House where they are in those negotiations? Will the Minister commit that he is willing to look at a sliding scale for the home repair program? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 426-14(5): Senior Citizens Home Repair Program

HON. ROGER ALLEN: Thank you, Mr. Speaker. Mr. Speaker, yes, at the moment, just to clarify, our current model is based on income testing. We would like to see how effective the other models work in the various other departments to ensure the seniors that may be one of the options that may be considered.

We will continue to consult with the seniors as we progress with this undertaking. Thank you.

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

Supplementary to Question 426-14(5): Senior Citizens Home Repair Program

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, as a government, we should be doing everything in our power to encourage our seniors to remain in the North. Recent numbers

provided by Statistics Canada for a census is a strong indicator that we need to focus our attention on the retention of our residents. Would the Minister please indicate to this House if he would be willing to commit to a review of the income threshold currently in effect for the Senior Citizens Home Repair Program? And to look at the possibility of raising that threshold in the manner that we are doing it looking at the...(inaudible)...for WCB that is currently being negotiated in this House? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 426-14(5): Senior Citizens Home Repair Program

HON. ROGER ALLEN: Thank you, Mr. Speaker. Mr. Speaker, hopefully we will be able to give some comfort to the Member and also to the seniors across the Northwest Territories. One of the key issues that has been raised consistently is the concept of affordability. We will continue to work with not only the seniors but also the other agents who continue to support the seniors, not only in housing but in other areas of...for instance, the fuel subsidy program, the tax rebate program for seniors, and see if we can blend them together so that we have a unified approach to all of the programs that support seniors. Thank you, Mr. Speaker.

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

Supplementary to Question 426-14(5): Senior Citizens Home Repair Program

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, knowing full well that our seniors population is increasing dramatically and will continue to do so over the next several years, would the Minister state what his department is providing in the way of increased funding in order to adequately address this increase? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 426-14(5): Senior Citizens Home Repair Program

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, we continue to strive to complete the Seniors' Housing Strategy. It is now, I believe, up to trying to complete 96 units by next summer. We are also looking at continuing to support five seniors home repair programs that currently exist under our 11 homeownership programs, so hopefully with those, taken into consideration, we will be able to continue to support the seniors at all levels. Thank you, Mr. Speaker.

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

Question 427-14(5): Addictions Treatment Facilities in the NWT

MR. BELL: Thank you, Mr. Speaker. I wanted to ask the Minister of Health some questions about addictions and

addictions facilities. I am wondering if he can tell me if the Nats'ejee K'eh facility on the Hay River Reserve is indeed a territorial facility? Thank you.

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

Return to Question 427-14(5): Addictions Treatment Facilities in the NWT

HON. MICHAEL MILTENBERGER: Yes, it is, Mr. Speaker.

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

Supplementary to Question 427-14(5): Addictions Treatment Facilities in the NWT

MR. BELL: Thank you, Mr. Speaker. Is the Minister aware that the recent report he commissioned suggested that this facility is only meeting the needs of a small portion of the population, an estimated 30 percent of the adult and youth population? It does not meet the needs of the Inuvialuit, the Gwich'in, non-status, youth under 18 years of age, and Metis people, due to cultural practices? Is he aware of this?

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

Further Return to Question 427-14(5): Addictions Treatment Facilities in the NWT

HON. MICHAEL MILTENBERGER: Yes, I am, Mr. Speaker.

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

Supplementary to Question 427-14(5): Addictions Treatment Facilities in the NWT

MR. BELL: So, Mr. Speaker, I guess it follows that all of these people in the Northwest Territories who are currently excluded from our addictions programming would want to know, what is the Minister doing for them?

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

Further Return to Question 427-14(5): Addictions Treatment Facilities in the NWT

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, as the Chalmers report indicated, we are obviously not doing enough. We are spending about \$5 million a year. We have put together a response that is going to try to address some of the issues raised in this House by Members opposite in terms of qualifications, training, the pay for alcohol and drug workers. I am aware of the recommendation for a need for a detox centre. We are moving to make some adjustments here -- fundamental adjustments that will improve and better integrate that service with all the other services we provide at the community level. Thank you.

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

Supplementary to Question 427-14(5): Addictions Treatment Facilities in the NWT

MR. BELL: Thank you, Mr. Speaker. With this facility, given the Minister's comments, I guess I have questions about the governance structure. We know that Stanton Hospital is a territorial facility. It has a separate territorial board. I believe this facility comes under the Deh Cho Health Board, so I was a little surprised to hear the Minister suggest that it is a territorial facility. I am wondering if the Minister could explain this.

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

Further Return to Question 427-14(5): Addictions Treatment Facilities in the NWT

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, it is a territorial facility, the same way Trial Cross is a territorial child care facility that comes under the Fort Smith board. Nats'ejee K'eh has a relatively unique governance structure at this point, where they have their own board, which in turn reports to the Deh Cho Health and Social Services Authority, but that does not change the fact that it is a territorial facility open to all residents of the Northwest Territories. Thank you.

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

Question 428-14(5): Public Housing Rent Scale

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Minister responsible for the Northwest Territories Housing Corporation. Mr. Speaker, one of the most frequent issues that pops up in my riding has to do with housing and the rent scales created by the Northwest Territories Housing Corporation. Because the rent scales for public housing are based on a person's gross salary, and I am sure that we all know there is a huge difference between gross salary earnings and take home pay, I would like to ask the Minister what criteria they use to take 25 percent of people's earnings? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Return to Question 428-14(5): Public Housing Rent Scale

HON. ROGER ALLEN: Thank you, Mr. Speaker. I apologize if I have to smile, but the seriousness of this question is the fact that we assess rents based on total household gross income, between 6 and 30 percent for the majority of the communities across the Northwest Territories. That will help pay for the utility cost, and also to write down some of the mortgages that remain on those units. That is the purpose of our rent scales based on income. Thank you.

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

Supplementary to Question 428-14(5): Public Housing Rent Scale

MR. LAFFERTY: Thank you, Mr. Speaker. I understand the Minister. I would like to ask a question that, regardless of what their take home pay is, they are still charged at a rate of the gross earnings. Is that the case? Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 428-14(5): Public Housing Rent Scale

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, that is the case.

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

Supplementary to Question 428-14(5): Public Housing Rent Scale

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to ask the Minister if they take maintenance payments into account, because this is also not taken into consideration when they do the gross payment. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 428-14(5): Public Housing Rent Scale

HON. ROGER ALLEN: Thank you, Mr. Speaker. I do not have the specific details to that legal question, so I will take it as notice. Thank you.

MR. SPEAKER: Thank you. The question has been taken as notice. Item 6, oral questions. The honourable Member for North Slave, Mr. Lafferty.

Question 429-14(5): Public Housing Rent Assessment

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Honourable Roger Allen, the Minister responsible for the NWT Housing Corporation. I would like to ask the Minister, when they do their rent assessment, do they take the condition of the house, the condition of the unit and put that into their rent scale?

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 429-14(5): Public Housing Rent Assessment

HON. ROGER ALLEN: Thank you, Mr. Speaker. No we do not consider that because most of our houses are condition rating and we do not have tenants in public housing which is less than 80 percent condition rated. Thank you.

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

Supplementary to Question 429-14(5): Public Housing Rent Assessment

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to ask the Minister, do they take into consideration the condition of the units when they take 25 percent or is that based on what they spent on the unit to run it for the whole year? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 429-14(5): Public Housing Rent Assessment

HON. ROGER ALLEN: No that is incorrect. We do have a regular maintenance system that would ensure that the houses are condition rated so that no one has to put out an over-expense on various maintenance costs. Thank you.

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

Supplementary to Question 429-14(5): Public Housing Rent Assessment

MR. LAFFERTY: Thank you, Mr. Speaker. I have constituents in my riding that had fuel leaks for over two years and they are still paying the maximum rate whenever they are employed. I understand the condition of the unit is not taken into consideration when they charge these fees for this unanimous rate. Thank you.

MR. SPEAKER: Thank you. I am not sure if there is a question there, Mr. Lafferty. I will allow the Minister to see if he can find a question there. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 429-14(5): Public Housing Rent Assessment

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, the maintenance management system should be able to inspect any kind of deficiencies in the overall process. We intend to weed out the various components, as the Member knows, that we have met to find solutions to some of the various problems that occur. Thank you, Mr. Speaker.

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

Question 430-14(5): Liquor Licensing for Sunday Openings

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question today goes to the Minister responsible for the Northwest Territories Liquor Commission. I would like to just follow up on the questions that I raised in the February session and it has to do with a special license for establishments that sell liquor. In the event of a special occasion such as the gold medal hockey game on a Sunday and there were lots of exchanges about that.

In going back on the record, the Minister had committed in this House to communicate to the board in writing about what I had raised. I would like to ask the Minister, has he done that and what is the outcome? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Return to Question 430-14(5): Liquor Licensing for Sunday Openings

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, this issue was brought up last year as the Member has pointed out and we have communicated with the Liquor Board about it. Thank you.

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

Supplementary to Question 430-14(5): Liquor Licensing for Sunday Openings

MS. LEE: Thank you, Mr. Speaker. The concern that was expressed by my constituent was not a question of whether liquor should be served on Sunday, that was not the question at all. Under the existing legislation, football games are allowed but nothing else. We asked that the Minister revisit that with the board.

Can the Minister indicate as to what the board's consideration of that is? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Further Return to Question 430-14(5): Liquor Licensing for Sunday Openings

HON. JOE HANDLEY: Mr. Speaker, I communicated that to the board some time ago. I reminded them again that this is still an outstanding issue. The issue is Sunday openings for special events. The issue was raised last year. The board has committed to me that they will be discussing this matter at their next meeting on November 5th and communicating back to me. Thank you.

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

Supplementary to Question 430-14(5): Liquor Licensing for Sunday Openings

MS. LEE: I will accept that the board will meet in November and I will wait for the Minister to inform me of the outcome. On the same topic, Mr. Speaker, like a lot of other issues that our constituents bring to our attention, the approach is as important as the substance. In this case, there was a great deal of delay in response to that application which was time sensitive.

Would the Minister at the same time indicate to the board that the approach and time sensitivity is important? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Finance, Mr. Handley.

Further Return to Question 430-14(5): Liquor Licensing for Sunday Openings

HON. JOE HANDLEY: Yes, Mr. Speaker, I realize it is approaching the season where we have a lot of special events happening and organizations looking possibly at special occasion permits. The meeting will be next week on November

5th and the board is very aware that it is urgent that they deal with the matter. Thank you.

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

Question 431-14(5): Proposal for College Residence in Inuvik

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister responsible for Education, Culture and Employment. It is in regard to the construction of the college in Inuvik to replace the existing Aurora College.

Mr. Speaker, one thing that we have seen with other colleges here in Yellowknife and Fort Smith, Thebacha College, is that they all accommodate the students by having residences for the students at the college.

Mr. Speaker, the Gwich'in and the Inuvialuit have put a proposal forth to this government to consider the opportunity of them constructing such a facility and leasing it back to this government over 20 years with a \$582,000 savings to this government.

I would like to ask the Minister of Education, Culture and Employment, where is this proposal at that has been submitted to you as the Minister responsible?

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

Return to Question 431-14(5): Proposal for College Residence in Inuvik

HON. JAKE OOTES: Thank you, Mr. Speaker. The February session was where we discussed the interest on the part of the Beaufort-Delta group being interested in looking at alternate ways of addressing the issue of a student residence, Mr. Speaker. We had our officials touch base and they put a proposal forward but it was found to be not acceptable financially, Mr. Speaker, at this particular time. Thank you.

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

Supplementary to Question 431-14(5): Proposal for College Residence in Inuvik

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, as we all know, the present pressures of development and the lack of accommodations in Inuvik and Yellowknife is having a major effect in attracting people not only to work for government but also trying to find accommodations for our residents.

I would like to ask the Minister, is the door still open for discussions in consideration of a proposal to look at the residence for the new college that is presently being constructed in Inuvik? Thank you, Mr. Speaker.

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

Further Return to Question 431-14(5): Proposal for College Residence in Inuvik

HON. JAKE OOTES: Thank you, Mr. Speaker. The issue of accommodation we realize was of some concern and so we addressed the need for housing in Inuvik by providing support to open up some units that had been closed for a period of time. We worked with a private developer to do that and I believe it was 18 units that were opened. I stand corrected on the exact number, but it was something like that in order to accommodate the students in Inuvik.

That was accomplished and that is in use. It also helped to relieve some of the local pressures, Mr. Speaker, for accommodation by opening up these vacant units because we turned some over for private use.

With regard to our priorities, Mr. Speaker, around accomplishing the administrative building, the college classroom building, that is proceeding with negotiations at the present time. That is where our priority is, Mr. Speaker. Thank you.

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

Supplementary to Question 431-14(5): Proposal for College Residence in Inuvik

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, in most cases you do have the accommodations for residents adjacent to a college but in the case of Inuvik it is some distance from where the new college is going to be constructed.

I would like to ask the Minister again, is the possibility of constructing the residence for the students at Aurora College in Inuvik still open for discussion down the road?

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

Further Return to Question 431-14(5): Proposal for College Residence in Inuvik

HON. JAKE OOTES: Thank you, Mr. Speaker. The site was designed to include a residence building on the property, Mr. Speaker, and it certainly in the future would be our desire, as a department and as the college board, to have a residence building on that property some day. We would, of course, be interested in looking at that once we can look at the financial picture of this government and see if it was financially feasible. Thank you.

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

Supplementary to Question 431-14(5): Proposal for College Residence in Inuvik

MR. KRUTKO: Thank you, Mr. Speaker, and I would like to thank the Minister for keeping our options open. I think it is crucial to any infrastructure that we are building such as a college, school or any major project that we do consider forced growth and where we are seeing ourselves go. I would like to ask the Minister, as part of the present site development that is going to take place with regard to the college in Inuvik, is there

actually going to be a location set aside for such a facility in the future?

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

Further Return to Question 431-14(5): Proposal for College Residence in Inuvik

HON. JAKE OOTES: Thank you, Mr. Speaker, and thank you for the questions on this. It is an important area of development of post-second education in the Northwest Territories, which is extremely important to us as a department. The site itself has space allocated for a student residence building on that site, and it parallels the administration building or the classroom building so to speak, and that will be the location if we ever have the possible funding in place, Mr. Speaker, to do that. As I say, our immediate priority of course is to ensure that we get the classroom building up, and I think that is a critical area for us to ensure we put our effort into. Thank you.

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

Question 432-14(5): Paramount Resources Payment of Sub-Contractors

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I am going to address my questions to the Premier. I am not sure who is responsible for our regulatory bodies but I will address my question to the Premier, and it has to do with work that is going on in the Cameron Hills. Mr. Speaker, I have been an advocate for work around the Hay River area and into the Cameron Hills.

Paramount Resources did some work there last year and there were some companies from Hay River that did quite a bit of work for them. I am wondering if the Premier is aware of the payment policy from this company, Paramount Resources, to pay their subcontractors. Is he aware of what their policy is? Thank you, Mr. Speaker.

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

Return to Question 432-14(5): Paramount Resources Payment of Sub-Contractors

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, Paramount is a company that we are familiar with. It is a company that has operated in the Territories for a number of years; they operate in fact in the Sahtu as well. They are prepared to invest a considerable amount of money in their exploration work and are considered a good aggressive company that is prepared to do business in the North. Any need that we have to meet with them to discuss the way in which they do business is welcomed by them, and they are prepared to meet with us as the need arises. If the Member is indicating that, we are prepared to do that by contacting Paramount at the earliest possible date so we can discuss that in the proper context. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Supplementary, Mr. Delorey.

Supplementary to Question 432-14(5): Paramount Resources Payment of Sub-contractors

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, one of the problems that has arisen out of the work that Paramount is doing is the fact that their payment policy is very detrimental to the companies that are working for them. Most of the Hay River companies that did work for Paramount last year are approaching 270 days where they have not been paid for the work that they did last winter and it is a considerable burden on these companies. I am wondering if we have any avenue through our regulatory process to address this issue with Paramount. Thank you, Mr. Speaker.

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

Further Return to Question 432-14(5): Paramount Resources Payment of Sub-contractors

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker, I will take the question as notice on behalf of the Minister of RWED. Thank you.

MR. SPEAKER: Thank you. The question has been taken as notice. Item 6, oral questions. The honourable Member for North Slave, Mr. Lafferty.

Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Minister responsible for Municipal and Community Affairs, the Honourable Vince Steen. I would like to ask the Minister, since last year a bridge was completed in Rae Edzo. This is a standard bridge that is used on highways with a railing that only goes across 60 percent of one side of the bridge. I would like to ask the Minister if they can do modifications to this bridge so that it will be safer for pedestrians that walk back and forth across it so that they can have railings on both sides? This bridge is in the middle of town. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Return to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, the department has not considered this at all but we will be prepared to sit down with the community and discuss this as a future capital project. Thank you.

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

Supplementary to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

MR. LAFFERTY: Thank you, Mr. Speaker. This is not a capital project. It was a capital project but it does not meet the standards of a bridge that would be in the middle of a community with deficiencies in the safety areas. I would like to ask the Minister if he can use a special warrant to pay for this and have this done by his department. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I think we all know the requirements for bringing forward a project under a special warrant. In this case we would have to justify the need for the project, we would have to justify that it is an emergency and we would have to justify that, in fact, it is in the interests of the general public that the project should be done immediately. I think we have other options under which we could consider the Member's suggestion. I am prepared to take his suggestion and just follow through the normal capital process, sit down with the community and see if we can, in fact, both agree that the project is needed.

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

Supplementary to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

MR. LAFFERTY: Thank you, Mr. Speaker. I am glad that the Minister will still consider it as another project, but just as emergency repairs or modifications for an existing bridge that was put into the community. I would like to ask the Minister if he can send someone there tomorrow. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

HON. VINCE STEEN: Thank you, Mr. Speaker, and I thank the Member for the invitation but I believe that I have a meeting scheduled with either the band or the council from Rae Edzo, Fort Rae, on Thursday night. Although it is for a different project -- I believe for the water facilities and for the contracts surrounding the delivery of the water -- I think we can have an opportunity to discuss this project as well. Thank you.

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

Supplementary to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

MR. LAFFERTY: Thank you, Mr. Speaker. I am glad the Minister gave me notice that he was going to my riding on Thursday, which I was not aware of. I would like to ask him if he could talk to this department to look at that bridge to see if it meets standards for a bridge in the middle of a community. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

Further Return to Question 433-14(5): Bridge Safety Improvements in Rae-Edzo

HON. VINCE STEEN: Thank you, Mr. Speaker. Just for clarification, Mr. Speaker, the meeting is going to be held here in Yellowknife and we did write to the band, or to the mayor and council. We defined a time as well, I believe. I think the letter was copied to the Member.

As far as discussing the project, like I said, I would be happy to have that on the agenda for the discussion with the Rae-Edzo group as well. Thank you, Mr. Speaker.

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

Question 434-14(5): Affirmative Action Policy Concerns

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I rose in the House the other day and I spoke of the whole area of the affirmative action policy and the policy that does not seem to be doing what it was meant for. I was pretty surprised to hear this morning after going to meet with Mr. Handley, the Minister responsible for personnel, that the responsibility of the affirmative action policy falls within the Premier's office. I would like to ask the Premier, exactly what do I do as a Member of the Legislative Assembly where I receive correspondence from affirmative action candidates who are working for this government and come forth to a Member of the Legislative Assembly to follow up on their concerns? I would like to ask the Premier, exactly what is in place to ensure that we do have a process where we can deal with the complaints, especially in regard to the implication of the Affirmative Action Policy?

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

Return to Question 434-14(5): Affirmative Action Policy Concerns

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, the issues regarding interviews and aspirations of people to find work with our government, there are processes in place and appeal mechanisms that are available. If there is some uncertainty about it, I would be pleased to meet with the Member, and Members that have these issues, so that we can refer them to the proper staff and the proper process. I would be pleased to do that. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Supplementary, Mr. Krutko.

Supplementary to Question 434-14(5): Affirmative Action Policy Concerns

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, the Affirmative Action Policy is there to facilitate the career development of affirmative action candidates when it is not reasonable to facilitate the running of a competition. There are ways you can get around that by either direct appointment or in regard to promoting the individual.

I would like to ask the Minister, what is he doing in regard to being responsible for the affirmative action policy to ensure that all departments are following the policy and allowing affirmative action candidates to be promoted?

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

Further Return to Question 434-14(5): Affirmative Action Policy Concerns

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. The government is aware that Members place great value in knowing what efforts we are making, what progress we are making towards improving our ability to increase the number of affirmative action employees in our government, and to retain them. So we are working to make sure these are tracked, that there is a system to indicate how each department in the government is making efforts to increase within themselves the number of affirmative action candidates or employees, so there is an effort being made. Deputy ministers know that they are accountable for making improvements every year on that. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Supplementary, Mr. Krutko.

Supplementary to Question 434-14(5): Affirmative Action Policy Concerns

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, one of the problems we seem to have within the government is that there is no real teeth to this policy. You hear one thing from the Minister of personnel and then you hear something else from the Premier. I would like to ask the Premier, exactly who is responsible for ensuring that the policy is being followed and that it is implemented to the tee in regard to what it pertains to for all departments, and managers within the government, and what does he do when people are not following this policy?

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

Further Return to Question 434-14(5): Affirmative Action Policy Concerns

HON. STEPHEN KAKFWI: Mr. Speaker, as a Premier, I am responsible for the affirmative action policy, so I am responsible for it. I have undertaken to work with Mr. Handley, the Minister responsible for the public service. Recently in partnership -- I am not sure it is a partnership, but we have a working relationship with the Accountability and Oversight Committee, which has set up a sub-committee to work with us, looking at staffing appeals and to find ways in which to assure both sides of the House that we are dealing with this in a way that meets the expectations of the Members of the Legislature.

We know that we need to improve the staffing appeals process, and we need to make sure it is transparent and fair. We have worked with the sub-committee on this issue, and I believe we are moving ahead, after consultation with the committee, to set out how independent staffing appeal review officers should be set up and how the appeals would be dealt with, and to make sure there is accountability, I think, on the process. Appointments, how appointments are made, the annual reports and how these will be conducted, the qualification of these review officers, and again, how appeals will be conducted under a new proposed model, or ones that we are looking at. This is the work we have undertaken to date. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Final supplementary, Mr. Krutko.

Supplementary to Question 434-14(5): Affirmative Action Policy Concerns

MR. KRUTKO: Mr. Speaker, one of the concerns raised in the correspondence I received is the threat that these people feel they are under by coming forth to myself as the Member of the Legislative Assembly, or bringing their issues outside the department, either to the Ministers or to the Premier.

I would like, from the Premier, exactly where do we go with these types of concerns as Members of the Legislative Assembly, whom we do have the right to represent their interest without being threatened by other people in the department by way of being fired or being demoted?

I would like to ask the Premier, what kind of assurance can we give our employees that their jobs will not be jeopardized by coming forth on an issue such as the Affirmative Action Policy?

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

Further Return to Question 434-14(5): Affirmative Action Policy Concerns

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, we have an obligation to work with one another. I think when Members of the Legislature have concerns, it is their prerogative to bring them to me, in this case, specifically, because I am responsible for affirmative action. I ask that the Member bring those concerns to me and we will get advice from the staff on how best to proceed, so it is done and handled in a fair and proper manner. We should also assure the public that we have an obligation under our policies to be fair and to extend that perception of fairness to everyone who is seeking employment with our government. We also have a clear and strong obligation and duty to fairness to all our employees. We are accountable for that. The unions ensure that, the Members of the Legislature ensure that, as well as every Minister in the government knows they are accountable for the way in which our staff are handled and treated, and we are obliged to be fair. Thank you.

MR. SPEAKER: Mahsi, Mr. Premier. Item 6, oral questions. The honourable Member for Yellowknife South, Mr. Bell.

Question 435-14(5): Coroner's Inquest Recommendations

MR. BELL: Thank you, Mr. Speaker. My questions are again for the Minister of Health and Social Services and they come from the recent inquest in Yellowknife at the Explorer Hotel and specifically the recommendations that were made by the jurors; the recommendations to the Government of the Northwest Territories. I am wondering if the Minister is aware of these recommendations. Thank you.

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

Return to Question 435-14(5): Coroner's Inquest Recommendations

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Yes I am, Mr. Speaker.

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

Supplementary to Question 435-14(5): Coroner's Inquest Recommendations

MR. BELL: Thank you, Mr. Speaker. I am wondering if the Minister can tell me if there is some formal mechanism for him to respond to these; or maybe a better question is what plan of action does he plan to take to meet or consider these recommendations? Thank you.

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

Further Return to Question 435-14(5): Coroner's Inquest Recommendations

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, there are a great number of recommendations not only for our department but also for Stanton and the RCMP. We will review the whole document and all the recommendations in conjunction with the Stanton people. We will look at what is the best way to proceed. Thank you.

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

Supplementary to Question 435-14(5): Coroner's Inquest Recommendations

MR. BELL: Thank you, Mr. Speaker. I am drawn I guess specifically to one recommendation in particular, and that is the suggestion that we fund the establishment of a medical detoxification facility in the Northwest Territories. I am wondering if the Minister can speak to this and speak to the feasibility of this recommendation. I believe we are one of the few jurisdictions in the country without a medical detox facility. Can he confirm?

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

Further Return to Question 435-14(5): Coroner's Inquest Recommendations

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I am sure the Member can appreciate that these recommendations were received by the department yesterday. There has been no chance to analyze them. I do know, however, that the Chalmers report recommends as well that there we have a detox centre. It is an issue and a gap that we are aware of and we are looking to see how we can address that. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Your final supplementary, Mr. Bell.

Supplementary to Question 435-14(5): Coroner's Inquest Recommendations

MR. BELL: Thank you, Mr. Speaker, and I do appreciate that these are only very recent recommendations. I was simply looking for assurance that the Department of Health was taking them seriously. One more question, Mr. Speaker. The suggestion that it be a priority to ensure the number of resident psychiatrists in the NWT is in keeping with the national averages. I am wondering if the Minister can indicate whether or not he is aware if we are at the national average, lower or higher. Thank you.

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

Further Return to Question 435-14(5): Coroner's Inquest Recommendations

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, having briefly reviewed the recommendations and the text of some of the recommendations, they indicate in there that we are under the national average so I would accept that. I am not in a position to dispute that. It is a recommendation as well that we would be looking at. Thank you.

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

Question 436-14(5): Capital Funding for Highway No. 8

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister responsible for Transportation. I am concerned that we do not have an idea of what the capital expenditure is going to be on the highway system next year with regard to Highway No.8, the Dempster Highway. I am concerned that going through the budgetary review process there was no capital amount set for Highway No.8. I would like to ask the Minister responsible for Transportation how soon can we get capital expenditures for Highway No.8 next year so we can assure our constituents that there will be the possibility of employment on this highway next year?

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

Return to Question 436-14(5): Capital Funding for Highway No. 8

HON. JOE HANDLEY: Mr. Speaker, this is a matter that is being considered as part of the preparation of the 2003-2004 main estimates so it will be considered as we put those estimates together. That will happen over the next month or so. Thank you.

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

Supplementary to Question 436-14(5): Capital Funding for Highway No. 8

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, with regard to waiting a month for this answer, I think it is crucial that we as a government and also Members of the Legislature

who are concerned with our deficit we do not find ourselves in a position where this government has made contract obligations on some highways but not having contract obligations on others. Mr. Speaker, I am speaking about Highway No.8 where there has been a contract awarded in the amount of almost \$12 million, yet those capital expenditures on the other highway systems have not got the same practice. I would like to ask the Minister of Transportation, will he be fair with regard to the allocation of those budgets to ensure that there is capital spent on all our highway systems?

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

Further Return to Question 436-14(5): Capital Funding for Highway No. 8

HON. JOE HANDLEY: Mr. Speaker, part of the process of business reviews by the committees, and again review of the main estimates in committee and then in the Legislative Assembly, is to ensure that we are being fair to all regions of the Northwest Territories. Any multi-year contracts that we have are, of course, always subject to the Legislative Assembly here approving the money. Mr. Speaker, as we put these main estimates together then I think there is an opportunity for all MLAs to have input. We take that advice seriously and the final input, of course, is the vote on our budget next year. Thank you.

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

Supplementary to Question 436-14(5): Capital Funding for Highway No. 8

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to hear that because my concern is, how is it that this government is making these major capital expenditures by way of tying us into these contracts knowing that those finances have been approved through this House. So why is it that that practice is being condoned by Cabinet and this is happening today knowing that those expenditures have not been approved through this House?

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

Further Return to Question 436-14(5): Capital Funding for Highway No. 8

HON. JOE HANDLEY: Mr. Speaker, all of the situations vary a bit. In some cases we are making multi-year commitments because those are the terms under which we accepted the money. For example, in the strategy highway infrastructure program we accept it that way and we make an agreement with the federal government to spend that money accordingly. In other situations we make multi-year commitments in order to enable companies who are going to be doing the work to have time to have their equipment and people in place, and training programs in place and so on. In other situations we make the multi-year commitments because we are able to get a better price by doing it. But the bottom line, Mr. Speaker, as I said earlier is that all of these are subject to Legislative Assembly approval of the budgets in the final analysis. Thank you.

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

Supplementary to Question 436-14(5): Capital Funding for Highway No. 8

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, with regard to the issues that the Minister touched on such as ensuring that the companies that make the capital investment and also ensuring employment and whatnot, follows across the board on every highway system. Every contractor takes on that responsibility of making these capital investments to purchase equipment to carry out these contracts, so why is it that the Minister is not offering the same treatment to the other contractors in the Northwest Territories who have taken on that major financial risk? What kind of assurance can the Minister give those other contractors that they will not be stuck and hung out to dry with this major capital investment?

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

Further Return to Question 436-14(5): Capital Funding for Highway No. 8

HON. JOE HANDLEY: Mr. Speaker, as we have time I am certainly willing to meet with any contractors and to have my officials in the Department of Transportation do likewise, look at whatever the issues are that they are facing as they either contemplate additional contracts or look at how they may handle one that has been awarded to them. We want to be fair to everyone. If there are instances where someone feels we are not being fair, then I would be happy to review all of those. Mr. Speaker, through our budgeting process that is the best way for us to ensure fair treatment for everyone. Thank you.

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

Supplementary to Question 436-14(5): Capital Funding for Highway No. 8

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I have a real problem with the word "fairness". Mr. Speaker, from the information I have received to date with regard to where the expenditures are going to be made in 2003-2004 was Highway No.3 and Highway No.4 with zero dollars in other highway systems. I would like to ask the Minister responsible for Transportation, how fair is that to the other highways in the Northwest Territories?

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

Further Return to Question 436-14(5): Capital Funding for Highway No. 8

HON. JOE HANDLEY: Mr. Speaker, we are really getting into the process for developing next year's budget and I cannot give a lot of detail on exactly what the numbers are going to be. We are moving through that process. We have heard what the committees have said in reviewing the business plans and I can assure the Member that all of that is being taken into consideration. There will be an opportunity to review the main

estimates in committees again, and then again on the floor of the Legislative Assembly.

Mr. Speaker, I really cannot get into details on next year's budget at this time. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. The time for oral questions has expired. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to the opening address. Item 10, petitions. Item 11, reports of standing and special committees. The honourable Member for Range Lake, Ms. Lee.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 12-14(5): Special Committee on the Implementation of Self-Government and the Sunset Clause Progress Report

MS. LEE: Thank you, Mr. Speaker. I wish to do a progress report on the work of the Special Committee on the Implementation of Self-Government and the Sunset Clause.

Mr. Speaker, the committee is pleased to report that following the conclusion of its report on the sunset clause it has moved to the second phase of its mandate relating to the implementation of self-government. Mr. Speaker, the committee's mandate which is attached in annex A, requires it to examine a range of potential issues and trends arising from the implementation of self-government that are likely to have implications for the Legislative Assembly and for the Government of the Northwest Territories.

However, the committee recognizes and its mandate requires that interference with negotiations must be avoided. The committee will respect this requirement and will focus on general trends and issues rather than on the particular details of agreements.

Mr. Speaker, as the momentum towards conclusion of self-government negotiations continues, there is an ongoing need to prepare for and carry out implementation planning. Implementation of self-government can be anticipated to bring changes to the nature of governance in the Northwest Territories. In order to have a smooth and successful transition it will be necessary to identify matters that can be incorporated into the Legislative Assembly's planning cycle.

Meetings to Date

Mr. Speaker, the committee had planning meetings in August and September. A preliminary work plan and schedule have been prepared and are attached as annex B.

Overview

Mr. Speaker, for more than 20 years the Assembly and GNWT have supported the negotiation of self-government negotiations. As we approach the implementation stage for some of these agreements, and even though many details still have to be worked out, the overall emerging governance picture is becoming clearer.

Mr. Speaker, the negotiated documents to date are long and often complex and will potentially result in numerous changes in the legislative and policy sectors and in the practical and operational delivery of programs and services.

Changing roles and responsibilities can best be accommodated by careful planning as was the case during the historic creation of Nunavut. Unlike the creation of Nunavut, however, the implementation of self-government in the Northwest Territories will not result in separate territories. It will challenge all governments in the Northwest Territories to find ways to work closely together for the benefit of all residents.

Mr. Speaker, new relationships within the Northwest Territories as well as changing relationships with the Government of Canada can be expected. Citizens of the Northwest Territories must be able to rely on uninterrupted program and service delivery and clear accountability as we go forward.

The committee is hopeful that its work will contribute to processes for ensuring smooth and successful transitions as self-government agreements come into effect in various regions of the Northwest Territories.

Mr. Speaker, the committee also realizes the importance of self-government to many stakeholders in the Northwest Territories and to the Canadian public in general. In addition, there is an international audience that closely watches the unfolding of new political models in the Canadian North.

The committee will seek input from stakeholders and the public through a consultation process which will be developed in the coming months.

General Approach

Mr. Speaker, in order to bring some order to the broad range of issues anticipated within the scope of the work of the committee, the preliminary work plan calls for a technical analysis of potential institutional and structural issues which might affect changes in the jurisdiction, institutions and procedures of the Legislative Assembly and the GNWT.

To complement this technical analysis, the committee will also look at potential practical and operational issues relating to the delivery of programs and services, intergovernmental relations and so on.

Mr. Speaker, the committee intends to make recommendations to the Assembly to address short, medium and longer-term issues. Given that most implementation activities in relation to self-government will likely occur after the term of the current Assembly, these recommendations may also be taken into account by future Assemblies and governments.

Conclusion

In conclusion, Mr. Speaker, the committee is committed to fulfilling this second phase of its mandate in a manner that contributes to the implementation of self-government and to the evolution of governance in the Northwest Territories for the benefit of all residents.

Mr. Speaker, that concludes the report of the special committee. Therefore,

I MOVE, seconded by the honourable Member for Great Slave, that the progress report of the Special Committee on the Implementation of Self-Government and the Sunset Clause be received and adopted. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. We have a motion. The motion is in order. To the motion. Question has been called. All those in favour, please signify. Thank you. All those opposed. Thank you. The motion is carried. The report has been received and adopted. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. The honourable Member for Weledeh, Mr. Handley.

ITEM 13: TABLING OF DOCUMENTS

Tabled Document 68-14(5): Workers' Compensation Board 2001 Annual Report

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following document entitled Workers' Compensation Board 2001 Annual Report. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 13, tabling of documents. The honourable Member for Yellowknife Centre, Mr. Ootes.

Tabled Document 69-14(5): Towards Excellence A Report on Education in the Northwest Territories, September 2002

HON. JAKE OOTES: Mr. Speaker, I wish to table the following document entitled Towards Excellence, A Report on Education in the Northwest Territories, September 2002. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 13, tabling of documents. The honourable Member for Mackenzie Delta, Mr. Krutko.

Tabled Document 70-14(5): Overview of Canada's Draft Climate Change Plan

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following document entitled Climate Change Draft Plan, Achieving our Commitments Together. Climate Change Draft Plan is the federal government's draft in regard to the Kyoto agreement.

MR. SPEAKER: Thank you, Mr. Krutko. Item 13, tabling of documents. Item 14, notices of motion. We have already passed tabling of documents, Members. The Chair recognizes the Member for Mackenzie Delta, Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Speaker. I seek unanimous consent to go back to item 13, tabling of documents.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to item 13, tabling of documents. There are no nays, Mr. Krutko, you have the floor.

REVERT TO ITEM 13: TABLING OF DOCUMENTS

Tabled Document 71-14(5): Economic Development Planning Workshop and Action Plan, Fort McPherson, NT

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to table an Economic Development Plan Workshop, And Action Plan for the community of Fort McPherson.

MR. SPEAKER: Thank you, Mr. Krutko. Item 13, tabling of documents. The honourable Member for Mackenzie Delta, Mr. Krutko.

Tabled Document 72-14(5): Highway Investment Strategy Expenditure Plan, 2001/02-2004/05

MR. KRUTKO: Thank you, Mr. Speaker. I would also like to table an expenditure plan in regard to the Northwest Territories highways for the next four years.

MR. SPEAKER: Thank you, Mr. Krutko. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motion for the first reading of bills. Item 16, motions. The honourable Member for North Slave, Mr. Lafferty.

ITEM 16: MOTIONS

Motion 15-14(5) Request for Special Audit by the Auditor General of Canada on the North Slave Correctional Centre (Carried)

MR. LAFFERTY: Thank you, Mr. Speaker. I have a motion for a request for a special audit by the Auditor General of Canada on the North Slave Correctional Centre.

WHEREAS a large percentage of Government of the Northwest Territories capital spending for the last three years has been directed towards the North Slave Correctional Centre;

AND WHEREAS the North Slave Correctional Centre has experienced numerous construction delays and significant cost overruns;

AND WHEREAS these cost overruns have impacted on the ability of this government to fund vitally needed infrastructure projects in other communities;

AND WHEREAS this has created hardships and impacts on the health and well being of Northerners in our smaller communities;

AND WHEREAS the Auditor General of Canada is the auditor for the Northwest Territories by virtue of the Northwest Territories Act and the Financial Administration Act;

AND WHEREAS section 31 of the Northwest Territories Act gives the Auditor General all the powers in the Northwest Territories that the Auditor General has under the Auditor General Act;

AND WHEREAS subsection 113(1) of the Auditor General Act describes the powers of the Auditor General to be entitled to free access at all convenient times to information that relates to the fulfillment of her responsibilities;

AND WHEREAS each Government of the Northwest Territories department and its officials are responsible for cooperating with the office of the Auditor General and with the controller government and for responding to and acting on the observation raised by the office of the Auditor General relating to the concerns arising from audits;

AND WHEREAS the Auditor General reports directly to the Legislative Assembly;

AND WHEREAS there is significant concern by the Legislative Assembly that the public interest requires the Auditor General to conduct a special audit into all matters and circumstances surrounding the construction and cost overruns of the North Slave Correctional Centre;

NOW THEREFORE I MOVE, seconded by the honourable Member for the Mackenzie Delta, that this Legislative Assembly requests the Auditor General of Canada to undertake a special audit into all aspects and approvals of the processes and decisions that lead to the significant cost overruns of the North Slave Correctional Centre;

AND FURTHER, that the Auditor General investigate and consider any other factors in her opinion she feels relevant;

AND FURTHERMORE, that all employees and officials actively cooperate with the Auditor General in providing all appropriate documents, papers and information;

AND FURTHERMORE, that the government inform its contractors of the nature and purpose of the special audit;

AND FURTHERMORE, that the Auditor General is requested to complete the special audit as soon as practicable and provide a report to the Legislative Assembly.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. We have a motion on the floor. The motion is in order. To the motion. Question has been called. Is the House ready for the question? All those in favour, please signify. Thank you. All those opposed? Thank you. The motion is carried. Item 16, motions. Item 17, first reading of bills. The honourable Member for Nunakput, Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to proceed with first reading of Bill 29, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to proceed with first reading of Bill 29. Are there any nays? There are no nays. You...

-- Interjection

MR. SPEAKER: There are no nays. I did not hear...the Chair did not hear a nay.

SOME HON. MEMBERS: Nay.

MR. SPEAKER: Just a minute. Thank you. The Chair did not hear a nay when it was called. Mr. Steen, you may proceed.

ITEM 17: FIRST READING OF BILLS

Bill 29: An Act to Amend the Legislative Assembly and Executive Council Act, No. 2

HON. VINCE STEEN: Thank you, Mr. Speaker, and thank you, colleagues. Mr. Speaker,

I MOVE, seconded by the honourable Member for Inuvik Twin Lakes, that Bill 29, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Steen. We have a motion. The motion is in order. All those in favour, please signify. Thank you. All those opposed, please signify. The motion is carried. Bill 29 has had first reading. Item 17, first reading of bills. Item

18, second reading of bills. The honourable Member for Nunakput, Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Speaker. I seek consent to have second reading of Bill 29, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2.

MR. SPEAKER: Thank you. The honourable Member is seeking consent to proceed with the second reading of Bill 29. Are there any nays?

SOME HON. MEMBERS: Nay.

MR. SPEAKER: The Chair has heard two nays. You do not have unanimous consent. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters: Tabled Document 35-14(5), Bill 1, Bill 22, Committee Report 10-14(5). By the authority given the Speaker by Motion 2-14(5), the committee of the whole is authorized to sit beyond the time of adjournment until the committee is prepared to report. Mr. Krutko is in the chair.

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

CHAIRMAN (Mr. Krutko): I would like to call committee of the whole to order. We have several items to deal with: Tabled Document 35-14(5), Bill 1, Bill 22, Committee Report 10-14(5). What is the wish of the committee? Mr. Dent.

MR. DENT: Mr. Chairman, I would like to recommend that committee consider Bill 1 and Committee Report 10-14(5) concurrently, first of all, and then move on to consider Bill 22.

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

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): We will begin with Bill 1, Human Rights Act, after a short adjournment.

-- Break

CHAIRMAN (Mr. Krutko): I would like to call committee of the whole back to order. We are dealing with Bill 1, Human Rights Act. At this time I would like to ask the Minister responsible for introducing the bill if he has any opening comments. Mr. Allen.

HON. ROGER ALLEN: Mr. Chairman, in March 2000, our Legislative Assembly passed a motion calling on the Department of Justice to develop a bill for a Human Rights Act for the Northwest Territories. Bill 1 was introduced last February after broad consultations.

This past summer and fall the Standing Committee on Social Programs held its public review and made a number of improvements to the bill. I want to thank the Members of the standing committee and their staff for the hard work they have put into this important project. I am pleased to be here today as this committee begins the review of Bill 1.

Many people face discrimination in their day to day lives. Human rights law is society's way of saying that all people should be treated with dignity and respect. Discrimination is not acceptable. People should not be treated badly because of characteristics like their gender, race or religion. Human rights legislation can also be a way to recognize that people are not

always aware of discrimination and may need more information about it. People should be assisted when they confront discrimination and there should be a process to help them work through these problems.

The call for updated human rights law shows that we want to move a step closer to having a society where all people are treated with dignity and respect. Where everyone knows they have protection against discrimination regardless of personal characteristics like race, religion, gender, age, disabilities or sexual orientation.

The bill under review today is to replace the Fair Practices Act a form of human rights law developed in the mid-1960's.

Over the years, the Fair Practice Act in been updated but it still falls below the standard of Human Rights Legislation in most other provinces and territories. It fails to reflect many of the things that people of the Northwest Territories say are important today. The new Human Rights Act will be a progressive piece of legislation we can all be proud of.

The Department of Justice consulted broadly on the development of this bill. The people we heard from provided a lot of input and support. That consultation helped to shape Bill 1. In addition, after the bill was introduced a few concerns were raised. The government reviewed these concerns and as a result will be moving a few motions to Bill 1.

In conclusion, Mr. Chairman, the Human Rights Act will be an important piece of legislation for the Northwest Territories. It signifies our recognition of the importance of tolerance, dignity and respect and the commitment to uphold these principles. I look forward to our discussion today. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Allen. At this time I would like to ask the committee responsible for reviewing the bill if they have any comments. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. As you know our comprehensive report has already been read into the record but we do have and are pleased to offer the following comments on Bill 1, Human Rights Act.

Bill 1 is a step forward for human rights protection in the Northwest Territories because it creates a comprehensive legislative scheme to address discrimination in everyday areas of life.

Bill 1 has been the subject of extensive consultation by both the Department of Justice and our standing committee. The Standing Committee on Social Programs held public hearings in Inuvik, Fort Smith and Yellowknife. Our goal in the review process was to consider Bill 1 in comparison to other human rights legislation in other jurisdictions in Canada and to hear the comments and suggestions of members of the public.

The committee received a number of detailed submissions from many members of our communities, particularly those representing significant segments of our population. During the course of public hearings the committee heard a number of recommendations on how Bill 1 could be improved.

The Standing Committee on Social Programs carefully considered each of the recommendations made to us and as a result, Mr. Chairman, have made a number of changes to the Human Rights Act.

During our clause-by-clause review of the legislation, the committee passed a number of motions to amend Bill 1 which were discussed in detail in Committee Report 10-14(5).

Mr. Chairman, our report also noted several other recommendations that have not yet been incorporated into Bill 1. Accordingly, we have a number of motions to put forward before the honourable Members of the Legislative Assembly today as we proceed through the bill clause-by-clause.

These motions will reflect our attempt to address concerns of the public while making changes that we believe best promote the objectives of the act. We look forward to a constructive debate on these issues. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Bell. At this time I would like to ask the Minister if he will be bringing in any witnesses.

HON. ROGER ALLEN: Yes I will, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Does committee agree?

SOME HON. MEMBERS: Agreed.

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

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

HON. ROGER ALLEN: Thank you, Mr. Chairman. I am pleased to introduce Diane Buckland to my left, legislative counsel, and to my immediate right is Janice Cooper, legislative counsel, both from the Department of Justice. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Welcome witnesses. General comments with regard to Bill 1. General comments. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, in my opinion this is probably the most significant piece of legislation that this Assembly is going to deal with, and I am quite pleased that we got to this point. There has been some comment in the press lately about the consultation that has taken place on this bill and some comment about its future.

Mr. Chairman, I would like to say that I see this bill and the way this was handled as a model for an open consultative process in the development of legislation. This bill was substantially modified in the course of the two years of consultation that has taken place. As the Minister said in his opening remarks, he'll be proposing further amendments, as will the committee today be proposing further amendments to the bill based on what we heard through the public consultation process.

I have been somewhat surprised by the comment in the press because of the number of occasions for comment and the number of changes that have been incorporated to date, that there have been some people who have recently said that we are moving too quickly. I am not sure how they could not have known about opportunities to make comment over the past two years. Mr. Chairman, I am satisfied that residents had lots of opportunity to influence the final shape of this bill, and as I said we will continue to make changes today to continue to reflect the comments that we heard during the consultations.

Mr. Chairman, of course we did not accept all the recommendations that we heard while we were travelling around, but they were all considered. The committee debated all the recommendations that we heard. We discussed them with the Minister. Some were accepted and some were not. I think we have set out in our committee report the reasons for accepting or not accepting recommendations, but the report clearly lays out that we heard the recommendations.

Mr. Chairman, I am comfortable with this bill, particularly in light of what I know it will look like when we finish with it. I think it sets a very high standard and it puts us in the lead, for instance, in such things as making social condition a prohibited ground for discrimination. That is something that we will be leaders in Canada with that in our legislation. It does represent a significant improvement over the Fair Practices Act. One of the most important things in this Act is the educative role that it sets out for the Commission. This is really important. Since we have never had a comprehensive human rights bill in the past, it will be very important that we have well versed and well respected people as commissioners who are able to ensure that the public is well informed about their rights and responsibilities under this legislation, and able to make sure that Northerners are able to take advantage of the legislation once we set it in place.

As I said earlier, I am happy to be here today. This is one of the pieces of legislation that I said in the election campaign that I would work very hard to try and see in the House, so again I say that I am very happy to see us get to this point and look forward to moving through the bill on a clause by clause basis. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Dent. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. I would like to follow up on Mr. Dent's remarks. It was a privilege for me as a Member of this Assembly to be associated with at least the public hearing process and hopefully the amendments and improvements in some way of this bill. It is indeed one of the strongest and most forceful signals of any jurisdiction or society of just how willing, able and committed it is to put in law the kind of standards that it wants its citizens to have to be force to protect them; but also I think it is a reflection of the responsibility that every citizen of the NWT has to look at and to follow in terms of our conduct and the way we treat each other every day.

I think one of the most significant steps that this bill takes and one of the most important things that it adds to public governance is the creation of the Human Rights Commission. I see this as something that will be a significant improvement in the way people can have issues addressed and in the way they can be remedied and resolved. I think, Mr. Chairman, that in the review that we went through and as Mr. Dent said, the kind of consultation and people who were paying attention to this and who gave comments to us, and I think to the government in its prior consultation before the bill was ever brought to he Assembly. There is flexibility and there is a recognition and sensitivity in the bill, Mr. Chairman, to the concerns especially of aboriginal people and the kind of rights and considerations that are significant to them today and that will no doubt develop in the future.

I think we all know that as we work our way through and see the passage of this bill perhaps by the end of the day today, or

certainly by the end of our session, it will not mean that these new facilities and new advantages will be readily available or instantly available to people. It will take time to put into place a functioning and an operating Human Rights Commission. It will take time to have these laws implemented to the point where people can actually use them. It is my plea and my hope that government and our institutions can act to implement this new bill, once it is passed, with all due efficiency. I know of at least one case right now, Mr. Chairman, that unfortunately should be addressed as a human rights consideration but cannot be under our existing Fair Practices Act. We need this bill as soon as possible, so I look forward to engaging in the detail and further consideration. Thank you.

CHAIRMAN (Mr. Krutko): Thank you. General comments on Bill 1. General comments. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. Just before we move on to detail as I see there do not appear to be any more general comments, I would like to first say that after the potential passage of this bill there will be an amount of time, probably a considerable amount of time, required to set up the pieces that we need in order to have the bodies and the offices to carry out this legislation. There has to be some reasonable expectation that we will take the due time to do that, and I guess I felt it was something that was important enough to speak to. I have had a number of questions about when this would come into effect.

The other thing I would like to say, Mr. Chairman, is that I would like to thank the committee members, Mr. Braden, Mr. Dent, Mr. Lafferty and Mrs. Groenewegen, who all put in considerable numbers of hours going through material, research material from other jurisdictions and much other information that we had to consider, along with the large number of submissions that we had to go through and debate. They have all put in a lot of long hours and a lot of hard work on this, and I thank them for that, Mr. Chairman. Also as well I would like to thank our staff, Ms. Peterson and Ms. Kelly Ann Fenney -- especially Ms. Fenney who spent many many hours doing the research that we required in order for us to be prepared and to put the thought required into this. I want to thank those two.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, in regard to the Human Rights Act, I do not disagree that we need such legislation, but I do not think we are going far enough to protect the interests of the aboriginal people, and also protect the rights and privileges that First Nations people have arrived at through treaties, land claim agreements, and also the special protection that they have under section 35 of the Canadian Constitution. Yes, there is a Charter of Rights and Freedoms, but there is also a section that clearly identifies that First Nations people have a unique interest in Canada, but also an interest by way of being a collective organization, which is made up of the collective, and also by way of the organizations they are associated with, and also the special privileges that they received through land claim agreements, and also through treaty commitments that have been made some time ago.

I for one feel that the committee should have dove a little deeper into this issue and ensured that we do ensure that special interest that aboriginal and First Nations people have in Canada but also in the relationship between governments through long-term treaty obligations, which were negotiated

back in the 1800's and also early 1900's. Also, the modern treaties that we have out there today.

I strongly believe that those interests, if not anything, have put higher stature under section 35 than they do under the section dealing with the protection under the Charter of Rights and Freedoms.

I note from looking at the Minister's opening comments that he did not touch on that, and looking through the legislation, there is very little wording by way of ensuring that protection exists. I think that for myself, as someone who has been involved in land claim negotiations and also the fight for First Nations governments to ensure that those protections are out there through what we are trying to accomplish through self-government agreements and what we were able to accomplish through land claim agreements, which are presently protected under section 35 of the Constitution.

I for one strongly feel that with the uniqueness of the Northwest Territories and the population distribution, and the traditional lands and traditional relationship that these First Nations governments and people have with Canada, that we have to ensure that their protections in regard to their cultures and also their unique associations with the Crown, the Government of Canada, has to be looked at.

In regard to this human rights legislation, I for one feel that it does not go far enough to ensure those protections are in there. Yes, it is great to establish a commission. But at the end of the day, if the commission does not agree that special relationship does exist with the Government of Canada and also through modern treaties, that we somehow will eventually lose out as First Nations people who have been fighting for years to ensure that those protections are there, to recognize that there is that inherent right, and also to ensure that we do have the fundamental principles through land claim agreements and other agreements to have these unique arrangements privy to First Nations by way of being appointed to a specific body, working out economic agreements or social benefit agreements, and also ensuring that there are those opportunities that we see clearly undermined to date by way of policies of this government.

I am talking about the Affirmative Action Policy here today. Yet these policies and procedures were there to ensure that those protections were in place, but yet, we definitely can see that they have not done anything to improve the lives and the circumstances of the First Nations people here in the Northwest Territories.

Again, I would just like to reiterate that I am dissatisfied that this legislation does not go far enough, and that basically for myself, if you are having legislation in place that is overriding special interests of groups, especially aboriginal people and the rights that they have by way of section 35, that has to be encompassed in any legislation, but not be burdened by new legislation, such as the Human Rights Act.

I for one would like to state for the record that I feel we have not gone far enough in that area, to protect the unique relationship that aboriginal people have. I think that we always talk about individual rights and we do not really look at the collective rights that aboriginal people have by way of their treaty associations or land claim arrangements that they have, where their rights are shared collectively by way of rights that

flow from different arrangements that they have with Canada, and with the obligations to commitments they have made over a period of time, talking about treaties and modern treaties by way of land claim agreements, and now self-government agreements.

I would like to ask the Minister, what are we doing to ensuring that we do not overlook this aspect in regard to aboriginal rights in the context of the Human Rights Act?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Chairman. First of all, I would like to convey on behalf of my colleagues that we concur that this was a dual effort from both sides to try to reach the objectives, and I see that we will agree to the majority of the proposed subject matters before us in the bill. The importance of Mr. Krutko's comments is that there is, from our perspective, and we state the importance of promoting respect for and observance of human rights in the Northwest Territories while at the same time promoting respect for an observance of the aboriginal treaty rights of the aboriginal peoples. Perhaps I am going to ask the Chair if my colleague, Ms. Janice Cooper, can respond to that more in the legislative detail.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Ms. Cooper.

MS. COOPER: There are two provisions within the bill to consider. One is the addition to the preamble that was added by the Standing Committee on Social Programs during its clause-by-clause review, and it does recognize both the importance of observance and respect for human rights in the Territories, while at the same time promoting respect for and observance of the rights and freedoms of aboriginal peoples recognized and affirmed under the Constitution of Canada. That is broader wording than section 35.

Then, within clause 2 of the bill, there is a specific, non-derogation clause relating to section 35 of the Constitution Act.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, in most modern treaties and land claim agreements that have been signed between the Government of Canada and First Nations governments, there is a clause that talks to derogate or abrogate from existing rights of aboriginal people under section 35. I am wondering, why is it that we as a government have not used such wording in the context of the Human Rights Act, knowing that those already exist under legislative agreements in regard to land claim agreements and other treaties that have been signed. I would like to know why such wording was not used in this case.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Ms. Cooper.

MS. COOPER: I am not sure how the wording is not used. It was the department's perspective that the wording is quite reflective in clause 2: "nothing in the law shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982."

I am not sure how the land claims agreement provisions would be interpreted differently.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I do not have any further general comments, but I just wanted to ask a question though, because the question was posed to me and I would just like it on the public record. This bill, once enacted will repeal the Fair Practices Act. I would like to know from the Minister is there anything, any section, any protection that is provided by the Fair Practices Act that will not be covered either under this new act or other acts that we have in force in the Territories already?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Ms. Cooper.

MS. COOPER: I believe that there is a protection under the Fair Practices Act with regard to discrimination on the basis of residency. I do not recall the exact terminology but it has been problematic in the past.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. The concern was raised by someone who is not certain that protections that might be provided under the Fair Practices Act in an employee-employer relationship would also be covered by this bill. Are all the protections that are now provided to someone in an employee-employer relationship with an employer provided for either in Bill 1 or in other acts that we have in force in the Territories?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Ms. Cooper.

MS. COOPER: As we assess the issues, all the rights would be covered in the bill. Without having specific examples and the paper before me it would be hard for me to address it further than to say we did assess the coverage under the Fair Practices Act and it was our assessment that it was also covered within the bill.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. General comments. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I do not have a long statement to make except to say how happy I am to see us having reached this far in this legislation. As we are well aware this was a bill that was introduced as the first item of this Assembly and it has gone through some rough spots. I know that it has also gone through a lot of consultations, not only the one conducted by the Department of Justice staff but also we should remember the work of Sue Heron-Herbert who took the responsibility of consulting with communities before the bill actually was introduced or it got to the committee stage.

I also understand that the committee has done its hearings as well. I am aware there are some who feel that some of the items they wanted included were not included in this, but I know that this is a good piece of legislation. It is something that is a long time in the making. I know that when I was at law school not too far back that was when I learned that we actually did not have human rights legislation in the Northwest Territories and that we were one of very few.

The last attempt to do this 20 years ago was not successful. While I acknowledge that there are probably some shortfalls and I suppose we cannot have legislation that meets the

approval of everyone, to everyone's satisfaction, I do not believe that takes away from the fact that this is a very important bill. This is probably one of the most important things that we are going to accomplish in this House and what the Minister's opening remark says about the fact that discrimination against people on any number of grounds is very much a part of our lives. We should never take it for granted. It happens.

Even though there is a law and lots of other things that keeps reminding every one of us, and not just in this House, but we as citizens that discrimination is not okay, discrimination does happen, sometimes without us even knowing about it. We all have our own backgrounds and biases and our beliefs and it is not easy sometimes to know that some of the things that we take for granted might be seen as something that is discriminatory in other people's lives.

This will provide a protection in situations of employment and commercial relations in renting places. We hate to admit it but in our society discrimination of all sorts happen and I am very proud to be a part of a Legislature and the history of the Northwest Territories that I am here now and that this bill is before us and that I will be part of the team that will have done our people a great service by deliberating, considering, introducing and enacting, hopefully, a Human Rights Act for all the people of the Territories.

That is just a general statement that I wanted to add to this debate on the bill. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. General comments. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Mr. Chairman, I have not had opportunity to go in great detail over this. Looking at a couple of areas I have a couple of questions, just to seek some clarity on the act and its coming into effect and what implications it would have on certain organizations that are established in the Northwest Territories.

One under clause 3, I believe it is denominational schools. I would like to know what this section is intended to do and what its impact will be. As well, I will be looking for clarification on subsection 6 of section 7 on the exemptions of an organization or society to give preference of employment to an individual or class of individuals. I would like to know what that exemption is intended to do, to get some clarity. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Cooper.

MS. COOPER: With regard to clause 3, under the Northwest Territories Act there are certain -- actually the wording is limited with regard to constitutional rights of schools, Catholic schools predominantly we are talking about. There is common law that arises out of that so it gives certain privileges to Catholic schools. They can hire Catholic teachers, things like that. That is what section 3 is meant to protect.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Roland.

MR. ROLAND: So if another denomination, a Pentecostal faith or Anglican faith, if they started a private school then they

would fall under this category and be able to hire teachers of their own faith, so to speak?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Cooper.

MS. COOPER: Mr. Chairman, no, it does not extend that far. It is with regard to the Northwest Territories Act which of course is a quasi-constitutional piece of legislation that establishes the Northwest Territories and within it it gives certain powers to the Government of the Northwest Territories, one of which is education. Within that authority for education there are some requirements with regard to denominational schools. This is Catholic and Protestant.

In practicality, it deals with Catholic schools. If we were looking at other kinds of schools that are setting up as private schools for an employment relationship, their protection might come under that other clause that you mentioned. It also would be what would be considered a bona fide occupational requirement if you are running a school for religious purposes. Then the act allows for you to have certain requirements with regard to that employment.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I would like to thank the staff for that response. Under section 6 as well, subsection 6 of 7, I guess, what else would that entail, I guess, for some detail as to what is it trying to accomplish, in a sense? Would it be, again, just in the aspects of hiring someone or would it be how your organization could include members or not include members? Is that as far as it would go?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Cooper.

MS. COOPER: Mr. Chairman, subsection 6 allows an employment preference, so if you have, for example, a certain cultural society, you could hire somebody of that culture, ethnic origin over other people, so sub-clause 6, clause 7 is with regard to granting a preference when you are hiring somebody in employment.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. General comments. Clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Okay. Human Rights Act, part 1, interpretation and application, clause 1. Mr. Dent.

MR. DENT: Mr. Chairman, when we were looking at this clause, and if you see our standing committee report, you will notice that one of our recommendations was that clause 1 be amended so that where the reference is found to illiteracy, that that be changed to levels of literacy. The committee was interested in doing this because we thought that the current practice in terms of referring to people who are challenged by a level of literacy, or have a set level of literacy, was a better way of referring to it then saying illiteracy?

I understand that there is a concern from the Minister's office about making this amendment. I was just wondering if we could get an outline of what the concern is and why the Minister is reluctant to change illiteracy to levels of literacy.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Allen.

HON. ROGER ALLEN: Mr. Chairman, I will ask Ms. Cooper to explain that.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Ms. Cooper.

MS. COOPER: Mr. Chairman, I would like to give a little bit of a broader context for this question, as well, just to fit it in...well, to give you as complete an answer as possible. There are a number of grounds of discrimination under Bill 1. Some are quite clear, like religion, race. Social condition is new. It is not very clear. A definition was included to set out a framework for interpretation. Under the definition, the person has protection against discrimination if he or she is part of a disadvantaged group. The disadvantage has to be social or economic and result from poverty, source of income, illiteracy, meaning a lack of literacy skills, level of education or another condition that is similar to these. The definition is quite broad already. This is where the government's concern comes in with the change of terminology, because we would be the only jurisdiction in Canada with a definition. We are introducing something new into our law.

It is the government's position that if illiteracy was replaced with the words level of literacy, it could increase the scope that is already broad and have it further impact on employers. The meaning of the word illiteracy in the dictionary is that a person is not able to read and write. This is often going to result in difficulties getting employment. When one uses the words level of literacy, you are starting to get into the idea of different degrees of ability. For example, level of literacy could be interpreted to mean that a person cannot read or write at all, that a person could read at a grade 5 level, a person could read at a grade 8 level, a person could read at a grade 10 level.

If the definition is broadened, it could increase the scope of the duty to accommodate on employers. In employment situations, duty to accommodate means that an employer has to adapt work arrangements to make adjustments for people who come under a ground of discrimination. The duty says that the employer has to accommodate a person unless this would cause undue hardship.

I will provide an example relating to the duty to accommodate in the context of the words illiteracy, or level of education. Say, for example, you have an employee with a job in a company. The employee can read and write at a basic level to operate within that job. There is another job posted within the firm. It calls for reading at a higher level than the employee has at present. Now, the question becomes, is the act going to impose an obligation on the employer to do something to accommodate the person at the higher reading level? Should the employee have the right to complain under the Human Rights Act, if the employer fails to do something to give the person that job because their level of literacy is not sufficient to get the job at the higher level or a different job at a higher pay scale, and that is where we could see a difference between...possible difference in interpretation between the words illiteracy, which means cannot read and write, one would assume adequately to perform basic skills, and level of literacy.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Cooper. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. That is a fairly comprehensive explanation. I guess the Members of the

committee had had some indication that was what we would hear in terms of an explanation, and therefore have agreed that, on the understanding that the definition of social condition will be left as it is in the current act, that we would not move forward with our recommendation to change the word illiteracy as well. I would like to thank the Minister's staff for that explanation.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Part 1, interpretation and application, clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Page 10, clause 2.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 3.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Clause 4.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Part 2, provisions, clause 5. Mr. Lafferty.

MR. LAFFERTY: Thank you, Mr. Chairman. Just a question on the discussions after, or since our committee meetings, something came up that sort of raises a question on the gender identity, the addition of gender identity. Some of the presenters said that they wanted a gender identity to promote equality so that all members of our community can participate freely in everyday life. It raises a question where when they perceive themselves as transgender, they perceive themselves as a different sex than what they are, what they look like and what they feel like that day, I guess. I am trying to have...I sort of have a problem how we can protect people and their privacy. For instance, let's say going to the washrooms or a public bath or whatever like that, where one person perceives themselves or herself as a different gender that day, can enter any one of these facilities and not be discriminated against because of that? Is there any protection for the public in this case?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Lafferty. Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Chairman. Mr. Chairman, perhaps I can get some clarity from the Chair here. It is a committee motion and I am not sure if the Member wanted us to speak to the actual comments he made.

CHAIRMAN (Mr. Delorey): Mr. Allen, he was not speaking to a motion, he was just speaking to clause 5. Mr. Allen.

HON. ROGER ALLEN: With the able assistance of my esteemed colleague, I will ask her to respond to that.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Allen. Ms. Cooper.

MS. COOPER: Just some background, we are talking about an issue that is not in the bill right now and I am not sure at this point in time what to do about it. There is discussion on the floor about a proposed committee motion and I am not sure whether an answer from the Minister is required at this point.

CHAIRMAN (Mr. Delorey): Mr. Lafferty, would you want to maybe rephrase your question and put some clarity into it? The

Chair is under the impression that you are asking the question under clause 5, from what you heard. Would you like to maybe rephrase your question? Mr. Lafferty.

MR. LAFFERTY: Thank you, Mr. Chairman. I will wait until the motion is passed for clause 5. I mean the motion is put forward.

CHAIRMAN (Mr. Delorey): Okay. Thank you, Mr. Lafferty. Clause 5. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. As we saw in the committee report, the committee heard from a number of presenters that we could improve the bill by adding gender identity after sexual orientation. We were told that this gender identity is now currently covered probably by case law under sexual orientation but presenters felt that we could make sure the act was clear by also including the term explicitly.

The committee agreed with that and as you can see in our report said that we would be bringing forward a recommendation in the form of a motion to amend the act so I will present that right now.

Committee Motion 38-14(5): To Amend Clause 5 of Bill 1 to Add "Gender Identity" (Carried)

Mr. Chairman, I MOVE that sub-clause 5(1) of Bill 1 be amended by adding gender identity after sexual orientation.

CHAIRMAN (Mr. Delorey): We have a motion on the floor. The motion is in order. To the motion. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Mr. Chairman the committee has put forward a motion under gender identity and I know that a lot of people from my constituency would be asking, what does that mean? What does the term gender identity mean? I think a lot of people have the idea of sexual orientation that you cannot discriminate based on that, but gender identity is... Maybe we can get a definition of what the committee is proposing.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Maybe I would ask our law clerk, Ms. Peterson, to address that. Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. Gender identity usually refers to the characteristic of how an individual views their own gender irrespective of what their biology might be. It is quite possible for someone who has male biology to consider that they are not properly housed in a male body, that their gender identity is really female.

Similarly, you can have a female who feels uncomfortable in the biological body that has been given to her and feels that her gender identity is actually male in orientation.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I guess a question would be, this is now going in the area of beliefs, right from there are so many examples that one could use, whether religious or others. It becomes quite a problem in itself, the possibilities of trying to prove or disprove this in a situation that might occur. Has that been discussed, or at what level or potential... I am trying to understand this for enforcement, say.

If we make it a law, if it becomes a law, that you cannot discriminate on this how would that be sorted out?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. As with any complaint of discrimination a complaint has to be made to the commission. It has to be assessed as to whether it should proceed to an adjudication and then the adjudicator must decide whether discrimination has occurred on the basis of the ground that has been alleged. That applies to this as well as to any other ground of discrimination that is being alleged.

Some of those grounds might be easier to see as to whether someone is of a different race or a different ethnicity, but again the proof of discrimination is always going to be difficult no matter what the ground is. In other words, one of the things I am trying to say I guess is it can be equally as difficult to prove discrimination on the basis of religion, say, as it can on the basis of gender identity. The person who is faced with the allegation that they have discriminated may say, no, I did not choose that person because of their religion I just did not choose them for other reasons. Those problems of proof exist in any human rights complaint process, virtually no matter what the ground is.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. Mr. Roland.

MR. ROLAND: By including this after sexual orientation, I guess anywhere in there, how much is... Mr. Dent stated that there is already case law, I believe, around that area, so how much more does this really tighten it up?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Peterson.

LAW CLERK (MS. PETERSON): As Mr. Dent has indicated and as referred to in the committee report, likely there is protection for discrimination on the basis of gender identity under the ground of sex. There is some case law that says that this is an analogous ground and that protection has been extended to those alleging discrimination on the basis of gender identity. I think the committee report indicates that if that is what you mean, then that is what your legislation should say.

So rather than assuming that the courts will continue to interpret discrimination on the basis of sex to include gender identity, let's make it abundantly clear by simply saying that. I believe that was the thrust of the committee decision on that.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. To the motion. Mr. Dent.

MR. DENT: Mr. Chairman, I was just going to relate one of the examples that we were presented with by witnesses in front of the committee to demonstrate this situation. An individual who is in the process of undergoing a sex change, for instance, is required to live as the opposite sex for a period of time before the operations. In an instance where this was happening, the employer all of a sudden finding out that somebody was presenting for work as a member of the opposite sex initially had no problems with it, but after a week decided that the person should be without a job. In that sort of situation where

somebody is transgendered and in the process of making a change, this inclusion would explicitly protect from discrimination.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Lafferty, to the motion.

MR. LAFFERTY: Thank you, Mr. Chairman. I guess this is the right time to bring it back up again. I would like to ask a question as to how they would deal with the situation. I will give an example of someone in a work place that is one sex but continues to use a different sex's washrooms or facility and then is fired because they are violating the privacy of the opposite sex. Is that a ground for firing this person? What happens here?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Lafferty. I would just like to remind Members that we are speaking directly to the motion here. Once we get past this then you can ask questions to the Law Clerk but right now we are speaking to the motion. I will refer your questions to the Law Clerk now. Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. Mr. Lafferty always seems to come up with the most interesting questions and ones that may not be that easy to answer. I would think that an employer running a place of business that has as employees, and I will try and be very careful in my wording here, both biological men and biological women as employees, and one of those employees is transgendered I would think that it is appropriate for the employer to require that you use the facilities appropriate to your biology, and until that biology changes through the miracles of science, that is a reasonable requirement. If the employee rejected that and caused discomfort and disarray among the remaining employees, yes that would be a ground for if not termination certainly reprimand leading up to that point in time.

It is always difficult to predict how these things are going to actually play out, and I know that that is a concern of Members. When you enact legislation it may look fine on paper, but what is it going to really be like when it is on the ground and in operation. I would like to think that common sense and reason prevails in those kinds of areas. I cannot guarantee that, but that would be my hope. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Delorey): Question is being called. All those in favour. All those opposed. The motion is carried. Clause 5 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Mr. Braden.

Committee Motion 39-14(5): To Amend Clause 5 of Bill 1 to add "Family Affiliation, Political Belief, Political Association" (Carried)

MR. BRADEN: Mr. Chairman, I would like to move an amendment to clause 5. I move that sub-clause 5(1) of Bill 1 be amended by adding "family affiliation, political belief, political association" after "family status". Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. The motion is in order. To the motion. Mr. Bell.

MR. BELL: Just quickly, Mr. Chairman, I wanted to explain where the impetus for this motion came about. Currently these protections are only in our Human Rights Act as it is proposed in effect when dealing with employment, Mr. Chairman, but we heard from some of the presenters that there was a concern that possible discrimination on the basis of family affiliation, political belief, political association, could happen in situations where we are talking about provision of services. For instance, in a community where housing is given out on the basis of certain criteria, some may have felt that in the past there has been discrimination based on what family or political associations you may or may not have. The committee's feeling was that certainly these prohibited grounds for discrimination should be extended and expanded beyond simply employment to some of these other situations. Thank you.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Bell. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Krutko): Question is being called. All those in favour. Excuse me, I do not recognize a quorum so I will ring the bells. Excuse me could I have some order. We have a motion on the floor. Question has been called. All those in favour. All those opposed. The motion is carried. Clause 5 as amended.

SOME HON. MEMBERS: Agreed.

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

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 7.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. The committee has another motion to move.

Committee Motion 40-14(5): To Amend Clause 7 of Bill 1 to Delete Sub-Clause (2) (carried)

I move that clause 7 of Bill 1 be amended by: (a) deleting sub-clause 2; (b) renumbering sub-clauses 3, 4, 5 and 6 as sub-clauses 2, 3, 4, and 5 respectively; (c) by striking out in subsections 1 and 2 "do" in renumbered sub-clause 3 and by substituting subsection 1 "does" and (d) striking out subsection 1 or 2 in renumbered sub-clauses 4 and 5 and by substituting subsection 1. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Krutko): Question is being called. All those in favour? All those opposed? The motion is carried. Clause 7 as amended.. Excuse me. Mr. Minister.

HON. ROGER ALLEN: Mr. Chairman, after Bill 1 was introduced a concern was raised on the ground of family affiliation as it relates to employment. The concern was that the

ground might be interpreted to prevent a person who owns a business from hiring a member of his or her family over other applicants. The protection relating to family affiliation and employment was included in the bill to address a concern of the people of the NWT communities. They told the department that when they applied for a job, for example, with a community government or a company, family connections can sometimes prevent them from getting a job.

The concern was that sometimes managers are more ready to give the job to someone they are related to. The people we spoke with believe this is a kind of discrimination.

After the introduction of Bill 1, the Department of Justice heard another concern. The department heard that this section should not prevent the owner of a business from hiring his or her family members. One of the reasons why some people take the risk of starting up a business is so that their family can benefit from it. For that reason, I will be making a motion to add a clause so that the ground of family affiliation will not prevent an owner from hiring a family member.

CHAIRMAN (Mr. Krutko): To the motion.

-- Interjection

CHAIRMAN (Mr. Krutko): Mr. Minister, are you making a motion?

HON. ROGER ALLEN: Yes, I am, I apologize, Mr. Chairman, that clause 7 of Bill 1 be amended by adding the following after sub-clause 5:

- (6) It is not a contravention of subsection (1) for an owner of a business to give preference employment on the base of family affiliation to a member of his or her family.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Mr. Minister, are you moving a motion? Could you state that you are moving a motion?

Committee Motion 41-14(5): To Amend Clause 7 of Bill 1 by Adding Sub-Clause (6) (Carried)

HON. ROGER ALLEN: Mr. Chairman,

I MOVE that clause 7 of Bill 1 be amended by adding the following after sub-clause (5):

- (6) It is not a contravention of subsection (1) for an owner of a business to give preference employment on the base of family affiliation to a member of his or her family.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 7, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 8.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 9. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. May I have consent to go back to clause 7? I need a clarification on something.

CHAIRMAN (Mr. Krutko): Ms. Lee is asking for consent to move back to clause 7. Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I am sitting here thinking about this. I want to be clear about what this act is saying. In terms of, for example, politicians, I mean, I am just thinking that as an example because it is near to me here, we have a rule that says we cannot hire family members for things in our office, I believe, because that would constitute a conflict. Would this new amendment make that in violation of the Human Rights Act for an MLA who may want to hire family? Thank you.

CHAIRMAN (Mr. Krutko): Ms. Cooper.

MS. COOPER: Mr. Chairman, there are two things that might come into play here. One is that you can have conditions that may be bona fide occupational requirements, and if there is a pressing concern that you do not hire your family member, then maybe you do not hire a family member. In the normal course of events, you cannot prefer your family member now. If you are a business and you...well, unless you are the owner of a business, so if you are a politician, you cannot prefer your family member, but perhaps there would be some weighing of whether a family member, for example, a brother would be treated the same as other people. But one has to look at conflict rules as well, so maybe you cannot be doing the hiring, if that is the situation. So there are a lot of factors that would come into play with this condition.

CHAIRMAN (Mr. Krutko): Just for the record, that was Ms. Cooper. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. From the common sense point of view, I could understand small businesses, you know, mom and pop businesses, we do not want to do anything to jeopardize a situation where I think...a mom and pop pizza place in Yellowknife, I think there is the whole family that works there. We would not want to do anything that interferes with that. At the same time, I believe it is good law that we have rules within our House that says we cannot hire a family member to work in our offices. As I understand it, the Human Rights Act is always...it supersedes any other legislation. It is sort of the mother law, so my understanding of that is if our conflict rule contravenes with the bigger law, which is the Human Rights Act, then our conflict rule could be deemed invalid.

The point of my question is I do not want to see that situation happen. I would like confirmation from our Law Clerk, or Ms. Cooper or somebody, that I do not have to worry about that. That is my question. Thank you.

CHAIRMAN (Mr. Krutko): For clarification, Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. I think I can give the assurances that the Member is looking for, that the passage of section 7 as amended would not render that part of the Legislative Assembly and Executive Council Act invalid. The reason for that is that the amendment requires that in order to be exempt from that ground of discrimination, you

have to be the owner of a business, so it is not an across-the-board kind of situation. So a Member of the Legislative Assembly does not meet that sort of threshold permission, if I can put it that way, under that subsection as it being okay for the owner of a business to exercise family preference. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Ms. Peterson. Ms. Lee.

MS. LEE: That raises another question then. So this amendment that allows small businesses to hire family, that is an exception to the rule. Is that what we did? So the rule is you are not allowed to hire family, or you are not allowed to discriminate against anybody on the basis of family affiliation. I am just wondering if the committee or everybody has considered that, because I can think of other situations other than...I do not know. This is very confusing.

From what I am hearing, from what Ms. Peterson is saying, is that by this amendment, we give an exception to the family so that they can hire their own people, you know, do whatever they want because that is...you know, they are allowed to do that. But that is not allowed everywhere else, and I am not sure if that is the kind of law we have. I guess I am just not understanding the full implication of why...okay, let's go back to...let me put it this way. What are we trying to accomplish with having protection of family affiliation as a prohibitive grounds? Maybe that is a better question. Thank you.

CHAIRMAN (Mr. Krutko): Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. The way the act was originally drafted, before it came before the committee for review, it was a prohibitive ground on the basis of family affiliation, political persuasion and so on, with respect to hiring. So that already existed in the draft bill, that no person shall, on the basis of an individual's political belief, political association or family affiliation, refuse to employ. So that was the original section 2 in the act. So there was a prohibition that you could not exercise that kind of discrimination.

So the committee said, well, if we think it is bad to discriminate in employment on the basis of family affiliation, then surely it is also equally as repugnant to discriminate in the provision of services and accommodation as well.

So by elevating that to a prohibited ground under section 5, it means not only can you not discriminate on that ground for employment, you cannot do so for accommodations or services as well.

CHAIRMAN (Mr. Krutko): Thank you, Ms. Peterson. Mr. Bell.

MR. BELL: Thank you. I was just going to try to give Ms. Lee an example and I probably should not do this because I will probably get it wrong, but if I understand this amendment that the government is making, if Ms. Lee owns a business and I respond to an employment ad that she has and she decides to hire a relative instead of me, I could theoretically go to the Human Rights Commission and file a complaint.

However, we now know because of this amendment that I would not be successful because Ms. Lee has, as a private business owner, the right to hire family members. That is what this is trying to achieve.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Bell for that clarification. Clause 7, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 8.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 9.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 10.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 11. Mr. Minister.

HON. ROGER ALLEN: Thank you, Mr. Chairman. There is an issue that I would like to bring to the attention of this committee. They relate to the motion that extended the ground of family affiliation to apply to all the sections under the act.

The issue is similar to the one I raise under clause 7 on employment and family affiliation. By including family affiliation so that it applies to the areas protected under sub-clause 11(1) it is possible that the ground might be interpreted to prevent a person who owns a business from providing a preference to his or her family members when, for example, providing goods or services.

I think that under this clause the main purpose would be to ensure in general that a person is not denied services because of his or her family connections. This still leaves room for someone who owns a business to decide that he or she will provide a preference to family members.

For this reason, I would make a motion to add a clause so that the ground of family affiliation would not prevent an owner of a business from giving preference to his or her family in providing goods, services, accommodations or facilities.

Committee Motion 42-14(5): To Amend Clause 11 of Bill 1 to Add Sub-Clause (3) (Carried)

Mr. Chairman, I am prepared to make a motion. Mr. Chairman, I MOVE that clause 11 of Bill 1 be amended by adding the following after sub-clause (2):

(3) It is not a contravention of subsection (1) for an owner of a business to give preference in goods, services, accommodations or facilities on the basis of family affiliation to a member of his or her family.

Thank you.

CHAIRMAN (Mr. Krutko): There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Clause 11, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 12. Mr. Minister.

HON. ROGER ALLEN: Thank you, Mr. Chairman. This clause also raises the issue of family affiliation. This time it relates to

whether the owner of a commercial unit or residential unit can give preference to a family member when renting out those units.

The issue is similar to the one I raised under clause 7 under employment and relates to the ground of family affiliation and under clause 11 on goods and services on family affiliation.

By including family affiliation so that it applies to areas protected under sub-clause 12(1) it is possible that the ground might be interpreted to prevent a person who owns a rental unit from renting to a family member instead of other members of the public. Therefore I will be making a motion to add a clause so the ground of family affiliation will not prevent an owner of a rental unit from granting a preference to a family member. Mr. Chairman, I am prepared to move a motion.

Committee Motion 43-14(5): To Amend Clause 12 of Bill 1 to Add Sub-Clause (3) (Carried)

I MOVE that clause 12 of Bill 1 be amended by adding the following after sub-clause (2):

(3) It is not a contravention of subsection (1) for an owner of a commercial unit or self-contained dwelling unit to give preference in occupation of a commercial unit or self-contained dwelling unit or with respect to a term or condition of such an occupancy on the basis of family affiliation to a member of his or her family.

CHAIRMAN (Mr. Krutko): There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Clause 12, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 13. Mr. Minister.

HON. ROGER ALLEN: Thank you again, Mr. Chairman. I have a few comments on this clause that relate to the amendment of this bill that added the ground of political belief to clause 5. One of the results of that when this bill is passed will be to make it unlawful to publish a statement that discriminates on the basis of political belief.

When the government was reviewing the implication of this a question came up. What would it mean to discriminate in the publication of a statement on the basis of political belief? A respect for differences in political beliefs is central to the principles of democracy and freedom. The department reviewed how other provinces and territories deal with this matter and found that most jurisdictions that include political belief include a statement on freedom of expression of opinion in a section on publication.

Under the Canadian Charter of Rights and Freedoms there is protection in section 2 for freedom of thought, belief, opinion and expression. If we add a provision for clause 13 to indicate that the clause would not interfere with freedom of expression of opinion, this would clarify that the Charter of Rights is not intended to be limited by clause 13.

It would also clear up concerns about the meaning of discrimination on the basis of political belief. Therefore I will be making a motion to add another provision to clause 13.

Committee Motion 44-14(5): To Amend Clause 13 of Bill 1 to Add Sub-Clause (2) (Carried)

Mr. Chairman, I MOVE that Bill 1 be amended by:

(8) renumbering clause 13 as sub-clause 13(1); and

(b) adding the following after sub-clause 13(1)(2):

nothing in this subsection (1) shall be construed so as to interfere with the free expression of opinion on any subject. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Clause 13, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 14.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 15.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Part 3, clause 16. Mr. Minister.

HON. ROGER ALLEN: Mr. Chairman, there was an error identified in the French version of sub-clause 16(3). I will be making a motion to correct this.

Committee Motion 45-14(5): To Amend Clause 16 of Bill 1 (Carried)

I MOVE that sub-clause 16(3) of the French version of Bill 1 be amended by adding "doit" before "avoir une experience."

-- Applause

CHAIRMAN (Mr. Krutko): There is a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried.

Clause 16, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Agreed. Clause 17. Mr. Bell.

Committee Motion 46-14(5): To Amend Clause 17 of Bill 1 (Carried)

MR. BELL: Thank you, Mr. Chairman. I MOVE that clause 17 of Bill 1 be amended by:

(a) renumbering sub-clauses (6), (7) and (8) as sub-clauses (7), (8) and (9) respectively;

(b) adding the following after sub-clause (5):

(6) A commission member shall be:

a. appointed on such terms and conditions as may be prescribed;

a. paid such honoraria or remuneration as may be prescribed;

a. reimbursed for reasonable travelling and other expenses necessarily occurred by the commission member under this act, subject to any restrictions and respect of the amount or type of expense that may be provided or adopted by the regulations.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 17, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 18. Mr. Dent.

MR. DENT: Mr. Chairman, no, I have no question on that clause.

CHAIRMAN (Mr. Krutko): Clause 18.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 19.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 20.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 21.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 22. Mr. Dent.

MR. DENT: Mr. Chairman, during the presentations in front of the committee, we had a number of people who suggested that it would be important that there be an independent body or person who could act as an advocate to help people who were trying to file a complaint, or work a complaint through the process. The committee heard this from a number of presenters. We discussed this with the Minister and his staff and we agree that there needs to be the opportunity for people to be assisted through the process, but we were not sure that if you set up an independent office, that you need to have a further independent office to help people deal with it.

We though it might be useful to make sure members of the commission knew once they were appointed that there could in fact be some help provided to people to work through the process. So rather than amending the bill to create an independent office to...like the workers advisor for the Workers' Compensation Board, we thought that it would be wise to make sure that the commission was aware that they had the power to appoint people to work on behalf of people. Therefore,

Committee Motion 47-14(5): To Amend Clause 22 of Bill 1 (carried)

I MOVE that sub-clause 22(1) of Bill 1 be amended by:

(a) Striking out "and" at the end of sub-clause(a);

(b) Renumbering sub-clause (b) as sub-clause (c); and

(c) Adding the following after sub-clause (a):

(b) Appoint the employees it considers necessary to advocate or assist a party in pursuing the remedies available to the party under this act; and

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 22, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 23.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 24.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 25.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 26.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 27.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 28.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Part 4, complaints, clause 29.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 30.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 31.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 32.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 33.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 34.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 35.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 36.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 37.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 38.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 39.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 40.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 41.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 42.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 43.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 44.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 45.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 46.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Part 5, adjudication appeal, clause 47.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 48.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 49.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 50.
SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 51. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. It is perhaps rather a housekeeping amendment that committee would like to make here and it has to do with the interpretation, or the potential interpretation, of the notion that any member, when an adjudication panel is appointed, the bill as proposed suggests that the chairperson of the panel shall designate any member of that panel, et cetera. It may be interpreted that any member is a sole or single member to hear an issue. Committee thought that the chair of the adjudication panel should have some flexibility to appoint more than one member where it may be deemed necessary. An example of this may be where there is an expectation of an exceptionally long or complex case, that it may well serve the interest of the issue to have more than one member designated.

We are proposing some changing, Mr. Chairman, to allow that flexibility to have more than one member of an adjudication panel serving.

Committee Motion 48-14(5): To Amend Clause 51 of Bill 1 (Defeated)

I MOVE that clause 51 of Bill 1 be amended by striking out "any member" and by substituting "one or more members."

Thank you.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Mr. Minister, to the motion.

HON. ROGER ALLEN: Mr. Chairman, I would like to make some comments on this motion. Mr. Chairman, in the development of Bill 1, the department intended that only one adjudicator would hear a complaint when it gets to a hearing. That was the intention and the French translation clearly reflects that. However, we have identified that the English version is not clear. In designing the proposed human rights scheme, one of the department's objectives was to ensure that there would be no inefficiencies in the use of resources required to run the human rights program. Care was taken to look to problems faced in other jurisdictions because of their legislative schemes. For example, problems that could lead to duplication, overlap and unnecessary procedures. This, in the public interest, ensures that resources allocated for human rights are spent efficiently. Hearings held by one experienced adjudicator could promote that objective and at the same time meet the interest of having impartial hearings. This is one reason why the qualifications for adjudicators are quite high. Under this bill, when a complaint gets to a hearing, it will likely be quite costly to deal with. Adding two more adjudicators to hear a matter could greatly increase that cost. In addition, matters may be referred or appealed to the courts. The decision of the panel of the three adjudicators could easily give rise to an appeal as a decision of one adjudicator.

Just to conclude on this issue, I will be proposing a motion to clarify that hearings are to be held by one adjudicator only. This will promote both the objective of efficiency and the interest of having an impartial hearing.

CHAIRMAN (Mr. Krutko): To the motion. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I think as you can hear, the Minister is clearly opposed to the intent of this motion. Our committee saw reasons for wanting to have the ability to use more than one adjudicator on occasion. We would agree that in

the interest of the economy and time, that it would be better if most adjudications could be handled by one person.

However, having had some experience as a government with human rights tribunals and seeing how long those tribunals can go on should a complex case come forward, a complex complaint, we thought that it might be in the best interests of both the complainant and the commission to be able to choose to have more than one adjudicator involved.

For instance, if you get into a lengthy process and one of your adjudicator becomes pregnant and delivers a baby, do you not want to have the ability for the case to carry on perhaps with just one of them if you have two involved?

Or what about a situation where you maybe need to have a person replaced, could you not for a while have two adjudicators overseeing the case?

I think that is where the committee was coming from with this one. We felt that rather than having to see an adjudication perhaps start all over again after a substantial amount of time, that if it was seen right up front that the panel would be dealing with a very complex issue that might take a considerable amount of time, that in the interests of saving time it could actually be useful to occasionally appoint more than one adjudicator to work together.

That is the position that the committee has taken. Clearly the Minister is speaking against the motion and then is planning to propose a separate motion that would substantially differ from the purpose of the motion put forward by committee. At this point, I have heard no argument that would stop me from supporting the committee motion because I think that as things stand, we leave more risk that something would have to get started all over again because of an adjudicator having to step down perhaps.

CHAIRMAN (Mr. Krutko): To the motion. Question is being called. All those in favour? All those opposed? The motion is defeated. Clause 51. Mr. Minister.

Committee Motion 49-14(5): To Amend Clause 51 of Bill 1 (Carried)

HON. ROGER ALLEN: Thank you, Mr. Chairman.

I MOVE that the English version of Clause 51 of Bill 1 be amended by striking out: "any member of the adjudication panel" and by substituting, "one member of the adjudication panel."

CHAIRMAN (Mr. Krutko): There is a motion on the floor. To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I would just like clarification on what is being achieved by this change? What will be the difference between any member to one member?

CHAIRMAN (Mr. Krutko): The motion is in order. Mr. Minister.

HON. ROGER ALLEN: Mr. Chairman, I will have Ms. Cooper respond to that. Thank you.

MS. COOPER: What is going to be done, in effect, if this motion passes is to clarify the provision. We have been told by our translators that the French is already clear that only one

adjudicator will hear a matter, so any court looking at this issue would look at both sides of the equation. Likely it is going to be interpreted that only one adjudicator would hear a matter. The motion is going to clarify that.

CHAIRMAN (Mr. Krutko): To the motion. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Perhaps I could find out, in the case where suppose we had a complex case that is brought forward, perhaps a class action against a large employer in the Northwest Territories and the adjudication is dragging on for quite some time and perhaps let's say the adjudicator perhaps falls seriously ill, becomes incapacitated, and is unable to continue, what happens in that case?

Would this, because only one is now allowed to do the adjudication, mean that the whole process would have to start over again, even if it had been going on, say for ten or 11 months?

CHAIRMAN (Mr. Krutko): Ms. Cooper.

LAW CLERK (MS. COOPER): Likely it would have to start over again. I am not sure, perhaps the Law Clerk could add something to that as she has had more experience with administrative law.

CHAIRMAN (Mr. Krutko): Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. I think likely it would have to start over again. One of the principles of administrative law is that a decision maker has to be the recipient of all of the evidence that is pertinent or relevant to the decision to be made in any particular matter. I suspect that that is what would have to happen.

CHAIRMAN (Mr. Krutko): To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 51 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Agreed. Clause 52.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 53.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 54.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 55

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 56.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 57.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 58.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 59.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 60.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 61.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 62. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, the committee felt that there should be some penalty for someone who brought forward a... or that there should be exemplary damages available to the adjudicator in issues of findings that somebody had acted wilfully or maliciously or in the instance of some party continuing to contravene the act.

We noted that the laws of Canada, Saskatchewan, New Brunswick, Yukon and Manitoba all allow for exemplary damages. We thought that it would be useful to include that ability for adjudicators as well in our legislation.

Committee Motion 50-14(5): To Amend Clause 62 of Bill 1 (Carried)

I MOVE that sub-clause 62(3)(a) of Bill 1 be amended by:

Renumbering Sub-clause (7) as sub-clause (8) and by adding the following after sub-clause(6):

(7) Where the adjudicator finds that the party has acted wilfully or maliciously or has repeatedly contravened to this act, to pay to any party dealt with contrary to this act an amount not exceeding \$10,000 as exemplary or punitive damages.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Mr. Minister.

HON. ROGER ALLEN: Thank you, Mr. Chairman. I would like to make some comments as well, that the government does not support this amendment. The object of human rights legislation is to promote respect for human rights in our society. The general purpose is not to punish.

However, there are offence provisions so that a person in serious breach of the law can be prosecuted. Sub-clause 62(3)(a) of the bill includes a power to make an award to compensate a complainant for injury to dignity, feelings and self-respect. In addition to other remedies to compensate the complainant.

This helps to meet the objective of the scheme of ensuring that a successful complainant is fairly compensated. Some other jurisdictions in Canada do allow for exemplary or punitive damages but most of those do not allow for both damages like the ones we have under sub-clause 62(3)(a)(v) and for exemplary or punitive damages.

In addition, there is a concern that since the respondent in the private sector will not have the assistance of an advocate through the human rights office, the respondent will have to bear the full costs of defence against a complainant.

If the person is found to be at fault, they will have to further compensate a complainant including compensation relating to injury to dignity, feelings and self-respect. As most employers in the Northwest Territories are small, the addition of exemplary or punitive damages could result in financial hardship.

We are starting with a new Human Rights Act and a new Human Rights Commission. It is possible that people will discriminate against others without knowing it. Until the commission has had enough time to really get human rights education and promotion going, the government believes that adding exemplary or punitive damages would be unfair.

The government also has some concern that including this kind of damages could result in significant cost implications for the GNWT if damages are awarded against us. We will have a new act with new grounds of discrimination. The government, of course, will act in good faith, but it is impossible to predict the certainty of how such things will be interpreted. Thank you.

CHAIRMAN (Mr. Krutko): To the motion. Mr. Dent.

MR. DENT: Mr. Chairman, did I hear the Minister say that he was worried about the government being found guilty of contravening this act and there might be substantial damages that have to be paid? My goodness. I cannot believe that he would talk about human rights in that way and say that this government is worried about them.

If this government is in fact violating human rights, they should be prepared to pay punitive damages. I think that it is unconscionable that we would use the excuse that people may not know about human rights and therefore we should not have punitive or exemplary damages include in this bill.

What is the point of having something without teeth? If we have a human rights bill, let's make sure that it has the teeth to do the job. Let's stand up and do the right thing here. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. For those of us who are hearing this relatively with fresh ears, I am trying to get at what the quarrel is of the opposing positions. May I ask Mr. Dent to clarify again what his motion is trying to achieve? Is that possible? Thank you.

CHAIRMAN (Mr. Krutko): Ms. Peterson, did you want to respond?

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. The thrust of the motion made by Mr. Dent is that in addition to other things that an adjudicator can do, where there has been a finding of repeated infractions, or particularly malicious or wilful infractions under the act, that there is the option of ordering damages to an amount not exceeding \$10,000 for the person who has been found by the adjudicator to have behaved in that fashion.

As I understand the position put forward by the Minister, it was that the act provides a complainant, among other things, and I do not mean to unduly summarize it, certainly clarify it, because the act provides for damages that can be awarded for injury to dignity, that having punitive damages in addition to that could be too onerous on a party who has been found to fit the category of exemplary damages.

CHAIRMAN (Mr. Krutko): Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. So this penalty is aimed at who and what kind of infractions? Is that for the people who are complaining not in good faith? Who is this aimed at and what kind of infractions? Thank you.

CHAIRMAN (Mr. Krutko): Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. It is at the conclusion of a complaints process, where an adjudicator has found that a party has wilfully breached the act, or maliciously breached the act or repeatedly breached the act. In other words, has been guilty of discriminatory conduct in those categories, wilfully, maliciously, or repeatedly, there is the option -- it is not a requirement, but there is an option to include as part of the disposition an order for damages not exceeding \$10,000.

CHAIRMAN (Mr. Krutko): To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 62, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 63. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. The committee does not agree that cost awards should be awarded against the respondent only and we are satisfied that the current provision as set forth by the government sets a sufficiently high standard. It speaks to frivolous and vexatious that would, in effect, protect complainants who create delay because they do not lack, or because they lack the resources. It would protect them from being penalized.

We also believe that the costs should be available in other circumstances that the government's clause does not contemplate, such as in cases of particularly egregious breaches of the act, or where a respondent has repeatedly engaged in discriminatory behaviour.

I should add, Mr. Chairman, that this would be consistent with other jurisdictions who award costs in Canada, such as Ontario, Manitoba, Alberta, Quebec, P.E.I., Newfoundland. They all grant the tribunal or adjudication panel broad discretion to award costs in a complaint. Therefore, Mr. Chairman,

Committee Motion 51-14(5): To Amend Clause 63 of Bill 1 (Carried)

I MOVE that clause 63 of Bill 1 be deleted and the following be substituted:

63. On the adjudication of a complaint, an adjudicator may order the party responsible for the complaint or for the conduct to pay all or some of the costs of any other party where the adjudicator is satisfied that:

- (a) the complaint is frivolous or vexatious;
- (b) the investigation or adjudication of the complaint has been frivolously

or vexatiously prolonged by the conduct of the party; or

- (c) there are extraordinary reasons for making such an order in the particular case.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. May I have advice from the Law Clerk as to what is the law on this, as to what would reasonably constitute something frivolous, vexatious...what does the court say about that?

CHAIRMAN (Mr. Krutko): Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. Normally, frivolous and vexatious, which comes up as you may know in a number of different contexts in the law, is considered to have some element of knowingly without substance, so that something is frivolous or vexatious when the party making the complaint either knew that it was not a valid complaint or the complaint was so trivial in nature as to be inappropriate, to put parties through the cost of having to respond to it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Ms. Peterson. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 63 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Just for the record, I would like to go back to clause 62. Clause 62, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 64.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 65.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 66.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Part 6, general, clause 67.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 68.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 69.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 70.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 71.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 72.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 73.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 74. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. This is under the heading regulations, where the Commissioner of the Human Rights Commission, if I have this right, is prescribed with certain duties and responsibilities. The amendment that I am going to move essentially adds some clarification, I believe, to the responsibilities of the Commissioner in making the appointments of the directors and other officers of the commission. I think I have that fairly well squared around. If there is any other clarification, perhaps the Law Clerk can help us out.

Committee Motion 52-14(5): To Amend Clause 74 of Bill 1 (carried)

I MOVE that sub-clause 74(1) of Bill 1 be amended by;

- (a) renumbering sub-clauses (a) and (b) as sub-clauses (c) and (d) respectively; and
- (b) adding the following before renumbered sub-clause (c):
 - (a) respecting the terms and conditions of the appointment of a commission member;
 - (b) prescribing the honouraria or remuneration payable to a commission member; and
- (c) adding a commission member in renumbered sub-clause (d) before the director.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Ms. Lee.

MS. LEE: I know some Members here have more knowledge about this than others. Just reading that, I am not clear on what this motion is trying to accomplish. Could I get an explanation please?

CHAIRMAN (Mr. Krutko): Ms. Peterson.

LAW CLERK (MS. PETERSON): Thank you, Mr. Chairman. You will recall that clause -- let me just make sure that I have this right -- that clause 17 of the bill was amended by a motion. Clause 17 provided in the amended clause that commission members could be paid honouraria. So this motion amends the regulation-making power under section 74 to allow the commissioner to make regulations dealing with the term, honouraria, or remuneration payable to a Human Rights

Commissioner. It is almost like a consequential amendment arising from the amendment of clause 17.

CHAIRMAN (Mr. Krutko): To the motion. Ms. Lee.

MS. LEE: Thank you. May I ask the Minister as to why that...was it an oversight, or was it intentionally not included? Why was this provision not included in the first place?

CHAIRMAN (Mr. Krutko): Mr. Minister.

HON. ROGER ALLEN: Mr. Chairman, with your concurrence, I will ask Diane Buckland to respond to that question.

CHAIRMAN (Mr. Krutko): Ms. Buckland.

MS. BUCKLAND: Thank you. As Ms. Peterson noted, clause 17 was amended earlier in these proceedings, and it was amended by a motion put forward by the Ordinary Members. This is why Mr. Braden is presenting this motion. It is a result of that one. This motion does not illustrate anything that was forgotten. It is consequential to the changes that this House made to clause 17. The changes that were made to clause 17 added powers to set the terms and conditions of commission members and to allow them to be paid. The motion currently before the House is needed to ensure that regulations can be made about that. Thank you.

CHAIRMAN (Mr. Krutko): To the motion. Ms. Lee.

MS. LEE: Thank you. ...(inaudible)...of furthering my knowledge on this provision here, I guess I will have to consider section 17 as well. My question is did the department or the government address their mind to this possibility? If so, what was their finding? Thank you.

CHAIRMAN (Mr. Krutko): Ms. Cooper.

MS. COOPER: The act was silent with respect to the issue of payment of commission members. The view of the department as the bill was developed was that would not mean that they would be volunteers. They would be likely be paid honouraria when they served. So to answer the question, yes, the issue was considered by the department. Not this particular issue and doing it this particular way. This is a recommendation that arose out of the standing committee's review of the bill.

CHAIRMAN (Mr. Krutko): To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 74 as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 75. Mr. Minister.

HON. ROGER ALLEN: Mr. Chairman, an error was identified in the French version of sub-clause 75(3). I will be making a motion to correct this. Mr. Chairman,

Committee Motion 53-14(5): To Amend Clause 75 of Bill 1 (Carried)

I MOVE that sub-clause 75(3) of the French version of Bill 1 be amended by striking out "loi anterieure" and by substituting "loir precedente."

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? Clause 75, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 76.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 77.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 78.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 79.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Back to the preamble. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. Given that we have agreed we would expand the list of prohibitive grounds to include gender identity, the committee thinks that it makes sense to also include that in the preamble. Therefore,

Committee Motion 54-14(5): To Amend the Preamble of Bill 1 (Carried)

I MOVE that the preamble of Bill 1 be amended by adding "gender identity" after "sexual orientation."

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. The preamble, as amended. Mr. Dent.

MR. DENT: Mr. Chairman, as a further consequence of amendments that we have inserted tonight, the committee was also of the feeling that there should be a further amendment to the preamble to Bill 1. Therefore,

Committee Motion 55-14(5): To Amend the Preamble of Bill 1 (carried)

I MOVE that the preamble of Bill 1 be amended by striking out "or social condition" and by substituting "family affiliation, political belief, political association, or social condition." Thank you, Mr. Chairman.

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

SOME HON. MEMBERS: Agreed.

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

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Does the committee agree that Bill 1 is ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Bill 1 is now ready for third reading, as amended. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. To conclude the committee's work on this, Mr. Chairman, and to really fully address some issues and concerns that were brought forward in our public hearings, the committee will be making a couple of motions. These motions did not technically fit into the body or the preamble of the bill itself, Mr. Chairman, but we felt still deserved, still were worthy of consideration by committee of the whole.

The motion that I am going to move addresses an area that we heard from a number of presenters on in our hearings, Mr. Chairman. It concerned the manner in which the commission, the Human Rights Commission members, are selected. We essentially heard, Mr. Chairman, that the public of the Northwest Territories wants to have access to this process. While we do not go on to prescribe what the exact mechanisms should be for selecting commission members, we are going to, through this motion, Mr. Chairman, hopefully create a situation and an approach whereby the manner in which commission members is indeed open, accessible and transparent, so Mr. Chairman,

Committee Motion 56-14(5): Recommendation for an Open and Transparent Human Rights Commission Selection Process (Carried)

I MOVE that this committee recommends that the Legislative Assembly create an open and transparent selection process for the appointment of commission members.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. The committee has another motion that is extraneous to the clause by clause. It did not really fit specifically into any of the clauses, but we felt it was important. One of the things that we heard from a number of presenters on was the fact that there needs to be equal access for those who need to bring a complaint forward to the commission. We did allow for, in this legislation, allow for the commission to appoint an independent advocate where they see fit. Initially, our committee felt that would be adequate and we did not contemplate this process hopefully being an overly legalistic process, but I guess we can never have any assurances of that, Mr. Chairman. In other jurisdictions, it does seem that when you go to the adjudication panel, it is legalistic and most people do expect that they will have legal representation with them and in fact seem to need that, Mr. Chairman.

Our concern was that not everybody can afford counsel, not everybody can afford legal representation, and we thought that it would be a good idea for our government to look at our legal aid system to see if the current legal aid band-aid could be expanded to allow for human rights complaints. Currently, it does not contemplate that, Mr. Chairman. I guess obviously because we do not have a Human Rights Act. We felt that this was something that the government needed to explore to ensure that everybody had access to this process, regardless of your income level.

Therefore, Mr. Chairman,

Committee Motion 57-14(5): Recommendation to Amend the Legal Services Act (Carried)

I MOVE that this committee recommends that the government consider the possibility of amending the Legal Services Act to allow for the funding of human rights complaints for parties who qualify under the legal aid plan. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Mr. Minister.

HON. ROGER ALLEN: Thank you, Mr. Chairman. The department took a look at this issue during consultations on the bill. We are quite strongly of the view that this would not work. The legal services program primarily assists people charged with criminal offences and people with pressing family issues. These are matters that address pressing social needs and they relate to matters heard in court.

The human rights program under the bill sets up a scheme to help complainants through a complaints process. A significant amount of resource will likely be allocated to this program, and we are reluctant to support an additional load on legal aid resources for a particular kind of matter that will already be resourced in another way.

This could also confuse the mandate of the legal services board and could affect our federal funding arrangement.

CHAIRMAN (Mr. Krutko): To the motion. Question has been called. All those in favour? All those against? The motion is carried. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Just following up on Mr. Braden and Mr. Bell's comments, again we heard during the public consultations, a number of people asked us to consider an amendment to clause 5 to prohibit discrimination on the basis of a criminal conviction that was unrelated to the employment, service, or accommodation, or that we alternatively consider deleting the current reference to criminal convictions for which a pardon has been granted.

Mr. Chairman, the committee agreed that many of our residents may have criminal convictions for which a pardon has not been granted. However, we were concerned about the implications of expanding this protection to include criminal convictions "not relevant to the job or service." We spent a lot of time discussing this, but were unable to come to a consensus on the information that we had received.

Mr. Chairman, what we were hoping to do is to ask the Department of Justice to study the implications of expanding what is currently found in Bill 1 to protect people with criminal convictions, and come back to us with a discussion paper outlining whether or not Justice finds it necessary to amend this legislation to allow for some of those...to allow for the amendment that was requested by people making presentations to committee. Therefore, Mr. Chairman,

Committee Motion 58-14(5): Recommendation to Study the Implications of Expanding Current Protections with Respect to Criminal Convictions in the Human Rights Act (Carried)

I MOVE that this committee recommends that the Department of Justice study the implications of expanding the current protections with respect to criminal convictions and submit a discussion paper to the Legislative Assembly outlining whether or not it is necessary to amend the legislation. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Does the committee agree that Committee Report 10-14(5) is concluded?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): That concludes our review of Bill 1, Human Rights Act. I would like to thank the Minister and his witnesses. Sergeant-at-Arms, could you escort the witnesses out?

-- Applause

We did agree to deal with Bill 22 as the next item. At this time, we will take a short break and then come back to Bill 22.

-- Break

CHAIRMAN (Mr. Krutko): I will call the committee back to order. Prior to a short adjournment, we agreed to move on to Bill 22, An Act to Amend the Child and Family Services Act. At this time, I would like to ask the Minister responsible for introducing the bill if he has opening comments. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Yes, I do, Mr. Chairman. I am pleased to have the opportunity to speak with the Members of the committee about Bill 22, which proposes changes to the Child and Family Services Act.

The Child and Family Services Act was passed in 1998 to replace the old and seriously outdated Child Welfare Act. As with any piece of legislation, there is always a need to assess issues that arise from implementation. These amendments address several issues that have been identified in the four years since the Child and Family Services Act came into force. They reflect the paramount objective of the act, which is to promote the best interests of the child.

The need for these amendments was identified by department and authority staff, front line workers and individuals or organizations involved in the provision of services to children in care. In addition, the review of child welfare services conducted by the Child Welfare League of Canada supported the need for amendments. The amendments include provisions that:

Provide that voluntary support services agreements may be entered into with persons who are 16 to 18 and who reside with their parents;

Provide that a court order may be made with respect to a person who is apprehended and who attains the age of 16

years before the protection concerns that led to the apprehension have been dealt with;

Expand the grounds on which a child may be considered to be in need of protection;

Clarify the duty to report that a child may be in need of protection and require that all reports be investigated;

Place some restrictions on who can be on a plan of care committee;

Provide for the service of certain court documents on the applicable aboriginal organizations where an application is being made for a declaration that an aboriginal child is in need of protection;

Provide that the applicable aboriginal organization may make representations respecting a plan of care for the child;

Enable a child protection worker and a person who has been granted access under the terms of a temporary or permanent custody order to apply to the court for a variation of the access provisions;

Clarify the provisions relating to confidentiality and disclosure; and

Provide for the appointment of deputy directors of child and family services.

I would like to thank the Standing Committee on Social Programs for their consideration of the bill and, in particular, for their assistance in making some amendments to the bill.

I will be making an additional motion today to amend paragraph 1.2(1)(d) in clause 3 of the bill, proposing a wording which would describe the nature of the court order being referred to in that paragraph. A parallel motion was carried with respect to paragraph 1.2(1)(g) at the standing committee's clause-by-clause review of the bill.

I would now be pleased to answer any questions the committee members may have. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Minister. At this time, I would like to ask the committee responsible for reviewing the bill if they would like to make any comments at this time. Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. The Standing Committee on Social Programs held public hearings on Bill 22, An Act to Amend the Child and Family Services Act, on Wednesday, August 28, 2002, and also on Thursday, October 10, 2002. This bill proposes to substantially amend the Child and Family Services Act by:

Addressing the gap in services that exists for 16 to 18 year olds;

Clarifying and expanding the grounds on which a child may be considered to be in need of protection;

Clarifying the duty to report and requiring that all reports are investigated;

Restricting membership on plan of care committee for persons charged with or convicted of offences against the child, or another member of the plan of care committee;

Providing that the applicable aboriginal organization be informed of and be allowed to make representations on a plan of care for a member child;

Clarifying the release of information under the act as it relates to the Access to Information and Protection of Privacy Act;

Providing for the appointment of deputy directors and also, Mr. Chairman, making other minor amendments.

Members heard from a wide range of stakeholders involved in the delivery of programs to children and families, and would like to thank all presenters for taking time to let their views be known to the committee.

The majority of presenters' concerns related to clarifying and expanding the grounds on which a child may be in need of protection. Committee members shared many of these same concerns and proposed three amendments to the government. Presenters and committee members were concerned with the bill's proposal to replace the phrase "substantial risk" with "is likely to." Committee members believed that the phrase "is likely to" was not objective enough, and that the phrase "substantial risk" was sufficient to meet the needs of child protection workers in determining whether the child is in need of apprehension. Presenters were nearly unanimous in expressing concern over the proposed use of the term "is likely to." Many presenters believed that the child protection workers already have enough power and that the new term "is likely to" would shift the onus of proof from the child protection worker to the family. The committee discussed this issue with the Minister and his officials. The proposed use of "is likely to" is meant to provide clarity to the child protection workers. The department did not believe that the use of "is likely to" would result in increased apprehensions, or a change in how child protection workers carried out their duties.

Committee asked for the wording to be changed back to "substantial risk," Mr. Chairman. The department agreed with this request.

The amendments to the Child and Family Services Act also propose to add domestic violence as a ground for protection with the following clause: The child has been and continues to be exposed to domestic violence that has caused, or is likely to cause, physical or emotional harm to the child. While in no way condoning domestic violence, presenters were concerned that the adoption of this particular amendment could result in the apprehension of children for one isolated incident of domestic violence. Presenters also stated concern that the Child and Family Services Act had many provisions on breaking families up but no provisions for keeping families together.

Members of the standing committee examined the proposed wording relating to domestic violence. While agreeing that the wording did not provide for the apprehension of a child after exposure to a single incident of domestic violence, committee

did agree that the wording could be made clear to the public and to the child protection worker. The committee examined the wording related to domestic violence in other Canadian jurisdictions and favoured language used in Nova Scotia's legislation. The Nova Scotia legislation also had provisions relating to the apprehension of children if the offending parent or guardian refuses or fails to obtain treatment or services respecting ongoing violence.

The committee is aware that there are a limited number of available programs specifically related to domestic violence, and that most are offered through the corrections services. However, members see the majority of domestic violence cases having root causes that can be treated through programs that are available in the communities or in the regional centres. Treatment and counselling for addictions and residential school abuse is available.

The committee was of the view that including this ground of finding children in need of protection, the government is obliged to ensure that services and treatment are available to assist families. The Standing Committee on Social Programs proposed the department changed the amendment relating to domestic violence to reflect the wording contained in Nova Scotia's legislation. The government agreed with this approach and the amendment will now state, Mr. Chairman:

"The child has suffered physical and emotional harm caused by being exposed to repeated domestic violence by or towards a parent of the child, and the child's parent fails or refuses to obtain services, treatment or healing processes to prevent the harm. The child has been exposed to repeated domestic violence by or towards a parent of the child and there is a substantial risk that the exposure will result in physical and emotional harm to the child and the child's parent fails or refuses to obtain services, treatment or healing processes to prevent the harm."

Mr. Chairman, the third amendment the committee proposed to the government is related to the proposed amendment dealing with children who have been abandoned or who parent or parents have died, or if the child's parents are unwilling or unable to provide care. These children will be apprehended if the child's parents have not made adequate provisions for the child.

This amendment is essentially worded the same as the existing legislation, with the exception of the removal of the words "or the child's extended family" before "have not made adequate provision for the child." The Minister and his officials stated that first priority of the child protection worker involved in a case like this is to involve the extended family, and that this was understood to occur automatically and did not need to be in legislation. The committee did not agree with this and asked for the child's extended family to be reinstated in the legislation. The committee is pleased that the government agreed with this request.

Members of the standing committee noted that the involvement of the extended family is only mentioned in cases where a child is abandoned, has had parents die or whose parents are unwilling or unable to care for them. Even though it is beyond the scope of this bill, Mr. Chairman, the standing committee believes in all cases where a child is apprehended, regardless of the reason, the first priority of the child protection worker should be to place the child within a safe environment,

provided by a member of their extended family. The committee recommends that the next amendments to the Child and Family Services Act accomplish this.

The standing committee would also like to comment on three other issues that are beyond the scope of these amendments that we would like to see addressed in the next amendments to the child and family services act.

The standing committee, along with other stakeholders making presentations, expressed grave concerns with the government's initial proposed amendments to expand the timelines on issues such as presenting child apprehension orders to the courts for approval.

Using this one example, the government had proposed to increase the timeline from 45 to 50 days before a child protection worker must have an apprehension order reviewed or upheld by the court.

This was not acceptable to committee members. It should be pointed out that regardless of court travel schedules, opportunity exists using modern technology to review the decisions of a child protection worker in a timely fashion.

The committee reviewed practices in other jurisdictions and found that the Canadian trend was actually moving in the other direction in reducing the timelines before a child protection worker had to present his or her apprehension orders to the courts for validation.

The oft-stated adage that "justice delayed is justice denied" certainly applies in this case. The committee expressed this concern to the Minister and stated that if anything, the timelines should be reduced rather than expanded.

The Minister acknowledged that the department had erred in proposing the expansion of timelines and that there were additional concerns relating to the Canadian Bill of Rights.

The Standing Committee on Social Programs, with the understanding that the Minister would be bringing forward amendments in the February Session setting realistic timelines, moved during the committee clause by clause review that clauses 13 and 14 be deleted from the amendments contained in Bill 22.

Section 69 of the present act provides immunity for a social worker or director who is carrying out provisions of the act in good faith. However, some members of the committee were concerned that this immunity also extended to workers who knew or ought reasonably to have known that his or her actions were improper. The members would like to have the consequences of improper actions on the part of workers clearly spelled out in legislation.

Committee members, while agreeing with the intent behind the legislation's "must investigate" any report of child abuse, are concerned there are no consequences for persons who make false reports of a suspected grounds for apprehension.

The most serious thing you can do to a family is to threaten to take their children away from them. To maliciously cause an investigation to occur should be a serious offence and addressed in the act.

The members recommend that this be addressed in the next amendments to the Child and Family Services Act.

The Standing Committee on Social Programs has completed its review of Bill 22, an Act to Amend the Child and Family Services Act, and commends it to committee of the whole for discussion.

Individual members of the committee may have questions or comments for the Minister as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): At this time, I would like to ask the Minister if he will be bringing any witnesses in. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Yes, Mr. Chairman, I will.

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

SOME HON. MEMBERS: Agreed.

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

HON. MICHAEL MILTENBERGER: Mr. Chairman, I have with me Mr. Dave Murray, the deputy minister of Health and Social Services; Rebecca Veinott, legislative counsel for the Department of Justice; and Virginia Reid, senior policy advisor on legislation for Health and Social Services.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Minister. Welcome, witnesses. General comments regarding Bill 22? General comments? Clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Bill 22, An Act to Amend the Child and Family Services Act, clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 2.

SOME HON. MEMBERS: Agreed.

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

Committee Motion 59-14(5): To Amend Clause 3 of Bill 22 (Carried)

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. I have a motion regarding clause 3.

I MOVE that clause 3 of Bill 22 be amended by deleting proposed paragraph 1.2(1)(d) and by substituting the following:

(d) An order is made under subsection 28(1) or the application is dismissed.

Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): I will just wait until we distribute the motion. The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 3, as amended?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 4.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 5.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 6.

SOME HON. MEMBERS: Agreed.

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

MR. DENT: Thank you, Mr. Chairman. The change under point 8(1), where a person has information that a child has been or may be in danger of abandonment, neglect, or physical, sexual or emotional ill-treatment, or has been, this is a significant broadening of what is in the current act. I was wondering if I could find out from the Minister, is emotion ill-treatment defined anywhere in the act?

CHAIRMAN (Mr. Krutko): Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. No, it is not.

CHAIRMAN (Mr. Krutko): Mr. Dent.

MR. DENT: How then is this to be interpreted and why are we coming forward with legislation that leaves things so wide open? Another thing here is "may be." "May be" is an awful broad...how does one determine whether or not a child "may be" in danger of emotional ill-treatment? If a teacher sends home a spelling exercise and he thinks that half the parents might brow-beat their children into learning the spelling words overnight, is that teacher then responsible for reporting that the children "may be" in danger of emotional ill-treatment?

CHAIRMAN (Mr. Krutko): Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. Mr. Chairman, that may be somewhat of an extreme example. I take the Member's point. We met with Ms. Peterson here over the break. The issue was raised. We are prepared to look at an amendment to this clause. I do not want to preclude the debate if the Member would like to expound further, but we are prepared to look at an amendment in terms of what is appropriate in terms of ill-treatment, in regard to emotional ill-treatment. I believe there was an understanding that we could have this clarified and stood down and dealt with tomorrow. Thank you.

CHAIRMAN (Mr. Krutko): Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I wanted to make sure that everybody understood why I was making the motion to stand this clause down. I thought it was important to get some of that on the record. As the Minister has pointed out, yes, we had some discussion over the break about this. Unfortunately, we do not have the ability to do the, I understand, the French translation in drafting an amendment to the bill right now, so Mr. Chairman, because of that:

Committee Motion 60-14(5): To Defer Clause 7 of Bill 22 (Carried)

I MOVE that this committee defer consideration of clause 7 of Bill 22.

CHAIRMAN (Mr. Krutko): The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Clause 8.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 9.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 10.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 11.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 12.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 13.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 14.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 15.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 16.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 17.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 18.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 19.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 20.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 21.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 22.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 23.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 24.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 25.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 26.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): Clause 27.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Krutko): We are going back to clause 7. Mr. Dent.

MR. DENT: Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Krutko): There is a motion on the floor to report progress. The motion is not debatable. All those in favour of the motion? All those against? The motion is carried. We will rise and report progress. Thank you, Mr. Minister, and your witnesses. Sergeant-at-Arms, could you escort the witnesses out?

MR. SPEAKER: The House will come back to order. Item 20, report of the committee of the whole. The honourable Member for Mackenzie Delta, Mr. Krutko.

ITEM 20: REPORT OF THE COMMITTEE OF THE WHOLE

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bill 1, Human Rights Act, Committee Report 10-14(5), and Bill 22, An Act to Amend the Child and Family Services Act, and would like to report progress with 22 motions being adopted, Committee Report 10-14(5) is concluded, and that Bill 1 is ready for third reading as amended. Mr. Speaker, I move the report of the committee of the whole be concurred with.

MR. SPEAKER: Thank you, Mr. Krutko. Do we have a seconder for the motion? The honourable Member for Great Slave, Mr. Braden, seconds the motion. The motion is in order. All those in favour, please signify. Thank you. All those opposed? Thank you. The motion is carried. Item 21, third reading of bills. Mr. Clerk, orders of the day.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings for tomorrow, Mr. Speaker, at 9:00 a.m. of the Standing Committee on Accountability and Oversight; and again at 12:00 noon of the Standing Committee on Accountability and Oversight.

Orders of the day for Wednesday, October 30, 2002:

1. Prayer
2. Ministers' Statements
3. Members' Statements

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| 4. | Returns to Oral Questions | 21. | Third Reading of Bills |
| 5. | Recognition of Visitors in the Gallery | | - Bill 1, Human Rights Act |
| 6. | Oral Questions | | - Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003 |
| 7. | Written Questions | 22. | Orders of the Day |
| 8. | Returns to Written Questions | | MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Wednesday, October 30 th at 1:30 p.m. |
| 9. | Replies to Opening Address | | -- ADJOURNMENT |
| | | | The House adjourned at 7:00 p.m. |
| 10. | Petitions | | |
| 11. | Reports of Standing and Special Committees | | |
| 12. | Reports of Committees on the Review of Bills | | |
| 13. | Tabling of Documents | | |
| 14. | Notices of Motion | | |
| 15. | Notices of Motions for First Reading of Bills | | |
| 16. | Motions | | |
| | - Motion 16-14(5), Dissolution of the 14 th Legislative Assembly | | |
| 17. | First Reading of Bills | | |
| | - Bill 20, Legal Registries Statutes Amendment Act | | |
| 18. | Second Reading of Bills | | |
| | - Bill 29, Legal Registries Statutes Amendment Act | | |
| 19. | Consideration in Committee of the Whole of Bills and Other Matters | | |
| | - TD 35-14(5), Social Agenda: A Draft for People of the NWT | | |
| | - Bill 22, An Act to Amend the Child and Family Services Act | | |
| | - Bill 23, Miscellaneous Statutes Amendment Act, 2002 | | |
| | - Bill 24, An Act to Amend the Workers' Compensation Act | | |
| 20. | Report of Committee of the Whole | | |

