



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

5th Session

Day 47

17th Assembly

HANSARD

Friday, October 31, 2014

Pages 5107 – 5142

The Honourable Jackie Jacobson, Speaker

Legislative Assembly of the Northwest Territories

Members of the Legislative Assembly

Speaker

Hon. Jackie Jacobson

(Nunakput)

Hon. Glen Abernethy

(Great Slave)

Minister of Health and Social Services

Minister responsible for

Persons with Disabilities

Minister responsible for Seniors

Hon. Tom Beaulieu

(Tu Nedhe)

Minister of Human Resources

Minister of Transportation

Minister of Public Works and Services

Ms. Wendy Bisaro

(Frame Lake)

Mr. Frederick Blake

(Mackenzie Delta)

Mr. Robert Bouchard

(Hay River North)

Mr. Bob Bromley

(Weledeh)

Mr. Daryl Dolynny

(Range Lake)

Mrs. Jane Groenewegen

(Hay River South)

Mr. Robert Hawkins

(Yellowknife Centre)

Hon. Jackson Lafferty

(Monfwi)

Deputy Premier

Minister of Education, Culture and

Employment

Minister responsible for the Workers'

Safety and Compensation

Commission

Hon. Bob McLeod

(Yellowknife South)

Premier

Minister of Executive

Minister of Aboriginal Affairs and

Intergovernmental Relations

Minister responsible for Women

Hon. Robert C. McLeod

(Inuvik Twin Lakes)

Minister of Municipal and

Community Affairs

Minister of Lands

Minister responsible for the

NWT Housing Corporation

Minister responsible for Youth

Mr. Kevin Menicoche

(Nahendeh)

Hon. J. Michael Miltenberger

(Thebacha)

Government House Leader

Minister of Finance

Minister of Environment and Natural

Resources

Minister responsible for the

NWT Power Corporation

Mr. Alfred Moses

(Inuvik Boot Lake)

Mr. Michael Nadli

(Deh Cho)

Hon. David Ramsay

(Kam Lake)

Minister of Justice

Minister of Industry, Tourism

and Investment

Minister responsible for the

Public Utilities Board

Mr. Norman Yakeleya

(Sahtu)

Officers

Clerk of the Legislative Assembly

Ms. Colette Langlois

Deputy Clerk

Mr. Doug Schauerte

**Principal Clerk,
Committees and
Public Affairs**

Mr. Michael Ball

**Principal Clerk,
Corporate and
Interparliamentary Affairs**

Ms. Gail Bennett

Law Clerks

Ms. Sheila MacPherson

Ms. Malinda Kellett

Mr. Glen Rutland

Box 1320

Yellowknife, Northwest Territories

Tel: (867) 669-2200 Fax: (867) 920-4735 Toll-Free: 1-800-661-0784

<http://www.assembly.gov.nt.ca>

TABLE OF CONTENTS

PRAYER	5107
MEMBERS' STATEMENTS	5107
On-the-Land Program for Youth (Menicoche).....	5107
Quality and Successful Junior Kindergarten Programming (Bromley)	5107
Junior Kindergarten Funding Model (Bisaro)	5108
Victim Services Program (Moses).....	5109
Supporting a Morel Mushroom Harvest (Nadli).....	5109
Halloween Reflections (Yakeleya)	5110
NWT Home Buyer Protection (Dolynny)	5110
Halloween Reflections on Government (Hawkins).....	5111
Recognition of Achievements of Ms. Nadya Debogorski (Ramsay).....	5111
RECOGNITION OF VISITORS IN THE GALLERY	5112
ACKNOWLEDGEMENTS	5112
ORAL QUESTIONS	5112
TABLING OF DOCUMENTS	5123
NOTICES OF MOTION	5123
Motion 30-17(5) – National Inquiry and National Roundtable into Missing and Murdered Aboriginal Women and Girls (Hawkins)	5123
NOTICES OF MOTION FOR FIRST READING OF BILLS	5123
Bill 39 – Supplementary Appropriation Act (Infrastructure Expenditures), No. 4, 2014-2015.....	5123
Bill 40 – Appropriation Act (Infrastructure Expenditures), 2015-2016	5124
FIRST READING OF BILLS	5124
Bill 34 – 2015 Polling Day Act.....	5124
CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS	5124
REPORT OF COMMITTEE OF THE WHOLE	5140
THIRD READING OF BILLS	5140
Bill 33 – An Act to Amend the Elections and Plebiscites Act, No. 2	5140
ORDERS OF THE DAY	5140

YELLOWKNIFE, NORTHWEST TERRITORIES**Friday, October 31, 2014****Members Present**

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

The House met at 10:01 a.m.

Prayer

---Prayer

SPEAKER (Hon. Jackie Jacobson): Good morning, colleagues. Item 2, Ministers' statements. The honourable Minister of Environment and Natural Resources. Sorry, Mr. Miltenberger.

---Laughter

Happy Halloween.

---Laughter

Item 3, Members' statements. Mr. Menicoche.

Members' Statements**MEMBER'S STATEMENT ON
ON-THE-LAND PROGRAM FOR YOUTH**

MR. MENICOCHÉ: Thank you, Mr. Speaker. This past July and August, a total of 22 youth from the Deh Cho participated in an on-the-land pilot program that could serve as a territorial model for early intervention of alcohol and drug use among the youth. This program was delivered in two sessions. The first two weeks were geared towards youth aged 12 to 15 and the next two weeks were for youth aged 16 to 19. The camp was held at Six Mile, approximately six miles up the river from Fort Simpson. The historic site was inhabited for hundreds of years.

The pilot program was designed to build youth culture and individual identity; increase physical activity and bush skills; provide life skills, including healthy lifestyles and emotion management and self-control; foster well-being, healthy relationships and a cultural sense of self; create enjoyable community-minded atmosphere in a wilderness environment; identify and work with future leaders or community cornerstones, youth who might be able to work at camp in the future; and engage the entire community through participation and volunteering in support of the camp.

Daily activities blended traditional on-the-land skills, and therapeutic sessions focused on achieving these goals. Eighteen youth received certificates of completion and were congratulated on their achievement at ceremonies held in Fort Simpson

and Wrigley at the end of each intake. Three youth participated in both intakes and spent a total of four weeks on the land, Mr. Speaker.

This project was made possible through the collaboration of Health and Social Services, the Dehcho Health and Social Services Authority, community stakeholders and Shakes the Dust Hope Consulting. I would especially like to recognize the local program support staff that helped deliver the program. The department is currently evaluating the lessons learned from camp this year and the results will form the development of future land-based healing programs for the youth in our territory.

That's what I especially look forward to, Mr. Speaker, that this pilot project can branch out throughout the whole Northwest Territories and help our youth in their time of need and teach them these life skills that we certainly need in our territory. Mahsi cho, Mr. Speaker.

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

**MEMBER'S STATEMENT ON
QUALITY AND SUCCESSFUL JUNIOR
KINDERGARTEN PROGRAMMING**

MR. BROMLEY: Thank you, Mr. Speaker. I appreciate ECE's plan to slow down the revised rollout of the Junior Kindergarten program. This will give all of the stakeholders, education authorities, early childhood workers, families and other early childhood care providers a chance to take stock, learn from experience and adjust the program as needed going forward.

Examples of areas needing adjustment that I hear include one-teacher classrooms overburdened by 11 four-year-olds and 12 five-year-olds, tension between existing local programs and ECE's, lack of appropriate supervision for four-year-olds, loss of early childhood programs and jobs, and the list goes on.

What would a well-thought-out Junior Kindergarten program look like? Such a program would be embedded within a comprehensive Early Childhood Development Strategy which would give first and highest priority to the critical first three years of life, including a healthy pregnancy. This is when the most important brain development processes occur.

Early Development Index scores from testing in NWT kindergartens indicate clearly that this crucial opportunity for preparing our children for a productive life is being missed.

Secondly, we would recognize that professionals trained in early care and education are a prerequisite for quality program delivery. Without them, research says we cannot avoid unintended consequences.

We also recognize that we should not be viewing early childhood programs through the lens of schools. We know that ECD programs – early childhood development programs – are best delivered in a quieter environment than our schools typically provide. Relying on our teachers, though capable and professional, would be unfair to both them and preschool children.

Development of our JK program would draw heavily upon the best practices and lessons learned from each community, where valuable experience has been gained through the delivery of age-four programs. Hay River is blessed with six different organizations with a varying approach. Aboriginal Head Start has been active in eight communities. Pilot studies would be assessed and reported on to draw on lessons learned. These organizations must be given a leadership role in the development of community JK programs.

Lastly, the resources required for success must be in place, as those with age-four programs proclaim based on their experience. New responsibilities without new resources are a recipe for failure.

Mr. Speaker, I seek unanimous consent to conclude my statement. Mahsi.

---Unanimous consent granted

MR. BROMLEY: Mr. Speaker, new responsibilities without new resources are a recipe for failure. The proposed review of JK should, therefore, focus on all of these aspects. Specifically, evaluation and subsequent planning should recognize the need for small group sizes, qualified and well-compensated early care and education personnel, development of warm and caring relationships, achievement of a language-rich environment, developmentally appropriate programs and safe physical settings. With this focus and all parties working together in true partnership, we can provide the best future for all children of the NWT. Mahsi.

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

MEMBER'S STATEMENT ON JUNIOR KINDERGARTEN FUNDING MODEL

MS. BISARO: Thank you, Mr. Speaker. I don't often get to do this, but as I said yesterday, I want to congratulate the Premier on the content of his statement on Junior Kindergarten yesterday.

As you will have guessed from the applause, we found it gratifying to know that the executive does actually listen to Members periodically, does actually listen to us periodically when we give voice to our constituents' concerns, and they took action to do the right thing.

But, as pointed out by Mr. Dolynny yesterday, there is still the issue of funding for the Junior Kindergarten program. Apparently there will be no change to the funding model. Education authorities will continue to have to provide a new grade in their schools without any new funding. As has been said, the funding design is flawed, very flawed.

That funding model, put in place by ECE, targets regional centres and YK schools. Why do I say that? Well, first of all, there are no reductions to board budgets for schools which have less than 120 students.

Secondly, it's the stated view of the Premier and Education, Culture and Employment Minister that education authority surpluses are to be used up, to make up for the dollars clawed back by ECE to finance Junior Kindergarten.

Thirdly, the only boards that had budget reductions imposed in the '14-15 school year were the boards that did not have Junior Kindergarten programs this year.

Fourth, the Minister and Premier regularly state, as justification for the clawbacks, that authorities are over-funded, that schools are funded well beyond what legislation requires. The law requires 16 kids to one staff, a 16 to 1 PTR, as we say. In reality, the schools which are over-funded are our smallest schools. Out of our 49 NWT schools, we have nine schools which are funded at less than nine students to one staff. A couple of schools are less than 4 to 1 PTR, and we have 19 schools which are funded at less than 13 to 1 PTR. It is the schools in the regional centres and Yellowknife which are close to or at the 16 to 1 PTR. Yet reductions are applied across the board, except for schools of 120 students or less.

If the Minister and Premier intend to fund at 16 to 1 to meet our legislative requirement and if they plan to make the application of that standard fair, our smallest schools and our smallest communities will be devastated, they will be inoperable.

Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

MS. BISARO: Stress to small schools is not what I want, and I'm sure it's not what the Ministers want, but to do otherwise is unfair to the larger education authorities and that unfairness is being categorically ignored. The justification seems to be that the larger authorities can handle it, so let's take advantage of them. The fairest solution is to provide

new JK funding for the new JK program. That way all schools will be able to keep the staff they currently have and maintain delivery of the excellent programs they provide.

If, as stated yesterday, the regional centres and YK board budgets are reduced next year for a second year in a row with no implementation of phase two of JK, it can only be considered robbery, and for that I say, shame on you, Ministers. Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. The Member for Inuvik Boot Lake, Mr. Moses.

MEMBER'S STATEMENT ON VICTIM SERVICES PROGRAM

MR. MOSES: Thank you, Mr. Speaker. Throughout the week I've made comments and Member's statements and asked questions regarding such things as the coroner's report and the Forfeiture Act. Today I'd like to take a moment and talk about the victim services that we currently provide in the Northwest Territories and take another stance on how we provide services and support to people that are victims of crime.

Specifically, for victim service coordinators in the Northwest Territories, the mandate of victim services is to provide information, assistance, referrals and support to victims of crimes or tragedy in the Northwest Territories. Some things our victims might be struggling with are sudden death, suicide, disasters such as house fires, floods, motor vehicle accidents, and most prevalent in the Northwest Territories is violence and assault.

I looked at some statistics from the NWT family violence report card, and from April 1, 2012, to March 31, 2013, victim services has provided services to many victims in the NWT. For instance, brief service contacts, there was 537 cases; for new clients, 563 new client cases – and this is a big one – for continuing cases in the Northwest Territories in that short amount of time there were 842 cases that were continuing. In that sense, that makes me think that these victims are afraid to stand up or afraid to go before the courts to see through with charges. That is a total of 1,942 cases of family violence in the Northwest Territories.

The victim service coordinators provide a great service to our victims in the Northwest Territories, not only to victims but their families and their relatives. They provide services such as emotional support, dealing with the aftermath of serious crime, even accompanying victims to go talk to the police to make impact statements, visits to the hospital, referrals to appropriate community agencies and services such as counselling, which I must say there's still waiting times for people to go to counselling.

I seek unanimous consent to conclude my statement. Thank you.

---Unanimous consent granted

MR. MOSES: Like I said, there is a lot of waiting time for counselling, so even if the victim coordinators can get our victims to counselling, they still have to wait to go and see them, and even treatment.

They also provide information on the criminal justice system, the court processes and notifications on the status of their cases. They also help victims fill out court-related documents and, as I said earlier, victim impact statements.

Today I want to recognize all our victim services coordinators in the Northwest Territories and the great work that they do.

I will be asking questions later to the Minister of Justice on how we are continuing to support these victim services and how we can do a better job of helping those that really need the help. Thank you.

MR. SPEAKER: Thank you, Mr. Moses. Member for Deh Cho, Mr. Nadli.

MEMBER'S STATEMENT ON SUPPORTING A MOREL MUSHROOM HARVEST

MR. NADLI: Thank you, Mr. Speaker. This is a message from concerned constituents of mine.

I have been approached to deliver a message on behalf of a group of concerned constituents who live in my riding and some of my colleagues' ridings too.

Here is what they want to say: We are small but not insignificant. We are not known for our beauty, but we have great taste. We are probably the only constituents in the NWT that are happy we had an epic fire season. We may be just a bunch of fungi living in the forest, but we have a message that is deadly serious. Okay, well, maybe not as deadly as amanita, but you get the point.

Have you figured out who we are yet? We are few, the proud, the Morels! There are some things that you might not know about us. We belong to a genus of edible mushrooms with a distinctive honeycomb-like appearance. We have been called by many different names, depending on where we grow. Some call us dry land fish because, when sliced lengthwise, we're breaded and fried and we just look like the shape of a fish. In Kentucky, they call us hickory chickens and merkels, meaning miracles, because we once saved a mountain family from starvation.

In West Virginia we are known as molly moochers. Don't ask us why. That one makes us laugh. We are also known as sponge mushrooms. If you know what we look like, that one makes sense. In fact, the word "morel" itself is derived from the Latin word for maurus, meaning brown.

Okay, now for the serious part. We are prized by gourmet cooks, especially for French cuisine. We are hunted by thousands of people every year for our great taste and the joy of the hunt. We know we have commercial value, and even though we are just a bunch of fungi living in the forest, we like to be good neighbours, so we need your help.

Mr. Nadli tells us that you are the people that make the laws. So get busy, make a law to protect us from the greedy scavengers who travel great distances to find us where we grow. They will come and pick us, and even though we are growing on your land, you will get no benefits from us being here.

Come on, people! You scratch our backs. No way, that won't work because we don't have backs. But you know what we mean, just do it. How hard can it be? Pass a law and make sure that we stay strong, growing, and you get some benefit from us growing on your land. Thanks to Mr. Nadli for writing this down. We don't have hands.

---Laughter

A big mahsi for the morels. Mahsi.

MR. SPEAKER: Thank you, Mr. Nadli. Member for Sahtu, Mr. Yakeleya.

MEMBER'S STATEMENT ON HALLOWEEN REFLECTIONS

MR. YAKELEYA: Thank you, Mr. Speaker. Did you see the ghost of the family past or just a portrait of past Premiers on your way to the Chamber? On this Halloween I wish to go over some spooky details. Well, they're not that scary. No Grudges or Annabelles here, just some cold hard facts.

Right now we have 79 students attending Aurora College or are enrolled in courses at the community learning centres. After reviewing the Sahtu oil and gas needs assessment like a treasure map, 68 percent of those positions for this industry are tied to some form of transportation work. Either heavy equipment or truck driving, the big wheels are moving.

Another financial figure that the count on Sesame Street would have fun counting, one, two, three, ninety-seven thousand, ha, ha, ha. That comes from the ConecoPhillips partnerships with this government portraying environment monitors in our region. Considering the magnifying glasses government is using for the environmental baseline studies, Mr. Miltenberger is no scrooge but, rather, a maverick with \$4 million. What a treat.

We're at the crossroads, Mr. Speaker, but with your steering the wheel of our session, and our Premier, Bob the Builder, hoping we'll pile through the stormy seas with Polar Eggs from Roger Rabbit in Hay River and more mushrooms than Mario and Luigi. They're fungi. Perhaps we should embrace

this time of change sort of like a baby when it needs a clean diaper. No, Mr. Speaker, I won't go there. Let's get back on track.

Where is Minister Ramsay, the explorer, and his oil and gas maps and the regs to guide us there? Here is the truth: The Sahtu Dene and Metis Comprehensive Land Claim put our region in the driver's seat. It's given us a seat at the table, not the table of the last supper, because we know that we want to teach our people to fish rather than to bribe them with fish.

I hope we get a treat from this government, a technical institute for the Sahtu, and not a trick, because that would be cruel.

Mr. Speaker, I seek unanimous consent to conclude my Member's statement.

---Unanimous consent granted

MR. YAKELEYA: It's not the time to be mad hatters, but rather a time to look down the rabbit hole and build up our youth's potential with a trade school so we can sustainably be masters and commanders of our own destiny.

Remember, Mr. Speaker and colleagues, all those little ones going out tonight, and the young, have a spooky and safe Halloween. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Yakeleya. Member for Range Lake, Mr. Dolyunny.

MEMBER'S STATEMENT ON NWT HOME BUYER PROTECTION

MR. DOLYNNY: Thank you, Mr. Speaker. "Buyer beware" seems to be the prevailing mantra for home buyers in the NWT. I find that disturbing, given that a home is the largest and most important purchase most families will ever make.

There is very little emphasis on protecting NWT home buyers from hidden defects of the property they purchase. As usual, we are behind other jurisdictions on both protective measures and basic public education.

NWT home buyers have little protection beyond the common law and that is minimal at best, because if the law is ignored by the seller, the remedy for the buyer is often more hassle, more expensive and more risky than it is worth.

Yes, an experienced realtor and diligent realtor can help protect a home buyer by encouraging sellers to be upfront on the condition of their property, but remember, the realtors work primarily for the seller and we know it's always a delicate dance. Yes, we have a few good professional home inspectors who are generally hired by potential buyers to make sure you get what you pay for.

Government can, and in some places does, help improve the transparency and safety of purchasing a home. Mandatory disclosure of problems with a

home for sale is common in the United States and it seems to work fairly well for all parties. Here in Canada, voluntary disclosure is encouraged in numerous provinces. Manitoba, for example, has a form that sellers can fill out and is widely used, and many realtors now have voluntary extra insurance, such as error and omission insurance, that is gaining popularity and more specific to the industry.

Public education is another area that could be much improved in the Northwest Territories, and our government should take a look at best practices in other provinces. Training for home inspectors is yet another initiative we could look at. But I want government to do more than just take a look. I am asking for reform, where we can, and should, do a lot better than “buyer beware” for our northern families who want to purchase a home. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dolynny. Mr. Hawkins, Yellowknife Centre.

MEMBER'S STATEMENT ON HALLOWEEN REFLECTIONS ON GOVERNMENT

MR. HAWKINS: Thank you, Mr. Speaker. Over the years on Halloween, I've been trying to give some interesting statements. One year I gave my version of Edgar Allen Poe's “The Raven” and last year I tried to do a theme statement behind the Adam's Family and I called it the Cat in the Cloud Cabinet Family. So in trying to keep with this theme, this year I've used the theme of Monster Mash, so please bear with me.

While I was working in the Ledge late one night, my eye beheld an eerie site. It was the McLeod government's policies that caused such fright: a tax on schools, taxes with their might.

Suddenly, to my eyes, I was surprised to see, the McLeod government did the mash. They did the Cabinet mash, the Cabinet mash. It was a majority government Regular Member MLA smash. The McLeod government's Cabinet mash.

From their ivory tower way above, the Cabinet dazzled with their prime rib grub. While the groveling of Members kept far below, pleading for help through those Cabinet's no, no, no. So the McLeod government did the mash, they did the Cabinet mash, the Cabinet mash. It was like a majority government Regular Member smash. The McLeod government Cabinet mash.

The zombie Ministers were just as stunned. The party politics had just begun. While the Cabinet stuffed their ridings with trinkets and toys, the Members like us sturdy our poise. ITH, cost of living, and kids, we will never give up nor waver or fizz, because we believe in the people, they're worth the fight.

While the McLeod government does the mash, they did the Cabinet mash, the Cabinet mash. It was like a majority government Regular Member smash.

As we close, I want to thank the government's patience and time. May everyone be safe on this special day for children. Drive safe, everyone, and enjoy the evening as it's intended.

MR. SPEAKER: Thank you, Mr. Hawkins. The Member for Kam Lake, Mr. Ramsay.

MEMBER'S STATEMENT ON RECOGNITION OF ACHIEVEMENTS OF MS. NADYA DEBOGORSKI

HON. DAVID RAMSAY: Thank you, Mr. Speaker. It is always a pleasure to see one of our northern residents succeed in their career and showcase their talents in competition. Today I'd like to recognize a Yellowknife resident who has excelled to a level of award-winning performance.

Nadya Debogorski is an exceptional young actress who was born and raised here in Yellowknife. She was recently presented the 2014 Phrike Filmfest Award for best female actress in a competition of short screen plays.

The Phrike Filmfest competition was conceived and put together by New Image Entertainment and New Image College of Fine Arts in Vancouver. This film competition was a thrilling no-holds-barred race. Filmmakers, actors and makeup artists competed to see who could make the best horror film within 72 hours and take home cash prizes, scholarships and the Grand Goblin Award.

This competition was held on Thanksgiving weekend. It challenged novice and professional filmmakers to bring their unique horror-themed short films from script to screen in less than three days. Each four-person team was supplied with a secret package containing a prop, a screen shot and a dialogue line. Of the 38 teams entered into the competition, 13 qualifying films were premiered for the public and judged by their peers, celebrities and industry professionals in the inaugural Halloween parade and expo at the Sheraton Wall Centre in Vancouver.

Nadya was named and awarded best female actor for her performance in the short film 13 Cell Phones, created by her team, Ignis Fatuus. Nadya attended Sir John Franklin High School here in Yellowknife and graduated in June of 2012. She has since completed her studies at New Image College of Fine Arts, graduating this past June, and now does some instructing in their fine arts program.

Although Nadya is living in Vancouver at this time, her parents, Greg and Laurette Debogorski, are still in Yellowknife, and I am very pleased to congratulate them on their daughter's

achievements and welcome them here to our proceedings today.

I'm sure, as parents, they have provided encouragement and support to their daughter, and have obviously done a great job at that, and they should be very proud of her achievements.

Yellowknife has produced some serious film talent over the years, going all the way back to Margot Kidder, Toby Mehler and Dustin Milligan. In receiving this award of national recognition, it is evident that Nadya is a talented and ambitious young star who we are very fortunate to say hails from the Northwest Territories and Yellowknife.

Today I'd like to say congratulations to Nadya on her accomplishments and I wish her every continued success and a very bright future ahead of her.

MR. SPEAKER: Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Mr. Ramsay.

Recognition of Visitors in the Gallery

HON. DAVID RAMSAY: Thank you, Mr. Speaker. It's a pleasure to welcome two constituents, Greg and Laurette Debogorski. I just talked about Nadya and all of her accomplishments. Welcome to the Legislative Assembly this morning, and I wish you a happy Halloween. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Item 6, acknowledgements. Mr. Bromley.

Acknowledgements

ACKNOWLEDGEMENT 13-17(5):
GOVERNOR GENERAL OF CANADA
MEDAL OF BRAVERY RECIPIENTS
KENT DAVID BISSELL, MATTHEW LEWIN
GROGONO, MIKE JOSEPH MURPHY AND
ALLAN RANDAL SHORTT

MR. BROMLEY: Mr. Speaker, today I rise to acknowledge several Weledeh constituents who received Medals of Bravery from the Governor General of Canada on October 21st of this year.

On September 22, 2011, my constituents Kent David Bissell, Matthew Lewin Grogono, Mike Joseph Murphy and Allan Randal Shortt played a vital role in the evacuation of several passengers from a Twin Otter that tragically crashed in the Old Town, here in Yellowknife, claiming two lives.

Despite heavy smoke coming from the engine, leaking fuel and the risk of explosion, these brave citizens managed to bring several survivors to safety. Without their quick thinking and selflessness, the results of this tragedy could have been much, much worse. For this brave act, they were awarded a Medal of Bravery by the Governor

General of Canada, the Right Honourable David Johnston.

I would like to thank these Medal of Bravery recipients for their actions and courage, and I would invite all you here in this House and throughout the Northwest Territories to do the same.

MR. SPEAKER: Thank you, Mr. Bromley. Item 7, oral questions. Member for Inuvik Boot Lake, Mr. Moses.

Oral Questions

QUESTION 485-17(5):
SUPPORT FOR
VICTIM SERVICE COORDINATORS

MR. MOSES: Thank you, Mr. Speaker. Earlier I talked about what kind of support we have for our victim service coordinators in the Northwest Territories. As I said earlier, I stated that 1,942 cases go to victim service coordinators throughout the NWT, and those are the only ones that need services. There might even be more victims out there that don't speak up, don't stand up.

I would like to ask the Minister of Justice, how many victim service coordinators do we currently have in the Northwest Territories address all these cases? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Moses. Minister of Justice, Mr. Ramsay.

HON. DAVID RAMSAY: Thank you, Mr. Speaker. We have some full-time workers in the area of victim service. We also have a number of part-time persons who deliver this much needed responsibility to our residents. I'd have to get the Member the exact figure, and I can get him the figure by community on who's where and what positions are full time and what are part time. Thank you.

MR. MOSES: Mr. Speaker, from the family violence report card that I most recently went through, I think there's about seven victim service coordinators. I could be wrong, though. But I know the community of Inuvik, we do have an issue in terms of keeping that position staffed because it's only a half-time position and the responsibilities, the work and the effort that these victim service coordinators go through to get victims to the courts to jail or even the hospital or counselling, it goes above and beyond their scope of work and practice, and sometimes beyond the work hours that they're actually given.

I'd like to ask the Minister, is he willing to look at revising some of these half-time positions, especially in the regional centres where caseloads are very high, to turn it from a half-time position into a full-time position? Thank you, Mr. Speaker.

HON. DAVID RAMSAY: Mr. Speaker, like coroners – I know we talked about coroners earlier in this session – victim services workers do have a very tough job. They're dealing with some very stressful situations, and it's important, from the Department of Justice perspective, that we provide them with the support that they need.

On a case-by-case basis if there's a workload there that would warrant a full-time position, that certainly is something that the department would entertain and we'd take a look at that. Thank you.

MR. MOSES: In terms of providing services to our victim service coordinators, what type of training is available for them to deal with some of these very highly stressful situations that they find themselves? Not only training for them, but what about counselling services for victim service coordinators that, on a daily basis in some cases, see the harshness of our residents of the Northwest Territories who are going through some type of family violence, or after a specific tragedy, what kind of counselling services and training is provided to these victim service coordinators? Thank you.

HON. DAVID RAMSAY: There's ongoing training and support for our victim services workers across the NWT. I understand they will be in Yellowknife next week. I believe I'll be speaking to the group next week here in Yellowknife. If the Member is available – I know MLA Moses came to the coroners' event last week – and certainly if he has some time and he's in town, I'd encourage him to attend that, as well, to learn more about victim services and the support that we provide through the Department of Justice.

I think having the group get together to share experiences and touch base with each other about issues and problems, it always is good to talk about your work with your peers. So it's a great opportunity and I'll be there to lend my support to the work that they do on behalf of residents here in the Northwest Territories. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Final, short supplementary, Mr. Moses.

MR. MOSES: Thank you, Mr. Speaker. I will take that invitation and hopefully I can make it. It depends on our committee schedule for next week. However, sometimes to get the best results and hear what's really happening is to talk to people on the ground level.

Is the Minister willing to sit down with the victim service coordinators next week and just have a general talk on what their needs are to help them do their job better for residents of the Northwest Territories? Is he willing to make the time next week to sit down and listen to what they really need? They're the ones who are dealing with the victims and seeing what's happening on the front line. Thank you.

HON. DAVID RAMSAY: Thank you. I hadn't been requested to do that, but by all regards, I'd be happy to do that if they wanted to have a bit of a roundtable with me. What I normally do, if I speak to the group, I stay and answer questions if people have questions.

Yes, we can look at having something like that happen when they're here in town next week, an opportunity for them to ask me questions and a bit of a dialogue with them. That sounds like a very good idea. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The Member for Sahtu, Mr. Yakeleya.

QUESTION 486-17(5):

SAHTU OIL AND GAS EXPLORATION

MR. YAKELEYA: Thank you, Mr. Speaker. I have questions for the honourable Minister of Industry, Tourism and Investment today. I'd like to put aside the trick-or-treat and get right down to the cold hard facts from our oil and gas office.

I want to ask the Minister, has he had any word from any of the oil companies about them returning to the Sahtu to continue their exploration permitting?

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

HON. DAVID RAMSAY: Thank you, Mr. Speaker. We have heard that companies are coming back to the Sahtu to have meetings in the Sahtu. As to whether or not that would see a return to activity in the region next winter remains to be seen, but I think it's a good sign that companies are coming back to have meetings in the Sahtu. I understand that there's a number of them that have meetings lined up this coming week in the communities in the Member's riding. So that's, I think, an important step forward. Thank you.

MR. YAKELEYA: Thank you. Certainly hearing that is a treat over here, hearing those words.

Can the Minister give us some timelines for the development of the NWT Oil and Gas Strategy? Where are we at with this issue right now?

HON. DAVID RAMSAY: We're in the initial phase today. We want to ensure that we get the best strategy that we can and, much like the Mineral Development Strategy, the Economic Opportunities Strategy, an Oil and Gas Strategy has to be done in collaboration with industry, communities, Aboriginal governments, and we are going to set that up. My hope is that the Oil and Gas Strategy will be complete by the end of the life of the 17th Assembly. Thank you.

MR. YAKELEYA: Thank you. Can the Minister tell us how this strategy will incorporate findings and recommendations from the recent Sahtu oil and gas needs assessment?

HON. DAVID RAMSAY: The Oil and Gas Strategy would, of course, incorporate the work that has been done to date. We would be taking a look at all of that work. We don't need to go out and reinvent the wheel if we have done work in that regard. That's something that we will look at incorporating into an Oil and Gas Strategy. Thank you.

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

MR. YAKELEYA: Thank you, Mr. Speaker. Has the Minister had any type of discussion of an impact fund similar to what was designated for the Mackenzie Valley Pipeline, what we call the Mackenzie Gas Project, for oil and gas development in the Sahtu with the federal government?

HON. DAVID RAMSAY: Mr. Speaker, as it relates to the activity and the Canol formation, we haven't had a discussion with the federal government on an impact fund. The \$500 million the Member speaks of is still there. Of course, the Mackenzie Gas Project is in a hiatus right now, but that's not to say that if the area does get into commercial production of some type, if there are further pipelines discussed or constructed, the federal government might, in fact, look at an impact fund similar to the one that they had put in place for the Mackenzie Gas Project. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Member for Weledeh, Mr. Bromley.

QUESTION 487-17(5):
CONSULTATION ON

JUNIOR KINDERGARTEN IMPLEMENTATION

MR. BROMLEY: Thank you, Mr. Speaker. I would like to ask a question following up on the Premier's statement on Junior Kindergarten made yesterday in the House.

Yesterday the Premier committed to "reach out to all other education authorities, Aboriginal Head Start, licenced daycare and home operators" in their consultation regarding Junior Kindergarten.

I am sure the department of ECE would say they have already done this, but what will be different this time around? Will the Aboriginal Head Start and the other leading, successful phase four program operators be taking a lead role in the communities where they are active and ensure their significant... How will we ensure their significant input in JK? Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. Honourable Premier, Mr. McLeod.

HON. BOB MCLEOD: Thank you, Mr. Speaker. I believe that as part of their review we will be meeting with the Aboriginal Head Start people to determine how best to move forward. At the request of the Members, we will be approaching each of the

communities. My expectation is that those 10 communities that have Aboriginal Head Start, even though they are federal programs and federal money that is slated to expire in 2016, that for those communities that have Head Start and don't want a junior kindergarten, we will accommodate them. Thank you.

MR. BROMLEY: Thanks to the Premier. I have become aware of several complaints from teachers and parents regarding areas of concern, as have other Members: one teacher in a classroom with 23 pre-Grade 1 students, tension between existing programs, lack of appropriate supervision for four-year-olds, and some of these are actually three-year-olds until Christmas. These are happening now and these concerns have been brought to the attention of headquarters in ECE; however, the response has been to pass the issue on to the local school, yet this is a territorial program. JK is a territorial program delivered locally.

Will the Premier ensure that this situation is looked at immediately and that the process is in place to deal with these complaints effectively and report back to the House before session ends next Thursday? Mahsi.

HON. BOB MCLEOD: As we committed to, this will be part of the review. I have offered each of the MLAs some of our senior management to meet individually with each of the MLAs so that we can hear more details about the concerns. We will be working with the DEC's in every region and we have said that for those communities that want to opt out right away, we will accommodate them. Thank you.

MR. BROMLEY: Because this is so important, I am going to repeat. I think the Premier was busy when I made this question. What I'm saying is these are very serious complaints out there right now. Unsupervised three and four-year-olds. Very serious to communities, very serious to parents and so on.

Will the Premier ensure that there is a process in place to deal with those complaints effectively? Also, will he deal with them and get back to this House by next Thursday on what's being done about this situation? Mahsi.

HON. BOB MCLEOD: We are always watching out for the best interests of our children. We take these concerns, complaints, very seriously and we will be looking into them on an immediate basis. It would be helpful if the Member could share some of his very specific concerns with us. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister McLeod. Final, short supplementary, Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Speaker. Thanks to the Premier for that. The addition of a school year to the existing staff who are not trained in the

specialty of early care and education is unfair to both teachers and young children.

Will the Premier commit to ensuring a plan and implementation to develop a team of dedicated early care and education personnel with the specialized skills required to properly deliver the early childhood programs they need? Mahsi.

HON. BOB MCLEOD: Having trained educators or trained people working with these children is very important to us and we have been taking steps in that regard already. Through the review, we will further work to improve in this area. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. Member for Nahendeh, Mr. Menicoche.

QUESTION 488-17(5):

ON-THE-LAND PROGRAM FOR YOUTH

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. Earlier I spoke about the youth addictions and on-the-land pilot program that was held just outside of Fort Simpson at Six Mile. I would like to ask the Minister of Health and Social Services who actually participated in the first graduation there in Fort Simpson and a little bit more about his plans for developing the program further. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Menicoche. Minister of Health, Mr. Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker, and thanks to the Member for that question. I did have an opportunity to attend the first graduation. I spent about 10 or 15 minutes talking to each of the kids about their experience and what they got out of the experience.

The department is currently evaluating the lessons learned from that pilot program, which is actually going to help us articulate and identify how we can move forward with similar youth-based online programs in the future. So we're in the middle of that assessment now. When that information is compiled, I'd be happy to have further discussions with committee.

MR. MENICOCHÉ: I too spoke with the provider of the course. Shakes the Dust Hope Consulting provided it, and members of the community, too, saw growth in those young students that participated.

As part of the assessment, will he be rolling this out in other regions as well? Thank you.

HON. GLEN ABERNETHY: It might be a little early to say for sure. That would ultimately be our goal, but until we actually do the assessment and do the analysis, I'm not sure exactly how we intend to roll that out. But it is something that we're interested in doing. We're doing the analysis, and when that analysis is done I'd certainly be happy to sit down

with committee and have some more discussions about how we could move forward with this in the Northwest Territories in different communities in different regions. Thank you.

MR. MENICOCHÉ: Certainly, we want to build on that experience as well.

Will part of the assessment also be using the facilities that were created at Fort Simpson and continuing the program for the Deh Cho region? Thank you.

HON. GLEN ABERNETHY: The department has actually donated the tents that were used for this youth on-the-land healing program to the Liidlii Kue First Nations to support the community in doing other programs that they'd like to deliver at this site. We've also helped them clear the site and set it up so that it could be used for future functions. Now, it is their site, it is their location, they do have the tents, so they can use that location, and I actually expect that they will use that location for many different healing opportunities.

We do have an agreement with them that if we wish to run a healing type program or partner with the healing type program in the area, that we can use those tents that we have donated to them. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Abernethy. The Member for Range Lake, Mr. Dolyunny.

QUESTION 489-17(5):

HOME BUYER PROTECTION

MR. DOLYUNNY: Thank you, Mr. Speaker. Common law for residential real estate requires that a seller disclose latent or hidden defects that he or she is aware of and that could not be seen in an ordinary inspection. Most real estate purchase contracts obligate sellers to disclose certain information, especially with respect to compliance with municipal regulations and appliances. While generally not legally mandated in Canada, seller property disclosure statements, also called property condition statements or seller property information statements, afford some protection to both buyers and sellers.

My questions today are for the Minister of Municipal and Community Affairs. The Member for Yellowknife Centre also raised this concern in the recent past.

Could the Minister inform the House, what is our government doing to raise awareness of a home seller's legal duty to disclose hidden defects and serious issues to potential buyers?

MR. SPEAKER: Thank you, Mr. Dolyunny. The Minister of Municipal and Community Affairs, Mr. McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. We've done some research, and our

research indicated that territories and provinces feel voluntary disclosure statements don't provide meaningful consumer protection because they ask many types of questions to the homeowner. Here in the Northwest Territories, being a smaller jurisdiction, we rely, and people should rely, on the honesty and the integrity of the people that are selling the home. However, I mean, this is an issue that has been raised before. I can assure the Member that MACA is still doing some research into this particular subject.

MR. DOLYNNY: If the Minister can inform the House, we know very well that other provinces do have measures to protect home buyers, and the voluntary disclosure statements are just one form. As I mentioned in my Member's statement today, we do have other techniques or tools such as the requirement for realtors to require error and omission.

Can the Minister indicate to the House where are we on maybe providing certain measures to protect the home buyer and seller?

HON. ROBERT MCLEOD: The sheer volume of home sales in some of the larger jurisdictions down south required it almost be mandatory for them to have this type of protection. However, here in the Northwest Territories we deal with this on a much smaller scale. However, we hear the concerns.

One thing we are planning on doing is our whole communications strategy, our consumer affairs website. We're trying to enhance our content on that website to provide all different types of advice on different types of consumer protection, so any input we receive on how we can enhance that even further would be much appreciated.

MR. DOLYNNY: We all know that there's a growing trend towards private sales and not using a realtor.

Will the government, under MACA's lead, review the consumer and protection legislation with a view to making changes to protect potential home buyers in the Northwest Territories?

HON. ROBERT MCLEOD: We'd love to see the day where we have a lot of homes being bought because people are moving to the Northwest Territories, and I feel that day will come and we need to ensure that they are protected. There are some firms out there, one, possibly two, that will do home inspections on behalf of the potential buyer. I think the Member, in his statement before, talked about different training opportunities, and here again is another opportunity for us to have some people that are trained to do proper home inspections.

It is probably the largest purchase a person will ever make, so it would be to their benefit if they had a proper home inspection done and if they made sure that they were buying a piece of property that

was well looked after and had no issues. We will continue to work on that and there are opportunities.

MR. SPEAKER: Thank you, Mr. McLeod. Final, short supplementary, Mr. Dolynny.

MR. DOLYNNY: Thank you, Mr. Speaker. As I said in my Member's statement earlier today, I was hoping the government would be doing more than just taking a look at things. We need to tighten up the belt in this area and we owe it to the public to do so. So, without seeing this mysterious population growth strategy from Cabinet that is trying to encourage more permanent NWT residents, has the government, under MACA's lead, given any consideration to lowering the risk of buying a home in support of this strategy? Thank you, Mr. Speaker.

HON. ROBERT MCLEOD: As I said before, we will enhance the information and communication that's on our website. If you looked at stand-alone legislation for this particular issue, that's almost a two-year process. With the priorities that this government has had in the 17th Legislative Assembly, we have received no complaints on this particular issue. It wasn't considered a priority at this time. However, most of the work for the 17th Assembly is coming to an end, so this is one that they could possibly look at in future. Part of doing this is doing the research and seeing if there is a need for full-blown legislation or some ways we can advise consumers on protection and the services that are offered to them. Thank you, Mr. Speaker.

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

QUESTION 490-17(5):
JUNIOR KINDERGARTEN FUNDING MODEL

MS. BISARO: Thank you, Mr. Speaker. My questions today are addressed to the Minister of Education, Culture and Employment. I want to follow up on my statement and some of the questions asked by Mr. Dolynny yesterday. In this fiscal year, 2014-2015, budgets to all education authorities were reduced to a certain extent in order to fund the start of Junior Kindergarten. That funding apparently was to go help the 23 schools that are offering Junior Kindergarten this year to get their program in place.

So I would like to ask the Minister first off, why, if these programs are operational and we have funding for the boards in this current budget year, why does the department need to do further budget reductions in the 2015-16 year to fund a program that is fully operational?

MR. SPEAKER: Thank you, Ms. Bisaro. The honourable Minister of Education, Mr. Lafferty.

HON. JACKSON LAFFERTY: Mahsi, Mr. Speaker. That decision was made by this

government to proceed to deliver to the 23 communities based on a two-year commitment that's been made as part of the agreement that was agreed to by this government. So this year and next year the funding allocated will continue through those two areas. We will continue to work with the 23 communities. Based on the review, we will have to decide next year how it's going to look and continue with the delivery to 23 communities in 2015-16 as well. Mahsi.

MS. BISARO: I really don't understand why we need to take more money in 2015-16 to fund a program that is apparently a program that is operational. so I may come back to that.

Small schools have a lower pupil-teacher ratio than do the larger schools. I referenced that in my statement. They need different treatment, and I accept that. Smaller schools have a smaller number of students. They, therefore, need a certain number of teachers to get their programs going. ECE has a small schools funding formula and it is specifically to assist small schools to give them money for their special needs and to account for their smallness.

Why is it that in addition to the small school funding formula, small schools with less than 120 students are exempted from any budget reductions by their education authority? Why are these guys double dipping? Thank you.

HON. JACKSON LAFFERTY: As the Member indicated, small schools are treated differently based on their special needs. The Early Development Instrument tells us that over 60 percent of those individuals, five-year-olds, are developmentally challenged when they enter the school system. Those are from mostly remote communities. Those are true facts and the numbers we are currently working with.

We are going through discussions on the formula, as well, through Education Renewal and Innovation, thinking in the long term, Mr. Speaker. There are other programs, as well, such as Inclusive Schooling and PTR. Those are areas we will continue to work with. Mahsi.

MS. BISARO: Thanks to the Minister. The Premier yesterday stated, in answer to one of my questions, "we will be re-profiling from all authorities." He was referencing the money that is being used for Junior Kindergarten, that it's coming from all authorities. So, if it's coming from all authorities, I'd like to say that 20 of our 49 schools are currently, give or take, less than 120 students. That's almost half of our schools, Mr. Speaker.

Can the Minister explain the fairness of having small schools exempted from the budget reductions and, at the same time, receiving the small schools funding formula? Thank you.

HON. JACKSON LAFFERTY: We are currently contributing upwards of \$150 million to all the

school boards so they can deliver the most cost-effective, efficient program delivery K to 12. We're currently delivering Junior Kindergarten in 23 of our communities and it's just a fraction of 0.01 percent of that. It is a public fund, so we need to have the best program delivery in the Northwest Territories.

This is an area that we will continue to push forward with 23 communities based on the EDI, the results that came in. What is before us is we are going to be re-evaluating our situation, our stance, and review the whole Junior Kindergarten program in 23 communities. That is where we are at in the coming months, Mr. Speaker.

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

MS. BISARO: Thank you, Mr. Speaker. To the Minister, since I didn't get an explanation as to whether it's fair, I have to assume that it's unfair and he can't explain it.

My last question to the Minister is: We've heard many times that our legislated pupil-teacher ratio is 16 to 1. I have said that definitely we do not have 16 to 1 in all our schools. I would like to know from the department if we are intending to bring our funding down to 16 to 1, how does he intend to implement this 16 to 1 pupil-teacher ratio, particularly in small schools where some of them are 9 to 1 and some are 4 to 1. So, how is he going to implement 16 to 1 so that it is fair? Will there be a PTR cap, for instance, in small schools? How is it going to happen? Thank you.

HON. JACKSON LAFFERTY: Currently we are legislated at 16 to 1. We are providing over and above that, \$17 million to our schools boards to deal with those matters at hand. We are currently, as I stated, and the Premier also committed to this House, that we are reviewing the 23 Junior Kindergarten communities, and based on the review, the funding has been highlighted as well.

I did speak to it this morning as well. There will be a mixture of discussions, whether it be the funding, reaching out to operators, and we need to hear their perspective and input to have the delivery of Junior Kindergarten in these communities. Those are the discussions that we are going to be having. We've committed to this House already. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Member for Yellowknife Centre, Mr. Hawkins.

QUESTION 491-17(5):
IMPLEMENTATION OF OCCUPATIONAL
HEALTH AND SAFETY REGULATIONS

MR. HAWKINS: Thank you, Mr. Speaker. I would like to ask the Minister responsible for the WSCC on his perspective of what's delaying the implementation of the Occupational Health and

Safety Regulations. This Assembly and even the last Assembly have been waiting for some time for the implementation of them. Let's get an update as to where they are and what's holding them back and when we would expect them to be implemented for the safety of all. Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Minister of WSCC, Mr. Lafferty.

HON. JACKSON LAFFERTY: Mahsi, Mr. Speaker. I did answer that, I believe, last week. The recommendation from the committee has been addressed to my attention. The package is before me and there has been some correspondence that came in from various stakeholders as well. Even after the fact, the committee established some recommendations. I did commit to this House that I will sign off the final document during the life of this Assembly. Mahsi.

MR. HAWKINS: I will help the Minister here. The life of this Assembly is yet another year. The WSCC has been working on these Occupational Health and Safety Regulations for several years now. I know they have been working with industry, and certainly labour on this, to find some agreement to go forward.

What are some of the issues in the delay that we may have to wait up to almost a whole year in the implementation of these regs? What's stopping the process from actually getting done? Is it the Minister or is it some other issue that we need to be aware of?

HON. JACKSON LAFFERTY: Mahsi. These regs have been before us for a number of years now, upwards of 22 years. So it wouldn't hurt to wait another year during the life of this Assembly to sign off the final document where we capture everything if we want to have regulations that capture the legality issues that have been brought to my attention. Some of areas of concern within the clause were brought to my attention as well. So we need to deal with those kinks that have been brought to my attention.

We are currently working with the Department of Justice to deal with these matters. Again, I will be signing off during the life of this Assembly. Mahsi.

MR. HAWKINS: Thank you. The Minister continues to avoid the question by saying what's the delay. He says stuff that's been brought to his attention. Well, I can tell you stuff today, such as it hasn't been signed off. I hope that has brought the issue to his attention.

I'm not sure what the particular delays are. I hear from industry, their perspective and their concerns; I hear from labour, their perspective and their concerns. Why don't we actually say what the concerns are? I mean, what's wrong with being honest about the issues and problems before us? Could the Minister enlighten this House with

something unusual? It's referred to as the facts. Thank you.

HON. JACKSON LAFFERTY: I'm not sure how else I can say it, but there are documents and correspondence, e-mails that came to my attention from various stakeholders, and there's a few of them. So we need to act on it. We can't just ignore those concerns that are brought to our attention.

Again, it is during the life of this Assembly that it will be signed off. Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. Final, short supplementary, Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker. Yet again we're all witness to hear of these platitudes that actually provide no detail, and this is the frustration the public continues to have. If it's a legitimate reason, I think all reasonable people would say, and fairly agree, that reviews need to be done and implementation needs to be done at the right pace, but yet all we hear is we need to act on this, we have stuff that's been brought to his attention. My goodness, I mean, anyone can give that answer on any subject. That could mean almost anything. So, today is the day.

Why doesn't the Minister get some of the facts on the table? It would probably feel good and the public would be informed. Let's try something unusual, like I said earlier. Let's actually give a real answer in this House for a change, because I'll tell you, the public is tired of these platitude sort of perspectives. We want the facts. Give it today, please.

HON. JACKSON LAFFERTY: Mahsi. We'll do everything in our power to expedite the process to sign off the document. Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. The Member for Inuvik Boot Lake, Mr. Moses.

QUESTION 492-17(5): SUICIDE PREVENTION INITIATIVES

MR. MOSES: Thank you, Mr. Speaker. Earlier in the week, on Monday, I made a statement on the NWT Coroner Service Annual Report, and in the report it talked a little bit about some of the pressing statistics that came up and, actually, the number of suicides that we had in the Northwest Territories last year. Seventy percent of them were related to alcohol and drug use. Even a bigger statistic over the last five years, 43 percent of the suicides happened in the Beaufort-Delta region, which is a very high number.

I'd like to ask the Minister of Health and Social Services, what is his department doing to address these high suicide rates not only in the Beaufort-Delta region but across the Northwest Territories? What is his department doing in terms of suicide prevention? Thank you.

MR. SPEAKER: Thank you, Mr. Moses. The Minister of Health, Mr. Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. There was a review done that sort of provided an analysis of the last 15 years and this review actually included a number of recommendations and information provided by the NWT coroner. Some of the key findings of this report were that, overall, suicide rates are decreasing over time, but that's not true everywhere in the Northwest Territories. We know in the Beaufort-Delta the rates continue to be incredibly high and that suicide remains a critical public health issue in that area. We do know that alcohol and drugs are a common risk factor, but there are multiple issues that lead to an individual committing suicide. Alcohol and drugs happen to be one of them.

So we do have a Mental Health and Addictions Action Plan. We have improved our ability for individuals to get into treatment, if that is their concern. We're also doing a number of other things throughout communities in the Northwest Territories. We have the Assist Program; we have the Mental Health Helpline; we have community counselling; we have a number of programs going on.

When the report came out, recognizing the concerns in the Beaufort-Delta, I did meet with leadership in the Beaufort-Delta as soon as that report was released and we had a discussion about what was in the report, the findings, and had an opportunity to talk to community leadership and to talk to them about what can we start doing to work together. The department has been meeting with people in the Beaufort-Delta on a regular basis and has been talking about other workshops or functions that could take place up there and we're looking for community engagement and input as we move forward.

MR. MOSES: I appreciate the effort that the Minister and his department have been doing in terms of corresponding with the leadership in the Beaufort-Delta, but all he has to do is also look at some of the recommendations that were made and some of the past NWT coroner reports. Specifically, there was one I remember reading on a rehab centre for alcohol and drug abuse here in Yellowknife. Like it said, 70 percent of all suicides over the last five years were alcohol and drug related, seven out of 10.

Has the Minister looked at creating some type of rehab centre, whether it's a day shelter or some other area for alcohol and drug abuse here in Yellowknife or even in some of the bigger regional centres? Thank you.

HON. GLEN ABERNETHY: Thank you. Through our Mental Health and Addictions Action Plan we have contracts with four facilities to provide alcohol

and drug treatment services in southern Canada. We're looking at a mobile treatment program and we're working with communities to deliver on-land programming. We also have 64 counsellor positions located throughout the Northwest Territories in 19 communities. On top of that, we're doing things like the assist training. Something that I think could add significant value to all residents is the Mental Health First Aid. So there are a number of things that are occurring and we want to work with communities so that they have the tools in the communities to help people who are suffering and may be at risk of committing suicide. Thank you.

MR. MOSES: I know there is also the issue of the mental health status of individuals who end up being part of the statistics in terms of suicide and, as I said, 43 percent in the Beaufort-Delta.

I'd like to ask the Minister, what is he doing to address some of the waiting times for counselling needs as well as this assist training? How do people in the Beaufort-Delta or any of the small communities know how to get a hold of this mental health toll-free line as well as being able to access some of these counselling services at a sooner time rather than having to wait? I think it's a two-month waiting list right now. Thank you.

HON. GLEN ABERNETHY: Thank you. The department and the Beaufort-Delta Health and Social Services are aware of the high rates of suicide in the Beaufort-Delta. The authority in that area has been working really closely with Aboriginal governments and communities and individuals to try and find meaningful ways to assist and help, which includes getting the information and increasing access to counsellors. There are counsellors that are non-government counsellors or non-government support and we're trying to make sure that people are aware of them.

One thing I would like to ask the Member and all Members is to continue to push and highlight and promote Mental Health First Aid so that we, as individuals, all people, can have some skills to recognize. But the great thing about Mental Health First Aid is it will help you identify in your communities and your regions where active programs and services exist. So if you are aware of somebody who is at risk or in danger or may be contemplating suicide, you can direct them to where they can get help in your region, because many of the communities and many of the regions already have great people in place and great services in place whether it's government's or private. It's a matter of being able to direct the people to the right places at the right time when they need supports.

So I would encourage the Member and all Members to contact us and work with us to get Mental Health First Aid to as many residents of your regions as possible.

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

MR. MOSES: Thank you, Mr. Speaker. I know that the Mental Health First Aid is a great training tool, a great counselling service tool. I know that we're doing a revamp of the Mental Health Act.

In the case of the revamping of this new Mental Health Act, is the government, physicians, RCMP, counsellors still following the old Mental Health Act and all the provisions that are included in that Mental Health Act to give the people that need assistance when they need it, or are we will using the old Mental Health Act while we are revamping a new one? Thank you.

HON. GLEN ABERNETHY: Yes. The answer is yes. That is the act that is current; that is the act that is in place. In my opinion, it is old, outdated and badly needs to be revised. I have listened to Members, and many of them have said exactly the same thing. I've had opportunities to talk to professionals who are involved in providing services. Almost all of them say exactly the same thing. We recently got the LP back from committee and we are now moving forward with drafting. It is a big bill, basically a full rewrite. But until that bill passes in this Assembly, we have to use the old bill. Thank you.

MR. SPEAKER: Thank you, Mr. Abernethy. Member for Frame Lake, Ms. Bisaro.

QUESTION 493-17(5):

PUPIL-TEACHER RATIO FUNDING MODEL

MS. BISARO: Thank you, Mr. Speaker. I would like to follow up with some further questions to the Minister of Education, Culture and Employment.

I'm struggling with the answer that the Minister gave me with regards to the implementation of a 16 to 1 funding at 16 to 1 pupil-teacher ratio. It has been stated many times that education authorities are over-funded and that we need to fund our legislated PTR of 16 to 1.

Looking at the department's numbers, using the department's own numbers, and albeit they are from 2013, but it is entirely possible that if we have a 16 to 1 pupil-teacher ratio across the board, we will end up with five schools that will have one staff, or maybe even half a staff.

So, I would like to again ask the Minister, how is the department or this government going to implement a 16 to 1 pupil-teacher ratio in all of our schools across the board? Thank you.

MR. SPEAKER: Thank you, Ms. Bisaro. Minister of Education, Minister Lafferty.

HON. JACKSON LAFFERTY: Mahsi, Mr. Speaker. When I met with all of the school boards on May 23rd, I did commit to making some changes. Part of the changes, of course, is providing

flexibility. Providing anything beyond 16 to 1 teacher ratio in their school system, the education authority will be provided a subsidy from my department. That is a commitment I have made. It is based on an average throughout the Northwest Territories.

There will be some impact, in some cases, where there is a high enrollment of students entering our school system. Those are some of the areas that we will continue to monitor, but at this point I did make a commitment that anything above 16 to 1 we will provide that subsidy to that organization. Mahsi.

MS. BISARO: Thanks to the Minister. So, I guess, it is an average across the territory. We're going to make sure that no school or no education authority is beyond 16 to 1, which is appreciated for sure. But if that's the case, then the Minister is going to subsidize from within the department. So we are going to end up reducing education authority funding and then he's going to add money back in. Is that correct? Thank you.

HON. JACKSON LAFFERTY: Mr. Speaker, as I stated, I have committed to providing district education councils anything above 16 to 1, we will provide a subsidy. Mahsi, Mr. Speaker.

MS. BISARO: Thank you, Mr. Speaker. I have to take that as a yes.

Junior Kindergarten now has 23 schools; sorry, Junior Kindergarten is being offered in 23 schools and I have to assume that that JK program in those 23 schools is fully funded.

So I would like to ask the Minister, how are those schools being funded if next year there needs to be more money taken from education authorities' budgets? Is it being fully funded this year? If it is not being fully funded by the budget reductions, is there an internal reallocation that is funding part of the JK program? Thank you.

HON. JACKSON LAFFERTY: Clearly, the statement was made in this House that the Junior Kindergarten will be continuing this year and next year. Based on the funding that has been allocated to date, it will continue for this year and next year. That was in the statement yesterday. Mahsi.

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

MS. BISARO: Thank you, Mr. Speaker. I am still trying to find out how JK is being funded, if it's the budget reductions that are funding it.

I would like to ask the Minister, if we are going to have reductions to education authority budgets in '15-16, what will that money be used for? Thank you.

HON. JACKSON LAFFERTY: For the 23 communities, JK has been funded out of the \$150 million budget. Those are the areas that we have discussed with the school board chairs back in May

and even before that. We will continue to address that, even part of the review process that we have committed in this House in the 23 communities. This year JK is being delivered into our communities on an optional basis, this year and next year as well. We will continue to monitor those areas. Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. Member for Yellowknife Centre, Mr. Hawkins.

QUESTION 494-17(5):

CONSTRUCTION OF NEW HOUSING UNITS

MR. HAWKINS: Thank you, Mr. Speaker. The other day I asked the Minister of Housing how many houses we built in the last fiscal cycle. He said it was 38, so if you average that across the 33 communities, that's 1.15 house per community. Of course, we all know that we don't build 0.15 of a house, that's just the way it averages.

Maybe for the public's health and, certainly, clarification, how many new housing starts, as in new houses, not replacements, new houses will be available and provided by the Housing Corporation going into this next cycle? Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. Minister of Housing, Mr. McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. The Member is correct; most of the units we do put up are replacement units. We do have I believe it's 30 market housing units that are going up this year. But as far as the stock goes, the Member is correct; the units we do put in are replacement units for old public housing units. Thank you.

MR. HAWKINS: I want to thank the Minister for that direct and clear answer. My math now tells me we're doing, or sorry, the government is proposing into the next fiscal cycle to build 0.91 houses on average across the 33 communities. If you are one of those communities who is lucky to get one of those houses, or if it's two or three of them, you are very fortunate.

I want to ask the Minister, as the Minister of Housing, what is he doing to increase the new housing portfolio, increase our stock of public housing, increase our ability to provide the affordability housing measure? At this rate, we are not meeting the demand. If we are not meeting the demand, we continue to put good families at serious risk. I want to hear how the Minister is fighting to increase the new start of new assets in the portfolio, because I have yet to see it and we are not keeping up with existing demand. Thank you.

HON. ROBERT MCLEOD: What this Minister is doing is working with Social Programs committee and getting some feedback from them. This Minister is providing direction and leadership to the

NWT Housing Corporation as to how we can distribute our resources equally across the Northwest Territories, and also trying to work with the federal government to ask them about our CMHC declining funding because that's affecting our ability to put new houses on the ground. We are fortunate that this Assembly stepped up to the plate during the last O and M budget and gave Housing an additional \$1.2 million to replace some of the money that we are losing from CMHC.

We continue to try to be innovative, try to get as many units on the ground as possible. I'm just trying to pull up the exact numbers and I should have them here shortly. Thank you.

MR. HAWKINS: The complaining about the federal funding, the CMHC declining funding, is an old song and an old dance. I have been a Member for 11 years and I hear about the same story every year, woe is me, declining funding. We have not come up with a new formula, rather than standing here with empty hands going, Ottawa, please give me more.

What new initiatives is this Minister leading to ensure that we get new houses built? Is he working with the private sector? Can he prove that this is actually happening? Frankly, we have seen, on average, no wave of new building and we cannot keep up with the existing demand. What is he doing? Thank you.

HON. ROBERT MCLEOD: Mr. Speaker, I'm not sure if the Member and I are living in the same territory because I know from the work that we're doing, we're getting as many units on the ground as possible. We used the Affordable Housing Initiative a few years ago to get a number of houses on the ground; we've converted them to public housing. We are trying to be as innovative as possible, recognizing the fact that we are losing funding. The Member says he has been a Member for 11 years and that has been the complaint for the last 11 years, and it will be the complaint until 2038 when we're down to zero. So we have to continue to find ways to be sustainable, get houses on the ground, and we have a number of units that are going on the ground. Again, we continue to update Social Programs and get their feedback. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. Final, short supplementary, Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker. The last comment was nothing more than just a shot at me, which I'm fine with, and a promo ad by the Minister. Mr. Speaker, we can't continue to blame others. In this fiscal cycle we are only going to build less than one unit per community. He has not said one thing about trying to get new units in above the rate we are providing when we're provided money by CMHC. He's not telling us how he's fought with Cabinet to get more money. He has not told us how

he's engaged private sector investment in communities that have no market. I'm not hearing anything innovative. I'm hearing the same old same old.

Would the Minister start talking about something new and useful rather than us sitting here and listening, we're going to do less than one unit per community. It doesn't keep pace with family growth, community growth. Mr. Speaker, we will never get on top of this problem under this style of leadership. We need something new.

HON. ROBERT MCLEOD: I think we will get somewhere under this leadership this Assembly. I think we've proven that we've gotten somewhere. If the Member would have attended some of the Social Programs briefings, he would have been up to date on some of the initiatives that we're taking and will continue to take them.

It is a struggle to work with Canada on the funding, but we're not using that as an excuse, we're trying to meet that head on. We've updated Social Programs on some of the initiatives that we're taking to deal with the declining funding to go to a multi-unit type configuration. We find that would be able to stretch our dollars out a bit more and, also, they're a lot easier to maintain, cheaper to maintain.

I'm going to get the numbers and I'm going to confirm the numbers, because our investments are strategic. If a community needs more units, then we will distribute some of the resources to that particular community. We have some communities that are fine with their allocation. So, we've continued to distribute our resources equally, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Minister McLeod. Mr. Yakeleya.

QUESTION 495-17(5):
MARINE RESUPPLY

MR. YAKELEYA: Mr. Speaker, my questions are to the Minister of Transportation. Over the past fall here, we had some issues with the shipping company, NTCL, and certainly in some of my communities we did not see the full shipment of some of our supplies or fuel into our communities.

I want to ask the Minister of Transportation, has he had any meetings with NTCL to see what was the problem and how can it be rectified so this is not a continuous issue for us every year in the Sahtu or in any other small communities?

MR. SPEAKER: Thank you, Mr. Yakeleya. Minister of Transportation, Mr. Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Speaker. Yes, we have met with NTCL as a Department of Public Works. A lot of the discussion did spill over into my responsibilities as Minister of Transportation. They had offered some solutions to

the problem that occurred this year and we've agreed to include them in our multi-modal Transportation Strategy. Thank you.

MR. YAKELEYA: That is good news. I want to know if the Minister, along with NTCL, will have a meeting with the people in the Sahtu on the solutions that they're talking about, some of the agreements that he's talked about on the multi-modal of transportation, because people in the Sahtu would certainly be willing to listen and we want to know who's driving this ship here. Certainly I would welcome the Minister if he can schedule a meeting in the Sahtu with the Sahtu people to talk about the NTCL issues.

More specifically, what are the solutions so that people will not have to have their materials shipped up this summer?

HON. TOM BEAULIEU: Definitely, the recommendations that were made by NTCL would require a lot of consultation with the people that live along the Mackenzie River. There's no question about that. The main issue was due to the fact that this year they had record low waters, and often when NTCL monitors the water and they notice the water levels dropping, they're always comforted with the fact that it usually comes back up in the fall. That didn't happen this year, so this year we had probably a record low of all time water levels in the Mackenzie River.

MR. YAKELEYA: That's why it's so important to come into the small communities of the Sahtu and talk to us about the solutions. We don't know, and people in our region are asking, why is the water so low? There was no oil and gas exploration. There were dams that were running low and we had to pay extra millions of dollars to offset the costs for the request for a high percentage of an increase to the power bills.

We want to know from the Minister that NTCL and the Minister, if possible, can come to the Sahtu and talk to them about some of the solutions for barging their supplies into the community. Can the Minister make that commitment?

HON. TOM BEAULIEU: I should indicate that to navigable waters is not the responsibility of the Government of the Northwest Territories; however, we want to see success, as well, when we are shipping items and fuel down the Mackenzie River, so we will participate as the Department of Transportation, the Department of Public Works and Services, we will participate in any discussions, but I can't direct NTCL to have discussions with the communities.

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

MR. YAKELEYA: I would certainly hope the Minister would be in contact with NTCL to say, listen, we have an issue here. The government

supplies, we don't know if they all got in. Private industry supplies didn't get in. Homeowner supplies didn't get in. Things that didn't get into the Sahtu certainly affect our people, so I would strongly suggest that the Minister have a conversation with NTCL and say, who's driving this ship here?

My question is: Is NTCL paying for the freight costs that are affecting my people that have to come in because the ship didn't go up the Mackenzie River? Our highway was closed.

HON. TOM BEAULIEU: Like I indicated, we had discussions with NTCL. As a government, we are one of the prime customers of NTCL. We do business with NTCL when we are shipping in the summertime. We do all our ordering in January before the season starts so that we are ready to go. When the first ships leave, then our stuff is on there. This year we did have things and items and some fuel on the ships that were turned around, but those were some of the reserve fuels that we had and some materials that we could get in through other methods.

MR. SPEAKER: Thank you, Mr. Beaulieu. The time for oral questions has expired. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to opening address. Item 11, petitions. Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Mr. Miltenberger.

Tabling of Documents

TABLED DOCUMENT 163-17(5):
TRADITIONAL KNOWLEDGE ANNUAL REPORT
2013-2014

HON. MICHAEL MILTENBERGER: I wish to table the following document, entitled "Traditional Knowledge Annual Report 2013-2014."

MR. SPEAKER: Thank you, Mr. Miltenberger. Mr. Ramsay.

TABLED DOCUMENT 164-17(5):
TAKE A KID TRAPPING AND HARVESTING
REPORT 2013-2014

HON. DAVID RAMSAY: Thank you, Mr. Speaker. I wish to table the following document, entitled "Take a Kid Trapping and Harvesting Report 2013-2014."

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. McLeod.

TABLED DOCUMENT 165-17(5):
NORTHWEST TERRITORIES HOUSING
CORPORATION ANNUAL REPORT
2013-2014

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following document,

entitled "Northwest Territories Housing Corporation Annual Report 2013-2014."

MR. SPEAKER: Thank you, Mr. McLeod. Item 15, notices of motion. Mr. Hawkins.

Notices of Motion

MOTION 30-17(5):
NATIONAL INQUIRY AND
NATIONAL ROUNDTABLE INTO
MISSING AND MURDERED
ABORIGINAL WOMEN AND GIRLS

MR. HAWKINS: Thank you, Mr. Speaker. I give notice that on Monday, November 3, 2014, I will move the following motion. Now therefore I move, seconded by the honourable Member for Sahtu, that the 17th Legislative Assembly supports the national Aboriginal organizations' call for a national inquiry and a national roundtable into missing and murdered Aboriginal women and girls;

And further, that this Assembly supports a national roundtable on missing and murdered Aboriginal women and girls to have a national dialogue that will allow all levels of government to work together to identify concrete outcomes that will prevent further violence against Aboriginal women and girls;

And further, that this Assembly supports the efforts of the Premier of the Northwest Territories to help the national Aboriginal organizations facilitate the development of a national roundtable;

And further, that this Assembly urges Premier McLeod to continue his dialogue with the federal government on the proposed roundtable and report back to this House as progress is made;

And furthermore, that the Premier of the Northwest Territories transmit a copy of this motion to all his provincial and territorial counterparts with a request for their consideration of support for a similar House motion.

MR. SPEAKER: Thank you, Mr. Hawkins. Item 16, notices of motion for first reading of bills. Mr. Miltenberger.

Notices of Motion for First Reading of Bills

BILL 39:
SUPPLEMENTARY APPROPRIATION ACT
(INFRASTRUCTURE EXPENDITURES), NO. 4,
2014-2015

BILL 40:
APPROPRIATION ACT
(INFRASTRUCTURE EXPENDITURES),
2015-2016

HON. MICHAEL MILTENBERGER: Mr. Speaker, I give notice that on Monday, November 3, 2014, I

will move that Bill 39, Supplementary Appropriation Act (Infrastructure Expenditures), No. 4, 2014-2015, be read for the first time.

I also give notice that on Monday, November 3, 2014, I will move that Bill 40, Appropriation Act, (Infrastructure Expenditures), 2015-2016, be read for the first time.

MR. SPEAKER: Thank you, Mr. Miltenberger. Item 17, motions. Item 18, first reading of bills. Mr. Yakeleya.

First Reading of Bills

BILL 34: 2015 POLLING DAY ACT

MR. YAKELEYA: Mr. Speaker, I move, seconded by the honourable Member for Thebacha, that Bill 34, 2015 Polling Day Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Yakeleya. Bill 34 has had first reading.

---Carried

Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 25, An Act to Amend the Education Act; Bill 27, Miscellaneous Statute Law Amendment Act, 2014; Bill 29, Human Tissue Donation Act; Bill 30, An Act to Amend the Public Service Act; Bill 32, An Act to Amend the Pharmacy Act; Committee Report 7-17(5), Report on the Development of the Economic Opportunities and Mineral Development Strategies, with Mr. Bouchard in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRMAN (Mr. Bouchard): Good morning, committee. What is the wish of committee? Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. We would like to consider Bill 30, An Act to Amend the Public Service Act, Bill 25, An Act to Amend the Education Act, and Bill 27, Miscellaneous Statute Law Amendment Act, 2014.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Thank you. We will reconvene after a short break.

---SHORT RECESS

CHAIRMAN (Mr. Bouchard): I will call committee back to order. We are reviewing Bill 30, An Act to Amend the Public Service Act. I will go to the Minister responsible. Minister Beaulieu, do you have opening remarks?

HON. TOM BEAULIEU: Thank you, Mr. Chairman. I have some opening comments. Mr. Chairman, I'm pleased to be here today to discuss Bill 30, An Act to Amend the Public Service Act. This bill proposes three amendments to the Public Service Act to simplify human resource management for the benefit of our employees.

A range of legislation, policy, Collective Agreement terms and conditions of employment, human rights and labour law governs human resource management in the public service. This provides a transparent, balanced approach to ensure employees and managers understand their responsibilities and rights.

Through the Bill 30 amendments, I believe we created an efficient and sensible approach for employees to fulfill the government's duty to accommodate obligations, meet the government's commitment to retain employees affected by layoff and realize the Chief Electoral Officer's recommendation to eliminate a perceived conflict of interest for those employees interested in seeking political candidacy.

During the standing committee's review of the bill, concerns were expressed on impacts to employees and members of the public interested in GNWT employment. Bill 30 does not change our established commitments. Public service employees' rights and responsibilities remain unchanged. It does not expand the power of the GNWT to appoint individuals without competition. GNWT managers act responsibly within the legal and policy frameworks provided in the best interest of their employees and the public service as a whole.

Bill 30 simplifies and fine tunes the existing legal mechanisms we use to accomplish our accommodation and staff retention goals.

I would be pleased to answer any questions Members have today. Mahsi cho.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Now I'll go to the chair of the Standing Committee on Government Operations, Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. The Standing Committee on Government Operations has been considering Bill 30, An Act to Amend the Public Service Act. The purpose of this bill is to enact three changes to the Public Service Act:

1. to remove the potential for conflict of interest in the process of granting a leave to an employee who wishes to run for elected office by shifting the authority to grant such leave request from the Minister responsible for the Public Service to the deputy minister;
2. to permit employees who have been identified for layoff to be placed in vacant positions

without disrupting their continuous employment status as the act currently requires;

3. to expedite the appointment of employees in order for the government to fulfill its legal duty to accommodate someone who has been impacted by illness or injury.

The committee has no concerns with the amendment that proposes to shift the authority to the deputy minister to grant the leave requests for the purpose of political candidacy. This change is consistent with the recommendation made by the Chief Electoral Officer and his report on the administration of the 2011 General Election and subsequently concurred with the Standing Committee on Rules and Procedures.

The committee is, however, divided in its support for the remainder of this bill because there are aspects of the remaining two proposed amendments that some members of the committee find troubling. Nonetheless, the committee completed a clause-by-clause review of the bill on October 16, 2014. Following the committee's review, a motion was carried to report Bill 30 to the Assembly as ready for consideration in Committee of the Whole.

This concludes the committee's opening comments on Bill 30. Individual committee members may have additional questions or comments as we proceed. Mahsi cho.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Nadli. I will ask the Minister, Mr. Beaulieu, do you have witnesses to bring into the House?

HON. TOM BEAULIEU: Mr. Chair, I do.

CHAIRMAN (Mr. Bouchard): Thank you. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Sergeant-at-Arms, please escort the witnesses into the Chamber.

Thank you. Minister Beaulieu, would you please introduce your witnesses?

HON. TOM BEAULIEU: Mr. Chair, with me today is Shirley Desjardins, deputy minister, to my immediate right; Nicole MacNeil, director, labour relations, to my far right; and to my left I have Ken Chutskoff, legislative counsel.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Committee, we are on general comments for Bill 30. First on the list is Mr. Dolynny.

MR. DOLYNNY: Thank you, Mr. Chair. I'd like to welcome the Minister and the department here today as we talk about the amendments to the Public Service Act here. Before I get into my general comments, I think it's important that we discuss some of the presumptive language around the term "direct appointment" within the scope of this bill. Clearly, some Members, including myself,

have a great deal of concern on the frequency and the volume of direct appointments granted by Cabinet and as Ministers. These appointments typically circumvent the public process of competition which, in my opinion, undermines the basic premise of a healthy and sustainable public work force. With that said, anything, in my mind, that codifies, substantiates or endorses the practice of direct appointments by Ministers is in itself contrary to public acceptance.

In the public review process, members of the Standing Committee on Government Operations were mindful of comments made by submissions and by some committee members themselves on the expressed discomfort that this process required in order to get this bill on the floor of the House today.

Holding one's nose due to our perceived smell is not, in my opinion, the way we should be dealing with legislation of the House. With that said, it is imperative that Members truly understand what is at stake today and vote accordingly with their conscience. If we are to begin, let's begin with the amendment of least resistance. This is referenced in what was summarized earlier by our chair of the committee in granting employee leave for work for political candidacy. This amendment was of merit, and I have no problem as worded.

As we progress in the bill, the expansion of power of the Minister to approve direct appointments without Cabinet approval in order to meet the government's duty to accommodate sick, injured or disabled employees was a great debate. The shift of authority from Cabinet to the Minister was rationalized by the department as having little discretion and the desired effect is merely in expediting the GNWT's efforts.

During our public review, the Minister also suggested that there could be instances where the Cabinet could refuse to appoint such a direct appointment and the government would be in breach of its duty to accommodate. While there may be little discretion with respect to the fact that the GNWT has a duty to accommodate an employee, there is potentially a great deal of latitude on how that duty will now be fulfilled with such an amendment. In the end, the oversight of Cabinet in this regard is an important check in the system. Although great debate consumed committee, I realized that there was not enough support to amend this clause to retain the oversight of Cabinet in instances where the government is fulfilling its duty to accommodate, but it was imperative that my views were brought forward today in consideration of this bill.

Finally, to the issue of most contention with this bill, is the concern of appointment without competition for employees identified for layoff. To set the context, this act is currently written in such a way

that an employee affected by a layoff must first be terminated from the GNWT before he or she can be appointed to another position within the public service. The amendment before this House assumes the person identified for layoff is redeployed to another position, rather than being processed for termination. This all makes sense for minimizing the disruptive issue of continuity of employment, maintaining one's benefits and reducing stress for all.

Nonetheless, there is a particular wording that exists in Section 27(3) in the Bill 30 which is troubling. The cause for concern is the wording which gives the Minister the authority to "appoint the employee without competition to any position in the public service for which he or she is qualified."

Concern over the reference to the term "any" was also noted in a written submission during the public review process. The perceived failure of the term "any position" suggests the fact that the Minister may appoint an individual identified for layoff into a position that is already occupied by an incumbent. This parachuting someone, in effect, is a failure of the bill's attempt at clarity. As written, the Minister has zero limitations at the discretion in the direct appointment process and, in essence, grants the Minister enormous authority.

Some committee members share my concern; others were on the fence. In my opinion, we need to be mindful of the role and the duty to protect our entire public workforce at all times. In the end, we need to give comfort that this amendment, as written, will not usurp current GNWT employees to accommodate someone who has been identified for layoff.

Mr. Chair, I will have further comment when we deal with the clause-by-clause of this bill pertaining to this particular issue. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolynny. Next on my list, Mr. Moses.

MR. MOSES: Thank you, Mr. Chair. I think Mr. Dolynny summarized it pretty good about the...summarized it very good, actually, in terms of what some committee members expressed as concerns in some areas of the clauses that are being brought before us today. In some cases they are just small little changes to the wording, but what I see out of those small little changes are some possible big consequences not only for the department but for our public service sector and people who have been working with the government for X number of years. You can actually be overlooked with some of these possible power decision-making made by a single Minister.

Mr. Dolynny referenced that employees who are deemed for layoff can actually be appointed to any position within the public service without competition. I have some concerns over this, that if

an employee was recognized for layoff and they were able to be put into another position, any position within the public service which we have over 5,000 positions within the GNWT, he or she might be able to go into another department where somebody who had been working five, 10, maybe 25 years, who is looking to fill that position, now might be overlooked because of a direct appointment. Taken out of the hands of all Cabinet members to discuss such an appointment, I think, does draw a lot of concern.

As I have stated in a lot of discussions with the Minister's office, I have worked in the public service sector for 12 years. I have seen some of these practices happen. I have seen some employees who were looking for a position, waiting for the job competition to open up, and a direct appointment was given to another employee sometimes from a different department and it really affected the atmosphere of the working conditions within that department. I think, as you move forward into making these amendments as small changes to the act itself, it will cause big consequences. I also do feel that it puts too much power into the hands of one Minister, in terms of direct appointing an employee to any position without competition within the public service sector.

There was another area here that I did have another concern with and I will discuss it more in detail with the clause-by-clause review, and that was for any employees that want to run for office, and putting that in the hands and decision of the deputy minister when we have a small population here in the Northwest Territories already and the relationship between the deputy minister and the Minister, and even though the Minister doesn't have the right now because it is just an amendment, there still can be a conflict of interest because the deputy minister and Minister work so close and it could be even deemed more of a conflict if the deputy minister and that Minister were together for two, three or more terms. Obviously, the deputy minister and the Minister would have developed a strong relationship over however long they have been working together and that can be a conflict of interest as well.

Like I said, it's a small population in the Northwest Territories, and with the deputy minister so involved in what happens in the goings-on of business in the Northwest Territories, travelling to communities, meeting with people who might be potential candidates – because I am sure they would be listening to people who would be very vocal, very outspoken, very involved in the community – and should that individual want to run for office, now we are leaving it in the hands of one individual and that's the deputy minister. I think there is potential for conflict of interest there as well. There is nothing, I believe, in this act that would allow for the potential candidate, who could also be a good

employee for the GNWT, there is no appeals process that they can follow if they want to run, to get that opportunity to run. So we are actually shrinking and limiting the amount of potential good-quality candidates that would like to run for office within our government. Should the individual decide to run, it looks like the only option for them is to resign their position and run for office. Then there is no appeals process; there is nothing that says they can go back into the public service sector because there was no approval given.

Those are just some of the concerns that I've had with this. As we get into the clause-by-clause review, you will hear more questions to the Minister to get a little bit more clarity on some of these clauses that have given some concern to me.

As I say, working in the public service sector for over 12 years, I have seen some of these practices go on and I do believe putting all that power into one person's hands on some very important issues is very conflicting for me and also gives me concern for all the people that go out there and do work in the public service sector. I think that speaking up for them, especially the long-term employees who might be getting overlooked, it's going to be a concern for them as well. I think they should be spoken for in that case. With that, I will close my general comments. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Next I have Mr. Yakeleya.

MR. YAKELEYA: Thank you, Mr. Chair. The bill speaks to a number of points I have listened to from my colleagues and to the Minister. It certainly raises the questions on the appointments by this government for employees. Certainly for us in the Sahtu region, we have a different perspective. We are looking at the percentage of representation by this government of the people they serve into those higher levels of management.

Recently, I've been very pleased with the increase of northern Aboriginal people who are qualified who are now taking senior management positions. I believe that many of them have won these positions through a competition process.

I want to ask the Minister the breakdown of direct appointments for the Sahtu and also generally on the number of direct appointments within the government, because the Minister stated in his presentation that this bill does not expand the powers of the GNWT to appoint individuals without competition. I want to ask the Minister for some of these numbers that I'm asking for.

I know also that in the Tlicho Government human resources steps show that the Tlicho Government is doing well above the percentage of having their own people working. I think they post about 70 percent. I think we are below. I don't know if we have done any good in the last three years. Maybe

some departments; I don't know. I can go upstairs and get my numbers and figures. But what struck me, looking at the Tlicho Government, is that they have close to 70 percent of their people working within the government. That is a very good representation of the people they serve. The same with our government, our government is not doing too well in those areas. I'm more interested in how do we increase those numbers.

Over the years of being in the position of MLA, I always want to increase the representation population in our public service servicing our people. More so now in the senior management positions. I believe and I guess it's really a balanced approach to a direct appointment competition. I know in my region a lot of people, for some odd reason, even though they're qualified and whatever, they just don't seem to make it within the competition race, and I get calls. Because of existing policies or something like that, they don't get that second phone call. Sometimes we have to look at these cases and see that possibly a direct appointment could work.

I'm looking to a balanced approach on this issue here. I'm more interested in having the numbers increase with our government by the population that they serve, and right now what I'm reading, we're not doing too well in that area. I know there's a slow growth, and I know the Minister, through other programs and services and initiatives, is looking at increasing that number, but right now it seems to stall, maybe I could say. Is that the right word to use? Some departments are not doing too well, and I could list the departments where you see those numbers. Some departments are doing really well and they're increasing. This is a huge department and this is affecting people. This is not like talking about roads and bridges. These are actually people who want to work within the government and people who want to make a difference in their lives, especially in our small communities. Like I said, in the Sahtu now it's starting to change but there is still some work for us to do there, and I'm not too sure how or when those changes will happen. We need to look at that and be realistic about it and start making these changes.

I indicated in my Member's statement earlier in the House, there are 75 students who are going to the Aurora College in the Territories, 79 students. Sorry; they are in Aurora College or some Aurora College learning centres. These are the people that are in business management, nursing, heavy equipment operator, office management, teachers. We've got to show them there's a pathway there. I'm looking for that to see how we could work with them, knowing that they have the qualifications. I wanted just to say those are my comments for the opening of this bill here.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Yakeleya. Committee, we're on general comments on the bill. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. I just have a couple of comments. One of the things that came to light when we were discussing the bill, we received some comments from one of the stakeholders who was concerned about consultation. I don't believe that there was enough consultation done on this bill, if there was any consultation done at all. One of the questions I have for the Minister is to advise us what consultation was done in the development of the amendments to Bill 30.

I would like to confirm in the definition of layoff, it's being deleted, and I'd like to confirm, I believe the Minister advised us earlier that in the definition it's being used as a noun and throughout the rest of the act it's being used as a verb and that the language where it was used as a noun has now been changed. I would just like a little explanation on that to make it more clear.

I do appreciate the comments of my colleagues on adding the word "vacant" into Section 27(3), I think it is. I'm not sure, and I guess what I would like to know is we've been assured that nothing is really changing in this bill, and I note from the current act to the amendment, basically the intent is the same, but there still is the question of what safeguards exist to ensure that managers don't parachute people into positions, and I don't think that's totally clear. I have concerns about direct appointments in general. I'm not too concerned about direct appointments here, but I do wonder why we can't add the word "vacant," and that was a comment from one of the submissions that we received, as well, why it does not say any vacant position, why it says "any position." I know the current act doesn't have the word "vacant" in it, but certainly, without the word "vacant" it can be read to allow somebody to be direct appointed into any position, occupied or not.

Those are my concerns, and if I could get a little bit of clarification. I'll have questions when we get to specific clauses as well. If the Minister wants to answer them there, that's fine.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Committee, we're on general comments. Questions probably will come up more in the clause-by-clause. General comments. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. I actually do have a question just to provide some context for discussion in the clause-by-clause. I appreciate all the perspectives I've heard so far and the Minister's comments.

My question is: Does the Public Service Act, as it currently is, provide for the Minister to be able to directly appoint an employee into a position that is already filled, thereby displacing the incumbent? Is

that ability provided for in the current act? Just to be sure, I'm asking, does the current version of the Public Service Act, which we're proposing to amend here, currently provide the Minister with the ability to directly appoint a person into a position that is already filled, thereby displacing the incumbent from that position?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. We're on general comments, so I'm not sure if you had any further comments to make. If not, I don't have you on my list, so we'll just go to the Minister. But just to follow up with you, do you have any general comments?

MR. BROMLEY: No.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Do I have anybody else on general comments? I'll go to the Minister now to reply to some of the general comments.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. I think I will generally respond to all of the opening comments from the Members, but I will answer the question from Mr. Bromley first. The only change that we're looking for in the provision where a Minister may direct appoint a person to a position, to any position, is the person would now be affected by layoff, potentially affected by layoff, as opposed to what we're... Pardon me. Right now in the act, the individual has to be actually laid off and discontinue service. Then I would be in the position to direct appoint that person to any position. What we're requesting here is that the position, as soon as the individual is affected by layoff, potential for the layoff, that person is going to be laid off and if there's a position that he or she is qualified for, I can then make the direct appointment into that. There's no change there. It's just the wording of the layoff.

I'd like to speak on each of the items. Duty to accommodate: The proposed change to Section 18(2) simplifies a way to duty to accommodate appointments made to fulfill the GNWT's human rights obligations. It means that once an employee and management have agreed to an accommodation where an appointment to a new position is necessary, it can be made with minimum fuss and inconvenience for the employee. It also limits the release of information about the employee's accommodation to only those who need to know. It gives the GNWT, as an employer, a process to quickly put employees into new positions to fulfill our human rights obligations to accommodate employees.

The appointment of employees identified for layoff - Clause 4

The proposed change to Section 27(3) allows employees identified for layoff to be placed into appropriate positions without having to be first formally terminated. For employees identified for

layoff, this change minimizes disruption for their continuous employment status. It provides them with a greater confidence that their employment status will not be interrupted and helps minimize disruption to the employee's personal life. This change simplifies the administration of this government's commitment to retain affected employees. It provides a measure of staffing stability for departments which want to retain valuable employees whose jobs they've had to relocate or eliminate.

Absence of leave for political candidacy

Bill 30 eliminates a perception of conflict of interest by removing the Minister from direct appointment of granting leave to restricted employees for the purpose of running for election. Instead, the deputy minister accountable for the act will approve an employee's leave for political candidacy. The act does not allow us to deny leave for most employees who wish to run for political office. It is only restricted employees, basically senior managers, who may be denied. The changes provide restricted employees with assurance that political considerations of the Minister will not interfere with their ability to seek election. Employees can consider running for public office with confidence. If they are not successful, they have a job to return to.

We take the political rights of the employee very seriously and cannot deny a restricted employee's leave unless their absence would very seriously interfere with the ability of this government to operate. As far as I am aware, no restricted employees have been denied leave to run for office.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Beaulieu. Committee, we've concluded comments. Agreed to go into detail? Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Thank you. Committee, we're on Bill 30, we'll go to page 1, clause 1. Does committee agree?

---Clause 1 approved

CHAIRMAN (Mr. Bouchard): Clause 2, Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chairman. I did sort of mention in my remarks I'm slightly confused why we are deleting the definition of layoff and I mentioned I think it's because there's a difference in the way that the word "layoff" it's used, whether it's used as a noun or a verb. I didn't hear that, I don't think, in the Minister's remarks. I also didn't hear about what consultation was done, but I don't know if we can go to the Minister at this point or not, but that is a concern. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. The legislative counsel will speak to that question.

CHAIRMAN (Mr. Bouchard): Yes, Mr. Chutskoff.

MR. CHUTSKOFF: Thank you, Mr. Chair. The repeal of the definition "layoff" in this act was done for legislative drafting reasons. The existing definition breaks at least three rules of good legislative drafting. It contains a matter of substance – if I may be permitted – it currently reads layoff. It means a person who has been laid off under subsection 27(1) and who, in the opinion of the Minister, is suitable for continued employment in the public service. This test, that the person, in the opinion of the Minister, be suitable for continued employment, is a matter of substance, and good legislative drafting would require that that matter of substance be moved to the substantive provision and that's what we have done in this case.

In addition to that, the term "layoff" was used only once in the act, in Section 27. Another rule of good legislative drafting would require that you don't have a definition for a term that is used only once. You include the content of the word or the meaning of that word in the substantive provision where it's used.

Lastly, the existing definition of layoff represents an unusual use of the word. It refers to whereas the word "layoff" may be used as a noun to describe a person who has been laid off, as a layoff is not in keeping with good English. Those were the reasons that the definition has been repealed.

CHAIRMAN (Mr. Bouchard): Thank you very much. Minister, maybe to the issue of the consultation.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. The UNW was consulted and the NWTTA was not, but they have access to the public consultation process.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Beaulieu. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. Thanks to the legislative counsel for the clarification. I guess with regard to the consultation, I would advise the department and the Minister that anytime legislation that involves employees, no matter who they are, is being contemplated, that there ought to be consultation with them on the changes that are intended to be made to an act.

I'm not quite sure what the Minister means by the fact that the NWTTA had access to the consultative process. It's one thing for a submission to come in when the bill is at committee stage. It's quite another thing for a submission to be made at the LP stage or prior to the LP stage when amendments are being considered. So I would just encourage the Minister to do more consultation than what they think they need at the time that the amendments are being contemplated and in the development of an LP. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. We agree with the Member's statements. When we review the Public Service Act as a whole, we will certainly be consulting with all union groups.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Next I have Mr. Dolynny.

MR. DOLYNNY: Thank you, Mr. Chair. I did find it odd that we are repealing definitions within the purview of an amendment of an act. It is to my understanding that when we were doing legislative review, legislation in its pure form is supposed to be as prescriptive and definitive as possible to remove ambiguity, ambiguity in definition and ambiguity in law.

Although we heard earlier today that the term is used seldom – I heard only once in some other form of legislation – this would actually prove that even more detrimental that definitions are not removed from legislation. That there's a clear and definite rationale for a definition to actually appear in legislation, as I said earlier, is to be as most prescriptive and definitive as possible. The courts have told us that. The courts expect that from legislators.

So again I ask, is this fundamentally the stance now of the department that when we review legislation we're now seeing the removal of definitions, that we are actually being less prescriptive in design? Is this the intent? Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolynny. We will go to legislative counsel, Mr. Chutskoff.

MR. CHUTSKOFF: Thank you, Mr. Chair. As I mentioned in my previous remark, these were technical reasons for removing the definition. There is no desire to remove anything. In this case the test is that the previous definition contained "who, in the opinion of the Minister, is suitable for continued employment in the public service" has been moved to the substantive provision. In taking a holistic approach, nothing has been lost from the repeal of the definition. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Chutskoff. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. In addition to that, the definition of layoff is clear in the Collective Agreement and we see no ambiguity to the public service.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Mr. Dolynny.

MR. DOLYNNY: Mr. Chair, if that is indeed true, I don't believe the Collective Agreement is considered legislation. I consider that an agreement, as it is intended, is with another third party.

As I said, repealing definitions, in my opinion, makes our legislation less prescriptive. It could be interpreted in different ways. We've heard that the term "layoff" is substantive in another form. I didn't quite understand where this term "layoff" is.

Is the term "layoff" defined in any legislation, not regulations, that the department uses in its due course? Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolynny. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. We are not aware of any term "legislation" that's identified in any legislation.

MR. DOLYNNY: Mr. Chair, I will ask my question again. Is the term "layoff" defined in any of our legislation? Thank you.

HON. TOM BEAULIEU: Mr. Chair, we are not aware of the term "layoff" being identified in any of our legislation.

MR. DOLYNNY: Mr. Chair, I believe that's the justification of the argument today, where we are actually removing the definition even though it's used in a noun or a verb. We are clearly lessening the legislative process by making more ambiguity in terms of the wholeness of the act, the spirit of the act and the intent of the act. If this is indeed the premise we are about to embark on, I strongly suggest that all departments coming forward to remove definitions is not really what we're looking for, for great legislation. We're looking for legislation to have proper definitions so we can understand wholeheartedly what terms mean and represent in the language of government.

I will leave it at that, otherwise we're going to be chasing our tails on this subject, but it's more of an observation.

I've commented on this before with other acts before the House. I'm cautioning the drafters, I'm cautioning the departments, keep definitions within the acts, please. It offers more clarity, and again, this is exactly what the courts are using. This is exactly what the collective bargaining agreements use. This is exactly what legislators will use to find out the spirit and intent and the true meaning behind acts, words, definitions. I will leave it at that, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolynny. Did you have anything to say, Mr. Minister?

HON. TOM BEAULIEU: Thank you, Mr. Chairman. No, I don't.

CHAIRMAN (Mr. Bouchard): Thank you, Committee. We're on clause 2.

---Clause 2 approved

CHAIRMAN (Mr. Bouchard): Thank you. Clause 3.

---Clause 3 approved

CHAIRMAN (Mr. Bouchard): Thank you. Clause 4. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. I'm just going to attempt once more at my question. I apologize; I do not have a legal background. I'm trying to determine, with reference to the initial phrase under Section 4(3), "Notwithstanding any other provision of this act..." I'm just wondering, going back to the Public Service Act as it now stands before amendment, whether it enables the Minister to appoint a person into a position that is already filled, thereby displacing that person. Can the Minister do that already today without reference to what's happening in this amendment?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Minister Bromley.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. As to a bit of a response, I'll have Nicole provide the majority of the response. What we're asking for here is just a change in the term. The legislative proposal presented here today is the legislative proposal that is trying to put the least impact possible on an individual that is affected by layoff. Currently, this legislation reads that the individual has to be laid off and everything else is the same. If we're going to make change in this legislation, that's not something that we're proposing, that's outside of our legislative proposal here today, then we would have to go back to the union with that. However, I will ask Ms. MacNeil to provide more detail.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Ms. MacNeil.

MS. MACNEIL: Thank you, Mr. Chair. I understand the question to be: Is there a difference today versus what would be the result if the amendments were passed as to the Minister's power to direct appoint an employee who's facing layoff to a position where there is already an incumbent in that position? That power today does exist under the Minister's authority and will continue to exist with the amendments. Neither today nor after the amendments would the Minister have the ability to remove the present incumbent from the position for which we are essentially double filling, would be the terminology. There are only particular ways that an employer can legally remove an employee from their employment with the public service. The amendments would not allow for the present incumbent to be bumped out, which is the labour term.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair, and thanks for that response. I think that sums up my understanding in the area that I needed it.

The second thing I'd like to ask about is I note in the summary of the bill, if I can just quote that starting in the middle: "to permit employees identified for layoff to be placed in vacant positions without disrupting their continuous employment status." I know the intent here of the Minister – and he must, I'm sure, be in line with that – is to make the appointments into vacant positions. That is what the summary of the bill says. But in fact it does not say that in the legislation. This is a point that's been raised by my colleague Mr. Dolynny. Why do we state it clearly in the summary but then not clearly in this clause?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. The reason that the LP does not speak to vacant versus any position is because the LP is about layoff versus laid off. This is where we are coming forward with that amendment. We are not coming forward to amend other parts of the public service in this LP. The detail on how we can insert "vacant" versus "any" position, I will ask Ms. MacNeil to provide what the steps would be in order for us to bring that LP forward. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Ms. MacNeil.

MS. MACNEIL: Thank you, Mr. Chairman. I believe the intent of the legislative proposal is to keep the power of the Minister consistent with the power of the present day, of the ability to appoint an employee who is facing layoff to any position in the public service. That position may be vacant; it may not be vacant. There are certainly times where the logical place to place the employee may be a position that currently does have an incumbent, but perhaps that employee is set to retire in four months and we would be double filling that position. There certainly are times where we would want to directly appoint the employee into a position where it is presently occupied; therefore, it would not be vacant.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. Yes, thank you for that response. I am getting some clarity on it here.

I guess, are there any corralling sidebars with respect to this potential to double fill? To ensure that the example that was used, somebody is about to retire, that would be acceptable, but somebody that was not about to retire and was being forced out without due process, that would be something, I suspect, committee would not appreciate or support. So are there any controls at all on the double filling potential? Thank you.

MS. MACNEIL: As far as the concern of whether or not the employee who is the incumbent in the

position would be forced out, the controls, of course, would be our labour employment legislation that governs the ability of which an employer can legally remove an employee from their employment. The employer, the GNWT, does not have the ability to force out an employee from their position. There must be cause to remove an employee from the position they currently hold.

MR. BROMLEY: Have there been any cases in the last year or two that the Minister is aware of where we have done this sort of thing, double filling positions?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. We may not have all the stats here, but I will just draw on the deputy minister's knowledge in that area. Ms. Desjardins.

CHAIRMAN (Mr. Bouchard): Thank you. Deputy Minister.

MS. DESJARDINS: Thank you, Mr. Chair. We would have to review that, but most likely we would be looking at those kinds of placements as well. When we do our succession planning or plan around layoffs, we look at any vacancies or any potential vacancies.

CHAIRMAN (Mr. Bouchard): Thank you, Deputy Minister Desjardins. Next I have Ms. Bisaro.

MS. BISARO: Thanks, Mr. Chair. I just want to follow up a bit on this same subject. I think Mr. Bromley has covered most of it.

My question here is similar to his and maybe I will try asking it in a different way. My concern is that it has been referenced that GNWT can't just remove an employee, but where is it written that we can't do that? What safeguards exist? Where are they that one could go look at them and read them that basically states we can't just remove somebody or we have to have cause to remove somebody? Because it's not clear what safeguards are in place to prevent the Minister from parachuting somebody into a job and booting out the incumbent. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Ms. MacNeil.

MS. MACNEIL: Thank you, Mr. Chair. As far as a place to read the safeguards and guidelines, the difficulty there is that the majority would come from jurisprudence, from case law, from accepted principles of labour and employment law.

So if I could run through a hypothetical scenario that would apply to the vast majority of our employees that are unionized; therefore, the Collective Agreement applies and labour law would apply, which is how we reference the law that applies to unionized work settings. If we follow through with the scenario of we have an employee

identified for layoff, we choose to direct appoint them into a position where there is presently an incumbent and the end results of that would be that the employing department then is dismissing the incumbent and removing them from the workplace.

I can tell you from my experience in labour relations, what would then happen is that employee, who is a member of the union, would go to their union, the union would disagree that it's a valid termination, they would allege it's a termination without just cause and file a grievance on behalf of that employee. Then the grievance process kicks in, which is established under the Collective Agreement, where they file the grievance, it goes through the various stages where the employer is required to respond to the grievance. If the parties cannot come to a resolution on their own, the grievance is then referred to arbitration, so it goes before a third party neutral arbitrator, where the labour jurisprudence very much comes into play because that will guide the determination of the arbitrator as to whether or not the employer had just cause to remove the incumbent. Should the arbitrator disagree with the employer's position and find that we did not have just cause, the more-often-than-not remedy is that that employee is provided the option, as a remedy, to be reinstated to their position in addition to the likelihood of back pay to cover the period of time that they had been removed from their employment without cause.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Next I have Mr. Moses.

MR. MOSES: Thank you, Mr. Chair. Under this clause, as well, the way it is being worded, there is some concern in terms of the powers that fall onto the Minister here. I guess the first one, it says, "if the Minister is of the opinion that an employee identified for layoff under subsection (1) is suitable for continued employment in the public service, the Minister may appoint the employee without competition to any position..." So the first one is of the opinion. So it is, I guess, the Minister's opinion, and what constitutes what the Minister believes is right rather than what the resume or somebody's qualifications are in place? Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. There is no change requested in this area. This is not part of our LP that we present here today. The statement that "within the opinion of the Minister, this individual be suitable for another position" is currently in the act. Thank you.

MR. MOSES: I guess we can look back at statistics and see what kind of direct appointments might have been done in that sense. It is a concern because we do put a lot of power into the Minister's

hands in terms of his opinion on who might be able to take another job.

I guess, moving further down in the clause, it does say, "without competition to any position in the public service..." As I stated in my general comments, we have over 5,000 jobs in the GNWT. We also learned over this past summer's session that some of these positions are left vacant on purpose.

How does the Minister have the authority to appoint an employee who has been identified for layoff with any position within the departments? How does the Minister work with other Ministers to ensure that they can just take that position and move it into any public service position in the public service? Thank you.

HON. TOM BEAULIEU: Again, although we're not contemplating any change in this area or asking for a change or bringing an LP forward asking for a change in this area, I will have Ms. MacNeil explain the process to try to provide some comfort to the Members. There is a lengthy process that we go through in order to make these appointments.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Beaulieu. Ms. MacNeil.

MS. MACNEIL: Thank you, Mr. Chair. With regard to the concern expressed over in the opinion of the Minister, certainly the process before consideration would be brought to the Minister's desk, would be the input of the employing department of the employee who is facing layoff, and I note the final qualifier to the language is it's a position for which the employee is qualified, which is key here. There would be the information brought forward from the employing department, that although it's unfortunate that the position that the incumbent presently holds is either being moved or being eliminated for business reasons, that individual is a valued public servant and is one that should be kept, if at all possible, with the public service, and the position that they would be appointed to must be one for which they are qualified for, and all of that background information and briefing notes would be provided to the Minister for his consideration based on the information from those who are on the front lines and who are aware of this employee's skills and abilities.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Mr. Moses.

MR. MOSES: Thanks, Mr. Chair. I think that's where we get a little bit of a concern, is that if it's the opinion that we want to keep somebody continued within the public service sector, that if we do find a position that they're qualified for, say, in the Department of Justice, and they're leaving, maybe, the Department of Human Resources, that in the other department there's the opportunity for other employees, especially now that we're trying to

do this regional engagement strategy, that we're not taking somebody in that position that might have been there for 20 years and now we're filling a vacant position that didn't go out for competition when we might have two or three other qualified candidates that have worked in that department for years. That's where I get a little concerned. I've seen it happen. I've seen employees who've worked in departments waiting for a competition to open but under the direction from Ministers I've seen positions get filled where we had qualified staff who've worked for about 20 years within the government and we just bypass them without any regard, so that we can keep somebody's continuity with the government up to speed and kind of disrespecting and taking out of consideration these employees who've served with that department for a long time.

What provisions are in place that would prevent that from happening, that a job that's vacant does not go out for competition when we already have qualified people in that department?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Minister Beaulieu.

HON. TOM BEAULIEU: I'm going to have Ms. MacNeil explain the process of how the positions are filled. I don't know how we would go about trying to talk about what happens in the department that's going to be receiving the affected employee and what happens in there, but we will do our best to try to answer the concern. I'll ask Ms. MacNeil to add more to that.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Ms. MacNeil.

MS. MACNEIL: The concept of searching out possible positions for employees facing layoff comes from the guidelines and principles set out in our Staff Retention Policy, which is a policy that has been passed by the Financial Management Board. Certainly, it is a focus of government and an important factor for government to do everything they can to retain employees who, for no reason of their own, the position is being eliminated, and those employees, through our Staff Retention Policy, have been designated as having priority and that we must consider possible opportunities for them short of having to proceed with actually laying them off.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Mr. Moses.

MR. MOSES: I'm not too familiar with the Staff Retention Policy, but if there are provisions in there that respect that, but it's also stated in this clause that it's still under the opinion of the Minister here. Should those type of positions happen where the Minister does direct appoint an employee that's identified for layoff into a position that wasn't put up for competition but we did have qualified individuals

in that department, is there an appeals process for the affected employees in the department where the job wasn't put up for competition? Is there an appeals process on their behalf, the person who might have been working 20 years waiting to get to that job? Is there an appeals process that they can bring forth when a person with maybe only two or three years in the public service gets that position?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Minister Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. There is no appeal process for this situation.

MR. MOSES: Mr. Chairman, as I stated, that is a concern for me that if we bypass the process of a competition to accommodate a certain individual that are long-term employees within the government that we might have given awards to, long-term service awards to, are not getting the due respect that they should deserve moving forward. That is a concern, and I think there should be something in place like an appeals process for these individuals who have committed years of service to the GNWT.

One last area of concern is just the double filling of positions, as you heard earlier, in terms of somebody identified. That would mean we're not paying two people to do the job of one job position even though there's going to be on-the-job training and those kinds of things. Now we're having two people do the job of one person, and once again, it's speaking to the integrity of somebody who's wanting to maybe retire out of public service who might have put in 30 years, and now instead of giving them the integrity to do their job, it might be a big project on their way out of their project, now we're sending somebody else in and it all moves kind of like we're pushing them out the door a lot sooner. That's just another concern for our long-term employees who have done good work on our behalf and now we're back double filling a job and paying two people to do the job of one person. I just wanted to put that concern out there as well.

HON. TOM BEAULIEU: We're not equipped to make changes to the Public Service Act as a whole. These amendments are not contemplated here today. This legislative proposal does not contemplate those amendments. They are in the current Public Service Act.

We agree that there should be a review of the Public Service Act. We have indicated that a review of the Public Service Act would take about two years.

These are amendments within the Public Service Act that we're looking at and we consider to be minor amendments to streamline, simplify and improve the process for employees. It is all of the other things that need to be reviewed in the Public

Service Act that are being contemplated here today.

I can perhaps ask Ms. MacNeil to talk a bit about the Public Service Act, or maybe specific to some of the concerns that are brought forward today.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Beaulieu. Ms. MacNeil.

MS. MACNEIL: Thank you, Mr. Chair. I would like to comment on the concerns raised with regard to the double fill concept. Certainly, when we have an employee who has served the public service for, as the example illustrated, 30 years, and has done valued service and has contributed over that time, a key to preserving that work is proper succession planning. That's an important factor for any employer. It certainly is important for the public service. The idea of double filling as someone is about to retire is, in part, so that we do not lose the continuity of the good work that that individual has established and done. Bringing in someone to work alongside of them would certainly be explained as to the purpose and I would hope that the present incumbent would agree with the employer the need for ensuring that all that corporate knowledge that they know, the process and the work and certainly on a specific project is properly transitioned to an individual who will be replacing them as they retire. That is the purpose. It certainly is not to make someone feel devalued, but in fact I would hope it has the contrary effect of ensuring that person appreciates that the employer does see the value of the work that they contributed and we want to ensure that it continues with the employee coming in behind them after their long period of service.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. MacNeil. Next I have Mr. Dolyunny.

MR. DOLYNNY: Thank you, Mr. Chair. I have been listening very attentively to the issue regarding this clause. To save time and energy of the House I'd like to move a motion, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolyunny. Go ahead, Mr. Dolyunny.

COMMITTEE MOTION 96-17(5):
AMENDMENT TO CLAUSE 4,
DEFEATED

MR. DOLYNNY: Thank you, Mr. Chair. I move that proposed subsection 27(3) in clause 4 of Bill 30 be amended by striking out "to any position in the public service" and substituting "to any vacant position in the public service". Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolyunny. Committee, a motion is on the floor. The motion is in order. Mr. Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. I wish to speak on the motion.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. We'll go to Mr. Dolyunny first. Thank you.

MR. DOLYUNNY: Thank you, Mr. Chair. I don't want to steal the Minister's thunder. As a committee member, I support the objective of minimizing any disruption to the continuity of employment for affected employees to reduce their stress for these individuals during a time of uncertainty in their lives. Nonetheless, there is particular wording that exists in this section, Section 27(3) of the Public Service Act, and it remains an amendment contemplated in this Bill 30. I find this clause very troubling.

The cause of concern is the wording which gives the Minister the authority to appoint the employee without any competition to any position in the public service to which he or she is qualified. Concern with a reference to any position is echoed in a written submission received by the Northwest Territories Teachers' Association during the public review of the bill.

Some committee members share my concern that the failure of the legislation to place reasonable limitations on the nature by which the Minister may appoint provides the Minister with enormous authority. This authority could potentially lead to the appointment of an individual identified for layoff to a position that is already occupied by an incumbent.

During the clause-by-clause review of the bill, the Minister indicated that the department intends to undertake an overhaul of the Public Service Act, which was described by his officials as outdated, within the next few years. While this is very welcome news, we should not wait until a future review to amend this troubling wording in the legislation, which is now a problem before us.

The Minister was asked about the possibility of including the word vacant, as in any vacant position, as a way of more accurately defining the nature of positions that might identify for those who are being laid off. The Minister expressed resistance to this suggestion, indicating that it would unreasonably limit the department's options for finding alternative positions for its affected employees, and that was echoed equally here today.

The Minister further explained that, on occasion, positions may be double filled for training purposes or for succession planning when the incumbent has already signaled his or her intention to leave the position. Again, this was echoed today on the floor of the House.

In the end, I find the defence arguments of the Minister and the department of poor quality in justifying their status quo position of the Minister's consistency of power. In fact, the summary of the bill, as pointed out by my colleague Mr. Bromley, reminds us the spirit and the intent of the bill used the term vacant position in its summary, yet this is

purposely removed from the bill itself and we need to ask why. To the concern of an incumbent would never be displaced by a layoff appointment, let me remind Members the removal of an incumbent under the process of constructive dismissal is such a situation which could apply in today's debate.

The problem needs to be fixed now to give comfort to all GNWT employees that their positions will not be usurped and to accommodate someone who has been identified for a layoff. We all know the phrase "devil is in the details" and I can assure Members of this House this is exactly the road we are about to embark on by not including the qualifier "of any vacant position." History in the law will judge our action or inaction in due course.

So at this time, I'd ask Members to consider and weigh all options on this amendment and to not pass judgment until there has been full disclosure for consideration. Mr. Chair, I will be seeking for a recorded vote. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Dolyunny. To the motion. Mr. Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Chairman. I would reiterate again the clause that we're changing, one term, that's what the legislative proposal is, a term of changing in Section 27(3), changing from a person that is laid off to a person that's affected by a layoff. This is the reason that we are here. In order to change this overall Public Service, which says "any position" to "vacant position," we'd have to take this legislation to the union and we would have to consult and we would have to do further in-depth review of the Public Service Act.

What we're doing here is changing one small clause. This is not part of what we're trying to change. Also, it does limit, as the Member says, the government's ability if we add the word vacant. It does limit our ability. It doesn't say we don't place layoff persons into vacant positions, it says any position.

What the change would do that's being contemplated by the Members would change to vacant positions only. So it would eliminate any possibilities where an individual could be ready to retire and we're looking to have another individual in the public service that has been affected by layoff be the successor, putting that person in. It eliminates our ability to transfer the knowledge from a person that may be leaving the public service through retirement or the various ways of attrition that occur in the public service.

So if we're going to do this, then we must take this back to a consultation process and we would change the legislative proposal. We can't make this change on the floor here today. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Beaulieu. Next I have Mr. Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. Prior to becoming an MLA I worked in Human Resources within the Government of the Northwest Territories for almost 13 years and in that time I participated in many staffing actions. I was the lead staffing officer on many staffing actions. I worked on many, many labour relations issues and I worked on a number of duty to accommodate issues.

This legislation that is before you is dealing with individuals where we have a duty and a legal obligation to accommodate employees who have either been laid off or have medical issues, that we have to work with them to find a way to keep them in the public service.

This clause, this change is very troubling, because when we're trying to accommodate individuals, when we have a legal obligation to work with our employees to find them meaningful employment in these situations, we have to have all options available to us as a government, absolutely.

When I worked on duty to accommodate – and I know this is true today – the obvious first step is to look at vacant positions that the individual might be suitable for. You want those individuals to go into those because we want to employ them as much as possible. Sometimes there aren't direct or obvious lineups, so we have to look at all options.

In certain situations, individuals give us much heads-up that they are planning to retire. I've had individuals approach me when I was a staffing officer and say, hey, I'm 55, I want out of here. But we need to work with somebody to make sure that we help them get the skills they need or do some succession planning to bring them in place.

In these situations where we're talking about putting someone in a position that's filled, what we're talking about is individuals have almost always identified themselves, almost always have indicated that they're leaving and are hoping to be involved in the succession planning or development of individuals. This gives us a tool to work with our employees, work with our bargaining unit, the UNW, work with all parties to find reasonable and appropriate means to move people around in the public service when we have a duty to accommodate.

If you take out the word "vacant" or, rather, insert the word "vacant," it means our ability to accommodate is going to be significantly reduced. We are going to lose our ability to work with those employees. We're going to lose the ability to find meaningful employment for some of our employees.

I understand the desire. I have to say this is going to significantly limit our ability to work with the employees that I have heard people say they want to protect. We want to work with our employees; we

need to work with our employees and there must be options. Removing this or inserting this is taking away reasonable options that have worked, and will continue to work, in good faith with our bargaining unit, our employees and our professionals. So I will be voting against this and I will be happy to stand up and oppose this.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Abernethy. To the motion. Mr. Blake.

MR. BLAKE: Thank you, Mr. Chair. I too, unfortunately, can't support this motion. I see the benefits, actually, of direct appointing people and also double filling positions to job shadow, if you will. I saw it here this week. It's a good opportunity for someone moving into a position and also sharing the knowledge that experienced people have in that position and transferring that knowledge on. It only benefits someone new to a position. I've seen it over the last number of years.

Also, on the other hand, when the government is in the position to direct appoint someone with years of experience that they've learned off of a number of people in their field or department over the years, and some of our Ministers have done the same. Moving forward, I think this is a very valuable piece of power that we give to the Ministers. They are very precise in their decision-making. I support this moving forward. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Blake. To the motion. Mr. Moses.

MR. MOSES: Thank you, Mr. Chair. There are a lot of good arguments for and against the amendment before us. There are a lot of options out there. We put this and we do have a lot of vacant positions within the GNWT. We see it during business plans. We most recently got on a topic during one of our last sessions, but we also developed this Regional Recruitment Program where we can actually help individuals succeed and go up into a higher level within their departments. I don't see that, but whether or not that's being used or utilized are questions that I had on this earlier in the year. We are supposed to have a bunch of GNWT employees identified under this program, when I think there was one at the time I asked the first question. I think we got up to maybe five or six half a year later when it was supposed to be into the program.

I did take a quick look at the Staff Retention Policy, and under one of the principles it does discuss layoff and it says, "The GNWT recognizes that in some circumstances layoff is unavoidable and is the only viable option for the employer and the employee." I think this amendment, making it to a vacant position, would also help with that continuity and that any position I know that would, as Mr. Dolynny put it, put our employees that currently work for us at ease, knowing that the Minister at

any time cannot look at any position in the GNWT but just the vacant ones.

Under the policy statement under the Staff Retention Policy, it also states that fair treatment of employees and organizational restructuring is necessary, should be taken into consideration and the value of continuity of employees in territorial public service. As I said, I've seen some of these kinds of actions before. As the Minister stated earlier, he worked for the government, he worked in the public service. I did too, and I've seen some of these direct appointments being utilized and, actually, employees not wanting to work in that department before. I've seen it and I still see it today, where the atmosphere in the working environment hasn't been that dampened or poisoned, in a sense, because certain individuals were direct appointed into positions that should have gone up for competition.

I think the amendment that would be made here would get fair treatment not only for those employees that are looking for continuity but it would give fair treatment for employees who are already in positions who want to work. I know some Ministers might not be agreeing with that, but like I said, I worked in public service before and I've seen it and I've seen how it has affected the departments.

As I said, I will happily stand up to support this amendment because I've seen it with employees that I worked with before. I'll be happy and willing to stand up, like my colleague, but in this case stand up for the employees who are already filling our positions, in support of this motion. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. To the motion. Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Chairman. I will be supporting the motion. I can appreciate the perspective the folks on Cabinet have to be able to do this. I did go to the Government Operations meetings to hear this out. I understand about the continuity of a position. I would just think, deep down, there must be a better way to do this. I'm not actually against direct appointments; I just want transparency on them personally. I think what this does is we don't know what's actually... There's a lot of vagueness to this.

This is our opportunity by being clear, honest and fair to all around. If we say vacant position, then no one has anything to worry.

I know people are saying today that isn't how it's going to work, but yet we can't guarantee that once laws are in place. The application is we have to trust people in the future someday to apply it in a manner that we thought it was designed for. Am I of the mind that this is going to be a problem all the time? Probably not. Am I of the mind that it will

happen? Yes, it will happen. If we don't clearly specify on how something is to work, my goodness, we have to be very prescriptive when we do these things and not allow them to be enabled in a manner that people can do this.

The only other thing I would add to this particular discussion, and there's been a fair bit of it and I welcome hearing people's perspectives, but the big issue I have on top of that is the fact that there is no clarity, there is no scrutiny and the fact that all the power is in the Cabinet's hands. Now, woe is us when we hear the constant line that these are private matters and not for public. But I've often said all direct appointments should be something we should be proud of. I do agree that there are lots of occasions why they should happen, but I feel that it's unfair to the public service and it's unfair to the bureaucracy at large. I'm really speaking, when I say public service, of those in the unit, sorry, because they see someone getting a job walking in on that Monday and they wonder: how the heck did they get that job? First thing they think is, well, they must know somebody. It's that type of perception.

The famous ointment is called transparency on this one. It would cure all questions. If people knew who was being appointed, they knew what reasons they were being appointed, it makes sense. In some communities it's tough to put somebody in a job because we can't find them, but we could find people who could do the job who just need a fair opportunity. In cases like that, I am very supportive of transition, training opportunities, where we work with people to put folks in jobs where we know they have the ability to step up to the plate. They may not have the university degree; they may not have the technical training. Sometimes we can look past those because we know they are darn good at what they can do and we see promise in them to do those things. They just don't have the three, four, six, eight years, whatever the case may be, to run out somewhere to go get those types of training and then hope there's a job when they come back. There are lots of ways to make things happen.

Again, my issue is about transparency. This at least provides some confidence from this side of the House. I understand that Cabinet doesn't like change from Members' points of view when they have decided that this is the way it is. When we get it in writing, it is pretty much done from a perspective of negotiation, and my comfort level is that I would like to know, that when we leave this building today, if Cabinet has now downloaded it's responsibility of redirecting these things to the Minister and it's being redirected down to somebody else in the bureaucracy such as maybe the deputy minister, that at least I know somebody is ensuring that it is going to a vacant position that we're transferring somebody over to it, and at the end of the day, I don't have to worry that there are any shenanigans going on. The bottom line is, it's

the smallest amount of transparency that we can hope for by guaranteeing that no one will be trumped, no position will be at risk, and if it's a vacant one, like I said, we should be proud of these things. A lot of times they make a lot of sense. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Hawkins. To the motion. Mr. Yakeleya.

MR. YAKELEYA: Thank you, Mr. Chair. I want to thank my colleague Mr. Dolynny for bringing this motion to Committee of the Whole. It's very small; it's a one word motion. It has a lot of different viewpoints on it.

I wanted to say to Mr. Dolynny, this motion here certainly looks at the government as a whole and the appointments of the positions in HR. Certainly hearing the Minister talk about this one word here then means it has to go back to the unions for discussion, because the unions are part of it, and we're going to come to have that kind of a delay here. That's what I'm getting. The unions are part of this. That's my understanding. If I'm wrong, correct me.

The issue of job shadowing is a good thing. Double filling is what you call it. It's double double at Tim Horton's but this is double filling. It's a good thing because there are people in the Sahtu that are going to retire and I always ask, we have a young population that want to work, I have even asked one of the Ministers before, if we could have somebody job shadow somebody else because they have wealth of knowledge in that department. I would like to get a young person in there that's in Aurora College right now, or in one of the small communities, to say they have an interest in that area, if could look at that, doing job shadowing. Increase that percentage of Aboriginal hire in the region.

I think there are processes and procedures, checks and balances. It is the integrity of the department, the integrity of the Minister how we do this. That is sometimes what gets questioned.

I would like to see those numbers from within the Government of the Northwest Territories increase in the Sahtu region. Bring them up. How long have we had the numbers that low? You may see a small increase, so anything we can do. I think the government is hearing some of our small communities talk about having fair representation of our government employees representing people in the regions. That's a must. If I have 79 students in the Aurora College or any of the Aurora College learning centres, by golly, we have to tell them that there is hope there. Why do we tell them to go to school anyhow, to collect income assistance? Is that what we're telling them?

Through any means, if it's ethical, a high degree of integrity and that is on the Minister's plate. You

know, if there is any stuff that we have suspicions, then the Ministers have to live with that. That's where the buck stops. But I'm fighting for my people, the ones who are in school, to look at job shadowing. There are some people that they are going to be leaving their jobs and they are going to be feeling sad. To have someone else come in and work with them, I think that's a good thing.

So positions, yes, that's what I'm hoping for and I think the department is well aware of it right now through this side of the House here, what we are looking for. It is the Ministers who have that added responsibility. As you said, I want this job and we voted you in for that job, to a higher degree. We are held on this side for accountability and transparency, to say, is this it?

So this motion here gets you to wonder: are we going to increase the numbers? You heard us. Is it ethical? Does it have integrity? Is it solid? Is it process?

One of the Cabinet Ministers talked about legally, I think that you have to look at the moral issue. Morally is it okay, is it good? That's why you have a lawyer, to look at it legally, make sure all the checks and balances are there. But as an MLA, it's a moral obligation and that's very frightful, making sure our people in the Sahtu, the northern people, that they can have a fair shot in special circumstances.

I have wanted to say, Mr. Dolynny, thanks for bringing forward this motion, to have me think about it. I think it's a good, valid motion and at this time, right now, it has to be looked at carefully and I think that I'm going to agree with my colleague Mr. Blake to not support the motion because I think this motion is going to be something that's in place that's going to help my people. I am going to leave it to the Ministers. I am voting against this motion and I want to see that if it's going to help our people. That's all I want to say. We need it; we need it in the region. I hope our people in the department are listening and are going to be working hard to increase those numbers in the Sahtu region. Mahsi cho.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Yakeleya. To the motion. Premier McLeod.

HON. BOB MCLEOD: Thank you, Mr. Chair. Thank you for the opportunity to speak to this motion. I just have a few comments to make. I guess some of the points that were made against priority hiring, that's a policy of this government where government has significant changes. We change organizations on a regular basis. To hear that some Members will stand up loudly against priority hiring concerns me.

We have priority hiring to protect the employees of the government. If we don't have priority hiring, it means that if we change our organization, it means that we will have to lay these people off, and that's a concern for me.

Also, the fact that this motion does not appear to support succession planning, if we have no vacant positions, then we will not be able to provide succession planning other than to perhaps create additional positions. Similarly, with duty to accommodate, we've heard in the past we have too many vacant positions and we should get rid of vacant positions. Now, in order to fulfill our legal responsibilities for duty to accommodate, what if there are no vacant positions? Then we won't be able to legally fulfill our requirements.

I guess most concerning is the fact that we're working to have a representative public service. Direct appointments is a tool that we can use to do that, and I think that with this motion that would seriously limit our ability to have a representative public service. I will be voting against it, and this side of the House will be voting against this motion.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. To the motion. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. Thank you, colleagues, on both sides of the House here for their comments and I appreciate the Member bringing this forward for discussion and debate. I think there have been good points made on both sides and, ultimately, it really does depend on performance of the Minister and the department with respect to how well the intent, as the summary states, to fill vacant positions is actually accomplished. I think there have been some arguments made for having flexibility. I think really what we're dealing with here is a matter of trust and the lack of trust, especially when it comes to legal stuff and the law. The law is a pretty flat, sort of, unemotional thing, and has to be, but it doesn't always give direction on intent and can be used. Some of the arguments were vacuous, I think. No vacant positions and should get rid of vacant positions and stuff like this.

I think committee has certainly been very concerned about the direct appointments and the overuse of direct appointments. I think that's clear, and I hope the Minister has heard that loud and clear. To me, what's needed here, whichever way this falls, is some serious commitment from the Minister to monitor the situation, for committee to ensure that the Minister monitors the situation and reports back on the use of this tool so that we can have a basis when we go forward with the review to make any corrections needed. On that basis, I'll be abstaining.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. To the motion. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. I just want to give a brief explanation for the action that I'm about to take. I, as well, have listened to both sides of this argument and I am part of the committee that discussed this at great length. I am satisfied with the failsafes, I guess, that have been expressed by

the government, and I do not feel the fear, I guess, that my colleagues do passing this bill without the word "vacant" in there. However, that said, I don't feel that I can vote against my colleagues, so I will be abstaining.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. To the motion. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Chairman. I'm going into my 40th year both in working for the government and being in this Legislature, and I spent a significant amount of time when I was in government as a manager, and I have been a Minister for a while, and I can tell you that the direct appointment tool is absolutely critical for meeting the objectives of this Legislature. I can tell you that if we were sitting here and we had every position filled and no vacancies, we could be having, maybe, a legitimate conversation about direct appointments. But when we're sitting here with hundreds and hundreds and hundreds of vacancies and the issue is not how do we get these jobs filled, but it's how do we deal with the deep suspicions of some of the MLAs and tie the hands as much as possible of the government to prevent us from, in fact, filling those positions, it's somewhat problematic.

So in ENR, as the Minister, I make very judicious but extensive use of direct appointments and I can show you the statistics about having a representative workforce. It's a critical tool and we shouldn't be afraid of it. We have tons of checks and balances, and the bottom line is we look at our vacancy rates, we want to get our population growing and we want economic activities in our communities. Half of our hundreds and hundreds of vacancies are in Yellowknife, the other half are out in the regions in communities and we're spending tens upon tens of millions of dollars with housing and other incentives to get people out there and yet we're sitting around here today saying, but don't do this. It's a tool that we need to meet the direction that the Legislature has set.

So you have to look at what's the goal of this tool. There's no overuse of direct appointments. We don't use enough direct appointments. If we used enough of everything, we'd have our jobs filled. So I think people have to sort of put aside their suspicion and their conspiracy theories that somehow the government is working away behind the scenes so they can appoint all their friends or they can do things contrary to all the laws and policies that guide us with the all the checks and balances that are there. We want to come up with a system where we have full employment, where we have all these jobs filled. So let's not tie the hands needlessly of government and the ability to hire because of the suspicion of some Members. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Miltenberger. To the motion.

SOME HON. MEMBERS: Question.

RECORDED VOTE

CHAIRMAN (Mr. Bouchard): Question is being called. The Member has requested a recorded vote. All those in favour, please rise.

CLERK OF THE HOUSE (Mr. Mercer): Mr. Dolynny, Mr. Hawkins, Mr. Moses.

CHAIRMAN (Mr. Bouchard): All those opposed, please rise.

CLERK OF THE HOUSE (Mr. Mercer): Mr. Nadli, Mr. Yakeleya, Mr. Blake, Mr. Beaulieu, Mr. Abernethy, Mr. Miltenberger, Mr. McLeod – Yellowknife South, Mr. Lafferty, Mr. Ramsay, Mr. McLeod – Inuvik Twin Lakes.

CHAIRMAN (Mr. Bouchard): All those abstaining, please rise.

CLERK OF THE HOUSE (Mr. Mercer): Ms. Bisaro, Mr. Bromley.

CHAIRMAN (Mr. Bouchard): All those in favour, three; opposed, nine; abstaining, two. Motion has been defeated.

---Defeated

Committee, noting the clock, I will rise and report progress. Thank you, Minister Beaulieu, and thank you to your witnesses. Sergeant-at-Arms, please escort the witnesses out of the Chamber.

Thank you, committee. Happy Halloween.

Report of Committee of the Whole

DEPUTY SPEAKER (Mrs. Groenewegen): I will call the House back to order. Can I have the report of Committee of the Whole, Mr. Bouchard?

MR. BOUCHARD: Thank you, Madam Speaker. Your committee has been considering Bill 30, An Act to Amend the Public Service Act, and I would like to report progress. Madam Speaker, I move that the report of Committee of the Whole be concurred with. Thank you.

MADAM SPEAKER: Thank you, Mr. Bouchard. Do I have a seconder to the motion? Mr. Beaulieu.

---Carried

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

Third Reading of Bills

BILL 33:
AN ACT TO AMEND THE
ELECTIONS AND PLEBISCITES ACT, NO. 2

MR. MOSES: Thank you, Madam Speaker. I move, seconded by the honourable Member for

Thebacha, that Bill 33, An Act to Amend the Elections and Plebiscites Act, No. 2, be read for the third time. Thank you, Madam Speaker.

MADAM SPEAKER: Thank you, Mr. Moses. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MADAM SPEAKER: Bill 33, An Act to Amend the Elections and Plebiscites Act, No. 2, has had third reading.

---Carried

Mr. Clerk, orders of the day.

Orders of the Day

CLERK OF THE HOUSE (Mr. Mercer): Orders of the day for Monday, November 3, 2014, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
18. First Reading of Bills
 - Bill 35, Supplementary Appropriation Act (Operations Expenditures), No. 2, 2014-2015
 - Bill 36, Health and Social Services Profession Act
 - Bill 37, Financial Administration Act
 - Bill 38, An Act to Amend the Jury Act
 - Bill 39, Supplementary Appropriation Act (Infrastructure Expenditures), No. 4, 2014-2015
 - Bill 40, Appropriation Act (Infrastructure Expenditures), 2015-2016
19. Second Reading of Bills

- Bill 34, 2015 Polling Day Act
20. Consideration in Committee of the Whole of Bills and Other Matters
- Bill 25, An Act to Amend the Education Act
 - Bill 27, Miscellaneous Statute Law Amendment Act, 2014
 - Bill 29, Human Tissue Donation Act
 - Bill 30, An Act to Amend the Public Service Act
 - Bill 32, An Act to Amend the Pharmacy Act
 - Committee Report 7-17(5), Report on the Development of the Economic Opportunities and Mineral Development Strategies
21. Report of Committee of the Whole
22. Third Reading of Bills
23. Orders of the Day

MADAM SPEAKER: Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Monday, November 3rd, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 2:17 p.m.

