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The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Monday, August 12, 2019****Members Present**

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

The House met at 1:31 p.m.

Prayer

--Prayer

SPEAKER (Hon. Jackson Lafferty): Masi Colleagues. Welcome back. I would like to welcome and thank the Pages we will have with us throughout this sitting. These Pages, many of them returning to the Assembly, are giving up the final days of summer to support Members as we finish the important work of this 18th Assembly. It is our privilege to share this Chamber with these young people, our future leaders.

I would like to advise Members of this House and the public that throughout this sitting, we will be providing interpretation in the following languages:

- Tlicho;
- Chipewyan;
- French; and
- South slavery.

For Members who wish to listen in English, please remember to leave your dials on channel two.

Colleagues, it is my pleasure to welcome you all back to the Chamber to resume the third session of the 18th Legislative Assembly. I know Members have been hard at work all summer with the ongoing work of committees and government.

Colleagues, we have begun the final sitting of the 18th Legislative Assembly. I recognize there is much work left to do, but I encourage Members to reflect on the work we have accomplished since we first came together almost four years ago.

While completing the work we have left, we must continue to hold ourselves and each other to a high standard of conduct and decorum. I look forward to the debates and discussions that will take place over the next two weeks; however, I encourage everyone to choose your words carefully, thoughtfully, and respectfully.

Now, it is my duty to advise the House that I have received the following message from the Commissioner of the Northwest Territories. It reads:

Dear Mr. Speaker,

I wish to advise that I recommend to the Legislative Assembly of the Northwest Territories the passage of:

- Appropriation Act (infrastructure expenditures), 2020-2021

during the 3rd Session of the 18th Assembly.

Yours truly,

Margaret M. Thom, Commissioner

Masi, colleagues. Item 2, Ministers' statements.

Ministers' Statements

MINISTER'S STATEMENT 212-18(3):
SESSIONAL STATEMENT

HON. BOB MCLEOD: Mr. Speaker, I'd like to welcome my colleagues back for the final sitting of the 18th Legislative Assembly.

The past four years have been busy, and we have done a lot of good work together. We have also had a few spirited discussions about how to decide what is best for the people who we serve as Members of this Assembly.

Throughout our term, our decisions have been guided by the mandate we adopted unanimously at the beginning of this Assembly and revised in October 2017.

As we come to the close of this Assembly, I am pleased to report that through our work together, we have fulfilled 202 of the 230 mandate commitments. We have another 10 commitments currently in progress that we expect to complete by the end of this month, for a total of 212 completed commitments.

Our commitments were organized into five categories that matched the priorities of the 18th Legislative Assembly: Economy, Environment and Climate Change; Education, Training and Youth

Development; Cost of Living; Community Wellness and Safety; and Governance.

Under Economy and Environment, we have completed or are working on 57 of 68 commitments, including major strategic investments in transportation infrastructure like the Mackenzie Valley Highway, Tlicho all-season road and Slave Geological Province access corridor that will help support the continued development of our economy and prosperity of our residents.

We have completed 20 of 22 commitments under Education, Training and Youth Development, Mr. Speaker, including supporting quality early childhood development, working to improve educational outcomes in JK to grade 12, expanded opportunities for post-secondary education, and enhanced and promoted capacity-building programs for our youth.

We have completed or are working on 36 of 37 commitments intended to address the high cost of living that all Northerners frequently have to deal with. Among these are actions to increase the availability of safe, affordable housing, steps to improve food security, and work to make childcare affordable and accessible. We have also addressed the high cost of energy, by supporting the use of energy efficient technologies and by increasing the production and transmission of renewable and alternative energy.

A strong territory begins with strong people and strong communities, Mr. Speaker, and our government has completed or is working on 63 of 64 commitments under the theme of Community Wellness and Safety. We have taken action to focus on mental health and addictions, ensured seniors have supports to age in place, fostered health families, taken action on the crisis of family and community violence, and created opportunities for healthy lifestyles and community leadership for our youth.

Finally, Mr. Speaker, we have completed 36 of 39 commitments related to governance, including strengthening our relationships with Indigenous governments, and working to finalize and implement land, resources and self-government agreements. We have made significant steps towards increased transparency and accountability, built stronger relationships with community governments, and supported initiatives designed to increase the number of women running for elected office.

All told, Mr. Speaker, the Government and Legislative Assembly of the Northwest Territories completed over 90 percent of its mandate commitments. That is an achievement we can all be proud of, especially when you consider that ours is

the first ever government to have a mandate like this.

Later in this sitting, I will be tabling the final report on the implementation of the mandate that will contain more detail about each of our completed commitments.

While I think we should be proud of our past accomplishments, Mr. Speaker, we also have to consider the future and what it holds for our territory. Advocating clearly and strongly for federal attention to the needs of the Northwest Territories and its residents is an important part of our job as a government, and one that I have taken as a personal priority during my term as Premier. I also believe that we have a duty as leaders to intervene on national matters that have implications for our territory, like recent changes to federal legislation that could affect the development and transportation of northern oil and gas resources.

I have always said that the Northwest Territories has all of the right ingredients to be a major contributor to our country and its future, including natural resources to rival any other region and a strong, dynamic population ready to take advantage of opportunities for success.

Turning that potential into prosperity for ourselves and all Canadians requires sustained effort and planning on the part of our government and the Government of Canada. That is why I have taken steps to focus efforts to secure Canada's attention and support for our government's priorities. Those steps have included initiatives like NWT Days, the Red Alert, and the ongoing implementation of our government's Federal Engagement Strategy.

I am pleased to say that we have seen great success since taking a more deliberate approach to relationships with the federal government.

Budget 2019 included \$18 million, over three years, to support planning for the Taltson hydroelectricity expansion project.

A number of other budget announcements for the North will benefit the NWT, including increased allocations to the National Trade Corridors Fund for transportation infrastructure, the Investing in Canada Plan for alternative energy projects, funding to improve the climate resiliency of northern infrastructure, and a commitment to complete the Arctic and Northern Policy Framework.

Other notable successes include funding for the Snare Hydro project, the Mackenzie Valley Highway, double-hulled barges, the Hay River fish plant, and the marine training program, as well as access to early learning and childcare.

We were also successful, Mr. Speaker, in our efforts to commence negotiations on a co-management regime for oil and gas in the Beaufort Sea offshore, along with a greater role in the five-year science-based review of the offshore moratorium, which has also started.

Our strategic approach also enabled our government to achieve positive outcomes for Northwest Territories residents on files that are important to the federal government, like carbon pricing. Canada gave all provinces and territories a choice, Mr. Speaker, to either design their own approach to carbon pricing or to have the federal approach imposed on them. Through our federal engagement efforts, our government was able to have Canada agree to a made-in-the-North carbon pricing plan that is superior to the one Canada will impose if the Northwest Territories does not implement its own approach.

Mr. Speaker, by taking a more planned and focused approach to federal engagement, we have achieved our priorities. The strategy had three clear objectives, the first and most important being to focus our efforts on specific priorities to realize before the end of mandate. It also included other activities to help ensure that we had broad support for the priorities within the federal government and that we were also setting the stage for future years and relationships.

Ensuring that we had support from Indigenous governments and partners was a particular focus for the strategy. Outreach, education, and making full use of all opportunities to publicize our interests and priorities, both at home and across Canada, required attention and coordination across departments and portfolios.

Last, but not least, we placed priority on developing broader and stronger working relationships with senior federal officials in support of ministerial relationships, as well as better decision-making by influencing policy and program development earlier in the process.

Our strategy worked because we had a plan and were focused and disciplined. It is only fair to point out, however, that some luck contributed to our achievements. I would note in particular the appointment last summer of Dominic LeBlanc as Minister of Northern Affairs, which was a welcome surprise. He listened and helped get action on a number of issues. Since his appointment, the new legislation formally creating the new department of Crown Indigenous Relations and Northern Affairs now provides for the appointment of a separate Minister of Northern Affairs, should a future Prime Minister so choose.

Raising support for Northwest Territories priorities at home and in Ottawa is important, but it is not the only way to achieve success as a territory. Canada's Premiers are also important potential allies. Support from them can help to mobilize support from Ottawa, and I have made it a point to reach out to them individually and in more formal settings, like the Northern Premiers' Forum, Western Premiers' Conference, and the Council of the Federation.

Looking ahead to the next mandate, it is too early to say what the priorities of a new federal government might be. No matter who it is, we must not let up in our efforts to ensure that Northern perspectives and priorities are understood by the federal government and all Canadians, and that the Government of the Northwest Territories is in a position to leverage opportunities and respond to emerging challenges.

As we come to the end of this Assembly, Mr. Speaker, I want to thank my colleagues on both sides of the House for their hard work and dedication to the people of the Northwest Territories over the past four years. This is a great territory, and it has a bright future ahead of it. I continue to believe in its potential and the critical role that we, as Members of the Legislative Assembly, have in making that future a reality. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Item 3, Members' statements. Member for Yellowknife Centre.

Members' Statements

MEMBER'S STATEMENT ON STATE OF DOWNTOWN YELLOWKNIFE

MS. GREEN: Mahsi, Mr. Speaker. I live downtown in my constituency. That is my choice and my pleasure, and there are many advantages to doing so, but it is not always easy. I pick up beer cans and liquor bottles almost daily, I have helped clean up after someone senselessly smashed a car window, and I assisted a man injured in a fight, and that is just in the last six months.

Despite these issues, I think that life downtown is better than it was four years ago, and here is why.

The previous mayor of Yellowknife created a working group to respond to the needs of people on the street; people who may be intoxicated or have mental health issues or may simply be homeless. The idea was to take the pressure off the RCMP, first responders, and the hospital, all of whom use substantial resources to meet the needs of people on the street. The city's plan was developed to provide services that recognize and respond to the complex needs of this population. This government

has enabled that work with money, staff, and expertise, and I have been a leading supporter all along.

Mr. Speaker, the Street Outreach Program has been a huge success. Staff respond to public calls for assistance that might involve taking someone home, to assess services, or to any other place that they might want to go. Most importantly, the staff deliver clients to the sobering centre so that they can sleep off intoxication in a safe environment.

The sobering centre is the second major improvement in services downtown, now located in a space renovated for the purpose, with trained medical personnel on-site. Neighbours have been vocal about the need for a good neighbour agreement to protect their interests. I am hopeful that negotiations will soon produce an agreement that meets everyone's needs.

The sad fact is that this group of clients isn't welcome anywhere else, because their intoxication usually means trouble, but having this service available is better for everyone than returning to the time when drinkers passed out anywhere and everywhere and died of exposure.

Mr. Speaker, there is more work to do.

The fact is that alcohol is doing us more harm than good. It is costing the healthcare system tens of millions of dollars, it is robbing people of productive and happy lives, and it causes no end of trouble. The next step is to respond to alcohol as the root cause of many of the issues downtown with an action plan. This is a priority job for the next Assembly, in partnership with the city, businesses, and anyone else who wants to help. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON CHILD CARE FUNDING

MR. VANTHUYNE: Thank you, Mr. Speaker. Today, I would like to speak again about the need for daycare spaces in NWT communities. Being able to take care of their young children is an essential and basic need of families and communities. This government has been proactive in providing funding for child support, but funding alone doesn't do much good if there are no physical spaces and facilities to provide childcare in.

Many people would like to create daycare spaces in their homes, but the code requirements for safe childcare can make that unaffordable or simply impractical. Most people can't afford the cost of home renovations to bring their home up to the

required code. We just experienced that when my colleagues and I made a request for one-time funding of \$37,000 to the Minister of Education, Culture and Employment to upgrade the Yellowknife Women's Society home office to be converted into a daycare, and I want to say thank you to the Minister for making that happen.

That's on the day home side. In the case of licensed daycares, the Yellowknife Daycare that opened just over two years ago already has 170 kids on its waiting list. If parents and families of those children cannot find safe and secure daycare spaces, they can be compromised in finding work, creating income, and realizing their goals as families, and unable to contribute to the community and help support the economy.

So, Mr. Speaker, I believe the government must step up and make it a standing policy to create the infrastructure for the care of our youngest citizens. Spaces for our newborn to three-year-olds must be included as part of our long-term infrastructure acquisition planning.

I believe it's crucial that, whenever territorial schools are built or renovated, part of the design must include daycare spaces. This is an essential need for any community in the territory.

The demand for daycare spaces is high, and it's not going away anytime soon. Many of our goals as families and communities depend on Northerners being able to work. That requires a safe and secure caring environment for their young children.

Mr. Speaker, daycare infrastructure should be a priority in our communities and needs to be a priority of future Assemblies going forward. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON HEALTH CARE SYSTEM IN HAY RIVER

MR. SIMPSON: Thank you, Mr. Speaker. The residents of Hay River are gravely concerned about the state of the healthcare system in our community, and many believe that the situation is worsening. People are afraid to get sick or injured in Hay River. It's hard to blame them; we've all heard the horror stories.

I know people who are living with the ongoing and, in some cases, lifelong effects of serious injuries like fractured skulls, broken necks, and broken backs, because, despite their best efforts, these injuries were not properly diagnosed in Hay River and they were eventually forced to seek care outside the territory. I know people who have been

diagnosed with life-threatening conditions, but weren't informed until years later. I know people with serious but manageable medical conditions who have uprooted their lives and moved out of town because, based on their experiences with the healthcare system, they felt like they were playing Russian roulette by living in Hay River.

In fact, many people who live in Hay River don't actually use the local health services; they have family doctors in Alberta that they see on a regular basis. That seems to be the only way people can see the same physician more than once, and that lack of continuity contributes to the problems that we're facing.

We actually have some great permanent physicians in Hay River who are loved by the community. We've had some in the past, as well, and the same goes for nurses. The problem is that they never seem to stay. As a result, we're always understaffed and, instead of having established medical teams who know patients' histories and who can play off each other's strengths, we're forced to rely on a revolving door of locums and temporary employees.

While recruitment of health professionals is difficult across Canada, our problem is not so much recruitment as retention. We seem to be able to attract doctors and nurses, but we can't keep them. What's so frustrating is that I often hear that they would love to stay in Hay River, but they don't want to work at the Health Authority.

As an MLA, I don't get to see the internal, day-to-day workings of the organization, but I've heard enough from past and present employees, and from the public, to know that the ongoing problems at the authority need to be addressed before anything will change.

These issues are not insurmountable, but they will take a concerted effort on the part of this government and on the part of this authority and, while time might have run out for this Assembly, I'm confident that, in the future, we can make the changes necessary. I'll have some questions for the Minister of Health. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON NURSING SERVICES IN TSIIGEHTCHIC

MR. BLAKE: Thank you, Mr. Speaker. In some communities, the residents look forward to the end of break-up or freeze-up, as it means normal transportation can begin again; but for my constituents in Tsiigehtchic, break-up and freeze-up

means they can see a nurse in the community on a regular basis.

Members are well aware by now that there is no permanent nurse in Tsiigehtchic. I have raised this issue many times over the last eight years, and we have seen little progress. A nurse is stationed in the community when it is not possible to cross the river, but for the rest of the year a nurse only comes into town once a week.

One day a week may sound like enough, especially for an eight-hour shift, but the problem is that they drive from Inuvik, at least an hour and a half each way, as part of that shift, plus one to two hours for the ferry wait. So the nurse is in the community for only a couple of hours, instead of a full day. My constituents have heard all the reasons why a nurse can't be placed in the community permanently, but at the very least we would like to have a nurse who spends an entire day seeing patients. We have housing available for a nurse to come in the day before and have a full day's shift at our health centre.

Residents in small communities already face challenges in healthcare by not having full-time staff available. I hope the government will be willing to work with me to ensure residents can at least access a nurse for a full shift once a week. I will have questions for the Minister later today. Thank you.

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

MEMBER'S STATEMENT ON STRENGTHENING DEMOCRATIC INSTITUTIONS IN THE NORTHWEST TERRITORIES

MR. TESTART: Thank you, Mr. Speaker. I rise today to discuss the important steps this Assembly has made to strengthen our democratic institutions in the Northwest Territories.

During the 18th Assembly, we should all be proud of our shared record towards this end. We have made all committee meetings public by default; we have ensured that important votes of this House are recorded; we ensure that there was time for the public to comment on choosing the Premier during the Territorial Leadership Committee before this House voted on that outcome. The Legislature has improved its broadcast of proceedings, both in the House and in the meetings of standing committees, on more platforms than in previous Assemblies. We have taken steps to strengthen the Members' Code of Conduct and pass new Ombuds legislation to give another accountability mechanism to the people of the Northwest Territories. This Assembly has taken concrete steps to work on transparency

and accessibility, and I hope that the 19th Assembly will continue to carry this torch.

Contrary to popular belief, the vast majority of decisions in this Assembly have been unanimous. Mr. Speaker, I caution those who might exaggerate those select instances when this House stood divided; division in an institution such as ours is a sign of healthy discussion and debate. I doubt anyone truly wants an Assembly where disagreements are unable to be voiced or one where the unity of the Assembly is maintained publicly while remaining divided behind closed doors. The public wants to know that the government they elect, which is responsible for overseeing and administering the programs which are important to them, is accountable, accessible, and remains responsive to their interests.

In our remaining two weeks, the 18th Assembly has many pieces of legislation to address, and very little time for debate. Every decision we make now will create consequences for the next Assembly that it will be left to deal with, good, bad, or indifferent. I hope that the 19th Assembly will heed the lessons of this one, learn from our mistakes, take from our successes, and improve where we were unable to do so, and chart a clear path towards a prosperous future for all residents of the Northwest Territories. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON PROGRAMS AND SERVICES IN THE SAHTU REGION

MR. MCNEELY: Thank you. Mr. Speaker and colleagues, welcome back. As we conclude our last sitting of the 18th Assembly and as a first term MLA representing Sahtu, consensus government has provided me with a broader perspective on collaboration and partnerships. These are fundamental principles of engagements in achieving political support for economic sustainable growth, principles to enhancing and improving the Sahtu residents to overcome challenges for improved programs and services, residents who supported my presence here in this Assembly.

Mr. Speaker, our students and residents in Colville Lake will receive a new school designed through a joint collaborative approach with the Department of Infrastructure. The Deline Got'ine Government has seen the biosphere recognition of Great Bear Lake, a pristine freshwater lake, a bilateral agreement between the Government of the Northwest Territories and the Deline Got'ine Government. Norman Wells has seen the establishment of a new infrastructure department, with jobs and self-responsibilities that come with it. Fort Good Hope

has seen the housing homeless program. With legislation of our Protected Areas Act, the community will see a guardianship initiative.

The region has seen 37 percent funding for the Wrigley Norman Wells sectional Mackenzie Valley Highway, a legacy long desired by the residents. Tulita will see a new health facility, providing the latest in modern care. The staff will see a new housing unit. This is the true meaning of consensus, collaboration between the Government of the Northwest Territories and our residents and however, more importantly, the transitional ambitions into the 19th Assembly.

In closing, Mr. Speaker, I look forward to these guiding principles towards our legislation initiatives and our capital plan. Mahsi.

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

MEMBER'S STATEMENT ON AFFIRMATIVE ACTION POLICY

MR. NADLI: Mahsi, Mr. Speaker. During the spring sitting, I asked the Finance Minister, who is responsible for human resources, to make a commitment to update the GNWT's Affirmative Action Policy. As you may recall, the policy is so outdated that it still contains a commitment to do a policy review in 1994.

As I said in the House back in May, according to the GNWT's 2018 Public Service Annual Report, only 30.5 percent of the territorial government's workforce is made up of Indigenous Aboriginal people. The Minister pointed out that this number is higher in the regions, where 46 percent of the GNWT workforce is Indigenous Aboriginals, and I am glad to hear that.

Unfortunately, I also hear too many stories from people in my riding who are unsuccessful at getting GNWT jobs. If these people are willing and interested in working for the GNWT, we need to do everything we can to get them into jobs. If we are not doing that, then the Affirmative Action Policy is just lip service to helping Aboriginal people to get government jobs, if any.

I want to repeat some of the suggestions I made. First, we need to resurrect this government's commitment to decentralize more jobs out to the regions. It may be more expedient and cost-effective to put jobs in headquarters, but cost and convenience to government should not always outweigh the economic and social benefits of putting jobs in the communities. I also suggested that a department's affirmative action statistics should be an important criterion for assessing a deputy minister's performance.

In his response to my earlier questions, the Minister talked a lot about merit. I want to be clear that I support this principle, too. Believe me, if I need open heart surgery, I want to know that the most qualified surgeon is the one holding the scalpel, but, as we know, institutions like the GNWT also have a responsibility to be committed to reconciliation and should be willing to go the extra mile to overcome the past abuses of the residential school system, which deprived native children of educational opportunities and left a bitter legacy of substance abuse and family and social problems.

People need to be able to get a foot in the door so that they can build the experience to qualify them to compete for better paying jobs based on merit. One way to do this would be to put in place an advocate for Indigenous employment candidates. Mr. Speaker, I speak unanimous consent to conclude my statement. Mahsi.

---Unanimous consent granted

MR. NADLI: This person could work with Indigenous people seeking GNWT jobs, to help them prepare for their hiring process, to help them get their applications in, and to help connect departments with the right candidate.

Mr. Speaker, the Canadian Charter of Rights and Freedoms provides for the creation of policies designed to provide an even playing field for disadvantaged groups. I understand that the concerns about the legitimacy of the GNWT's Affirmative Action Policy for certain groups may be at the root of why this policy has remained untouched for 30-plus years. If this is the case, I would like the Minister to explain precisely what the concern is. I would like also for him to consider creating a stand-alone Affirmative Action Policy for Indigenous people so that they do not get left behind by a policy that is outdated for unrelated reasons. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON
TUKTOYAKTUK SHORELINE EROSION
MITIGATION PROJECT

MR. NAKIMAYAK: Thank you, Mr. Speaker. Climate change has affected many countries around this world. Our NWT communities are seeing the effects on the land and in our coastlines. There are global commitments being made to help mitigate and deal with climate change. However, Tuktoyaktuk residents are facing those challenges today, Mr. Speaker. Homes, community infrastructure, and the cemetery are at immediate risk, with several metres of shoreline disappearing completely each year.

In this 18th Assembly, the Minister of Municipal and Community Affairs made the announcement that the Government of Canada provided \$800,000 to fund adaptation initiatives to deal with the eroding shoreline in Tuktoyaktuk. This funding announcement was good news for the community, which is bearing some of the worst effects of climate change. Specifically, the homes most at risk were to be moved inland, away from the storm surges that are becoming increasingly common and destructive. CBC reported last week that work has been under way to prepare to move homes further inland but that the foundations may not be ready, which could result in damage to the homes. Many social media videos were posted stressing the need for attention and action to help protect the homes.

Mr. Speaker, the homeowners are stuck: move the homes inland and risk shifting foundations damaging the home, or stay where they are and risk the ocean carving out the land underneath their homes. My constituents do not want to lose their homes, but neither should they bear the expense of repairs to any damage caused during this ongoing project.

Mr. Speaker, homeowners are now taking matters into their own hands and building makeshift storm barriers, trying to keep the shoreline underneath their homes intact. According to the story on CBC, there does not appear to be any funding to protect these homes until the foundations inland are ready for them. I have spoken to the hamlet, and they are concerned that the funding process has too much red tape to get this project and homes move sooner. The homeowners want to be assured their homes will be moved safely to a stable and safe location. Mr. Speaker, the Government of the Northwest Territories must step in and encourage our federal counterparts to work more closely with both the Hamlet of Tuktoyaktuk and with Municipal and Community Affairs and also the Northwest Territories Housing Corporation.

I know the community has been working hard with both the federal and territorial governments to address this challenge. We must continue to support their efforts to mitigate this important issue. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON
HOUSING ISSUES IN THE NORTHWEST
TERRITORIES

MR. BEAULIEU: Mr. Speaker, 12 years ago, when I first campaigned to be elected as MLA for Tu Nedhe, every second household I attended had a housing issue. In my first term as MLA for Tu Nedhe, I brought over 300 housing issues to the

government. That was quite an accomplishment, Mr. Speaker, considering I was representing 295 households.

In any event, over the years, many of us as MLAs have all worked on housing issues and, for the past 12 years that I have been an MLA and we have had a full House in this Assembly, the core need for housing has never changed, from what I could see. I think that the last documentation we have is 2014, Mr. Speaker, but, for the most part, the core need for social housing across the NWT has remained the same.

For the next government, Mr. Speaker, I would recommend that the NWT Housing Corporation or the government revamp the NWT Housing Corporation. If we are spending \$100 million a year towards addressing social housing issues across the Northwest Territories and the core need remains the same, then there must be something wrong because the core need is growing as fast as the core needs that we are repairing. I am not saying that the Housing Corporation isn't doing hard work or isn't working for the people, but what I am saying, Mr. Speaker, is that I think it is time to change the way the Housing Corporation is working for the people of the Northwest Territories.

We must begin to lower core needs, and we must begin to start working in housing, actively working on houses to address the housing issues in the Northwest Territories.

Mr. Speaker, there are any economic spin-off benefits to housing and improving housing markets. There are huge potential for employment in small communities by repairing houses and eliminating core need across the Northwest Territories. We also see many economic spin-offs. I hope that the next government takes a look at the Housing Corporation. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON EULOGY FOR PHILLIP GARGAN

MR. THOMPSON: Mahsi cho, Mr. Speaker. Philip Maurice Gargan was born to his parents Celine and Charles Gargan, March 1, 1943. Phillip was born during a time when his parents lived at Redknife, but his birth certificate his place of birth as being Fort Providence. It is therefore unclear as to whether he was born at Redknife or in Fort Providence.

Phillip grew up at Jean Marie River, and it was there he was sent to residential school in Fort Providence. When Jean Marie River Federal Day School opened in the early 1950s, he returned

home to attend school there. To finish his schooling, he went to Akaitcho Hall in Yellowknife.

After attending school in Yellowknife, he attended NAIT and became a certified carpenter. He worked as a carpenter in many northern communities, including Cambridge Bay, Norman Wells, and a number of places in the Yukon. He worked for the Government of the Northwest Territories for 27 years before retiring on March 28, 2009, in Fort Simpson.

It was while he was in school, he met his wife, Helen Sikyea, who he married a few years later on December 19, 1964. Together they had two daughters, Diane and Sandra, and lost an infant son named Michael. As well, he had son Ralph and a daughter Celine from two separate relationships after his marriage to Helen ended.

Many of us who knew Phillip will remember him as a person who liked to laugh and joke with people. Family members and friends had fond memories of him as being a kind and loving person who helped people in whatever way he could. Many community members will remember him for his kindness during their time of grief. Today, many of the crosses we see in the gravesites of our loved ones were made by him. This is something he did for the community while he was a foreman at the carpentry shop. Andy Norwegian remembered, when he worked for the government, when something required fixing, they would call Phil, and he would soon show up to assess the situation and make repairs. It is for that reason people called him Dr. Phil. The saying was, "If it was broken, Dr. Phil will fix it."

Family members will also remember him as a man who liked to laugh and joke around with people. Phillip was a loved great grandfather, grandfather, father, stepdad, an uncle, and a brother. He will be dearly missed. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Our condolences and prayers for that family as well in the community. Members' statement. Member for Frame Lake.

MEMBER'S STATEMENT ON EULOGY FOR RENE FUMOLEAU

MR. O'REILLY: Merci, Monsieur le President. It is my privilege to commemorate Father Rene Fumoleau who passed away peacefully on his 93rd birthday here in Yellowknife on August 6th. Rene was born in Chantonay, France. He came to Canada in 1953 as an Oblate priest to Radeyli Ko. He also served in Deline and Fort Liard before moving to Yellowknife in 1970. Rene retired to Lutselk'e in 1994, and then returned to Yellowknife in 2015.

Rene's groundbreaking archival research about Treaties 8 and 11 published in 1975 in his book, *As Long as This Land Shall Last*, changed the course of history for the Northwest Territories. He also made films about the struggle for self-determination for the Indigenous peoples of the Northwest Territories: *I was Born Here*, in 1987; and *Dene Nation*, in 1979.

He was an accomplished photographer, poet, and storyteller, a true renaissance man. His legacy documents a critical period of social, culture, and political transition. Rene spent years identifying the people and places in the over 15,000 photos he took.

Rene also undertook extensive work to educate southerners and build solidarity for Indigenous rights through his annual Denendeh Seminars in the 1980s.

On a personal note, my first job in the Northwest Territories was with the Dene Nation, where I met Rene in 1986. He was that little French guy who was always taking photos at Dene Assemblies and leadership meetings. Our bond grew when we had an opportunity to visit him in France with his family in 1991. We remember those long dinners filled with laughter and deep conversations about life, love, and purpose. Rene became part of our family in Yellowknife, and we named our son after him.

Rene was totally fearless, independent but compassionate. Let's face it. He had issues with authority and hierarchy. Years before anyone had defined colonization, Rene was promoting the concept and truly lived it. He found joy in the simplest things in life. Good friends, family, food, and the natural world. Rene shunned recognition and accolades. He would usually bring gifts for everyone at his birthday dinners. He should all inspire us to the path of social justice and service.

Rene is survived by his brother, Marcel; nieces, nephews, and their children in France; as well as many, many friends. Rene appreciated the care and love shown at Avens and the Jimmy Erasmus Seniors Home in Behchoko. I wish to especially recognize and thank Aggie Brockman and Terry Woolf, who cared for Rene in his final years.

There will be a celebration of Rene's life on Friday, August 30th, at 2:00 p.m. at the Yellowknives Dene First Nation Willideh site of Yellowknife River. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Our condolences, prayers to the family, and also to the communities. Members' statements. Item 4, returns to oral questions. Minister of Finance.

Returns to Oral Questions

RETURN TO ORAL QUESTION 771-18(3): NWT CARBON TAX IMPLEMENTATION PLAN

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I have a return to oral question asked by the Member for Kam Lake on June 4, 2019, regarding the NWT Carbon Tax Implementation Plan.

On June 5, 2019, I provided a statement to the House stating that the Implementation of the NWT carbon tax would be postponed from the original date of July 1, 2019, to September 1, 2019, as the Standing Committee on Government Operations required more time to review the legislation. Based on the legislative calendar, we expect the legislation will be ready for consideration during this August session. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Returns to oral questions. Item 5, recognition of visitors in the gallery. Member for Inuvik Twin Lakes.

Recognition of Visitors in the Gallery

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. It is not very often you get to recognize a mother of your grade four classmate, and I am privileged to do that today. Visiting the Northwest Territories for the first time, I believe, in a long time, we have Ms. Jeanne Roska, whose son Clayton I went to school with in Inuvik. I believe her daughter is here, as well, Bernadette Vandeborn; and Edna Lorenzen is here, as well. They are all visiting the Northwest Territories, so we would like to welcome you. We hope you enjoy your visit, and we look forward to seeing you up in Inuvik sometime soon. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. I would just like to recognize those individuals who are in the gallery, as well, if we haven't already recognized you. Thanks for being here with us. It is also a pleasure to have an audience as part of our proceedings. Masi. Item 6, acknowledgements. Item 7, oral questions. Member for Nahendeh.

Oral Questions

QUESTION 785-18(3): BED BUGS IN FORT SIMPSON

MR. THOMPSON: Thank you, Mr. Speaker. My questions will be for the Minister responsible for Housing. We have all heard in the news about bedbugs in the community, specifically a nine-plex in the Clusters here. There have been different reports and accounts of what is happening there.

Can the Minister tell us exactly what the current situation is? Thank you, Mr. Speaker.

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

HON. ALFRED MOSES: Thank you, Mr. Speaker. I want to acknowledge the Member for bringing this to our concern. We have seen a lot of it in the news, as well as in the media and all over social media. We are addressing the issue. I know that, through our local housing organization, we did identify some units that did have the bedbugs. We did address them the way that we do treat it. Then, at the same time, we went above and beyond to look at all of our public housing units, and we did identify six other units that we needed to do the treatment to. We have done that.

Our current situation is that we are going to be looking at doing some training in Fort Simpson. We are going to be bringing a lot of our maintainers into the community to do that training so that, for any bedbug issues that we have throughout the Northwest Territories, we will make sure that our maintainers have the equipment and are trained to address the issue. I do appreciate that the Member and the leadership have brought that to our concern. We will be working on treating those units to the best of our ability and getting people trained for the future. Thank you.

MR. THOMPSON: Could the Minister please explain what the standard process used by the NWT Housing Corporation is to treat the incidents of these bedbug infestations?

HON. ALFRED MOSES: The NWT Housing Corporation follows its standard protocols to deal with insect infestations when and after they have occurred. This involves an inspection to determine the type of insect and provide the appropriate treatment measures to remove the insects from the unit as soon as possible. That is what we have tried to do with Simpson, and then doing further follow-up, addressing some of our other public housing units.

As I have mentioned, we have purchased heat treatment systems for each of our district offices. Technical staff are trained, and they have the proper equipment in place to deal with the bedbug issue. It is a four-hour treatment that results in minimal disruption to our tenants' lives and daily business, and our staff also do follow-up inspections in affected units to ensure that the heat treatment was 100 percent effective. We will continue to do that as we move forward.

MR. THOMPSON: As we are moving forward, I just wanted to make sure that people understand that, when we do have residents move out, what I have

learned through this whole process is that we have to make sure that their stuff is actually washed and cleaned because, if not, they could bring it back in. I am learning, as the department and the Health Department are educating me on this. The Minister briefly elaborated on this question, but I am going to ask it again: are there any other initiatives that this government has taken to reduce the incidents of bedbug infestations moving forward?

HON. ALFRED MOSES: As I mentioned, we did purchase the equipment for our district offices. In Simpson, we are going to be holding a joint workshop with the Department of Health and Social Services in the next month for technical staff from every community so that they are up-to-date and trained and so that we can address the issue of bedbugs in whatever region they are in. It is an issue, and as the Member mentioned, when you do move, or if you are out of your unit, you have to be careful in terms of when you pack up. There might be cases where you might have the bedbugs in a bag. We had the expert who made those comments in the media lately.

We are working with the Chief Public Health Officer, and we will provide a public health perspective, including detection and prevention. We are on top of this and addressing the issue in the Member's riding, as well as throughout the Northwest Territories.

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

MR. THOMPSON: Thank you, Mr. Speaker. I would like to thank the Minister and his department for being so proactive. I know that they are doing a lot of work, and I have to give credit to the local housing authority for becoming the experts, unwillingly, but they are becoming the experts on this, so I would like to thank them for that. The last question that I do have for the Minister, and we are hearing different things on this, is: do bedbugs pose a health risk to people, besides just the irritation? Thank you, Mr. Speaker.

HON. ALFRED MOSES: Our department, NWT Housing Corporation, continues to work closely with the environmental health unit from Health and Social Services in eliminating the bedbug incidences in public housing units in all of our communities.

I just want to let the Member and Members know that bedbugs are not considered to be a public health hazard, and we are working with the Department of Health and Social Services to make sure that we educate our tenants to address this issue and make sure that any detecting of bedbugs is reported immediately to the local housing organizations. As I mentioned, with any families or

any of our tenants who are in public housing units, if they do encounter bedbugs in their units, they can contact their LHOs, or they can call the number 1-844-NWT-HOME and give that information. That is information for all residents of the Northwest Territories.

As I have mentioned, I appreciate that the Member did bring this up, and we are addressing the issue in his riding. Thank you, Mr. Speaker.

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

QUESTION 786-18(3):
NURSING SERVICES IN TSIIGEHTCHIC

MR. BLAKE: Thank you, Mr. Speaker. In follow-up to my Member's statement, I have a few questions for the Minister of Health and Social Services. Can the Minister tell me how many days outside of break-up and freeze-up that a nurse has visited the community of Tsiigehtchic? Thank you, Mr. Speaker.

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

HON. GLEN ABERNETHY: Mr. Speaker, outside of break-up or freeze-up, we are scheduled to have a nurse into the community of Tsiigehtchic one day a week. Thank you, Mr. Speaker.

MR. BLAKE: I was actually looking for 16 to 20, but that's close. Can the Minister tell me how many of those days were full days, and how many were partial days, due to commuting back from Inuvik?

HON. GLEN ABERNETHY: The employee is scheduled for a full day, but in the community itself, a portion of that time is spent driving to and from the community, as the Member has already indicated. I can get the exact numbers from the department on how many hours per day the RN was able to spend in the community during those periods of time. The nurse does work a full day; only a portion of those hours are actually spent in the community, as the Member previously indicated in his statement.

MR. BLAKE: Will the Minister commit to having the nurse spend a full day in the community during each visit?

HON. GLEN ABERNETHY: The Member and I actually had a conversation on this when he brought it to my attention that the RNs aren't spending a full day. I have already committed to the Member, and I will commit to the Member in this House, that I have directed the department to work with the authority to make sure that our RNs are spending the full hours in the community, either seven-and-a-half or eight. We have to work out

some details on that. It may require a little bit of overtime. It may require the RN staying overnight so that they can provide certain hours on one day and certain hours on another day, but I am committed to the Member, to the community, to the region, to make sure that that community is getting the hours promised.

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

MR. BLAKE: Thank you, Mr. Speaker. I thank the Minister for that. As the Minister is aware, we do have housing available if the nurse wanted to stay, come in the day before. The community is always willing to help anywhere they can. I would like to thank the Minister for that. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. More of a comment to the Minister and Executive. Oral questions. Member for Yellowknife Centre.

QUESTION 787-18(3):
NEW SERVICES IN DOWNTOWN YELLOWKNIFE

MS. GREEN: Thank you, Mr. Speaker. In my statement today, I spoke about the ways in which life is better downtown because of the new services offered to the population of intoxicated or homeless people who are there. Make no mistake, Mr. Speaker, more can be done, starting with addressing the concerns of the neighbours of the sobering centre and the day shelter. During the last session, the Minister said he hoped he would have a good neighbour agreement in place by the end of June. I would appreciate an update. Mahsi.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. Unfortunately, the good neighbour agreement was not done by the end of June. We are still committed to getting this work done. We have hired a contractor to help us facilitate the process. It does take all the stakeholders. It does take the GNWT, the RCMP, the contract provider, as well as the neighbours to make this a reality. We did share a draft good neighbour agreement with the partners on the 24th, and we are hoping to reconvene here in August to work out the details and finalize that good neighbour agreement. We can propose. We can work with our neighbours. We can't make people sign this agreement, but we think there is value in having this agreement. We are committed to trying to get it done. Thank you, Mr. Speaker.

MS. GREEN: I appreciate that update. Is part of the problem also that there are commitments that the neighbours want that the government can't sign off on?

HON. GLEN ABERNETHY: It is a negotiation. Some of the neighbours have put forward some principles or concepts that, obviously, some of the partners are having some difficulty with. We are committed to working with our partners to make this happen. Yes. There has been a negotiation. There is room to get this agreement in place.

MS. GREEN: Thank you to the Minister for that. I understand that the Minister recently initiated a foot patrol program around the centre. Can the Minister tell us about that program and share any early results of it?

HON. GLEN ABERNETHY: Since we put the sobering centre day shelter in its current location, we have had a lot of concerns raised. We have been working to improve those services to make sure that we have appropriate outreach. It is continuing to evolve. One of the things that we have done recently with our current provider is to put in place a day and sobering centre safety patrol.

These are individuals who walk around a set path around the neighbourhood. They wear identifiable clothing. They are trained in dealing with individuals in crisis, providing them with the information where they can get different supports, but also just being a person out on the street, talking to people, trying to encourage them to control behaviour and types of things that some people might have some difficulty with. It went live on July 22nd. I haven't received an update on progress or how it is working. I will follow up with the department to get the Member with a current update on how that program is going.

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

MS. GREEN: Thank you, Mr. Speaker. My final question concerns a constant complaint I hear about the open consumption of liquor on the streets downtown. Can the Minister say whether he has a plan of his own or with his cabinet colleagues to address this issue? Mahsi.

HON. GLEN ABERNETHY: The responsibility in this area is not one department alone. It is not one body alone. It is a combination of many, many individuals and many organizations. I did raise this exact issue with the Minister of Justice earlier this summer when the Member raised it with me. I did receive an update from the RCMP that they have performed over 258 proactive patrols in the downtown core on foot, 139 proactive patrols in the day shelter area. This is between January and June of 2019. It has resulted in over 280 alcohol pours and/or seizures. We have this information by month, showing the amount of patrols and how it has increased significantly over the years. I will work with the Minister of Justice to see if I can get

that data and share with the Members of this Legislative Assembly. Thank you, Mr. Speaker.

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

QUESTION 788-18(3):
SHORELINE EROSION IN TUKTOYAKTUK

MR. NAKIMAYAK: Thank you, Mr. Speaker. Earlier, I spoke about the shoreline erosion in Tuktoyaktuk. My questions are for the Minister of MACA. My question to the Minister is: what is the status of work currently under way to address the shoreline erosion issue in Tuktoyaktuk? Thank you, Mr. Speaker.

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

HON. ALFRED MOSES: Thank you, Mr. Speaker. I know that we have been seeing a lot of videos and photos of what is going on in the community of Tuktoyaktuk on the shoreline erosion there. The first phase of work that we have done is a report was provided to the community, and it identifies both the long-term and short-term solutions. At this time, the community has not decided which of those options would work best for the community of Tuktoyaktuk. We are still making sure that those communications are open, and we are working with them to identify how we can find a solution. MACA is continuing to work closely with the community to identify what is the best, appropriate solution moving forward.

However, in the short term, the hamlet has secured funding to help move several homes that are most at risk. We appreciate the work that they have done. We continue to lobby and work with our federal counterparts to see how we can access the funding and whether or not we can make some of that funding a little bit flexible to get the work done. We are continuing to communicate with the community and the leadership to move forward. Thank you, Mr. Speaker.

MR. NAKIMAYAK: Thanks for the update. We have definitely been getting a lot of pressure from constituents. Talking about funding, when the federal government announces funding for projects like this, we really need to ensure that there are government-to-government relationships where the Ministers are working with their ministerial counterparts with the federal government to ensure that the funding is utilized and ensures that it is as effective as possible.

There are concerns in the community that some homeowners need more time to move their homes and want someone to protect the shoreline until they are ready to move. Can the Minister explain

why the houses need to be moved now and why there is no effort or funding to protect the shoreline?

HON. ALFRED MOSES: As I mentioned, there are houses that are right on the shoreline that are going to be impacted. We are working with the federal government, and I know that we do have funding that may no longer be available from the Government of Canada come March 31, 2020. That is where we need to put a little bit more emphasis to get this work done.

I do also understand that protecting the shoreline is also the responsibility of the hamlet. We are going to be working with the government to see how we can support them and make sure that things are done in a timely manner. We do know that we had two big storms in Tuktoyaktuk that had an impact on a couple of units. As I mentioned, we are going to be working with the federal government and the hamlet to see how we can address this issue in a more timely manner.

MR. NAKIMAYAK: I remember the community of Tuktoyaktuk was talking about the regulations of the funding. I think when it comes to issues like this, we need to provide additional support and capacity so that we can utilize this. Homeowners have also expressed additional concerns about damage to their homes during the move and after being placed on new foundations. My question is: can the Minister explain how the integrity of these homes will be maintained so that the homeowners can be assured their houses will remain liveable? Thank you, Mr. Speaker.

HON. ALFRED MOSES: It is my understanding that the hamlet is inviting contractors who have experience moving houses and that the structures will be properly braced before moving, which is a big concern, because I know that we do have at least one unit that we need to take into consideration when bracing, possibly two. The new foundations include geotextile material for drainage, various granular materials to ensure good support, and the screw jacks, and the hamlet will be able to adjust the foundation to ensure the structural integrity of the homes. This type of foundation is in common use by the NWT housing authority, and we have a lot of good experience working in that area.

All of this information is available through the hamlet, which has been actively engaged in this effort from the beginning. Residents can seek answers to their questions from the hamlet or through their MLA, and also through our office, so that we can make sure that we do this in the best interests of the residents. Thank you, Mr. Speaker.

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

QUESTION 789-18(3):
STATE OF HEALTH CARE SYSTEM IN HAY RIVER

MR. SIMPSON: Thank you, Mr. Speaker. The residents of Hay River have grave concerns about our healthcare system and many feel that things are getting worse. It is still nearly impossible to make an appointment. At the clinic, physician shortages are now commonplace. The authority can't seem to retain staff, patients are wary of the quality of care that they receive, and the public has generally lost faith in the system.

I don't want to disparage the authority, but it seems to me that these concerns appear to be the result of deep-seated issues that cannot be fixed using a piecemeal approach, and there need to be some substantial, and possibly structural, changes made.

I have some questions for the Minister of Health: is the department aware of systemic issues at the Hay River Health and Social Services authority that contribute to the ongoing difficulties, such as the difficulty retaining staff? Thank you, Mr. Speaker.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. We are aware of the concerns and the challenges facing the Hay River Health and Social Services authority. I agree with the Member that some systemic change is required in that authority. To that end, I know that the chief operating officer and the public administrator are looking at bringing about some change in that organization.

I have asked the deputy minister of Health and Social Services and the chair of the territorial Health and Social Services authority to go down and meet with them to talk about opportunities that we have to make some improvements in that authority, to improve the overall management, care, and delivery of health and social services in that community. Thank you, Mr. Speaker.

MR. SIMPSON: True to form, the Minister answered a couple of my other questions, so I will skip to my last one. Unfortunately, the next Assembly will have a new Minister of Health. What advice can this Minister provide to his successor to help address these ongoing issues at the Health and Social Services authority in Hay River?

HON. GLEN ABERNETHY: We face challenges across the entire Northwest Territories. Recruitment and retention is a big challenge. When it comes to Hay River, I have had the opportunity to talk to a lot of different practitioners and nurses, both in Hay River and out of Hay River, and one of the things that I have heard from some individuals outside the community is that they would love to go to Hay

River. They think it's a great community. It's in a beautiful spot, it's a 10-hour drive from Edmonton, it's a brand-new health centre, but they don't want to go there because they don't want to leave the public service.

Frankly, I think that one of the initiatives that the next government does have to undertake is to bring Hay River into the public service to improve that security, ensure that they are getting the best pension, and expand their ability to reach out to additional services in the Northwest Territories, to make sure that we have those economies of scale that Hay River doesn't always get to take advantage of. I really think that the next government is going to have to find a way to bring them in.

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

QUESTION 790-18(3):
AFFIRMATIVE ACTION POLICY

MR. NADLI: Mahsi, Mr. Speaker. I wanted to follow up on my statement on the Affirmative Action Policy. About 30 years ago, as a result of the Oka Crisis, the Royal Commission on Aboriginal Peoples did a report and released their findings on November 1, 1996. That was 30 years ago. In 2019, it is a long shot, but marijuana was legalized. Much has changed. My question is to the Minister of Finance. I asked the Minister this question before and did not get a direct answer, so I will ask again: why has the Affirmative Action Policy not been updated in the last 30 years? Does concern about the legitimacy of affirmative action for other disadvantaged groups have anything to do with the GNWT's reluctance to update its policy? Mahsi.

MR. SPEAKER: Masi. Minister of Finance.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. The policy is one tool related to recruitment of Indigenous employees. We have introduced a number of programs that will assist with increasing Indigenous employees within the GNWT and will help employees advance. Thank you, Mr. Speaker.

MR. NADLI: One of the suggestions is to identify an individual who, perhaps, could herald some changes in terms of instituting opportunities for career paths for Indigenous people. Will the Minister consider developing a standalone Affirmative Action Policy for Indigenous people? Will he instruct his department to begin this work before the end of this Assembly?

HON. ROBERT MCLEOD: We always want to try and increase the number of Indigenous employees within the GNWT, and I think that the government

has taken a number of steps to do so. I think that the Member pointed out some of my past comments about merit, moving a lot of them along based on merit and what they bring to the job. In my career within the GNWT, and here in the Legislative Assembly, I have seen improvement.

The 19th Assembly, when they come in, can choose to take up this approach if they want, but I am not sure that changing the policy would be the best approach to increasing Indigenous employment.

MR. NADLI: Is there a model in other jurisdictions that has been successful in hiring more Aboriginal people into the government that the GNWT could perhaps use as a model?

HON. ROBERT MCLEOD: I can get back to the Member, but there are few, if any, jurisdictions that have been as successful as the GNWT in increasing Indigenous employment. We share best practices amongst provinces and territories. I am not sure if there is a model out there that we can actually use; I think that ours is the model that they can actually use.

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

MR. NADLI: Thank you, Mr. Speaker. I think we are on to something good here, so I will ask the Minister: will the Minister commit to bringing on board an Indigenous employee advocate who is tasked to work with the management to assist interested Indigenous employees seeking work with the GNWT? Mahsi.

HON. ROBERT MCLEOD: As far as an Indigenous employee advocate, I am not sure if we have one, but we already have a Diversity and Inclusion Unit and an Indigenous Employee Advisory Committee.

As I said before, we are winding down the life of the 18th Legislative Assembly, and as the 19th comes in, one of their priorities may be to include this as they move forward. We will let them make that decision, but we have already taken some steps to address the Members' concerns. Thank you, Mr. Speaker.

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

QUESTION 791-18(3):
CREMATION REGULATIONS

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Minister of Health and Social Services. On September 27, 2017, my private Member's bill, the Health Statutes Amendment Act, was passed. The Minister committed to develop regulations as a priority. His department released a Key Elements for Discussion document on May 1,

2019, soliciting input on regulations. Can the Minister describe what he has in mind for regulations of cremation services? Mahsi, Mr. Speaker.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. As the Member indicated, we did release a discussion document on May 1st with an opportunity for feedback until the end of May. We did receive two submissions, and, based on that information, we have issued some drafting instructions for the regulations. In broad terms, and, I mean, I could spend a significant amount of time going into the detail, but I am not going to, but, in broad terms at this point, based on the feedback that we received, we feel that the regulations are going to be quite consistent with that key elements document that was released previously. I encourage anybody who wants the details to actually go online and read the document rather than having me quote the entire document verbatim, at length, which would take a significant amount of time, and I see we only have 28 minutes left. I am pretty sure I could take up the entire time.

MR. O'REILLY: I have actually got the document and have read it, and I would not want the Minister to suffer any more pain today in discussing the document at great length, but can the Minister tell us a little bit more about who submitted comments and generally what those comments were on the discussion paper?

HON. GLEN ABERNETHY: The document was posted on the Health and Social Services website, and it was also distributed to a number of stakeholders that included the Departments of Municipal and Community Affairs, Environment and Natural Resources, the City of Yellowknife, the Towns of Inuvik and Hay River, funeral providers or the individuals providing those services in each community, and the NWT Association of Communities. Comments, as I indicated, and input were accepted till May 31st, and, from that process, the department did receive two responses, both of which were positive.

MR. O'REILLY: I want to thank the Minister for that detail. Can the Minister tell us, though, what he knows about what the remaining steps are to ensure that this is a fully regulated field: what other departments, orders of government are involved; what the remaining obstacles are to make sure that a service, a funeral home, say for example here in Yellowknife, can actually offer cremations?

HON. GLEN ABERNETHY: There is no territorial law or regulation prohibiting the practice of cremation in the Northwest Territories. The

department and I did commit to developing regulations under the Public Health Act in 2019, and these will provide essentially greater support and certainty to providers who may wish to offer cremation services in the territories. Having said that, Mr. Speaker, the department is responsible for regulation of cremation that is limited to public health matters, such as handling the body and disposing of human waste materials. Other aspects of cremation actually fall under the mandates of other different GNWT departments, like Environment and Natural Resources is responsible for water use through the Land and Water Board licensing, and effluents such as sewage monitoring or emissions, which would be air regulations. Municipal and Community Affairs is responsible for areas related to municipal bylaws, and the municipality has some responsibility on licensing and allowing cremation in their individual communities. So it's a number of bodies. Health and Social Services is focused on the public health components, but we are working together with all of the partners to try to find a way to make this a reality as quickly as possible.

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

MR. O'REILLY: Merci, Monsieur le President. I want to thank the Minister for that response. I believe earlier he said that he hoped the regulations would be in place by the end of the calendar year. Can he just confirm that again for me and let me know what work his officials are continuing to do to ensure that this happens by the end of the year?

HON. GLEN ABERNETHY: The Member and I have been talking about this particular issue for four years. I would really love to say that they are going to happen, the regulations are going to happen, right away. We did issue drafting instructions in June to the Department of Justice, but, unfortunately, as the Member knows, the individuals who were working on those regulations are the same ones who are helping us move a number of pieces of legislation that are before us today and through the next two weeks through the House. As a result, they did not have the time or the resources to do the regulations immediately. They have indicated to us that they intend to make it a priority in August, after this sitting is done, and we are hoping that we can get these done as quickly as possible. I think it's safe to say that, with an election and everything else happening, we probably will not see the regulations until the end of the calendar year, but it will get done. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Item 8, written questions. Item 9, returns to written questions. Mr. Clerk.

Returns to Written Questions

RETURN TO WRITTEN QUESTION 17-18(3): STRATEGIC OIL AND GAS LTD. HOLDINGS IN THE NWT

CLERK OF THE HOUSE (Mr. Mercer): Thank you, Mr. Speaker. I have a return to written question 17-18(3), return to written question from the Honourable Wally Schumann, Minister of Industry, Tourism and Investment, regarding Strategic Oil and Gas Ltd. holdings in the Northwest Territories.

Mr. Speaker, I have a return to written question asked by Mr. O'Reilly, on June 6, 2019, regarding Strategic Oil and Gas Ltd. holdings in the NWT.

In collaboration with the Departments of Industry, Tourism and Investment; Environment and Natural Resources; and Lands; and the Office of the Regulator of Oil and Gas Operations, I am pleased to provide the following information to address the questions asked:

1. What are the current holdings of Strategic Oil and Gas in the NWT in terms of oil and gas rights, land use permits, water licences, and facilities?

Strategic Oil and Gas holds a Type "A" land use permit, MV2013A0010, and an "A" water licence, MV2010LI-0001, both issued by the Mackenzie Valley Land and Water Board. The permit and licence are available on the Mackenzie Valley Land and Water Board's public registry at <https://mvlwb.com/registry>.

Strategic Oil and Gas holds an operations authorization issued under section 10 (1) (b) of the Oil and Gas Operations Act for activities leading to the closure of the Cameron Hills field. The file number is OA-2018-003 and is publicly available on Office of the Regulator of Oil and Gas Operations' public registry www.orogo.gov.nt.ca/en/registry.

Strategic Oil and Gas has an interest in 15 production licences and 11 significant discovery licences in the NWT.

Later today, at the appropriate time, I will table the document entitled "Petroleum Interests Held in the NWT by Strategic Oil and Gas Ltd."

2. Has Strategic Oil and Gas submitted full financial security for all of the water licenses, land use permits, and other rights for its holdings in the NWT?

Strategic Oil and Gas has posted, and the Government of the Northwest Territories has accepted, the full amount of security required under its land use permit and water licenses. The GNWT currently holds a total of \$2,909,880 in land and

water reclamation securities: \$1,309,880 under Water License MV2010LI-0001 and \$1,600,000 under Land Use Permit MV2013A0010.

3. What are the reclamation liabilities of Strategic Oil and Gas for its holdings in the NWT?

Under its land use permit and water licence, Strategic Oil and Gas is responsible for reclaiming the land and water to the satisfaction of the Mackenzie Valley Land and Water Board. Further details are set out in the permit and licence conditions. All costs to remediate the site are the responsibility of Strategic Oil and Gas.

4. Does a plan exist for closure and remediation of existing facilities, and is financial security adequate for this work to be done?

The Mackenzie Valley Land and Water Board is responsible for approving the closure and reclamation plan for the existing facilities. Strategic Oil and Gas is required to submit a revised closure and reclamation plan to the Mackenzie Valley Land and Water Board for review and approval on August 21, 2019. During the closure and reclamation plan review process and upon its approval, financial security will be assessed to ensure that security held by the GNWT is sufficient to cover the work required to remediate the facilities. Strategic Oil and Gas's OA application, also available on Office of the Regulator of Oil and Gas Operations' public registry, outlines its plans for the abandonment and decommissioning of oil and gas wells and other infrastructure at the Cameron Hills field. The Office of the Regulator of Oil and Gas Operations maintains oversight of the activities it has authorized with respect to Cameron Hills field.

5. What is our government doing to prevent public liabilities and ensure that the interests of the NWT are protected with regard to the current state of Strategic Oil and Gas Ltd.?

The GNWT is taking all reasonable steps to protect our interests. As this matter is before the courts, I am unable to comment further. Thank you, Mr. Speaker.

RETURN TO WRITTEN QUESTION 18-18(3): GIANT MINE LONG-TERM FUNDING STUDY

CLERK OF THE HOUSE (Mr. Mercer): Mr. Speaker, I have a return to written question from the Honourable Robert C. McLeod, Minister of Environment and Natural Resources, return to written question 18-18(3), regarding the Giant Mine long-term funding study.

Mr. Speaker, I have a return to written question asked by Mr. O'Reilly on June 6, 2019, regarding

Measure 6 of the Report of Environmental Assessment requiring the Giant Mine Remediation Project Team (Project Team) to investigate long-term funding options at Giant Mine.

1. Does the Minister consider that the draft long-term funding study meets the requirements of Measure 6 from the Giant Mine Environmental Assessment?

The Environmental Assessment Measure 6 directed the project team to investigate long-term funding options for the ongoing management of the Giant Mine Remediation Project (GMRP). The Government of the Northwest Territories (GNWT) believes this investigation has been done through a draft report completed by the project team and their consultant, Deloitte. The Deloitte report looked at case studies of projects of similar nature to Giant Mine and analyzed how the various funding options could work for the GMRP.

The project team will be finalizing this report in the fall of 2019, which will incorporate feedback that was received from key members of the Giant Mine Working Group, which includes the Giant Mine Oversight Board, Alternatives North, North Slave Metis Alliance, Yellowknives Dene First Nation, the City of Yellowknife, as well as the technical advisor to the Giant Mine Working Group.

The completion of the report was not intended to result in a final decision on the selection of a funding option; however, it is anticipated that this report will form a basis for further discussions on options with stakeholders through the development of a perpetual care plan.

2. What action is the Minister taking to ensure that there is adequate consideration given to a trust fund and other models beyond annual appropriations, to fund perpetual care requirements at Giant Mine?

As required through the Giant Mine Environmental Agreement, a perpetual care plan will be developed. The GNWT and Canada will co-lead this work, and will engage with affected parties. A framework will be developed in 2019-2020 that will include further assessment of the various long-term funding options, including a trust fund.

3. What actions is the Minister taking to ensure that this long-term funding study is completed in a timely fashion and that there is an opportunity for the public to review and comment on the study?

The project team is of the opinion that the direction provided in Measure 6 to investigate long-term funding options has been completed through the scope of work provided for the Deloitte report. Further discussions will be required with

stakeholders to inform the selection of the best option for long-term funding. The GNWT is supportive of the project team engaging in these ongoing discussions through the development of the perpetual care plan. The project team has begun working on the development of the first draft of the perpetual care plan, which is due June 2020, with members of the Giant Mine Working Group and other interested parties.

4. Has the 2012 study by the Pembina Institute recommending a trust fund as the most appropriate mechanism for long-term funding of perpetual care at Giant Mine been taken into account, and what are the Minister's conclusions on the recommendations from the Pembina Institute report?

The Pembina Institute report was reviewed by the project team and has been a valuable reference from which to build on going forward. The Pembina Institute report informed the development of the Deloitte report, which will fulfill Measure 6. Discussions on long-term funding will continue through the development of the perpetual care plan, and the Pembina Institute report will continue to be considered during these discussions. Thank you for your questions regarding long-term funding for the GMRP. The GNWT is committed to continuing to work with Canada on this important aspect of the GMRP and looks forward to engaging in related discussions with stakeholders in the near future. Thank you, Mr. Speaker.

RETURN TO WRITTEN QUESTION 19-18(3):
WORKERS' SAFETY AND COMPENSATION
COMMISSION FEES AND COMPENSATION

CLERK OF THE HOUSE (Mr. Mercer): And, finally, Mr. Speaker, I have a return to written question 19-18(3). It's a return to written question provided by the Honourable Alfred Moses, Minister responsible for the Workers' Safety and Compensation Commission regarding Workers' Safety and Compensation Commission rates.

Mr. Speaker, I have a return to written question asked by Mr. Testart on June 6, 2019 regarding the Workers' Safety and Compensation Commission fees and compensation.

1. Please account for the total amount of fees in dollar amount paid to the Workers' Safety and Compensation Commission by the private sector in the fiscal year 2017-2018.

Answer: The WSCC classifies employers into 17 different subclasses as listed below.

- Subclass 10 / Renewable Resources and Outdoor Recreation

- Subclass 22 / Mining Operation
- Subclass 27 / Mining Services
- Subclass 37 / Oil & Gas Servicing, Development, Refining and Pipeline Operations
- Subclass 41 / General Construction
- Subclass 43 / Mobile Equipment Operations, Logging and Marine Construction
- Subclass 46 / Mechanical Installation & Servicing
- Subclass 51 / Air Transportation
- Subclass 53 / Ground Transportation
- Subclass 54 / Trucking, General and Long Distance and Water Transportation
- Subclass 62 / Retail, Wholesale and Light Manufacturing
- Subclass 66 / Automotive Sales and Services and Metal Fabrication
- Subclass 71 / Business, Communication and Amusement Services
- Subclass 74/ Health, Welfare and Emergency Services
- Subclass 76 / Accommodation, Catering, Food & Beverage Services
 - Subclass 81 / Government of the NWT and Nunavut & Public Utilities
 - Subclass 82 / Authorities and D.E.W. Line

The subclassification system provides a realistic proxy for a private versus public sector breakdown. Subclass 81 and 82 comprise what would best be considered the public sector, with all other subclasses comprising the private sector.

The total fees paid by the subclasses comprising the private sector in the calendar year 2018 were \$49,414,151. The WSCC operates on a calendar year basis, with a December 31 fiscal year end.

2. Please provide a four-year average of fees in dollar amounts paid to the Workers' Safety and Compensation Commission by the private sector.

Answer: Using the same subclass grouping as above in question 1, the average annual fees paid by the private sector during the period 2015 to 2018 were \$47,003,281.

3. Please indicate the dollar amount of Workers' Safety and Compensation Commission compensation paid out to private sector employees in fiscal year 2017-2018.

- Answer: Costs associated with workplace injuries include the following:
 - Direct costs for compensation and pension payments;
 - Costs for medical treatment and ongoing care;
 - Costs for vocational rehabilitation;
 - Travel associated with provision of care and rehabilitation;
 - The administrative costs of case management.

The above costs can and are paid out over the lifetime of a claim, which can vary in length from very short term to decades.

The amounts paid in fiscal year 2018 for private-employer claims as listed above totalled \$43,934,069. The portion of administrative costs not charged directly to compensation and the management of claims and not included in the above applicable to private employers on an apportioned basis totalled \$17,369,292.

4. Please provide a four-year average in dollar amount of Workers' Safety and Compensation Commission compensation paid out to private sector employees.

Answer: Utilizing the same methodology outlined in question 3 above, the average paid out during the period 2015 to 2018 to private-sector employees for a claim was \$40,303,094. The average over the period 2015 to 2018 of administrative costs not charged directly to compensation and the management of claims and not included in the above on an apportioned basis was \$17,282,700. Thank you, Mr. Speaker.

MR. SPEAKER: Masi, Mr. Clerk. Returns to written questions. Item 10, replies to Commissioner's opening address. Item 11, petitions. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. I seek unanimous consent to move to item 13 on the orders of the day, reports of committees on the review of bills. Thank you, Mr. Speaker.

---Unanimous consent granted.

MR. SPEAKER: We are now moving on to item 13 on the orders of the day. At this point, the chair calls for a break.

---SHORT RECESS

MR. SPEAKER: Colleagues, before we left off, we moved on to item number 13, reports of committees on the review of bills. Member for Yellowknife North.

Reports of Committees on the Review of Bills

BILL 25:
AN ACT TO AMEND THE WORKERS'
COMPENSATION ACT

BILL 36:
AN ACT TO AMEND THE PETROLEUM
RESOURCES ACT

BILL 37:
AN ACT TO AMEND THE OIL AND GAS
OPERATIONS ACT

BILL 39:
ENVIRONMENTAL RIGHTS ACT

MR. VANTHUYNE: Thank you, Mr. Speaker. I wish to report to the Assembly that the Standing Committee on Economic Development and Environment has reviewed Bill 25, An Act to Amend the Workers' Compensation Act; Bill 36, An Act to Amend the Petroleum Resources Act; Bill 37, An Act to amend the Oil and Gas Operations Act; and Bill 39, Environmental Rights Act.

Mr. Speaker, committee wishes to report that Bill 25, Bill 36, Bill 37, and Bill 39 are now ready for consideration in Committee of the Whole as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of committees on the review of bills. Member for Nahendeh.

BILL 40:
SMOKING CONTROL AND REDUCTION ACT

BILL 41:
TOBACCO AND VAPOUR PRODUCTS CONTROL
ACT

MR. THOMPSON: Thank you, Mr. Speaker. I wish to report to the Assembly that the Standing Committee on Social Development has reviewed Bill 40, Smoking Control and Reduction Act, and Bill 41, Tobacco and Vapour Products Control Act.

Mr. Speaker, the committee wishes to report that Bill 40 and 41 are now ready for consideration in Committee of the Whole as amended and reprinted. Mr. Speaker, I seek unanimous consent to waive Rule 75(5) and have the Bills 40 and 41 move into

Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

---Unanimous consent granted

BILL 42:
AN ACT TO AMEND THE PETROLEUM
PRODUCTS TAX ACT

BILL 43:
AN ACT TO AMEND THE INCOME TAX ACT

MR. TESTART: Mr. Speaker, I wish to report to the Assembly that the Standing Committee on Government Operations has reviewed Bill 42, An Act to Amend the Petroleum Products Tax Act, and Bill 43, An Act to Amend the Income Tax Act. Mr. Speaker, committee wishes to report that Bill 42 and Bill 43 are now ready for consideration in Committee of the Whole. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of committees on the review of bills. Member for Yellowknife North.

BILL 36:
AN ACT TO AMEND THE PETROLEUM
RESOURCES ACT

MR. VANTHUYNE: Thank you, Mr. Speaker. I seek unanimous consent to waive Rule 75(5) and to have Bill 36, An Act to Amend the Petroleum Resources Act, moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

---Unanimous consent granted

Reports of committees on the review of bills. Member for Yellowknife North.

BILL 37:
AN ACT TO AMEND THE OIL AND GAS
OPERATIONS ACT

MR. VANTHUYNE: Thank you, Mr. Speaker. I seek unanimous consent to waive Rule 75(5) and to have Bill 37, An Act to Amend the Oil and Gas Operations Act, moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

---Unanimous consent granted

MR. SPEAKER: Reports of committees on the review of bills. Member for Nahendeh.

BILL 48:
POST-SECONDARY EDUCATION ACT

MR. THOMPSON: Thank you, Mr. Speaker. I wish to report to the Assembly, the Standing Committee on Social Development has reviewed Bill 48, Post-

Secondary Education Act. Mr. Speaker, the committee wishes to report that Bill 78 is now ready for consideration in Committee of the Whole as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of committees on the review of bills. Member for Kam Lake.

BILL 54:
STANDARD INTEREST RATE STATUTES
AMENDMENT ACT

MR. TESTART: Mr. Speaker, I wish to report to the Assembly that the Standing Committee on Government Operations has reviewed Bill 54, Standard Interest Rates Statutes Amendment Act. Mr. Speaker, committee wishes to report that Bill 54 is now ready for consideration in Committee of the Whole, and, Mr. Speaker, I seek unanimous consent to waive Rule 75(5) and have Bill 54 moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

---Unanimous consent granted

MR. SPEAKER: Reports of committees on the review of bills. Member for Yellowknife North.

BILL 34:
MINERAL RESOURCES ACT

MR. VANTHUYNE: Mr. Speaker, your committee wishes to report on its consideration of Bill 34, Mineral Resources Act. Bill 34 received second reading in the Legislative Assembly on February 12, 2019, and was referred to the Standing Committee on Economic Development and Environment for review. Today I am advising the House of committee's wish to extend our review of Bill 34 with the intention to report back to the House by August 16, 2019. The short extension will allow committee to complete its clause-by-clause review, which is scheduled to take place tomorrow, August 13, 2019, at 7:00 p.m. Therefore, Mr. Speaker, in accordance with Rule 75(1)(c) of the Rules of the Legislative Assembly of the Northwest Territories, I move, seconded by the honourable Member for Sahtu, that the review period for Bill 34 be extended to August 16, 2019. Thank you, Mr. Speaker.

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

--- Carried

Reports to committees on the review of bills. Member for Yellowknife North.

BILL 46:
PUBLIC LAND ACT

MR. VANTHUYNE: Thank you, Mr. Speaker. Your committee wishes to report on its consideration of Bill 46, Public Land Act. Bill 46 received second reading in the Legislative Assembly on March 12, 2019, and was referred to the Standing Committee on Economic Development and Environment for review. Today, I am advising the House of committee's wish to extend our review of Bill 46 with the intention to report back to the House by August 16, 2019. The short extension will allow committee to complete its clause-by-clause review, which is scheduled to take place on Wednesday, August 14, 2019, at 7:00 p.m. Therefore, Mr. Speaker, in accordance with Rule 75(1)(c) of the Rules of the Legislative Assembly of the Northwest Territories, I move, seconded by the honourable Member for Sahtu, that the review period for Bill 46 be extended to August 16, 2019. Thank you, Mr. Speaker.

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

---Carried

The review period for Bill 46, Public Land Act, is now extended to August 16, 2019. Reports of committees on the review of bills. Member for Nahendeh.

BILL 45:
CORRECTIONS ACT

MR. THOMPSON: Thank you, Mr. Speaker. Your committee wishes to report on its consideration of Bill 45, Corrections Act. Bill 45 received its second reading in the Legislative Assembly on March 11, 2019, and was referred to the Standing Committee on Social Development for review.

Today I am advising the House of committee's wish to extend our review of Bill 45, with the intent to report back to the House by August 16, 2019. The short extension will allow committee to complete its clause-by-clause review, which is scheduled to take place on August 15, 2019, at 7:00 p.m.

Therefore, Mr. Speaker, in accordance with rule 75(1)(c) of the Rules of the Legislative Assembly of the Northwest Territories, I move, seconded by the honourable Member for Deh Cho, that the review period for Bill 45, Corrections Act, be extended to August 16, 2019. Thank you, Mr. Speaker.

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

---Carried

The review period for Bill 45, Corrections Act, is now extended to August 16, 2019. Reports of

committees on the review of bills. Member for Nahendeh.

BILL 57:
AN ACT TO AMEND THE EMPLOYMENT
STANDARDS ACT

MR. THOMPSON: Thank you, Mr. Speaker. I wish to report to the Assembly that the Standing Committee on Social Development has reviewed Bill 57, An Act to Amend the Employment Standards Act. Committee wishes to report that Bill 57 is now ready for consideration in Committee of the Whole, and Mr. Speaker, I seek unanimous consent to waive rule 75(5) and have Bill 57, An Act to Amend the Employment Standards Act, moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive rule 75(5) and have Bill 57, An Act to Amend the Employment Standards Act, moved into Committee of the Whole for consideration later today.

---Unanimous consent granted

Bill 57, An Act to Amend the Employment Standards Act, is now moved into Committee of the Whole for further consideration later today. Reports of committees on the review of bills. Member for Nahendeh.

BILL 58:
JUSTICE ADMINISTRATION STATUTES
AMENDMENT ACT

MR. THOMPSON: Thank you, Mr. Speaker. I wish to report to the Assembly that the Standing Committee on Social Development has reviewed Bill 58, Justice Administration Statutes Amendment Act. Committee wishes to report that Bill 58 is now ready for consideration in Committee of the Whole, and Mr. Speaker, I seek unanimous consent to waive rule 75(5) and have Bill 58, Justice Administration Statutes Amendment Act, moved into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive rule 75(5) and have Bill 54, Justice Administration Statutes Amendment Act, moved into Committee of the Whole for consideration later today.

---Unanimous consent granted

Bill 58, Justice Administration Statutes Amendment Act, is now moved into Committee of the Whole for further consideration later today. Reports of committees on the review of bills. Item 12, reports

of standing and special committees. Member for Kam Lake.

**Reports of Standing and Special
Committees**

COMMITTEE REPORT 20-18(3):
REPORT ON THE REVIEW OF THE 2017-2018
NORTHWEST TERRITORIES HUMAN RIGHTS
COMMISSION ANNUAL REPORT

MR. TESTART: Thank you, Mr. Speaker. Your Standing Committee on Government Operations is pleased to provide its Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report and commends it to the House. The Standing Committee on Government Operations completed its review of the 2017-2018 Annual Report of the Northwest Territories Human Rights Commission.

The standing committee would like to thank Mr. Charles Dent, chair of the Northwest Territories Human Rights Commission; Ms. Deborah McLeod, director of Human Rights; and Mr. Sheldon Toner, chair of the Adjudication Panel, for their appearance before the committee on January 16, 2019. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Kam Lake.

MOTION THAT COMMITTEE REPORT 20-18(3)
BE DEEMED READ AND PRINTED IN HANSARD
IN ITS ENTIRETY,
CARRIED

MR. TESTART: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report, be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

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

---Carried

Introduction

The Standing Committee on Government Operations ("the committee") completed its review of the 2017-2018 Annual Report of Northwest Territories Human Rights Commission ("the commission"). The standing committee would like to thank Mr. Charles Dent, chair of the Northwest Territories Human Rights Commission; Ms. Deborah McLeod, director of Human Rights; and Mr. Sheldon Toner, chair of the Adjudication Panel,

for their appearance before the committee on January 16, 2019.

ABOUT THE HUMAN RIGHTS COMMISSION

The NWT Human Rights Commission is in the midst of a process of renewal and revitalization that commenced with a review of the NWT Human Rights Act, undertaken by the commission in 2014, to reflect on how the act and the NWT human rights system have been functioning since their inception 10 years earlier.

That review culminated in the introduction of Bill 30, An Act to Amend the Human Rights Act, which received assent in the Legislative Assembly on June 6, 2019. When the amended act comes into force, it will substantively alter the administrative structure and functioning of the human rights system in the Northwest Territories. For the 2017-2018 year, however, the system was governed under the Human Rights Act as it was originally structured. The act established three independent but interrelated agencies; the Human Rights Commission, the Office of the Director of Human Rights, and the Human Rights Adjudication Panel.

The Human Rights Commission is made up of three to five members of the public, each for a term of four years. They are appointed by and responsible to the Legislative Assembly for the general administration of the act. For 2017-2018, Mr. Charles Dent continued to serve as chair of the Human Rights Commission and Mr. Yacub Adam as deputy chair. Ms. Marion Berls and Ms. Gerri Sharpe also continued to serve as members of the commission. They were joined by Ms. Gail Cyr, who replaced Ms. Bronwyn Watters.

The Director of Human Rights position is also appointed by the Legislative Assembly. The director is responsible for the administration of the complaint process and for overseeing administrative support for the commission's outreach and education efforts. The Office of the Director of Human Rights includes the director, Ms. Deborah McLeod, and commission staff members who are all members of the public service.

The adjudication panel hears complaints referred by the director, as well as appeals of the director's decisions to dismiss complaints. The adjudication panel is composed of at least three lawyers appointed by the Legislative Assembly, each for a term of two to four years. In 2017-2018, the Adjudication Panel was chaired by Mr. Sheldon Toner, with Mr. Adrian Wright, Mr. Colin Baile, Ms. Emerald Murphy, and Mr. Paul Parker serving as adjudicators during that time period.

The committee wishes to thank all members of the commission and the adjudication panel for their service.

LETTER FROM THE CHAIR

Mr. Dent's 2017-2018 Letter from the Chair focused on an important aspect of the changes taking place to the NWT human rights system; the movement away from a system that is adversarial and legalistic to one that is more restorative in nature. As Mr. Dent noted,

"The aim of a restorative practice is to develop community and to manage conflict and tension by repairing harm and building relationships. A restorative approach can be used in both informal interactions as well as in formal processes. It is an approach that focuses on working with people and assisting them to address their human rights conflicts with each other. The commission believes that a move to a more restorative approach in all of our work, including our complaint process and how we engage the community, is key to creating and maintaining a culture that values and promotes equality."

To help ready itself for this restorative approach, the commission sponsored the director of the International Institute for Restorative Training (Canada) to speak about and provide workshops on restorative practices to commission members, the director and her staff, the adjudication panel, and to the NWT Teachers' Association's 2018 NWT Educators' Conference.

As evidence of the positive results the commission is beginning to see in this area, Mr. Dent pointed out that almost half of the complaint files closed by the director in 2017-2018 were resolved by the parties through the use of alternative dispute resolution processes.

COMMUNITY OUTREACH

Community outreach makes up a large component of the commission's work. The commission provides free workshops tailored to employers, businesses and community groups, about their rights and responsibilities under the act. The commission also participates in community events, where members talk to the public about the NWT human rights system and distribute commission publications. The commission also reaches out to the public through its social media presence.

Over the past five years, Facebook has become an integral part of the commission's education work. The commission shares positive human rights-related stories and encourages inclusion, kindness, and accessibility. The commission has implemented a strategy that has increased their reach into the remote communities and developed

a community of followers who are engaged in positive discussions about human rights. As of March 31, 2018, the commission had 1,967 Facebook followers in 28 communities, making theirs the fourth-largest following of Canadian human rights commissions, behind Ontario, Quebec, and Canada.

The commission also promoted its Stories for Peace initiative, encouraging audiences to engage with stories having human rights themes and promoting inclusion and diversity. This undertaking helps the commission build relationships with other NWT organizations with similar interests. In 2017-2018, the initiative gave books, movies, and other LGBTQ+ resources to Paul William Kaeser High School in Fort Smith for Rainbow SAGE, the school's gay-straight alliance, and donated crayons and colouring books to Sutherland House, the women's shelter in Fort Smith. The commission has developed a publication about this initiative.

The following are but a few examples of events the commission participated in during 2017-2018, demonstrating the breadth of the commission's outreach program.

The commission gave the following presentations and workshops:

- The duty to accommodate in human rights law to the Canadian Bar Association's Pro Bono Law Section;
- Human rights principles and the duty to accommodate to superintendents and regional inclusive school coordinators;
- Human rights in the Indigenous workplace and managing accommodation and addiction in the workplace at the Human Resources Management for Indigenous and Northern Organizations conference held in Yellowknife; and
- Accommodation and undue hardship in an education setting to Yellowknife District No. 1 administrators.

The commission participated in eleven community events, including:

- Disability Awareness Week: Commission Chair Charles Dent presented the NWT Disabilities Council's Community Champion Award at the annual Minister's Tea marking Disability Awareness Week.
- National Indigenous People's Day and Canada Day: Commission Member Gerri Sharpe hosted the extremely popular bannock table at both events. She was joined by Commission Chair Charles Dent and Vice Chair Yacub

Adam who served the bannock and encouraged people to pick up materials, including pocket guides, SOS Safety Magazines and copies of the Truth and Reconciliation Commission's Calls to Action.

- Days of Pink and NWT Pride: The commission donated \$2,000 to the NWT Rainbow Coalition for its annual Days of Pink Celebrations, a week-long campaign bringing awareness to LGBTQ+ issues. Commission Chair Charles Dent and Member Gerry Staples handed out rainbow cupcakes in front of the Yellowknife post office and also set up a booth for Rainbows in the Park, where participants could win prizes for spinning the wheel and answering human rights-related questions.
- Dene National Assembly: Commission Chair Charles Dent made a short speech offering information on human rights to communities.
- Local Government Administrators of the NWT (LGANT) Trade Show: Commission Vice Chair Yacub Adam attended the marketplace trade show portion of LGANT's annual meeting. The commission also provided LGANT with information on federal funding that is available for improving disabled access.
- Anti-poverty Roundtable: Commission Vice Chair Yacub Adam attended this event held in Norman Wells.

AREAS AND GROUNDS FOR COMPLAINT

The NWT Human Rights Act protects all people in the Northwest Territories from discrimination in the areas of employment; access to public services such as hospitals, schools, and stores; tenancy, including business leases; membership in trade unions or professional associations; and in published materials such as signs, newspapers, or other advertising.

The act also protects people against harassment based on a protected ground and retaliation for participating in a complaint. A ground is a specific characteristic of an individual. There are 21 protected grounds under the act, including age, disability, race, ancestry, sex, sexual orientation, gender identity, family and marital status, religion, social condition, and political association, to name just some. A complaint may allege discrimination on the basis of more than one ground.

Disability was the most common ground for complaint in 2017-2018, with 72 percent of complaints alleging discrimination on the basis of disability this year, as compared with 63 percent in the previous year. Race and ethnic origin were the

next most frequently cited grounds for complaint in 2017-2018.

INQUIRIES, COMPLAINTS AND ADJUDICATION

The director's office received 291 inquiries in 2017-2018, down from 361 in the previous year. Inquiries made at trade shows, community visits, and other public events are not included in these statistics. Not all inquiries received by the office are related to equality human rights. Wherever possible, Human Rights officers will direct a person to the agency or organization best equipped to help them.

Thirty-nine new complaints were filed in 2017-2018, as compared with 41 in the previous year. Of these, 18 originated from Yellowknife. Committee found it interesting to note that the next highest number of complaints (8) came from remote camps.

In the director's office, these 39 new complaints were added to 53 files already in process for a total of 92 files. Of these, 33 files were closed (two dismissed; three withdrawn; 13 referred to the adjudication panel; 15 settled).

Complaints that cannot be dismissed at an early stage or resolved by the director through alternative dispute resolution processes, such as mediation, are referred to the Human Rights Adjudication Panel for a hearing.

The adjudication panel is a quasi-judicial body with the power under the act to hear complaints, render findings, and, where warranted, impose penalties or restitution. The panel may determine if discrimination occurred and decide on an appropriate remedy. The adjudication panel also hears appeals in which a complainant is dissatisfied with the director's decision to dismiss their complaint.

The adjudication panel dealt with 31 files in 2017-2018: 16 files already in progress; 13 new files referred by the Director; and two appeals of the Director's decision to dismiss a complaint. Of the 31 files, the adjudication panel closed eight files (one settlement; three withdrawals; four decisions). This is compared with 2016-2017, during which the Panel dealt with one new file and 26 files in progress and closed 11 files (one settlement; three withdrawals; seven decisions).

All hearings of the Human Rights Adjudication Panel are public and can be reviewed on the Panel's website at hrap.nt.ca.

PUBLIC HEARING

As noted in the introduction, the committee held its hearing on the review of the 2017-2018 Annual Report of the Human Rights Commission on January 16, 2019.

The commission chair opened his remarks by acknowledging that the Human Rights Commission works in the traditional territories of the Dene, Inuvialuit, and Metis peoples and recognizes its obligations under Treaties 8 and 11. Stating that the "Commission's celebration of International Human Rights Day in 2017 focused on reconciliation and what ordinary people can do to foster reconciliation," he further noted that "attendees at the event were invited to commit to an act of reconciliation."

The commission chair spoke about the commission's move to a more restorative human rights system and its belief that this approach will result in a fairer and more effective system that will encourage a culture that values and promotes equality. He echoed the observation made in the annual report that "this year almost half of the complaint files closed by the director were resolved by the parties through alternate dispute resolution."

The commission chair concluded his opening remarks by informing committee that "recognizing the importance of language to human rights and reconciliation, and to make human rights information more accessible to everyone in the Northwest Territories, the commission has had the Pocket Guide to Human Rights in the NWT translated into all eleven official languages."

Noting the high number of complaints (8) arising from remote camps in 2017-2018, committee asked what grounds formed the basis for those complaints. The director of the Human Rights Commission replied that "disabilities" is a common ground, as is "employment," and that disagreement with respect to drug testing in the workplace also formed the basis of a complaint.

In response to a question about any perceived trends in the number of complaints received, the director noted that the number of complaints received in 2017-2018 (39) was in the same range as the previous year (2016-2017 – 41). She indicated that the lowest number of complaints received was 15 in 2012-2013, that the highest ever received was 47, and that there tends to be a slight trend upwards over time.

At the time the hearing took place, committee was in the process of reviewing Bill 30, An Act to Amend the Human Rights Act. While the committee chair cautioned members not to venture too far into a discussion of the bill itself, committee took the opportunity to question the commission's representatives in order to gain a better understanding of how the system works now. In particular, committee was interesting in learning about how the commission currently uses the offence and punishment provisions in the Human Rights Act and how the proposal to remove these

provisions from the act would impact the ability of the commission to address human rights transgressions.

Committee learned that the commission has never triggered the use of the offence and punishment provisions under the act as a means to sanction human rights transgressions, because the Human Rights Adjudication Panel already has the authority to make orders which may include financial penalties for offenders. The chair offered that the commission views the application of the offence and punishment provisions, which would be effected through the court system, to be inconsistent with a restorative approach, which is meant to reconcile the complainant and respondent by finding a solution to the dispute that builds trust and understanding.

The adjudication panel chair added that the proposal in the bill to prescribe remedies designed to help prevent future transgressions would broaden the panel's ability to make findings consistent with a restorative approach.

Committee asked the commission for its assessment of the manner by which the restorative approach might impact the length of time taken to deal with a complaint. The commission responded by first addressing the process from the perspective of the Office of the Director, which accepts and considers complaints and decides which will be referred to the adjudication panel for settlement.

The director explained that she has the authority to defer the formal process for dealing with a complaint (i.e. referral to the adjudication panel) while another process, such as mediation, is unfolding. In such a case, the complaint would only be referred to the adjudication panel if mediation was unsuccessful. Noting that the complexity of a complaint has an impact on the length of time taken to resolve it, she observed that "just by changing how we approach the parties has increased the uptake of people who want to settle (their matters of concern)." She also noted that part of the restorative approach is to prevent parties from being "positional" and helping them better understand one another.

The chair of the adjudication panel advised committee that the panel receives complaints in two forms; human rights complaints and appeals of the Director's decision to dismiss a complaint. Noting that the complexity of a complaint also has an impact on the length of time for this stage of the process to unfold, Mr. Toner informed Committee that an appeal hearing can take from six months to a year, while more complex cases tend to take from one to two years. Noting the adjudication panel's desire to issue decisions more quickly, he added that preliminary hearings, motions, the number of

witnesses, losing track of a complainant, and going to court for a judicial review are all factors that may impact the length of the process or cause delays.

In summing up its response to the question of how a restorative approach can impact the length of the process, the commission noted that any time an alternative dispute resolution process can be used to divert a complaint from being referred to the adjudication panel, the likelihood of timely resolution increases.

The hearing concluded with a question from committee about the meaning of the term "equality human rights" which appears throughout the annual report. The commission chair explained that the Canadian Charter of Rights and Freedoms, which forms Part 1 of the Constitution Act, 1982, sets out the rights and freedoms guaranteed to Canadians, including fundamental freedoms (freedom of conscience and religion; freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; freedom of peaceful assembly; and freedom of association); democratic rights; mobility rights; legal rights; language rights and equality rights. Section 15(1) of the Charter describes equality rights in the following way:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Mr. Dent concluded by noting that, of all the rights and freedoms set out in the Canadian Charter of Rights and Freedoms, equality rights are the only ones falling under the jurisdiction of the provinces and territories.

CONCLUSION

The Standing Committee on Government Operations has followed the work of the NWT Human Rights Commission with interest during the 18th Legislative Assembly. This has been an especially interesting time for the commission, given the work it has done on the review of the Human Rights Act. Committee is pleased to have had a role to play in the development of this revised legislation and thanks the commission for its insight, which assisted the committee in its review.

In this, the final review of the commission's work during the 18th Assembly, the standing committee wishes the commission well in its ongoing efforts to implement a more restorative human rights system, particularly as the new provisions of the amended Human Rights Act come into force of the next four years.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report, be received by the Assembly, and Mr. Speaker, I seek unanimous consent to waive rule 100(4) and have Committee Report 20-18(3) moved into Committee of the Whole for further consideration today. Thank you, Mr. Speaker.

MR. SPEAKER: The Member is seeking unanimous consent to waive rule 100(4) and have Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report, moved into Committee of the Whole for consideration later today.

---Unanimous consent granted

Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report, is now moved to Committee of the Whole for further consideration later today. Reports of standing and special committees. Member for Kam Lake.

COMMITTEE REPORT 21-18(3):
REPORT ON THE REVIEW OF THE 2015-2016
AND 2016-2017 ANNUAL REPORTS FOR THE
OFFICE OF THE LANGUAGES COMMISSIONER
FOR THE NORTHWEST TERRITORIES

MR. TESTART: Thank you, Mr. Speaker. Your Standing Committee on Government Operations is pleased to provide its Report on the Review of the 2015-2016 and 2016-2017 Annual Reports for the Office of the Languages Commissioner for the Northwest Territories and commends it to the House.

On October 17, 2017, the Standing Committee on Government Operations conducted a public review of the Office of the Languages Commissioner for the Northwest Territories Annual Report 2015-2016, which was tabled in the Legislative Assembly on February 8, 2019.

On February 8, 2018, the committee held a public review of the Office of the Languages Commissioner for the Northwest Territories Annual Report 2016-2017, which was tabled in the Legislative Assembly on October 20, 2017.

Both of these reviews are summarized in this report, and now, Mr. Speaker, I move, seconded by the honourable Member for Hay River North, that Committee Report 21-18(3) be deemed read and

printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to have Committee Report 21-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports for the Office of the Languages Commissioner for the Northwest Territories, deemed read and printed in Hansard in its entirety.

---Unanimous consent granted

INTRODUCTION

The Northwest Territories' Official Languages Act ("the act") was first passed in 1984 and came into force in 1988. This legislation establishes Chipewyan, Cree, English, French, Gwich'in, Innuinaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey, and Tlicho as the 11 official languages of the Northwest Territories and, under section 5, provides that they "have equality of status and equal rights and privileges as to their use in all government institutions" to the extent and in the manner provided [for] in this Act and any regulations under this act."

The act, which is jointly administered by the Department of Education, Culture and Employment and the Legislative Assembly, sets out the responsibilities of the Minister Responsible for Official Languages. The Minister has the overall responsibility for the act and for the general direction and coordination of government policies and programs related to Official Languages. The Minister must:

- Encourage the maintenance and revitalization of Indigenous languages;
- Consider advice and recommendations from the Official Languages Board (OLB) and the Aboriginal Languages Revitalization Board (ALRB);
- Oversee the development of policies and regulations needed to implement the act;
- Promote official languages education in schools, post-secondary, adult education, and literacy training programs;
- Promote the use of official languages in the administration and delivery of programs and services by government institutions; and
- Prepare an annual report on official languages to be tabled in the Legislative Assembly.

The Official Languages Act also establishes the Office of the Languages Commissioner ("the commissioner") and provides for the

commissioner's appointment, for a four-year term, as an independent officer of the Legislative Assembly. That appointment is currently held by Ms. Shannon Gullberg, whose current appointment became effective on October 8, 2015. Ms. Gullberg previously served as the Languages Commissioner from 2004 to 2008.

The act requires the commissioner to file an annual report on her activities and authorizes her to include recommendations for amending the legislation that are considered desirable or necessary in order to give effect to its spirit and intent.

On October 17, 2017, the Standing Committee on Government Operations ("the committee") conducted a public review of the Office of the Languages Commissioner for the Northwest Territories Annual Report 2015-2016, which was tabled in the Legislative Assembly on February 8, 2017.

On February 8, 2018, the committee held a public review of the Office of the Languages Commissioner for the Northwest Territories Annual Report 2016-2017, which was tabled in the Legislative Assembly on October 20, 2017.

Both of these reviews are summarized in this report.

THE ROLE OF THE LANGUAGES COMMISSIONER

The specific duties and responsibilities of the Languages Commissioner are set out in the Official Languages Act. The Languages Commissioner is appointed, at pleasure, by the commissioner of the Northwest Territories on the recommendation of the Legislative Assembly and can only be removed or suspended "for cause or incapacity." This enables the Languages Commissioner to make independent decisions free from any political influence.

The Languages Commissioner's is responsible to:

- Ensure that the rights, status, and privileges of all official languages are recognized;
- Ensure sure that government institutions comply with the spirit and intent of the act;
- Investigate complaints of the public related to the government's provision of language services mandated by the act;
- Investigate language issues on her own initiative; and
- Provide an annual report to the Speaker, which may include proposed changes to the act.

The act gives the commissioner the discretion to refuse or cease to investigate a complaint. Under

section 32(2) of the OLA, the commissioner is also granted the discretion to appear before the Supreme Court of the Northwest Territories on behalf of a complainant.

THE LANGUAGES COMMISSIONER'S ACTIVITIES

2015-2016

The Languages Commissioner received nine complaints during the 2015-2016 fiscal year. One originated from the public sector and eight from the private sector. Seven involved Indigenous languages, two involved French. Four complaints originated in Yellowknife, one each in Inuvik, Aklavik, and Fort Resolution, and two came from outside of the NWT. The subjects of the complaints were as follows:

- one complaint, on behalf of a number of community residents, dealt with the receipt of health centre services in an Indigenous language;
- two complaints related to the refusal of the Vital Statistics Registry to allow parents to register baby names using Dene fonts;
- one related to the availability of interpreter-translators and one related to their competency;
- one dealt with the lack of emphasis on Indigenous language use in the GNWT workplace, and one with the competency of Indigenous language teachers in schools; and
- one dealt with the use of Indigenous languages by a federally regulated industry and was, thus, outside of the commissioner's jurisdiction.

During the fiscal year, the commissioner received 11 inquiries; six involved official languages or the act generally; one involved French; two involved Indigenous official languages; two related to the expansion of languages rights; and one involved reviewing and providing input on the languages policy of a private organization.

Location of inquiry: eight came from Yellowknife; one each originated from Inuvik and Fort Smith; one came from outside the NWT.

The commissioner reviewed two complaints regarding the use of Dene fonts in names. She found that the NWT's Vital Statistics Act is similar to most other Canadian jurisdictions in limiting the registration of birth names to Roman orthography. She expressed the view that, as a quasi-constitutional act, the Official Languages Act takes precedence over the Vital Statistics Act, insofar as that act may attempt to limit language rights. She

expressed the view that the issues related to Dene fonts for names are not insurmountable and need to be dealt with on a national level and that double-sided identification may offer a solution. At the time the report was written, the commissioner was awaiting a response from the Department of Health and Social Services.

Regarding languages when accessing basic needs such as housing, the commissioner noted that she reviewed a complaint that a housing application form was not available in French. She found that Housing Authorities are absent from the list of government institutions detailed in the Official Languages Act, Government Institution Regulations. Nonetheless, the NWT Housing Corporation took swift action once the concerns of the member of the public were brought forward, which the commissioner commended.

2016-2017

The Languages Commissioner received two complaints in 2016-2017, as compared with nine during the previous year. Both originated from public sector employees in Hay River and related to Indigenous language rights. One complaint raised issues related to human resources and union-management labour relations matters. Consequently, and the complainant was directed to other resources. The other complaint dealt with interpretation-translation services in health care settings, particularly for patients who are required to travel to other communities for services. The commissioner concluded that "the complainant was satisfied that the issues being identified would be dealt with in the context of a broader investigation into health care services in the Northwest Territories" being undertaken by the commissioner.

The commissioner received six inquiries in 2016-2017, as compared with 11 in the previous year. All six originated from the private sector, with two coming from Yellowknife, one from Lutsel K'e, one from Norman Wells, and two from outside the NWT. Of these six inquiries, three involved Indigenous official languages generally, one involved French, one involved North Slavey, and one involved Michif, which is not an NWT official language.

In addition to the Michif inquiry, two involved the health of all Indigenous official languages and statistics related to those languages; one involved the availability of funding for translation services in North Slavey; one related to French language resources; and one related to funding for attendance at a language conference.

The commissioner noted the following common themes in discussion with people during outreach activities:

- Lack of funding for language projects and participation in language conferences;
- Concern with the lack or calibre of Indigenous languages education;
- Lack of access to or formal training of interpreters-translators; and
- Lack of standardization of languages.

The commissioner indicated that, in 2016-2017, she had initiated an investigation into language services at the Legislative Assembly and that her report on this investigation will be completed in the near future.

The commissioner provided a positive update that arose as the result of two complaints, received in the previous year, regarding the GNWT's refusal to allow the registration, under the Vital Statistics Act, of baby names with Dene fonts. The commissioner reported that the Vital Statistics Act was amended in October 2016 to remove the requirement of names to be written in Roman orthography; to allow registration under a single name, in accordance with a child's culture; and to allow a person to amend the designation of sex without undergoing gender reassignment surgery.

She further noted the additional work required to implement these changes:

- The GNWT needs to ensure it has the technology to produce birth registrations in Dene fonts using the correct symbols and diacritical marks;
- There is a need for greater standardization of Indigenous languages to ensure written documents are accurate and consistent; and
- More work is needed with other governments to ensure the use of Indigenous languages does not create a barrier for those seeking passports and other important documents.

PUBLIC HEARINGS

2015-2016

As noted in the introduction, committee held a public hearing on the Languages Commissioner's 2015-2016 Annual Report on October 17, 2017.

The review commenced with the commissioner thanking the Minister of Health and Social Services for his work to resolve the issue involving the use of Dene fonts on birth certificates, but noting her sense that the public service sees "language roadblocks" with respect to the provision of services. She feels that this would be best resolved by the development of an Official Languages Act

that is northern-based, not the current one which is based on the federal model and uses outdated concepts such as "significant demand" and "nature of the office" which are difficult concepts to put into practice. She noted her optimism at signals coming from the federal government, which has indicated its intention to make Indigenous languages official at the federal level.

The commissioner noted that she had traveled to Inuvik, Aklavik, and Kakisa and was encouraged by the fact that the communities had welcomed her visit and that she had received an invitation to return from the Gwich'in Tribal Council.

When asked what part of the act she would most like to see changed, the commissioner replied, "section 11 is the most critical," elaborating that this is the section of the act that sets out how members of the public can communicate in the official languages with GNWT headquarters, versus regional or community offices. She noted that this is the section of the act incorporating the concepts of "significant demand" and "nature of the office" which, in her view, have the impact of isolating dying languages such as Gwich'in by relegating them to use in specific designated areas.

2016-2017

As noted in the introduction, committee held a public hearing on the Languages Commissioner's 2016-2017 Annual Report on February 8, 2018.

The review commenced with a discussion of how the Languages Commissioner works with Indigenous governments and community leaders to build on momentum with respect to language preservation occurring at the community level, for example, in the community of Deline, which is known for its accomplishments in the area of language preservation. The commissioner replied that Deline was on her list of upcoming trips, in part because of the phenomenal things happening there. She noted that she has given some thought to her role in the context of self-government and noted that "acting in silos will not help the preservation of languages."

When asked about the drop in the number of complaints from the previous year, the commissioner said that she is not sure there is a specific reason, but that she has been more stringent than previous Commissioners in defining a complaint. She noted that, generally, most of the concerns she hears are related to the provision of translation in the health and social services sector. Noting that not much has changed in this area since she last served as Languages Commissioner in 2008, the commissioner indicated that she had undertaken an investigation on her own initiative regarding these concerns and was working on her

report, which would be provided to the Speaker of the Legislative Assembly.

When asked about the nature of the complaint originating from outside of the Northwest Territories, the commissioner advised committee that this complaint came from a former NWT resident who was seeking services outside of the NWT.

The commissioner was asked about the inquiry she received about Michif, a Metis language spoken by the grandfather of a committee member. The commissioner indicated that the inquiry reminded her of the importance of considering whether the 11 languages designated as official languages under the act are the only ones that should be included. She observed that there would be costs associated with such a change, just as there would be costs associated with her recommendation to require contractors providing services on behalf of the GNWT to provide those services in official languages, noting that language preservation "cannot be all about the costs."

RECOMMENDATIONS OF THE LANGUAGES COMMISSIONER

In each of the commissioner's annual reports, she has made recommendations for the consideration of the Legislative Assembly. The recommendations from both reports are amalgamated below and have been numbered for the purposes of this report. The Standing Committee's response to each of the recommendations is set out below:

Recommendation 1:

"That the Legislative Assembly develop a formal process for responding back to the Languages Commissioner on recommendations presented by the Office. The process should include that the response be in writing addressed to the Languages Commissioner, with specific timeline for response."

Committee Response 1:

The Legislative Assembly's formal process for responding to the Languages Commissioner's annual reports is set out in Section 23 of the Official Languages Act and Rules 100(1)-(5) of the Rules of the Legislative Assembly. The same process is used to respond to recommendations from all statutory officers of the Legislative Assembly. Where the standing committee makes recommendations to the Government of Northwest Territories, it will continue to request that government provide a formal response to the standing committee's recommendations within 120 days.

Recommendation 2:

"That the Legislative Assembly and government officials carefully review the 2016 Census, once results are available, with a critical eye on language issues in the Northwest Territories."

Committee Response 2:

The Department of Education, Culture and Employment's NWT Aboriginal Languages Framework: A Shared Responsibility, references statistics from the 2011 Census. The standing committee trusts that the department will make use of the most current available statistical information in any updates to this document or any future plans that replace it.

The standing committee notes that the 19th Legislative Assembly will be required to undertake a statutory review of the Official Languages Act. The committee will be tabling a transition report offering suggestions to its successor committee in the incoming 19th Legislative Assembly. Through this report, Committee will encourage its successor committee to incorporate an analysis of the 2016 census data into its Official Languages Act review.

Recommendation 3:

"That the Legislative Assembly review, on a regular basis, the structure and resources for the proper functioning of the Office of the Languages Commissioner."

Committee Response 3:

The Board of Management of the Legislative Assembly annually considers the resources required for the functioning of all statutory offices reporting to the Legislative Assembly, including the Office of the Languages Commissioner for the Northwest Territories, during preparation of the Assembly's business plan and main estimates.

Recommendations 4 through 11:

Recommendations 4 through 11 involve amendments to the Official Languages Act, its regulations, or supporting policy documents. Committee's response follows those recommendations:

Recommendation 4:

"That the Legislative Assembly review the preamble to the Official Languages Act to determine if it accurately reflects the language rights set out in the act, including the status of Aboriginal languages and any language of work rights."

Recommendation 5:

"That the Legislative Assembly should amend the Government Institution Regulations to add housing authorities to the list of bodies bound by the Official

Languages Act. It should also review the Government Institution Regulations to ensure the adequately cover those institutions that should be subject to the provisions of the Official Languages Act."

Recommendation 6:

"That the Official Languages Act of the Northwest Territories be amended to include a provision that binds all contractors with the Government of the Northwest Territories. Suggested wording is: Every government institution has the duty to ensure that, where services are provided or made available by another person or organization on its behalf, any member of the public in the Northwest Territories or elsewhere can communicate with and obtain those services from that person or organization in any particular Official Language in any case where those services, if provided by the institution, would be required to be provided in that Official Language."

Recommendation 7:

"That the Legislative Assembly reconsider what languages should be given the status of "Official Languages" of the Northwest Territories and provided with the protection of the provisions of the Official Languages Act" (p. 20).

Recommendation 8:

"That section 6 of the Official Languages Act be amended to read: Everyone has the right to use any official language in the debates and proceedings of the Legislative Assembly, and every Member of the Legislative Assembly has the right to translation of those debates in another official language."

Recommendation 9:

"That section 11 of the Official Languages Act be amended such that, instead of language rights based on the concepts of 'significant demand' and 'nature of the office,' language rights in the area of communication with the public are based on the following principles: That the approach be simple and holistic, with accessibility of services to the public being the focus; In order to understand and benefit from the government's programs and services, the public requires information in the official languages; A government's provision of services in its official languages recognizes and supports the efforts of communities in maintaining and developing those languages."

Recommendation 10:

"That, in consultation with stakeholders and service providers, consideration be given to expanding section 11 of the Official Languages Act to deal with

the issue of communicating with service providers when receiving services outside the jurisdiction."

Recommendation 11:

"That the Legislative Assembly and the GNWT, in consultation with stakeholders, review the Official Languages Policy and Guidelines: To ensure the Official Languages Policy and Guidelines are consistent with the Official Languages Act; To include a definition of active offer that refers to a series of measures that are taken to ensure that language services in the various official languages are clearly communicated to the public and include a number of measures that will be taken to ensure that language rights are visible, available at all times, easily accessible and of high quality; That the issue of dissemination of information and materials to the public, including forms, notices, and public information material, be reviewed."

Committee Responses 4-11:

As required by section 35(1) of the Official Languages Act, a Standing Committee of the 19th Legislative Assembly will be required to undertake a review of the Official Languages Act. This review "shall include an examination of the administration and implementation of the act, the effectiveness of its provisions, the achievement of the objectives stated in its preamble, and may include any recommendations for changes to the act." In its transition report, the Standing Committee on Government Operations will encourage the standing committee tasked with this review to consider each of the recommendations for changes to the act or its supporting policy documents, made by the Languages Commissioner in the context of that review.

Recommendations 12 through 18:

Recommendations 12 through 18 involve matters of departmental administration that fall squarely within the mandate of the Minister of Education, Culture and Employment. Committee's response follows those recommendations:

Recommendation 12:

"That the Legislative Assembly and the Minister Responsible for Official Languages ensure that the focus for both the Francophone Affairs Secretariat and the Aboriginal Languages Secretariat be on service to the public and that there be continued consultation with language communities to seek input on the best way to provide such services."

Recommendation 13:

"That the Legislative Assembly and GNWT officials consider language rights and issues as national concerns and actively work with other jurisdictions

in Canada in the development and advancement of language rights. This includes, to the greatest extent possible, sharing experiences regarding official language legislation and issues, and becoming active participants in federal government initiatives to create new language legislation including the proposed federal Canadian Indigenous Languages Act."

Recommendation 14:

"That the Legislative Assembly and GNWT officials take steps to ensure the health of all Official Languages in the Northwest Territories including: ensuring that all action items in the Aboriginal Language Action Plan and Strategic Plan on French Language Communication Services are taken; and ensuring all steps are taken in conjunction with community leaders."

Recommendation 15:

"That GNWT officials, in conjunction with Aurora College, interpreters/translators, community leaders and other stakeholders, consider the development of a new interpreter/translator program. This program should include: development of standards for interpreter/translators; certification of interpreter/translators; and specialized training for interpretation/translation in certain domains, such as the courts and health."

Recommendation 16:

"That GNWT officials give serious consideration to reopening the Language Bureau to provide interpretation/translation support and services to the Legislative Assembly, the GNWT and its boards and agencies."

Recommendation 17:

"That, in this digital age, the GNWT takes steps to develop its technological capabilities to support and expand Official Language promotion, preservation and communication activities."

Recommendation 18:

"That the GNWT continue to work with Aboriginal language groups to develop standardized orthographies for Aboriginal official languages."

Committee Responses 12 through 18:

Management and administration of the Francophone Affairs Secretariat and what is now called the Indigenous Languages and Education Secretariat falls squarely within the mandate of the Minister of Education, Culture and Employment, as does the responsibility for intergovernmental relationships with offices in other jurisdictions having responsibility for language rights and services, including those at the community level.

The department is also directly responsible for ensuring the commitments made in its strategic planning documents are met. Committee expects that any decisions having to do with the Aurora College curriculum would have to be made within the context of the college's transition to a polytechnic institution. Any decision to reopen the languages bureau could be proposed by the Minister and resourced by the Legislative Assembly during the business planning process.

The standing committee encourages the Languages Commissioner to raise any concerns or suggestions for improvement related to program delivery and intergovernmental work on language matters directly with the Minister. Committee further encourages the Languages Commissioner to keep committee apprised of this dialogue in order to ensure that committee is aware of any progress made or lessons learned that may inform the upcoming review of the Official Languages Act.

CONCLUSION

During the 18th Legislative Assembly the Government of the Northwest Territories brought forward bills making important, substantive changes to both the Human Rights Act and the Access to Information and Protection of Privacy Act. Both of these acts provide for statutory officers reporting to the Legislative Assembly; namely, the Human Rights Commission and the Information and Privacy Commissioner respectively. While the committee is pleased that this work that has been done, committee acknowledges that it has, in some respects, diverted attention from committee's oversight role with respect to the Official Languages Act, which resulted in the delayed delivery of this report.

Committee notes that upcoming review of the Official Languages Act, which must be undertaken early in the term of the 19th Legislative Assembly, will ensure that this important statute also gets the attention it deserves.

Committee would like to take this opportunity to thank Commissioner Gullberg for her thoughtful reports and her appearances before the committee and for her commitment to the use and preservation of all of the Northwest Territories' official languages.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Committee Report 21-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of the Languages Commissioner for the Northwest Territories, be received by the Assembly, and Mr. Speaker, I seek

unanimous consent to waive rule 100(4) and have Committee Report 21-18(3) moved into Committee of the Whole for further consideration today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive rule 100(4) and have Committee Report 21-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of The Languages Commissioner for the Northwest Territories, moved into Committee of the Whole for further consideration later today.

---Unanimous consent granted

Committee Report 21-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of The Languages Commissioner for the Northwest Territories, is now moved into Committee of the Whole for further consideration later today. Masi. Reports of standing and special committees. Member for Kam Lake.

MOTION THAT COMMITTEE REPORT 22-18(3) BE DEEMED READ AND PRINTED IN HANSARD IN ITS ENTIRETY, CARRIED

MR. TESTART: Thank you, Mr. Speaker. Your Standing Committee on Government Operations is pleased to provide its Report on the Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner of the Northwest Territories and commends it to the House.

On February 22, 2018, the Standing Committee on Government Operations conducted a public review of the 2016-2017 annual report of the Information and Privacy Commissioner, which was tabled in the Legislative Assembly on October 3, 2017.

On January 15, 2019, the committee held a public review of the Information and Privacy Commissioner's 2017-2018 annual report, which was tabled in the Legislative Assembly on October 29, 2018. Both of these reviews are summarized in this report.

Now, Mr. Speaker, I move, seconded by the honourable Member for Hay River North, that Committee Report 22-18(3) be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

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

---Carried

Committee Report 22-18(3) is now deemed read and printed in its entirety.

COMMITTEE REPORT 22-18(3):
REPORT ON THE REVIEW OF THE 2016-2017
AND 2017-2018 ANNUAL REPORTS OF THE
INFORMATION AND PRIVACY COMMISSIONER
OF THE NORTHWEST TERRITORIES

INTRODUCTION

The Access to Information and Protection of Privacy (ATIPP) Act came into force on December 31, 1996. The purpose of this legislation is to promote government accountability by balancing access to government information with the protection of individual privacy rights related to that information.

Under the act, the Information and Privacy Commissioner ("the IPC") is appointed for a five-year term as an independent officer of the Legislative Assembly. That appointment is currently held by Ms. Elaine Keenan Bengts. The act requires the IPC to file an annual report on her activities and authorizes her to include recommendations for amending the legislation to improve the act's efficiency and effectiveness.

On February 22, 2018, the Standing Committee on Government Operations ("the committee") conducted a public review of the 2016-2017 Annual Report of the Information and Privacy Commissioner, which was tabled in the Legislative Assembly on October 3, 2017.

On January 15, 2019, the committee held a public review of the IPC's 2017-2018 Annual Report, which was tabled in the Legislative Assembly on October 29, 2018.

Both of these reviews are summarized in this report.

THE ROLE OF THE INFORMATION AND PRIVACY COMMISSIONER

Access to Information and Protection of Privacy Act

The Office of the Information and Privacy Commissioner was established in 1997, following the enactment of the Access to Information and Protection of Privacy (ATIPP) Act. The ATIPP Act applies to the Government of the Northwest Territories (GNWT) and its departments, boards, and agencies, as set out in the ATIPP Regulations. The office provides independent oversight and enforcement of the government's responsibilities under the act.

The IPC is appointed as a statutory officer of the Legislative Assembly for a five-year term and can only be removed "for cause or incapacity," which affords her the ability to comment freely and directly. Ms. Keenan Bengts currently holds the

office for a five-year term terminating on October 30, 2020.

The ATIPP Act enshrines two principles: 1) public records must be accessible to the public; and 2) personal information must be protected by public bodies. The act outlines the rules by which the public can obtain access to government-held records, and rules about the collection, use and disclosure of information by government, such that the privacy rights of individuals are protected and upheld.

Generally, the act requires that the government collect only information that is absolutely necessary for implementation of the program under which the information is collected. The Supreme Court of Canada has ruled that laws like ATIPP are "quasi-constitutional" laws that are held to be paramount to other laws, unless otherwise specified, and which define fundamental democratic rights.

The act is generally interpreted by the courts such that access to information is considered the standard and that any exceptions to this must be narrowly interpreted in a way to allow the greatest access possible. The right of access is not absolute, however. There are limited exceptions which protect individual privacy rights, proprietary business information, and Cabinet confidences and allow government employees to give frank and candid advice facilitating decision-making by political leaders.

The IPC reports to the Legislative Assembly of the Northwest Territories. The powers provided to the IPC under the ATIPP Act include the powers to investigate, mediate and resolve matters concerning access and privacy disputes and complaints; comment on the privacy implications of proposed legislation or government programs; undertake research into matters related to the purposes of the act; and educate the public about their rights.

Following on a comprehensive review of the ATIPP Act, undertaken by the Department of Justice between 2012 and 2016, Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act was introduced in the Legislative Assembly in October 2018. This bill, which was extensively amended at the committee stage, received assent on June 6, 2019. As the new provisions are brought into force, certain aspects of the IPC's role and authorities will be changed and enhanced. For the purposes of the fiscal years examined in this report, however, the legislation as it was last amended in 2015 governed the IPC's activities.

Health Information Act

The new Health Information Act (HIA), which came into effect on October 1, 2015, governs the collection, use and disclosure of personal health information and provides for its protection. The legislation applies to all records containing health information that are under the control of a "health information custodian," as defined in the act, whether that custodian operates in the public or private sector.

The act sets out clear direction that medical practitioners are to have access to records only to the extent required in order to provide care. The act allows medical practitioners to assume that an individual who seeks health care has implicitly provided consent to the collection, use or disclosure of such personal health information as is necessary to provide the patient with appropriate care. This assumption of implicit consent is contingent upon the practitioner's belief that the patient is knowledgeable about how his or her personal information will be collected, used and disclosed.

The act gives patients the right to put conditions on who has access to their records. Where a patient expressly indicates that the practitioner may not rely on implied consent, the practitioner is then required to obtain the patient's written consent to collect, use or disclose the patient's health information. There are limited exceptions to this right, such as to facilitate the provision of emergency health care. Similarly, a patient may not prohibit the disclosure of personal health information by a health information custodian where that disclosure is authorized by the HIA or another enactment; for example, to the Workers' Safety and Compensation Commission.

The HIA gives patients the right to access their own health records. The process is similar to that contained in the ATIPP Act which governs access to personal information contained in government records. Unlike the ATIPP Act, however, which only permits recovery of photocopying costs, access by a patient to their medical records under the Health Information Act is subject to the payment of fees.

The act allows a person who believes their records have been improperly collected, used or disclosed to request the IPC to undertake a review. Rights of appeal under this Act are different than those under ATIPP. Appeal rights apply to both access to information and breach of privacy issues. As well, the IPC has the authority to appeal the decision of a health information custodian to the courts.

The act also imposes a positive duty on health information custodians to notify any individual whose medical records have been compromised. This "data breach notification" must also be given to the IPC, who may choose to investigate the breach.

THE INFORMATION AND PRIVACY COMMISSIONER'S ACTIVITIES

The Commissioner's Message

The Information and Privacy Commissioner often chooses to highlight topical aspects of her work in her annual "Commissioner's Message."

2016-2017

In her 2016-2017 Commissioner's Message, the IPC noted that it was her 20th anniversary as IPC of the Northwest Territories, which also meant that twenty years had passed since the coming-into-force of the ATIPP Act. She noted that advancements in technology over the past two decades are such that ATIPP operates in a very different environment than the one that existed when the legislation was first drafted.

She observed that her role as IPC started with a focus on access but, over time, privacy considerations took a primary role. Now, in the era of "big data" the focus is turning to access again, as the public continues to be concerned about the ability of governments to protect the personal information they collect, the value of information as an asset grows and the public demands that governments be accountable and transparent. This, she notes, makes strong ATIPP legislation "increasingly vital to the maintenance of our democratic ideals as the world changes in ways no one would have imagined in 1997."

With respect to the Health Information Act, the IPC indicated that she had completed her first three reviews. She opined that the act is dense, complicated and hard to interpret, meaning reviews take longer than under the ATIPP Act. She also observed that, again this year, health information custodians were far from compliant with the act and much work needs to be done in this area. The IPC expressed her concern that the information-technology system being used by the Health and Social Services Authorities still does not have the functionality to allow patients to control the access and use of their personal health information as mandated by the act.

2017-2018

For 2017-2018, the IPC's message focused on the initiative to update the ATIPP Act, led by the Department of Justice. She expressed frustration with the amount of time taken by the department to complete its review, which resulted in the "Northwest Territories...now [being] the last Canadian jurisdiction, but for Nunavut, to modernize its first-generation access and privacy legislation."

Modern legislation, the IPC observed, is not all that is required. "We need a real commitment to the spirit and intention of the act and this year, more than any other year, I have seen a marked decrease in the willingness of public bodies to hold up those ideals." The IPC noted that many times this year public bodies have refused to follow her recommendations, rejecting her analysis and application of the law. "Public bodies can easily avoid accountability when they refuse to follow recommendations made."

The IPC encouraged the Department of Justice to look to the ATIPP legislation passed by the Government of Newfoundland and Labrador in 2015. Under that legislation, "if a public body wishes to disregard those recommendations...it must ask the court for an order to allow it to do so. This change puts the onus on the public body, where it should be, to obtain court approval of its decision, rather than leaving it to the individual." She also raised the issue of bringing municipalities under ATIPP, noting that Nunavut recently amended its Act to accommodate the inclusion of municipalities, leaving the NWT as the only remaining Canadian jurisdiction that does not require municipal compliance with ATIPP.

Committee notes that these concerns were given careful consideration in the review of Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act. The act has since been amended to require government compliance with the IPC's recommendations and to require municipal compliance with ATIPP, which will be phased-in through the regulations, allowing time for municipalities to prepare to meet their obligations under the act.

With respect to the Health Information Act, the IPC noted that the Minister of Health has issued a series of policies and procedures pursuant to the HIA, but that these were not accessible online and should be. She also again raised the issue of the apparent affinity of the health sector for outdated fax technology, which has resulted in data breaches that have been the subject of a number of media reports.

The IPC concludes her 2017-2018 Commissioner's Message by commenting on the work by her office to improve its website on www.atipp-nt.ca and by acknowledging an increase to her budget to hire a full time Deputy-IPC, to be shared with the Nunavut office.

The Year in Review

2016-2017

In 2016-2017, the IPC opened 61 new files (2015-2016 – 43) and issued 15 review recommendations

(2015-2016 – nine) under the ATIPP Act. Of the 61 new files, 32 were related to access-to-information matters, 14 were related to breach-of-privacy matters, five were requests for comment or consultation by public bodies, and 10 were miscellaneous or administrative inquiries.

2016-2017 was the first full year of the Health Information Act being in force. The IPC opened eight new files, of which three were breach notifications from various branches of the amalgamated Health and Social Services Authority; two involved the submission of Privacy Impact Assessments (PIAs) per section 89(2) of the act; one was a comment to the Minister on the Department' of Health and Social Services' Mental Health Care Action Plan; and two were related to administrative matters. In addition, three formal reports containing recommendations were issued.

While her report had, in the previous year, been quite critical of the Department of Health and Social Services and its failure to address requirements under the new act, the IPC noted that things appear to be slowly improving. She observed some progress on the development of system-wide standards, policies and procedures as required by section 8 of the act. She noted a significant upturn in the number of breach notifications, suggesting a greater awareness of what constitutes a breach under the act, and further observed that these breaches are being properly handled with steps being taken to prevent reoccurrences. The IPC also reported that posters, informing patients of their rights under the Health Information Act, are starting to appear in Yellowknife clinics.

2017-2018

In 2017-2018, the IPC opened 53 new files and issued 18 review recommendations related to matters under ATIPP. Of the 53 new files, 24 were related to access matters, 17 were related to privacy matters, seven were requests for comment or consultation by public bodies, and five were miscellaneous or administrative inquiries.

One of the privacy-related files was initiated by the IPC with a view to engaging the City of Yellowknife in a discussion about access and privacy issues related to a matter that received media attention. The City did not reply to the IPC's invitation and no discussions took place, but the IPC again emphasized with Committee during the review the importance of bringing municipalities under ATIPP.

With respect to the Health Information Act, the IPC noted that the number of files "skyrocketed" from eight new files opened in the previous year to 33 new files opened in the second full year of the act being in force. The IPC views this as a positive indication that both the public and health

information custodians are paying more attention to their rights and responsibilities under the act.

Of these 33 files: 22 were breach notifications received from the Department of Health and Social Services and the Northwest Territories Health and Social Services Authority pursuant to section 87 of the act; six were breach-of-privacy complaints received from the public; two were privacy impact assessments received pursuant to section 89(2) of the act; one was a request to review the response received to a request for access to personal health information pursuant to section 141; one was a review commenced on the IPC's own initiative pursuant to section 137(1); and one was an administrative file. No review reports were issued under the HIA in 2017-2018.

PUBLIC HEARINGS

2016-2017

As noted in the introduction, committee held a public hearing on the IPC's 2016-2017 Annual Report on February 22, 2018.

In her opening remarks, the IPC noted that both the ATIPP Act and the HIA set out timelines within which she must complete any reviews of government decisions made under the respective acts. She indicated that the increase in her workload precipitated by the coming into force of the HIA was creating additional pressure on her office which would need to be resolved either through increased resourcing or changes to the timelines under the legislation.

Committee took note of this observation, which was raised in the context of Committee's review of Bill 29. Under ATIPP, the IPC has six months (180 days) to complete a review. Bill 29 proposed to reduce this timeline to two months (60 days). Cognizant of the government's rationale for reducing the IPC's timeline in an effort to respond to public calls for a more expedient ATIPP process, committee nonetheless felt that the proposed reduction to the IPC's timeline was too severe. In response, committee moved a motion, which was passed with concurrence of the Minister, to set the IPC's timeline for reviews at three months (90 days).

During the review, the IPC was asked about privacy impact assessments (PIAs) and how they are undertaken by the government. The IPC replied that a PIA is a tool to assist in highlighting the privacy impacts of a particular policy or project. It requires government to consider, in advance, what personal information is proposed to be collected, the purpose for which it will be used, how long it will be retained and how it will be protected. The IPC advised committee that she has been given the

opportunity to review three PIAs completed by government and expressed her view that such assessments should be mandatory.

Committee also touched on the subject of the implementation of the HIA, asking the IPC for her comments on how this work has been proceeding. She replied that it is her understanding that the Department of Health and Social Services has hired a privacy coordinator and has created a set of policies to help staff to understand and comply with their responsibilities under the act. The IPC offered that she views these developments positively.

When asked what she thinks people need to know about their rights under the Health Information Act, the IPC replied that people should be aware that they have a right to see their medical files and that they have a right to deny access to their records under certain conditions.

The IPC was also asked for her comments on the concept of "implied consent" which is contained in the legislation. Consent is dealt with under Part 3 of the act, which provides that consent to the collection, use and disclosure of a patient's medical records can be "express" or "implied" provided that it is "knowledgeable." This allows a health care provider to assume that, by seeking medical treatment, a person has implied that they consent to the collection, use and disclosure of their information, unless they provide express (i.e. written) instructions stating otherwise. The IPC replied that implied consent is a difficult concept to put into practice, making this part of the act one that needs to be fixed.

The review concluded with a discussion of the practical application of a patient's right to direct who may or may not have access to their medical records. The IPC told Committee that she would like to see the GNWT upgrade the functionality of its health information-technology systems to allow "masking" of certain medical records, such that a health care provider would be prevented from accessing a record if such access was expressly prohibited by the patient.

When asked if the GNWT was meeting its responsibilities under the act, the IPC replied "simply put, no" but allowed that it took some time for the GNWT to become compliant when ATIPP was first introduced too.

2017-2018

As noted in the introduction, committee held a public hearing on the IPC's 2017-2018 Annual Report on January 15, 2019.

Committee's review commenced with a broad question to the IPC. Noting that the government espouses the principles of openness and

transparency, to the extent that a minister has been made responsible for Public Engagement and Transparency, a Committee member asked the IPC how this seeming commitment aligns with her experience.

The IPC replied that, for the most part, she senses a healthy respect for the act and its purposes, noting that there are still pockets within government where there are problems with ATIPP compliance, and expressing concern about what she perceives as a growing trend towards not accepting or only partially accepting her recommendations.

This led to a discussion about how access and privacy legislation works in other jurisdictions and the approach recently adopted by Newfoundland in its ATIPP legislation. The IPC advised committee that, in some provinces, such as Ontario, Alberta, British Columbia and Prince Edward Island, her counterpart has the authority to make orders on access and privacy matters that are binding on government. In the Northwest Territories, the IPC has the authority to make public recommendations, but these recommendations are not binding on government.

In the NWT, a person who is dissatisfied with the government's response on both access- and privacy-related matters may ask the IPC to undertake a review. If the IPC finds in favour of the applicant, and recommends the same to government, government may disagree with the IPC's recommendations. For access-related matters, this leaves a person with the option to appeal the government's decision to the Supreme Court of the Northwest Territories; a daunting and expensive option for most citizens. For privacy-related matters, even this appeal option is not available, making the government's decision final.

The IPC advised Committee that the "Newfoundland model" places the onus on government so that it must go to court for permission to disregard the IPC's recommendations. Committee subsequently did research and gave a great deal of consideration to this model during its review of Bill 29. In discussions with the Department of Justice during the review of the bill, committee came to the determination that, rather than adopt the Newfoundland model, the ATIPP Act should be amended to provide the IPC with full order-making power. This power will take effect when the associated provisions in the amended legislation come into force.

Amendments made to the ATIPP Act will also require future compliance by municipalities. The IPC was asked to share her thoughts on Nunavut's experience. She noted that, although Nunavut has included municipalities under their ATIPP

legislation, those sections of the act have yet to come into force. For both Nunavut and the Northwest Territories, the IPC suggested that it will be easier to implement privacy protections, which primarily require that the appropriate policies are put in place to ensure adequate protections. For access requests, municipalities are facing much larger hurdles, as most will need to put records management systems in place and will need to catalogue historical records so that they may be accessed using that system. She noted that training will be required, and that it may be necessary to put in place restrictions on access to historical information.

The remainder of the public hearing focused largely on the Health Information Act. In her opening remarks, the IPC commented on spike in the number of matters dealt with under the HIA:

"Of the 33 files opened, the vast majority (22) were breach notifications received from the Department of Health and Social Services or another health information custodian under the mandatory breach notification sections of the act. Most of the reported breaches were relatively minor, but each such report has added to our ability to address gaps and holes in the systems and procedures and to adjust practices so as to prevent future breaches. The Department and the NWT Health and Social Services Authority have created a resource in which they summarize each of the incidents that arises and are incorporating these examples into their training materials. This will undoubtedly help to reduce the number of similar breaches going forward."

While Committee was encouraged by the IPC's assessment, Members were concerned about the impact of major breaches, given that, in the weeks preceding the public hearing, a great deal of media attention was focused on a story about health records that had been found in the salvage area of the dump in Fort Simpson.

In response to a question, the IPC advised the committee that these records were subject to the requirements of the HIA, even though they were created before the passage of the legislation. She also advised committee that the Department of Health and Social Services would be undertaking its own investigation and that they were already considering where else they should be looking for similar medical files that may have been in storage for many years in regional offices. She added that she would be making her own recommendations and that the records in question had been transferred to her possession and would remain in her possession.

Committee asked about the continued use of fax machines by health centres, which have been a

source of many past privacy breaches. The IPC replied that she had nothing new to report with respect to any progress made by the Department of Health and Social Services to enable the masking of medical records. The IPC noted that the reluctance of the medical profession to move to newer technology is an issue nationwide and that a move to the use of encrypted data will require a change in the way the medical profession does business.

The hearing concluded with a committee member making the observation that the IPC has three lesson plans on her website designed to teach students about the importance of privacy and their privacy rights under law. The IPC advised that the material was developed by a committee of IPC's from across Canada.

Committee encourages the Department of Education, Culture and Employment to have a look at this material and consider making it available to students.

CONCLUSION

In this final report on the review of the annual reports of the Information and Privacy Commissioner, during the 18th Legislative Assembly, the Standing Committee on Government Operations would like to thank Commissioner Bengts for her unwavering and enthusiastic commitment to access and privacy matters affecting the citizens of the Northwest Territories.

Committee is especially appreciative of the Commissioner's efforts on the review of Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act. The IPC's experience and insight were instrumental in assisting the committee to make amendments to the act that have produced one of the most progressive access and privacy laws in Canada.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

MOTION TO HAVE COMMITTEE REPORT 22-18(3) MOVED TO COMMITTEE OF THE WHOLE FOR FURTHER CONSIDERATION, CARRIED

MR. TESTART: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Committee Report 22-18(3): Standing Committee on Government Operations Report on the Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner of the Northwest Territories be received by the Assembly. Mr. Speaker, I seek unanimous consent to waive Rule 100(4) and have Committee Report 22-18(3) moved to Committee of

the Whole for further consideration today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member is seeking unanimous consent to waive Rule 100(4) and have the Committee Report 22-18(3) moved to Committee of the Whole for further consideration later on today. Are there any nays? There are no nays. Committee Report 22-18(3) is now moved to Committee of the Whole for further consideration later today.

Reports of standing and special committees. Member for Nahendeh.

COMMITTEE REPORT 24-18(3): REPORT ON THE REVIEW OF BILL 40: SMOKING CONTROL AND REDUCTION ACT AND BILL 41: TOBACCO AND VAPOUR PRODUCTS CONTROL ACT

MR. THOMPSON: Thank you, Mr. Speaker. Your Standing Committee on Social Development is pleased to provide its report on the review of Bill 40: Smoking Control and Reduction Act and Bill 41: Tobacco and Paper Product Controls Act. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker.

INTRODUCTION

Bill 40: Smoking Control and Reduction Act and Bill 41: Tobacco and Vapour Products Control Act, sponsored by the Department of Health and Social Services, each received Second Reading in the Legislative Assembly on February 28, 2019. The bills were referred to the Standing Committee on Social Development, committee, for review, the results of which are reported below.

BACKGROUND

Bill 40: Smoking Control and Reduction Act

Bill 40 is intended to repeal and replace our existing Cannabis Smoking Control Act as well as replace certain provisions under the existing Tobacco Control Act.

In summary, Bill 40 proposed to:

- create prohibitions and offences, including in respect of smoking in a public place and in a motor vehicle while another person who is a minor is present in the motor vehicle;
- impose requirements in respect of the display of signs, including signs respecting the health risks associated with smoking;

- provide for the enforcement of the bill and any regulations made under it;
- authorize the making of regulations; and
- consequentially amend the Cannabis Products Act.

Bill 41: Tobacco and Vapour Products Control Act

Bill 41 is intended to repeal and replace our existing Tobacco Control Act.

In summary, Bill 41 proposed to:

- create prohibitions and offences, including in respect of the sale, supply, and display of tobacco products, vapour products, accessories, or prescribed substances or products;
- impose requirements in respect of the display of signs respecting the legal age to purchase such products, accessories, or substances;
- impose an automatic prohibition in respect of the sale or storage of such products, accessories, or substances in a place in which at least two sales offences have been committed within a five-year period, and imposes requirements in respect of the display of signs respecting the automatic prohibition in the place;
- provide for the enforcement of the bill and any regulations made under it;
- authorize the making of regulations; and
- consequentially amend the Tobacco Tax Act.

Vapour products, sometimes referred to as e-cigarettes, vapes, vapour devices, or vaporizers, are battery-operated devices that heat and vaporize a liquid so that users may inhale, "vape," to imitate the smoking experience. The heated liquid, usually propylene or vegetable glycol based, can be combined with other ingredients and flavours, and vaping products can be available with or without nicotine.

Mr. Speaker, I would like to turn it over to the honourable Member for Deh Cho.

MR. SPEAKER: Masi. Member for Deh Cho.

MR. NADLI: Mahsi, Mr. Speaker.

WHAT WE HEARD AND WHAT WE DID

Public Reviews of Bill 40 and Bill 41

To commence its reviews of Bill 40 and Bill 41, committee sent letters inviting input from various stakeholders and non-governmental organizations.

The committee held a public hearing on Bill 40 and Bill 41 in Yellowknife on May 28, 2019.

In addition to these meetings, committee received four written submissions from three separate parties. Copies of the written submissions are attached in Appendix C.

Bill 40: Smoking Control and Reduction Act

Prohibitions on Tobacco Use

Section 3 of Bill 40 prohibits smoking in a public place.

The Canadian Cancer Society flagged for committee that Bill 40 prohibits the use of smoking tobacco in public places only and does not prohibit the use of smokeless tobacco such as chewing tobacco and snuff. Action on Smoking and Health advised committee that smoking bans are a cornerstone for reducing the acceptability of smoking. Logically, the same argument could be made about the use of other forms of tobacco.

Committee agrees with the recommendation made by the Canadian Cancer Society that, in addition to banning the use of smoking tobacco in public places, Bill 40 should contain regulatory authority to ban any and all tobacco use in public areas.

For this reason, committee proposed the following motions, set out in Appendix A:

- Motion 4, to allow the Minister, by regulation, to prohibit or restrict the use of any tobacco products in a public place; and
- Motion 6 to provide the Minister with regulatory authority around the use of tobacco that mirrors similar provisions related to smoking, such as allowing the Minister to prescribe places where tobacco products may be restricted or prohibited.

The Northwest Territories and Nunavut Public Health Association indicated their support for the restrictions proposed in Bill 40 on the locations where people may smoke. The Canadian Cancer Society, however, encouraged committee to make the bill as restrictive as possible in terms of where tobacco products may be used.

Because children tend to model adult behaviours, the Canadian Cancer Society argued that the definition for "public place" under section 1 of Bill 40 should be amended so that tobacco use is prohibited in all public areas where children may converge, such as playgrounds, the grounds of

athletic facilities like hockey rinks and baseball diamonds, and anywhere public events may be held. They also encouraged the Northwest Territories to follow the example set by the Yukon Territory, which has prohibited tobacco use on the grounds of post-secondary institutions. As an alternative to an outright statutory prohibition on the use of tobacco in public places, the Canadian Cancer Society suggested these locations be prescribed under regulations.

Although smoke may be invisible and odourless, it poses a real threat to public health. Smoke can linger in the air for up to five hours, putting those exposed to it at risk of lung cancer, chronic respiratory diseases, and reduced lung function. Committee shares presenters' concerns that the meaning of "public place" under Bill 40 is not expansive enough to protect the public from the harmful effects of tobacco and vaping. We agree that Bill 40 should be as restrictive as reasonable about where tobacco and vaping products can be used. Likewise, committee agrees that the inclination of children to model adult behaviours warrants additional safeguards.

For these reasons, committee proposed Motion 1, set out in Appendix A, to restrict the use of tobacco and vaping products in all public areas where children may ordinarily be present.

The Canadian Cancer Society further indicated it would like to see an expansion to the current "no smoking" buffer zones around entrances, windows, and air intakes to public buildings once drafting of the regulations are under way.

Recommendation 1

The Standing Committee on Social Development recommends that the Department of Health and Social Services explore whether the "no smoking" areas around buildings to be prescribed in new regulations should be expanded.

Thank you, Mr. Speaker. I now pass the reading of the following sections to my honourable colleague from the Mackenzie Delta. Mahsi.

MR. SPEAKER: Masi. Member for Mackenzie Delta.

MR. BLAKE: Thank you, Mr. Speaker.

Implementation Report

The Canadian Cancer Society recommended that Bill 40 be amended to require the Minister to report on the implementation of the legislation every five years. Committee agrees there would be a benefit to the Minister periodically reporting on implementation of this legislation to ensure it is

effective in controlling and reducing the use of tobacco and vaping products.

For this reason, committee proposed Motion 5, set out in Appendix A, to require the Minister to report on implementation of the Act three years after the section comes into force, and every five years thereafter.

Periodic Review

A provision in Alberta's Tobacco and Smoking Reduction Act requires the Minister to commence a review of the Act within five years after the section comes into force. The Canadian Cancer Society recommended Bill 40 be amended to require a legislative review at least every five years to ensure regular updates to the legislation and sustain the effectiveness of initiatives to reduce the harm caused by tobacco.

While the NWT's smoking and vaping rates are a cause of significant concern, committee believes that requiring periodic reviews of this legislation by the Minister or a committee of the Legislative Assembly would unnecessarily tie the hands of future Legislative Assemblies. Moreover, stakeholders advised committee that, with some changes, Bill 40 will put the NWT in a sound position to reduce and control the use of tobacco and vaping products.

Committee believes that periodic reporting on implementation of the Act would be significant to ensure the legislation is updated when necessary to safeguard residents, such as with the advent of new technology, pursuant to Motion 5, discussed above.

Bill 41: Tobacco and Vapour Products Control Act

Comparative Health Effects

The smoking rates in the NWT are alarming, with our smoking rate among those 15 years and older being the second-highest in the country. A reported 33-34 percent of the NWT's population 15 years and older smoked daily or occasionally as of 2014, whereas only 13 percent of the Canadian population 15 years and older smoked in 2015. While there has been a slight increase in the NWT's smoking rate since 2003, the national rate has decreased significantly over the same period, down from 23 per cent to 16 per cent.

Preliminary evidence of vaping activity in the Northwest Territories indicates that our highest number of e-cigarette consumers are between the ages of 15-24, at 33 percent. Committee heard that curiosity is the leading reason for people using e-cigarettes at 50 per cent, with 22 percent using e-cigarettes because they are viewed as less harmful

than cigarettes, 21 percent using them to help quit smoking, 21 percent because they can vape where they are not permitted to smoke, and 20 percent because they like the flavour.

While the information presented to the committee on the NWT's smoking and vaping rates was consistently alarming, the information presented on the comparative health effects of smoking compared with vaping was mixed, if not conflicting. JUUL Labs told committee that vaping devices should be viewed as smoking cessation, or "harm reduction," tools. The company argued that the restrictions on the advertising and promotion of vaping products and accessories under Bill 41 should be loosened to combat the harms of tobacco smoke by helping smokers make the switch to vaping.

JUUL Labs' view of vapour products as a harm reduction and smoking cessation aid was in stark contrast to the views presented by several other witnesses. First, committee heard that the evidence supporting the use of nicotine-containing vaping devices for smoking cessation is reportedly unknown.

While research may show that e-cigarettes are useful in quit attempts, other research shows that smokers are unsatisfied with the new devices and return to smoking cigarettes, or they maintain dual use between the two products, which is of little benefit in reducing health risks.

Second, committee heard that the long-term health effects of exposure to the chemicals used for vaping are unknown, specifically the effect of the particulate emissions and carcinogens (notably 1,3-butadiene in nicotine) and the toxicity produced from heating the substances. As such, with limited research, the comparative toxicity between tobacco products like cigarettes and nicotine-containing vaping products is unknown.

Third, committee heard that the use of e-cigarettes is associated with an increased risk of heart attack and that dual use of conventional cigarettes and e-cigarettes is associated with a compounded risk of heart attack.

Fourth, ASH told us there is emerging evidence that youth vaping may be leading to higher youth smoking rates in Canada. The Minister of Health and Social Services advised committee that a single pod used in a vaping device can expose the user to the same amount of highly addictive nicotine as an entire pack of cigarettes.

In light of the high smoking rates in the NWT, committee considered at length the possible merit of treating vaping products with nicotine as a potentially less harmful alternative to conventional

cigarettes under Bill 41. On the balance, while committee found the evidence on the benefits of vaping as a harm reduction tool to be inconclusive, growing, and shifting rapidly, the evidence about the potential harms of vaping to public health is persuasive. We believe strict controls about both tobacco and vaping products, as found in Bill 41, are necessary to protect the residents of the Northwest Territories.

Mr. Speaker, I will now turn it over to the honourable Member for Tu Nedhe-Willideh. Thank you.

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

MR. BEAULIEU: Thank you, Mr. Speaker.

Minimum Age for Purchase, Sale, and Supply

The topic in Bill 41 that appeared to be of most interest to stakeholders was the minimum age for the purchase, sale, or supply of tobacco and vaping products. Sections 1 and 4 of Bill 41 establish the minimum age at 19 years with respect to tobacco and vapour products and accessories. This is up from the current Tobacco Control Act's minimum age of 18 years. The Minister of Health and Social Services informed committee that the intention in raising the minimum age from 18 to 19 is to reduce youth uptake and be consistent with the minimum age for the purchase, sale, and supply of other regulated substances in the NWT, namely cannabis and alcohol.

Research indicates that most smokers have already begun smoking by the age of 19. As such, several stakeholders argued that a legal age of 19 does not go far enough to reduce youth access to harmful products.

Raising the age to 21 for tobacco and vaping products, the Canadian Cancer Society submits, would achieve several things. First, it would delay the age when young people first try or begin using tobacco or vaping, which can reduce the risk that they become regular users and, if they do become regular users, increase their chances of quitting successfully. For example, a 2015 report in the U.S. concluded that increasing the minimum tobacco sales age to 21 would reduce smoking by 25 percent among 15-17-year-olds, and 15 percent among 18-19-year-olds. Further, in places where the minimum age for purchases and sales was raised to 21, teenagers are reportedly less likely to experiment with cannabis.

Second, raising the age to 21 would reduce access. The societal influences that lead youth and adolescents to start using nicotine-containing products are unknown. As youth obtain most of their tobacco and vaping products through retail

and social sources, raising the minimum age to 21 would prevent high school students from buying products for their peers and would make it more difficult for underage smokers to gain access to these products.

Third, the Canadian Cancer Society says the NWT has an opportunity to heed experiences elsewhere, including momentum in the United States towards raising the minimum age from 18 to 21. In the town of Needham, Massachusetts, for example, the results of raising the minimum age to 21 were an immediate, significant drop in current and frequent use of cigarettes among youth. Following full enforcement of the 21-years law, the percentage decline in youth smoking in Needham was nearly triple that of its neighbours.

Fourth, a minimum age of 21 would reduce disease and death. According to a 2015 report, if the minimum age were increased to 21 in the United States, tobacco use would decrease by 12 percent by the time today's teenagers were adults, smoking-related deaths would decrease by 10 percent, and 50,000 fewer people would die of lung cancer in that country.

Fifth, the Canadian Cancer Society is not persuaded by the Minister's rationale that 19 corresponds with the minimum age for alcohol and cannabis. The Canadian Cancer Society argues that tobacco should be treated differently than alcohol and cannabis, and Bill 41 should contain broader safeguards and impose stronger intervention than the NWT's liquor and cannabis legislation for several reasons:

- The objective is to pursue a tobacco-free society, but alcohol and cannabis are here to stay;
- The magnitude of the population-wide health damage from tobacco is much greater than for cannabis;
- Nicotine addiction is far more likely and much more severe, though cannabis can lead to dependence; and
- Unlike for cannabis, there is support from both commercial and public health interests for a minimum age of 21, including from JUUL Labs, which confirmed their support for 21 in a follow-up submission to committee.

Alternatively, the Canadian Cancer Society recommended Bill 41 provide for regulatory authority to prescribe a minimum age higher than 19, a step taken by British Columbia.

While committee recognizes the strong arguments in favour of raising the minimum age for the purchase, sale, and supply of tobacco and vaping

products and accessories in Bill 41 from 19 to 21, committee agrees it makes sense to harmonize the legal ages for the purchase, sale, and supply of tobacco and vaping products with that for cannabis and alcohol. Unless or until the people of the NWT wish to debate whether the minimum age should be raised with respect to all of these substances, committee supports the minimum age of 19 years set out in Bill 41. Committee believes a minimum age of 19 is appropriate in the context of Bill 40, as well. Bill 40 refers to minors for the purpose of prohibiting smoking in a motor vehicle when a person under the age of 19 is present.

Recommendation 2

The Standing Committee on Social Development recommends that the Department of Health and Social Services and the Department of Finance explore the merits of raising the minimum age for the purchase, sale and supply of liquor, tobacco, cannabis, vaping products and accessories from 19 to 21.

Thank you, Mr. Speaker. I will now hand this reading over to the honourable Member for Yellowknife Centre.

MR. SPEAKER: Member for Yellowknife Centre.

MS. GREEN: Thank you, Mr. Speaker.

Promotion, Advertising and Packaging

Point-of-Sale Advertising

Section 10 of Bill 41 prohibits several forms of advertising of tobacco and vapour products, including a form of in-store sales promotion found near, on, or next to a checkout counter as a mechanism to influence a consumer's buying decision, commonly known as "point-of-sale" advertising.

JUUL Labs argued that Bill 41 should be amended to be less restrictive of the promotion and display of vapour products, both in the retail and non-retail context, so that smokers are aware of their products and more likely to switch to vaping. The company offered the following for committee's consideration:

- Point-of-sale advertising gets adult smokers to switch to vaping, so a total prohibition on this form of advertising for vaping products would work contrary to the NWT's objective to reduce adult smoking;
- Prohibiting point-of-sale advertising for vaping products could allow counterfeit products using youth-targeted flavours and prohibited nicotine content to proliferate rapidly; and

- Bill 41 is more restrictive than most other Canadian jurisdictions with respect to advertising.

All other witnesses who testified supported the preventative approach toward advertising set out in Bill 41. Committee heard concern that the open promotion of vaping products, including lifestyle marketing and the use of claims such as that vaping offers a healthier alternative to smoking, would open the door to the renormalization of smoking and undermine hard-earned tobacco control efforts. ASH informed committee that five of six Canadians support restrictions on vaping promotion. The Canadian Cancer Society advised that almost all jurisdictions in Canada regulate promotional displays for vaping, and that Alberta and Saskatchewan are currently taking steps to do so, as well.

On the balance, committee was not persuaded by the arguments offered by JUUL Labs in favour of loosening restrictions on point-of-sale advertising for vaping products. The presentation by the Canadian Cancer Society convinced committee that advertising and marketing campaigns related to vaping can be ubiquitous, are often youth-oriented, and fail to speak to the health effects of these products. Committee supports the restrictions proposed in Bill 41 around advertising vaping products.

Youth-Oriented Advertising

Committee learned that an alarming number of youth are vaping in Canada, with a reported 23 percent of students in Grades 7-12 having tried an e-cigarette. JUUL Labs acknowledged that exposure to ads is associated with greater odds of use of e-cigarettes in youth. Stakeholders cautioned committee that vaping promotion that is not specifically banned is essentially allowed and may be exploited. It is believed that clever marketing may be contributing to increased use of youth vaping.

Committee was persuaded by the presentations about the savvy marketing practices by vaping companies and agrees youth in the NWT must be safeguarded from similar advertising and marketing efforts. Committee supports the restrictions on the promotion and advertising of vaping products proposed in Bill 41.

Bulk Discounts

The Canadian Cancer Society recommended Bill 41 be amended to prohibit tobacco and vaping products from being sold at a reduced price based on the quantity sold. This would prevent the sale of more than one package together at a reduced price (e.g. "duo-packs") compared with two packages

being sold separately, or other similar discounts, which encourage higher consumption and undermine consumption taxes.

Committee agrees with the Canadian Cancer Society that Bill 41 should be amended to prohibit the sale of tobacco and vaping products at a reduced price based on the quantity sold, so as not to encourage higher consumption. For this reason, committee proposed Motion 4, set out in Appendix B.

Restrictions on carrying fluid

NTNUPHA recommended that Bill 41 be amended to create restrictions on the carrying fluid used in vaping devices, due to uncertainty about the toxicity produced from heating the substances used for vaping.

Committee has been informed that vaping devices, vaping liquids and their containers are subject to the Canada Consumer Product Safety Act (CCPSA), and that Health Canada intends to introduce regulations under that Act to address health or safety risks posed by these products. Until then, the Consumer Chemicals and Containers Regulations is applied to address these risks. Committee is satisfied with these protections for the time being.

Flavoured Products

Committee learned that federal legislation now bans flavours in cigarettes, most cigars as well as blunt wraps, and that several provinces have legislation controlling flavoured tobacco products. To date, no province or territory has altogether restricted flavours in vaping products, though a few provinces have regulatory authority to restrict flavours in these products.

There is no question that flavoured products make consumption of otherwise unpalatable items more palatable and easier to consume, especially for youth. Once upon a time, one out of three teenage smokers smoked menthol cigarettes. For this reason, the Government of Canada banned the sale of menthol cigarettes in 2017. JUUL Labs argued that flavoured vaping products should be viewed as beneficial, however, because behavioural data shows that adult smokers are almost twice as likely to switch to vaping products if they are flavoured.

Committee agrees with the presenters who stated that tobacco use and vaping should not be a pleasant experience for new users. At the same time, however, we recognize that tobacco is viewed as natural by many residents in the NWT and as enhancing their quality of life, especially among elders. Committee felt a balance should be struck to discourage new users from developing a taste for

these harmful products, while recognizing that certain exemptions, specifically for flavoured smokeless tobacco, may be appropriate.

For these reasons, committee proposed Motions 1, 3 and 6, set out in Appendix B, to prohibit the sale of flavoured tobacco products, except those exempted by regulation, and the sale of prescribed flavoured vaping products.

Implementation Report

The Canadian Cancer Society recommended that Bill 41 be amended to require the Minister to report every five years on the implementation of the legislation. A couple tobacco control statutes elsewhere require periodic implementation reports by the Minister responsible or a Chief Medical Health Officer.

Committee agrees there would be a benefit to the Minister periodically reporting on implementation of this legislation to ensure it is effective in controlling tobacco and vaping products. To that end, committee proposed Motion 5, set out in Appendix B, to require the Minister to report on implementation of the Act three years after the section comes into force, and every five years thereafter.

I would now like to turn the reading of this report back to the Honourable Member for Nahendeh.

MR. SPEAKER: Masi. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker.

Periodic Review

A provision in Alberta's Tobacco and Smoking Reduction Act requires the Minister to commence a review of the Act within five years after the section comes into force. The Canadian Cancer Society recommended that Bill 41 be amended to require a review of the legislation at least every five years to ensure regular updates and to sustain the effectiveness of initiatives for reducing the harm caused by tobacco.

While the proliferation of vaping products and the high rates of tobacco use and vaping in the NWT are a cause for significant concern, committee believes that requiring periodic reviews of this legislation would unnecessarily tie the hands of future legislators. If Bill 41 were amended as per Motion 5, discussed below, committee believes the NWT would be in a strong position to effectively monitor and control tobacco and vaping products.

Other Issues

The Government of the Northwest Territories (GNWT) can do more than develop legislation to

reduce and control the use of tobacco and vaping in the territory.

Committee would like to see the GNWT do a better job of facilitating smokers' access to prescription products that will help them quit smoking.

Recommendation 3

The Standing Committee on Social Development recommends that the Department of Health and Social Services ensure the territory's drug plan reflects the importance of smoking cessation aids, including that the plan provides smokers with access to these tools on a timely, as-needed basis.

The GNWT should work harder to educate and raise awareness among the public to discourage tobacco use and vaping and ensure they have the information they need to make informed decisions. If the GNWT's previous awareness campaign "Don't Be a Butthead!" had the positive impact, and the Committee believed it did, the committee would like to see the GNWT renew its public education and awareness efforts, targeting communities with the highest smoking rates as well as youth who may be prone to experiment with vaping.

Recommendation 4

The Standing Committee on Social Development recommends that the Department of Health and Social Services renew its efforts towards public education and awareness to discourage smoking, vaping and other tobacco use among residents, especially youth and in communities where usage is highest, and to ensure they have the information they need to make informed decisions.

CLAUSE-BY-CLAUSE REVIEWS OF BILLS

The clause-by-clause reviews of Bill 40 and Bill 41 were held on August 6, 2019. At these reviews, the Committee moved the motions attached in Appendix A relating to Bill 40 and the motions attached in Appendix B relating to Bill 41.

Committee thanks the Minister for his concurrence with the motions to amend Bill 40 and Bill 41 that were moved during the clause-by-clause reviews.

Following the clause-by-clause reviews, motions were carried to report Bill 40 and Bill 41, both as amended and reprinted, as ready for consideration in Committee of the Whole.

CONCLUSION

Almost every party who made a submission or provided testimony on Bill 40 and Bill 41 encouraged Committee to err on the side of caution, health and wellness and strive for legislation with long-term protections for the residents of the NWT. As recently noted by Health

Canada, the recent introduction of vaping products with the high nicotine content and the significant increase in youth experimentation and uptake of these products are threatening hard-earned gains in the control of harmful products like tobacco.

For these reasons, committee has made the recommendations and proposed the motions outlined in this report. We believe these recommendations and motions, if implemented, will bring the NWT that much closer to creating an environment where tobacco and vaping products are less accessible to youth and adults, where smokers who are trying to quit are supported, and where fewer people are exposed to tobacco and smoking and vaping behaviour.

Recommendation 5

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

Given that the 18th Legislative Assembly will dissolve prior to the conclusion of the 120-day time period allowed by the rules, committee has opted to forego this recommendation. Committee nonetheless requests, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that government provide a response to this recommendation, even of a preliminary nature, that committee may publicly disclose.

Committee wishes to thank every individual and organization who participated in the review process for Bill 40 and Bill 41.

This concludes committee's report on Bill 40: Smoking Control and Reduction Act and Bill 41: Tobacco and Vapour Products Control Act. Committee's reports are available on the Legislative Assembly website at www.assembly.gov.nt.ca. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Nahendeh.

MOTION TO HAVE COMMITTEE REPORT 22-18(3) MOVED TO COMMITTEE OF THE WHOLE FOR FURTHER CONSIDERATION, CARRIED

MR. THOMPSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife Centre, that Committee Report 23-

18(3): Standing Committee on Social Development report on the review of Bill 40, Smoking Control and Reduction Act, and Bill 41, Tobacco and Vapour Products Control Act, be received by the Assembly and moved into Committee of the Whole for further consideration. Mr. Speaker, I seek unanimous consent to waive Rule 100(4) and have Committee Report 23-18(3) moved into Committee of the Whole for further consideration later today. Thank you, Mr. Speaker.

---Unanimous consent granted

MR. SPEAKER: Committee Report 23-18(3) is now moved to Committee of the Whole for further consideration later today. Reports of standing and special committees. Member for Nahendeh.

COMMITTEE REPORT 25-18(3): REPORT ON THE REVIEW OF BILL 48: POST-SECONDARY EDUCATION ACT

MR. THOMPSON: Thank you, Mr. Speaker. Your Standing Committee on Social Development is pleased to provide this report on the review of Bill 48, Post-Secondary Education Act. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker.

Introduction

Bill 48: Post-Secondary Education Act, sponsored by the Department of Education, Culture and Employment (ECE), received second reading in the Legislative Assembly on March 14, 2019 and was referred to the Standing Committee on Social Development (committee) for review, the results of which are reported below.

Background

Bill 48 proposes to create a structure for recognizing post-secondary institutions within the Northwest Territories (NWT). In summary, Bill 48:

- prohibits the establishment or operation of a university without the consent of the Minister and an act of the Legislative Assembly;
- prohibits the granting of a degree or the offering of any degree program without the authorization of the Minister;
- allows a college to be recognized under the act if its establishment or operation has the consent of the Minister and is authorized by an act of the Legislative Assembly;
- provides, with exceptions, that, before a

consent or authorization can be given for any of the above, the Minister must have received a recommendation from a post-secondary education advisory committee or a quality assurance body;

- provides for the recognition and regulation of private training institutions and vocational training programs, including the issuance of certificates of registration and providing for the appointment of a director of private vocational training;
- requires reporting by public post-secondary institutions that receive regular and ongoing funding from the Government of the Northwest Territories (GNWT) and by other institutions, including those that receive grants or contributions;
- requires public institutions to seek ministerial approval of tuition fees, regularly evaluate programs, prepare a mandate statement as well as strategic and corporate plans, and prepare and submit annual operating and capital budgets; and
- contains provisions with respect to information sharing, enforcement, and offences and penalties.

The term "consent" in Bill 48 refers to agreement from the Minister in response to a request from an applicant that the entity may move to the next step of being established as a post-secondary institution, specifically a college or university. On receiving the Minister's consent, an entity may then seek "authorization" for its establishment as a college or university in the form of legislation passed by the Legislative Assembly setting out the details of the particular institution. In the case of other institutions, such as an out-of-territory university, authorization would be required from the Minister rather than the Legislative Assembly.

At this time, Mr. Speaker, I would like to turn it over to the honourable Member for Yellowknife Centre. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Yellowknife Centre.

MS. GREEN:

What We Heard and What We Did

Public Review of Bill 48

To commence our review, committee sent letters inviting input on Bill 48 to an extensive list of stakeholders, including community governments, Indigenous organizations, and educational entities in the NWT.

Between May 13 and May 17, 2019, committee traveled to the communities of Fort Smith, Hay River, Fort Providence, Behchoko, Inuvik, and Tuktoyaktuk to hold public hearings on Bill 48, followed by a public hearing in Yellowknife on May 23, 2019.

In addition to these meetings, committee received three written submissions. Copies of these submissions are attached in Appendix B.

Post-Secondary Institutions

Subsection 1(1) of Bill 48 defines such terms as "post-secondary institution," "public post-secondary institution," "private college," "private training institution," and "public college," but not others like "university," "college" and "private university." It became apparent to committee during the public hearings on Bill 48 that the bill is unclear about what kind of entity might qualify for each type of post-secondary institution, particularly a university, college, or Indigenous institution.

While committee agrees the distinction between the various institution types possibly could be clearer in Bill 48, we have determined that it would be difficult to incorporate definitions for terms like "university" and "college" without being unintentionally limiting. There is more than one kind of institution type in some cases, a university-college that grants both diplomas and degrees being one example. We believe this necessitates some flexibility in the meaning of such terms. Further, we understand that, if definitions for these terms were incorporated, problems may arise with respect to other institutions that are not established under the Act and to which the Act is not intended to apply.

Further, Bill 48 allows the Minister to make regulations setting out the prescribed circumstances and prescribed criteria an entity must meet to be eligible for status (e.g. ss. 66(g) and (l) and ss. 67(a)). Colleges and universities would be established under specific legislation, following an in-depth application process. In the meantime, committee understands the department can assist entities in assessing their ability to meet the requirements of the quality assurance process, and we encourage the department to involve stakeholders in the development of regulations.

Recommendation 1

The Standing Committee on Social Development recommends that the Department of Education, Culture and Employment consult stakeholders in the development of the eligibility requirements by which applications for status as a post-secondary institution will be measured.

In order to address a specific concern raised by College nordique francophone that Bill 48 does not

anticipate partnership models like the one College nordique intends to pursue, the Minister collaborated with committee to develop Motion 7, set out in Appendix A. This motion seeks to expand the definition in section 27 for "program of instruction" to capture a course or series of courses that results in a certificate, diploma, "or degree" from a private training institution "or from another institution in partnership with the private training institution."

Under section 9 of the bill, the Minister may, on the application of a post-secondary institution and in accordance with regulations, recognize an institution as an "Indigenous institution," defined under subsection 1(1) as "a post-secondary institution recognized as an Indigenous institution under section 9." Bill 48 contains less detail in relation to Indigenous institutions than it does for other post-secondary institutions, and committee heard concern about the lack of clarity about the meaning of the term "Indigenous institution" and the processes and status associated with qualifying as an Indigenous institution.

A representative of the Gwich'in Tribal Council told committee they would like to see more structure and details on Indigenous institutions set out in Bill 48. Specifically, the Gwich'in Tribal Council recommended the inclusion of a set of aspirational principles resembling those in Ontario's Indigenous Institutes Act, 2017 to guide the eventual development of regulations respecting the recognition of Indigenous institutions under paragraph (a) of section 67. The executive director of Dechinta Centre for Research and Learning agreed that section 9 is skeletal and appears to be a placeholder. She went on to say that consultation with Indigenous leaders, students, governments and organizations will be necessary in the development of regulations establishing the process and criteria for qualifying as an Indigenous institution.

Committee has been informed that these regulations will be developed following extensive engagement with Indigenous governments and organizations. We encourage the department to be as inclusive as possible in this engagement process, in light of the recommendations we heard from stakeholders.

Recommendation 2

The Standing Committee on Social Development recommends that the Department of Education, Culture and Employment target a comprehensive group of interested stakeholders in the development of regulations concerning the recognition of Indigenous institutions.

Section 3 of the bill requires the Minister to facilitate the development of a post-secondary education system in the NWT that, among other things, promotes excellence, is accessible and affordable, and respects academic freedom. To guide the Minister's work and the development of regulations pertaining to the recognition of Indigenous institutions, committee collaborated with the Minister to develop Motion 2, set out in Appendix A. This motion expands the principles guiding the work of the Minister under section 3 to include respect for the unique values, history, and cultures of the people of the NWT.

In addition, we proposed Motion 6, set out in Appendix A, to clarify that only those entities that have received recognition as some other form of post-secondary institution, such as a college, may seek recognition as an Indigenous institution.

Mr. Speaker, I would like to turn the reading of the report to the Member for Deh Cho. Mahsi.

MR. SPEAKER: Masi. Member for Deh Cho.

MR. NADLI: Mahsi, Mr. Speaker.

Advisory committees and Quality Assurance Bodies

Subsection 7(1) of Bill 48 authorizes the Minister to, in accordance with regulations, establish a "post-secondary education advisory committee." The duties of an advisory committee include reviewing matters referred to it by the Minister, including the review of and the making of recommendations on applications for recognition as a post-secondary institution, and advising the Minister at his or her request on any matter respecting the administration of post-secondary education in the NWT. Subsection 7(2) requires the Minister to appoint a chairperson, a vice-chairperson, and one to five other persons to serve on a committee. Section 8 also authorizes the Minister to, in accordance with regulations, designate a "quality assurance body" to review matters referred to it by the Minister.

Committee determined that Bill 48 was unclear about the role of the advisory committees in the quality assurance process, as was the distinction between the work of an advisory committee and that of a quality assurance body. To clarify the role of advisory committees in the quality assurance process, committee worked with the Minister to develop Motion 3, set out in Appendix A. As appropriate, the department will use "homegrown" advisory committees, including for applications for recognition as an Indigenous institution and, in other instances, may draw on the expertise of quality assurance bodies established elsewhere.

Committee heard a general concern expressed by some presenters about the degree of power and

discretion that the Minister has under Bill 48 and a desire for assurances that the quality assurance processes will be proper and independent. Given that conflict can arise between post-secondary institutions and governments, such as in the context of debates about principles of academic freedom, committee agrees that the advisory committees should have a measure of independence so that they may review and advise the Minister on matters without fear of consequence. To that end, we are satisfied with the specification of membership details in regulations as anticipated in paragraph (e) of section 66.

Committee identified an issue, however, with the limit placed on the number of members of an advisory committee to no more than seven individuals under subsection 7(2). Committee believes that broader representation than that permitted under subsection 7(2) may be needed in some cases, such as where regional perspectives may be beneficial. As such, committee and the Minister collaborated on Motion 4, set out in Appendix A, to remove this cap on membership.

Ministerial Discretion

A common theme among the concerns heard by committee was the degree and vastness of the Minister's power and discretion under Bill 48. Presenters indicated the Minister should have clear guidance and parameters to ensure that the Minister exercises his or her discretion appropriately and that post-secondary institutions should run at arm's length from the GNWT.

More specifically, a few presenters expressed concern about the bill's stipulation in several instances that a decision of the Minister is final (e.g. ss. 11(7), ss. 12(4), s. 18, s. 22, ss. 25(7), s. 32), regardless of the fairness or justness of a decision. This was indicated as a concern in cases where an advisory committee or quality assurance body makes a positive recommendation to the Minister with respect to an application for establishment as, for example, a university under section 11, but the Minister rejects the application regardless.

Presenters offered some suggestions aimed at ensuring that there are fair processes around decision-making, such as requiring the Minister to give written reasons for his or her decisions, setting time limits for the Minister's decisions, and providing for appeals of the Minister's decisions to the courts.

Committee agrees that decision-making should be fair and transparent and that there should be clear recourse for entities seeking status as a post-secondary institution. For these reasons, committee recommends that regulations be developed to address various procedural matters for ensuring fair

decision-making, such as notice requirements, the right to be heard and timeframes, and that they require that the Minister provide written reasons for his or her decisions.

Recommendation 3

The Standing Committee on Social Development recommends that the Department of Education, Culture and Employment develop regulations containing a requirement that the Minister provide reasons, in writing, for his or her decisions under the act.

Mahsi, Mr. Speaker. I now pass the reading of the following section to my honourable colleague from Tu-Nedhe Wiilideh. Mahsi.

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

MR. BEAULIEU: Thank you, Mr. Speaker.

Privacy

The Information and Privacy Commissioner advised committee that the rights of individuals to privacy are set aside in several instances in Bill 48 without justification. Committee sought clarification and worked with the department to address several of the privacy-related matters flagged by the Information and Privacy Commissioner, as outlined below.

The educational institutions contemplated in Bill 48 will have to collect, use, and disclose significant amounts of personal information. Most, if not all, Canadian jurisdictions include public post-secondary institutions under their public sector access and privacy laws. Committee understands that public post-secondary institutions in the NWT will continue to be subject to the Access to Information and Protection of Privacy Act (ATIPPA) as designated public bodies under that act, whereas private educational institutions will not, consistent with the practice elsewhere.

Section 55 allows the Minister to request information from either a post-secondary institution or a department or public agency "for the purposes of fulfilling his or her role under the act." The provision goes on to say in subsection (2) that, "notwithstanding the Access to Information and Protection of Privacy Act," an entity that receives such a request must provide that information in the form and within the time specified. Similarly, subsection 56(1) of Bill 48 authorizes the Minister to collect personal information "directly or indirectly" under section 55 and that such collection and use is "notwithstanding the Access to Information and Protection of Privacy Act."

Committee was advised that the "notwithstanding" phrase in subsections 55(2) and 56(1) provides a wide scope for the collection and use of personal information under Bill 48. The unintended effect of this phrase was the removal of the right of the individual to seek an independent review by the Information and Privacy Commissioner, making the Minister the sole arbiter of whether or not personal information collected, used, or disclosed under section 55 and 56 was necessary or appropriate. As such, committee and the Minister collaborated to develop Motions 15 and 16, set out in Appendix A, to remove the references to "notwithstanding the Access to Information and Protection of Privacy Act" from subsections 55(2) and 56(1).

Part 7, Private Training Institutions, and Part 8, Private Vocational Training, of Bill 48 both refer to "student contracts," agreements between a student and their vocational training program or private training institution. There was concern that the term "student contract" could be interpreted as referring to a private agreement between a student and his or her institution, and that these contracts may be subject to review by the Minister. Committee determined that the intent of the term "student contract" in Bill 48 is to refer to an institution's standard contract with its students rather than an individual student's contract with his or her institution. As such, committee collaborated with the Minister to develop Motion 18, set out in Appendix A, to provide more clarity around the intended meaning of the term "student contract" in Bill 48.

Part 7, Private Training Institutions, and Part 8, Private Vocational Training, of Bill 48 contain provisions requiring an institution to "provide to the Minister as soon as possible a list of the names and addresses of the students registered at the institution." The Information and Privacy Commissioner flagged for committee that any limitations on the use of this personal information are not clear from the bill. Committee worked with the Minister to develop Motions 10, 11, 13, and 14, set out in Appendix A, to clarify that subsections 31(5), 33(2), 39(5), and 41(2) require a post-secondary institution to provide the Minister with student names and addresses only for the purposes of giving notice to those students.

Mr. Speaker, I would now like to turn the reading over to the honourable Member for Mackenzie Delta. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Mackenzie Delta.

MR. BLAKE: Thank you, Mr. Speaker.

CLAUSE-BY-CLAUSE REVIEW OF BILL

The clause-by-clause review of Bill 48 was held on August 6, 2019. At this review, the committee moved the motions attached in Appendix A. Committee thanks the Minister for her concurrence with the motions to amend Bill 48 that were moved during the clause-by-clause review.

Following the clause-by-clause review, a motion was carried to report Bill 48: Post-Secondary Education Act, as amended and reprinted, as ready for consideration in Committee of the Whole.

CONCLUSION

Committee wishes to thank every individual and organization who participated in the review process for Bill 48.

Recommendation 4

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

Given that the 18th Legislative Assembly will dissolve prior to the conclusion of the 120-day time period allowed by the rules, committee has opted to forego this recommendation. Committee nonetheless requests, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that government provide a response to this recommendation, even of a preliminary nature, that committee may publicly disclose.

This concludes committee's report on Bill 48: Post-Secondary Education Act. Committee reports are available on the Legislative Assembly website at www.assembly.gov.nt.ca. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Member for Nahendeh.

MOTION TO HAVE COMMITTEE REPORT 24-18(3) MOVED TO COMMITTEE OF THE WHOLE FOR FURTHER CONSIDERATION, CARRIED

MR. THOMPSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife Centre, that Committee Report 24-18(3): Standing Committee on Social Development Report on the Review of Bill 48: Post-Secondary Education Act be received by the Assembly and that Committee Report 24-18(3) be moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

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

---Carried

Bill 48: Post-Secondary Education Act is received by the Assembly and Committee Report 24-18(3) is now moved to Committee of the Whole for further consideration later today. Masi. Reports of standing and special committees. Item 14, tabling of documents. Minister of Health and Social Services.

Tabling of Documents

TABLED DOCUMENT 468-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
720-18(3): ENVIRONMENTAL ASSESSMENT
FOLLOWING HAY RIVER HIGHRISE FIRE

TABLED DOCUMENT 469-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
721-18(3): RECRUITMENT OF PHYSICIANS IN
HAY RIVER

TABLED DOCUMENT 470-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
722-18(3): FORT PROVIDENCE SENIORS'
FACILITY

TABLED DOCUMENT 471-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
737-18(3): MENTAL HEALTH SERVICES FOR
YOUTH

TABLED DOCUMENT 472-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
744-18(3): FOSTER FAMILY RECOGNITION

TABLED DOCUMENT 473-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
775-18(3): MENTAL HEALTH AND ADDICTIONS
PLAN

HON. GLEN ABERNETHY: Mr. Speaker, I wish to table the following six documents entitled "Follow-up Letter for Oral Question 720-18(3): Environmental Assessment following Hay River Highrise Fire"; "Follow-up Letter for Oral Question 721-18(3): Recruitment of Physicians in Hay River"; "Follow-up Letter for Oral Question 722-18(3): Fort Providence Seniors' Facility"; "Follow-up Letter for Oral Question 737-18(3): Mental Health Services for Youth"; "Follow-up Letter for Oral Question 744-18(3): Foster Family Recognition"; and "Follow-up Letter for Oral Question 775-18(3): Mental Health and Addictions Plan." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 474-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
718-18(3): NUTRITION NORTH AND COST OF
LIVING IN NUNAKPUT

TABLED DOCUMENT 475-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
730-18(3): NORTHWEST TERRITORIES-
NUNAVUT BILATERAL MEETING ON
TRANSBOUNDARY CARIBOU

TABLED DOCUMENT 476-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
738-18(3): AFFIRMATIVE ACTION POLICY

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following three documents entitled "Follow-up Letter for Oral Question 718-18(3): Nutrition North and Cost of Living in Nunakput"; "Follow-up Letter for Oral Question 730-18(3): Northwest Territories-Nunavut Bilateral Meeting on Transboundary Caribou"; and "Follow-up Letter for Oral Question 738-18(3): Affirmative Action Policy." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 477-18(3):
PETROLEUM INTERESTS HELD IN THE NWT BY
STRATEGIC OIL AND GAS LTD.

TABLED DOCUMENT 478-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
705-18(3): FORT SIMPSON FERRY SERVICE

TABLED DOCUMENT 479-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
710-18(3): MACKENZIE VALLEY HIGHWAY
ENVIRONMENTAL ASSESSMENT WORKING
GROUP

TABLED DOCUMENT 480-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
732-18(3): DREDGING THE HAY RIVER

HON. WALLY SCHUMANN: Mr. Speaker, I wish to table the following four documents entitled "Petroleum Interests Held in the Northwest Territories by Strategic Oil And Gas Limited"; "Follow-up Letter for Oral Question 705-18(3): Fort Simpson Ferry Service"; "Follow-up Letter for Oral Question 710-18(3): Mackenzie Valley Highway Environmental Assessment Working Group"; and "Follow-up Letter for Oral Question 732-18(3): Dredging in Hay River." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 481-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
773-18(3): THIRD PARTY SEXUAL ASSAULT
REPORTING

HON. LOUIS SEBERT: Mr. Speaker, I wish to table the following document entitled "Follow-up Letter for Oral Question 773-18(3): Third Party Sexual Assault Reporting." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 482-18(3):
GOVERNMENT OF THE NORTHWEST
TERRITORIES RESPONSE TO COMMITTEE
REPORT 13-18(3): REPORT ON THE REVIEW OF
BILL 31: NORTHWEST TERRITORIES 911 ACT

TABLED DOCUMENT 483-18(3):
FOLLOW-UP LETTER FOR ORAL QUESTION
632-18(3): COMMUNITY GOVERNMENT
FUNDING GAPS

HON. ALFRED MOSES: Thank you, Mr. Speaker. I wish to table the following two documents entitled "Government of the Northwest Territories Response to Committee Report 13-18(3): Report on the Review of Bill 31, Northwest Territories 911 Act"; and "Follow-up Letter for Oral Question 632-18(3): Community Government Funding Gaps." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 484-18(3):
UNSIGNED LETTER TO PRIME MINISTER FROM
CONSERVATIVE PREMIERS OF CANADA

MR. O'REILLY: Merci, Monsieur le President. I wish to table the following document. It's an unsigned letter from Conservative Premiers of Canada to the Right Honourable Justin Trudeau. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Item 15, notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 36, An Act to Amend the Petroleum Resources Act; Bill 37, An Act to Amend the Oil and Gas Operations Act; Bill 40, Smoking Control and Reduction Act; Bill 41, Tobacco and Vapour Products Control Act; Committee Report 23-18(3), Report on the Review of Bill 40: Smoking Control and Reduction Act and Bill 41: Tobacco and Vapour Products Control Act; Bill 54, Standard Interest Rates Statutes Amendment Act; Bill 57, An Act to Amend the Employment Standards Act; Bill 58, Justice

Administration Statutes Amendment Act; Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report; Committee Report 21-18(3), Report on the Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner of the Northwest Territories; Committee Report 22-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of the Languages Commissioner of the Northwest Territories; Minister's Statement 151-18(3), New Federal Infrastructure Agreement; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; Minister's Statement 211-18(3), Addressing the Caribou Crisis; and Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan.

By the authority given to me as Speaker by Motion 7-18(3), I hereby authorize the House to sit beyond the daily hour of adjournment to consider business before the House, with the Member for Hay River North in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

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

MR. BEAULIEU: Thank you, Mr. Chairman. Committee wishes to consider Bill 40, Smoking and Control Reduction Act; Bill 41, Tobacco and Vapour Products Control Act; Bill 54, Standard Interest Rates Statutes Amendment Act; Bill 57, An Act to Amend the Employment Standards Act; Bill 58, Justice Administration Statutes Amendment Act; Committee Report 21-18(3), Report on the Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner of the Northwest Territories; Committee Report 22-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of the Languages Commissioner of the Northwest Territories; and Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Committee, because of the need to get certain personnel down here, would committee rather deal with the reports first so that we have

time to get the law clerk down, or is it the wish of committee to deal with the bills first? Mr. Beaulieu, do you have an opinion?

MR. BEAULIEU: Thank you, Mr. Chair. We have no problem dealing with the reports first. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): All right. Committee, we will deal with the reports first. We will take a break at about six o'clock if everyone can sit tight until then. Committee, we have agreed to consider the Report on the Report of the Information and Privacy Commissioner. I will turn to the chair of the committee for any opening comments. Sorry, one second. I just want to get the number right here. That is Committee Report 21-18(3), for the record. I will turn to Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Committee Report 21-18(3) represents the Standing Committee on Government Operations Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner. The committee went over the report with the benefit of having the commissioner with us and reviewed her findings and considered her reports. At this time, the committee is not making any recommendations, but is happy to answer any questions that Members may have. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will open the floor to general comments on the report. Any general comments? Any questions? Seeing nothing, does committee agree that this concludes our consideration of Committee Report 21-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We have next agreed to consider the Report on the Report of the Office of the Languages Commissioner, which is Committee Report 22-18(3). I will again turn to the chair of the standing committee for opening comments. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Just as the last statutory officer report, the committee reviewed both the 2015-2016 and 2016-2017 Annual Reports of the Office of the Languages Commissioner. It should be noted that the Languages Commissioner has made several recommendations in those reports that can be found on pages 9 through 14 of the standing committee's report.

Although the committee is not moving any recommendations with this, the committee believes

that many of these recommendations are worth considering for, potentially, the 19th Assembly, as they will have to do a full statutory review of the Official Languages Act, and the act itself has not been substantially amended or updated since its coming into force.

The next government will have the opportunity to do that, and many of these changes are long overdue, so we wish our successor committee well in undertaking that review, but again, at this time, there are no recommendations coming from committee. We are happy to answer any questions that Members may have about our report. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Any general comments or questions from the committee? Seeing none, does committee agree that this concludes our consideration of Committee Report 22-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We have agreed to next consider Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report. I will turn once again to the chair of the Standing Committee on Government Operations for opening comments. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I am pleased to report on Committee Report 20-18(3). This was the Standing Committee on Government Operations Review of the Report of the 2017-2018 Northwest Territories Human Rights Commission Annual Report. Again, we met with representatives from the commission and reviewed their activities over the year, and the concerns that they found at this time. The standing committee is not moving any recommendations, but is happy to answer any questions that Members may have for the committee. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. I will open the floor to general comments or questions from the committee. Comments? Seeing none, does committee agree that this concludes our consideration of Committee Report 20-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Committee, I am going to call a five-minute break.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): I will now call Committee of the Whole back to order. Mr. Beaulieu?

MR. BEAULIEU: Thank you, Mr. Chair. The first order of business would be Committee Report 23-18(3), Report on Bills 40 and 41. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Beaulieu. Does committee agree that we modify our order and consider the Report on the Review of Bills 40 and 41?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will consider Committee Report 23-18(3). I would go to the chair of the Standing Committee on Social Development for any opening comments. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. The Standing Committee on Social Development is pleased to report on its review of Bill 40, Smoking Control and Reduction Act, and Bill 41, Tobacco and Vapour Products Control Act.

The committee read their report into the House earlier today, giving details on its consultation on Bills 40 and 41. To commence its review of the bills, the Standing Committee on Social Development sent letters inviting input from an extensive list of stakeholders, including all municipal and Indigenous governments in the Northwest Territories and a number of non-governmental organizations.

The committee held a public hearing on Bill 40 and 41 in Yellowknife on May 28, 2019. As well, the committee received several public submissions from the Canadian Cancer Society, Action on Smoking and Health, JUUL Lab, and the NWT and NU Public Health Association to name a few. On behalf of committee, I would like to thank everybody who provided input on Bill 40 and 41.

The clause-by-clause review was held on August 6, 2019. At this meeting, the committee moved six separate motions to amend Bill 40 and six separate motions to amend Bill 41. All those motions were carried with concurrence from the Minister.

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

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. I will open the floor to general comments on the report. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. I learned a tremendous amount about vaping by reviewing this bill, and I just want to highlight a few of the very important things that I learned. The first is that young people, that is, people between the ages of 15 and 24, are taking up vaping in the way that a forest fire moves on a hot, windy day. This product was

created in 2015, and there are now 5 million users in the U.S. The vaping companies have also made considerable inroads in Canada and in the United Kingdom, as well.

It is important to know that these are nicotine products and that nicotine is addictive. JUUL Labs is owned 35 percent by Marlborough, the makers of the cigarettes. The value of the company is \$38 billion, to give you an idea of how much business it's doing. What JUUL labs has in mind is to create lifetime customers from people who are vaping as teenagers and, perhaps, move on to combustible cigarettes as adults. It is very, very important for us to recognize that, while there isn't a lot of scientific evidence about the effects of vaping because it is a new practise, that we err on the side of caution and ensure that we have safeguards in place that will keep vaping products out of the hands of young adults, specifically ages 15 to 24, at least until the effects of vaping are known.

What we do know already is that young adults are drawn to vaping because nicotine is in a more palatable form than smoking combustible cigarettes. Most of us have a memory of trying that for the first time, feeling very ill. Now, you can have it in mango flavour, grape flavour, strawberry flavour, all of these different flavours which make it more desirable than the straight nicotine flavour, so getting rid of flavours is really important to making this product less desirable for young people.

Another thing that is really important to know is that nicotine is nicotine, and it's addictive in any form, and it's highly addictive. As any long-term smoker will tell you, giving up smoking is an extremely difficult thing to do, and so we do not want to be in a situation of luring young people into a lifetime of addiction with unknown health effects. What we do not want to do at the end of the day is grow new smokers, especially when this is a product that really has no value of any kind and in fact may promote disease in the long run because of the heating of the carrying liquid.

I am very proud of the work that the committee has done to put limits on promotions and discounts. If you go to the Coop Gas Bar here in Yellowknife, you will see a huge display at the check-out counter for JUUL Labs. This is the kind of thing that we need to put a stop to as soon as this bill is assented to.

In addition to that, Bill 40, the idea is to ban tobacco use in public places and make it very difficult, even more difficult, for people to smoke except in their own homes. This is obviously an important way, again, of restricting tobacco use, to keep it away from children and young adults, that it is very circumscribed. I recommend that Members take note of our amendments and consent to them so

that we can get a grip on this vaping explosion before it goes any further. Thank you.

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

COMMITTEE MOTION 157-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 40: SMOKING CONTROL AND REDUCTION
ACT AND BILL 41:
TOBACCO AND VAPOR PRODUCTS CONTROL
ACT - EXPANSION OF "NO SMOKING" AREAS,
CARRIED

MR. THOMPSON: Mr. Chair, I move that the Assembly recommend that the Department of Health and Social Services explore whether the "no smoking" areas around buildings to be prescribed in the new regulations should be expanded. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. There is a motion on the floor. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried.

--Carried

Mr. Thompson.

COMMITTEE MOTION 158-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 40: SMOKING CONTROL AND REDUCTION
ACT AND BILL 41:
TOBACCO AND VAPOR PRODUCTS CONTROL
ACT - RAISING MINIMUM AGE, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this Assembly recommend that the Department of Health and Social Services and the Department of Finance explore the merits of raising the minimum age for the purchase, sale, and supply of liquor, tobacco, cannabis, vaping products, and accessories from 19 to 21. Thank you, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair, and I know this is not really the opportunity to ask questions, but I am just curious as to why. The committee has made several observations in its report around their sound rationale and argument to raise the age from 19 to a higher age, as has been done in British Columbia. This is on page 10 of the report, and there are a number of arguments that it should be raised from 18 to around 21, or higher than the age for other substances. The committee knows that the

Canadian Cancer Society argues that tobacco should be different than alcohol and cannabis, and I understand that because we are definitely moving to a different paradigm as it relates to tobacco and as it relates to the known and scientifically proven deleterious effects on tobacco use on health, yet this motion is calling for broader than just tobacco, but also liquor and cannabis. I just wonder why the committee is calling for all of these age limits to be reviewed and explored as to the merits when the issue here seems to be tobacco and vaping products.

I am not so sure I support even exploring options around liquor and cannabis minimum ages. That is a debate we had when the Cannabis Legalization Implementation Act came forward, and there was good reason to keep those, to keep the minimums, around 19 to prevent the illicit trade of those substances. I think we are in a different paradigm with tobacco, so, at this point, I find it difficult to support looking at all of those limits. I would prefer this motion address the issue here that the committee again has noted in its report, of tobacco and vaping products. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. MLAs may remember that, during the review of Bill 6 many months ago on legalization of cannabis, I supported an age limit of 21. I believe that the evidence is in the committee's report around the health benefits, long-term health benefits, in terms of increasing consumption age for tobacco to 21, based on a number of studies in the U.S. I want to thank the Canadian Cancer Society for bringing that information forward. This motion is about recommending that the department explore the merits of raising the minimum age. It's not saying that it's going to happen. It's certainly my preference that it would actually be moved up to 21, but I am fine having the department go off and do some further work to look at the merits of raising the age limit to 19 or to 21 for all of these addictive substances. I am fine with this and support it, and I want to thank the Canadian Cancer Society for its work in improving the bill. Thanks, Mr. Chair.

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

MR. VANTHUYNE: Thank you, Mr. Chairman. While I appreciate that there are some people who might have concerns with raising the age and including liquor, you know, I can say that we have come a long way as a society as it relates to limiting younger or youth access to these products and, in particular, tobacco. I am not as familiar, clearly, with vaping products, but I remember, even as a very young person, that when I started experimenting

with cigarettes, you could walk into the front door of any hotel and there would be a cigarette vending machine, and, so long as you had the money to put into it, you could get a pack of cigarettes out of it. You know, that day and age has past us. We have made significant improvements as a society to keep access to tobacco out of the hands of our younger generation. I do not need to go over any statistical information. It is proven that, the longer we can keep tobacco products out of the hands of our youth, there is a better chance that they are not even going to begin smoking in the first place.

Since losing my mom in 2003 at the same time that I quit smoking, I have spent the last nearly 16 years working diligently with various cancer charities in trying to raise awareness and help those who are battling cancer due to smoking, various forms of lung cancer. Again, I can see that the efforts that are made by governments such as ours are the ones that are starting to make a difference in improving people's lives and keeping them off of tobacco and the negative health effects that it has to begin with, so I see no problem with this motion, and I will be in support. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I agree with the statements and comments made by the Member from Kam Lake, in short. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Question.

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

---Carried

Mr. Thompson.

COMMITTEE MOTION 159-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 40: SMOKING CONTROL AND REDUCTION
ACT AND BILL 41: TOBACCO AND VAPOR
PRODUCTS CONTROL ACT - SMOKING
CESSATION AIDS,
CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this Assembly recommend that the Department

of Health and Social Services ensure the territory's drug plan reflects the importance of smoking cessation aids, including that the plan provides smokers with access to these tools on a timely, as-needed basis. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. The motion is in order. It is being distributed as we speak. [Microphone turned off]

COMMITTEE MOTION 160-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 40: SMOKING CONTROL AND REDUCTION
ACT AND BILL 41: TOBACCO AND VAPOUR
PRODUCTS CONTROL ACT – PUBLIC
EDUCATION AND AWARENESS, CARRIED

MR. THOMPSON: [Microphone turned off] and in communities where usage is the highest and to ensure that they have the information they need to make informed decisions. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Question.

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

---Carried

Mr. Thompson.

COMMITTEE MOTION 161-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 40: SMOKING CONTROL AND REDUCTION
ACT AND BILL 41: TOBACCO AND VAPOR
PRODUCTS CONTROL ACT – GOVERNMENT
RESPONSE TO RECOMMENDATIONS, CARRIED

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

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

SOME HON. MEMBERS: Question.

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

---Carried

I see nothing further from committee. Does committee agree that this concludes our consideration of Committee Report 23-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. This concludes consideration of Committee Report 23-18(3). Committee, we have agreed to next consider Bill 40. Committee, you have big grey binders next to your desk where you will find this legislation printed out. If everyone wants to get their big grey binders and turn to number 40. Or it might be sitting on your desk. I am not sure. As long as everyone has the reprinted version of Bill 40, I will ask the Minister responsible for the bill to introduce it. Minister Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. I am pleased to introduce Bill 40: The Smoking and Control Reduction Act. The development of this bill has been the result of significant time and effort by the Department of Health and Social Services and wouldn't have been made possible without the input and contribution from the Standing Committee on Social Development as well as members of the public.

I would like to take this opportunity to thank the members of the Standing Committee on Social Development for the time they have taken to ensure that this bill received a comprehensive review. I wish to acknowledge the time and effort members of the public took to develop submissions and share research on the effect of smoking on today's society.

Mr. Chair, smoking is a serious public health concern, and the NWT has one of the highest smoking rates in Canada. The primary purpose of this Bill 40 is to protect the public, particularly children and youth, from a variety of second-hand smoke exposure, including vaping aerosol. To protect the public's health, prohibiting the general act of smoking any substance is considered more effective than trying to distinguish between which product is actually being used.

Bill 40 would repeal the Cannabis Smoking Control Act and replace it with the comprehensive legislation that restricts smoking of any substance in specific public areas to protect the public, deter uptake, and denormalize smoking. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. I will now turn to the chair of the Standing Committee on Social Development that considered the bill for any opening comments. Mr. Thompson, do you have any opening comments on Bill 40?

MR. THOMPSON: Just quickly, Mr. Chair, I would like to thank the department, their staff, and the Legislative Assembly staff as we worked forward to get this bill and the motions and amendments made. I would like to thank the Minister and his staff and Legislative Assembly staff for great work, as well as committee and the people who did submissions to us. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Minister, do you have witnesses you wish to bring into the Chamber?

HON. GLEN ABERNETHY: Yes, Mr. Chair, I do.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Sergeant-at-Arms, please escort the witnesses into the Chamber. Welcome to the witnesses. Minister, would you please introduce your witnesses for the record.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. I have two different individuals with me; Heather Ruptash, who is the senior policy analyst with the Department of Health and Social Services, and Laura Jeffrey, who is legislative counsel, Department of Justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will open the floor to any general comments on the bill. Seeing none, does committee agree that we move into a clause-by-clause review?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will defer the bill number and title until after consideration of the clauses. There are 31 clauses. Can we take them in groups of five?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. As I call out the clauses, if committee agrees, please respond accordingly. If you have comments or questions, please put up your hand, and I will call on you. I will begin calling the clauses. Clauses 1 through 5?

---Clauses 1 through 30 inclusive approved

CHAIRPERSON (Mr. Simpson): Clause 31. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I would like to ask the Minister: when is this bill going to come into force? Thanks, Mr. Chair.

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

HON. GLEN ABERNETHY: Thank you, Mr. Chair. I believe that we were asked this question in Committee of the Whole when we did our clause-

by-clause, but we are hoping to have it early in the life of the next Assembly, preferably right at the beginning.

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

MR. O'REILLY: Thanks, Mr. Chair. That's fine that it was done in Committee of the Whole in clause-by-clause. What steps does the department need to put in place to have this come into force? Thanks, Mr. Chair.

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

HON. GLEN ABERNETHY: Thank you, Mr. Chair. We just need to finalize a number of regulations, but as I said, we are hoping to have that done at the beginning of the next Assembly, after the election.

MR. O'REILLY: Thanks, Mr. Chair. I guess that I am worried about the kind of display that is in the Gas Bar at the Co-op here. We have to stop that kind of stuff from happening. That might even be in the next bill, I guess, but the sooner that this could be done, the better, I think, we will all be off. I probably don't have to tell this Minister that. Thanks.

CHAIRPERSON (Mr. Simpson): Thank you. Anything further? Minister.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. That is why the bill is in front of us. That is what we are hoping to accomplish and do. We want to get this done as badly as the Members want it done, and we will get it done as quickly as we can. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will once again call the clause. Clause 31. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. I will now call the bill number and title: Bill 40, Smoking Control and Reduction Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole. Does committee agree that Bill 40, Smoking Control and Reduction Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 40 is now ready for third reading.

Does committee agree that this concludes our consideration of Bill 40?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the witnesses and to the Minister. Sergeant-at-Arms, you may escort the witnesses from the Chamber. Committee, we have agreed to next consider Bill 41, Tobacco and Vapour Products Control Act. I will once again turn to the Minister responsible to introduce the bill. Minister Abernethy.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. I am pleased to introduce Bill 41, the Tobacco and Vapour Products Control Act. As with Bill 40, the development of Bill 41 has been a result of significant time and effort by the Department of Health and Social Services and would not have been possible without the input and contribution from the Standing Committee on Social Development, as well as many members of the public. I would like to take this opportunity to thank the Members of the Standing Committee on Social Development for the time that they have taken to ensure that this bill received a comprehensive review. I wish to acknowledge the time and effort that members of the public took to develop submissions and share research.

There are national concerns around tobacco use and the increasing prevalence of vaping products. The primary purpose of Bill 41, the Tobacco and Vapour Products Control Act, is to deter the uptake of tobacco and vaping in the NWT, to encourage individuals to quit using these items, to denormalize smoking, and to prevent early initiation of adolescents to addictive products and substances.

Bill 41 would repeal the existing Tobacco Control Act and replace it with a modern piece of legislation that regulates and restricts access to both tobacco products and vapour products and accessories. This bill would restrict access to these items by raising the legal age of purchase to 19, resulting in consistent framework for regulated substances in the Northwest Territories, including cannabis and alcohol. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Does the chair of the Standing Committee on Social Development have any opening comments? Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. Similar to Bill 40, with Bill 41, we would like to thank the Minister and the department and their staff working with the Legislative Assembly staff. I would also like to thank the committee and people who did their submissions to help us make this a better bill moving forward. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Minister, do you have witnesses who you would like to bring into the chamber?

HON. GLEN ABERNETHY: I do, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Sergeant-at-Arms, please escort the witnesses into the chamber. Minister, would you please introduce your witnesses for the record?

HON. GLEN ABERNETHY: Thank you, Mr. Chair. On my left is Heather Ruptash, who is the senior policy analyst at the Department of Health and Social Services, and on my right, Laura Jeffrey, legislative counsel, Department of Justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Welcome, again, to the witnesses. General comments on the bill from committee? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. In the Minister's opening remarks, he says that the bill would restrict access to these items by raising the legal age of purchase to 19. Can the Minister or somebody tell me what is the legal age of purchase right now? Thanks, Mr. Chair.

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

HON. GLEN ABERNETHY: Sorry, Mr. Chair. The Member faded out in the last couple words of his question. I want to make sure that I get it right. Can I get him to please repeat it?

CHAIRPERSON (Mr. Simpson): The Member asked: what is the current legal age of purchase? Minister.

HON. GLEN ABERNETHY: Eighteen, Mr. Chair.

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

MR. O'REILLY: That's okay. Thanks.

CHAIRPERSON (Mr. Simpson): Thank you. Anything further in terms of general comments from committee? Seeing none, does committee agree that we proceed into a clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. There are 51 clauses. Does committee agree that we consider the clauses as groups of five?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. I will call out the clauses. If you agree, please respond accordingly. Please turn to page 5 of the bill. Clauses 1 through 5.

---Clauses 1 through 51 inclusive, approved

CHAIRPERSON (Mr. Simpson): Agreed? Thank you, committee. I will return to the bill number and title: Bill 41, Tobacco and Vapour Products Control Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole. Does committee agree that Bill 41 is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 41 is now ready for third reading. Does committee agree that this concludes our consideration of Bill 41?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the Minister and to the witnesses. Sergeant-at-Arms, you may escort the witnesses from the chamber.

[Microphone not on] consideration of these final three items. Thank you.

---SHORT RECESS

MR. NADLI: Mr. Chair, I wish to declare that I have a financial interest in Bill 54, Standard Interest Rates Statutes Amendment Act, and I will excuse myself from the Chamber during its consideration of Committee of the Whole today. Mahsi, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Nadli. Committee, I will ask the Minister responsible for Bill 54 to introduce it, and that will be Minister of Finance. Minister McLeod.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. I am here to present Bill 54, the Standard Interest Rate Statutes Amendment Act.

Bill 54 would make legislative amendments to adopt a standard interest rate that would be applied to all Government of the Northwest Territories overdue receivables. This proposal would lower the interest rate charged on receivables while linking the interest rate charged to the Canadian economy and monetary policy.

Currently, the interest rate applied under the Financial Administration Act and all taxation legislation varies creating an administratively complex situation leading to confusion for

Northwest Territories residents and companies doing business with the GNWT. This legislation will ensure a standard interest rate is applied. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. I will now turn to the chair of the Standing Committee on Government Operations, the committee that considered the bill for any opening comments that he may have. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. The Standing Committee on Government Operations concluded its review of Bill 54, Standard Interest Rate Statutes Amendment Act, on August 7, with a public clause-by-clause review held at the Legislative Assembly building.

The committee received submissions from the public. The committee supports the government changes to adopt a standard interest rate that will be applied to all GNWT overdue receivables, and will lower the interest rates currently charged by the GNWT on overdue accounts. Individual Membership may have additional comments or questions as we proceed with consideration of this bill. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. Minister, would you like to bring witnesses into the Chamber?

HON. ROBERT MCLEOD: Yes, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Sergeant-at-Arms, please escort the witnesses into the Chamber. Minister, would you please introduce your witnesses for the record.

HON. ROBERT MCLEOD: Thank you, Mr. Chair. To my right, I have Mr. David Stewart, deputy minister of Finance. To my left, I have Cherie Jarock, who is legislative counsel. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Welcome to the witnesses. I will open the floor to general comments on the bill. Any general comments on this bill? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Over the course of our review of this legislation and hearing from other Members, honourable Members, some of who were Members of the committee and others who participated in some of our discussions around Bill 54, it became apparent that there was a lot of land tenure uncertainty in the Northwest Territories. Although this bill doesn't directly affect that, the consequences of overdue tax arrears on unpaid land taxes is a live issue in many of our communities, in particular for Indigenous peoples and our smaller communities.

Although this bill sets the standard interest rate, it does little to affect those overdue accounts, many of which are directly impacting the livelihood and the peace of mind of many residents. Some of these decisions that were made by the federal government in transferring certain lands to the GNWT have resulted in these arrears. We are considering other pieces of legislation that address land, but in this case, there are still many overdue accounts, and I felt it prudent to raise this concern because, again, it is a concern of many of our residents, particularly those in smaller communities. I think that it is important that the GNWT carefully consider its response to these overdue accounts and ensure that it can provide some relief to historically large sums of arrears and debt owing to people who oftentimes did not make the decision to inherit that land, to possess that tenure, and have been charged as a result.

It is more of a comment. I know that this is something that the Minister is aware of and the department is aware of, but I think that it is important to put on the public record. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Further general opening comments to the bill? Seeing none, does committee agree that we move to our clause-by-clause review?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will defer the bill number and title until after consideration of the clauses. Committee, please turn to page 1 of the bill. I will call each clause individually. Clause 1. Does committee agree?

---Clauses 1 through 6 inclusive approved

CHAIRPERSON (Mr. Simpson): Thank you, committee. I will now call the bill number and title: Bill 54, Standard Interest Rates Statutes Amendment Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you. To the bill as a whole. Does committee agree that Bill 54, Standard Interest Rates Statutes Amendment Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 54 is now ready for third reading. Does committee that this concludes our consideration of Bill 54?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the Minister, and thank you to the witnesses. Sergeant-at-Arms, you may escort the witnesses from the chamber. Committee, we have agreed to next consider Bill 57, An Act to Amend the Employment Standards Act. I will turn to the Minister responsible for the bill to introduce it. Minister Cochrane.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. I am pleased to be here today to discuss Bill 57, An Act to Amend the Employment Standards Act. The primary objective of the Employment Standards Act is to ensure protection for workers by providing minimum standards of employment. The amendments put forward in the bill strengthen worker protection by enhancing parental leave and creating new types of leave for family caregivers and those experiencing family violence.

The parental leave changes in this bill will allow workers to take longer, unpaid parental leaves, providing job protection at this very important time in their lives. When combined with pregnancy leave, a worker could take up to a year and a half off to care for their newborn baby, which is six months longer than is currently protected in the act. Employees who share the leave with their partner are eligible for an additional eight weeks of leave, encouraging parents to share the benefit between them. A longer period of parental leave allows employees who are eligible for federal parental EI benefits to access the new extended parental EI benefits and EI Parental Sharing Benefit and take full advantage of a longer period of leave.

This bill also allows more workers to take time off work to care for family members in times of need. It creates a new family caregiver leave to care for family members who are critically ill or injured, and it extends compassionate care leave for end-of-life care by an additional 19 weeks. For both of these types of leave, the bill expands the definition of "family member" so that more workers can provide care to family when it is needed, regardless of their blood relationship.

Finally, the bill takes the significant and important step of creating family violence leave, a new type of leave in the Northwest Territories. This will provide a combination of paid and unpaid leave to support workers in responding to different types of family violence situations. Workers may be entitled to time off work to seek medical attention, attend counselling, relocate, or attend legal appointments. Introducing family violence leave is an important part of protecting workers in times of need.

These amendments align with the Government of Canada's changes to the Employment Insurance program and the Canada Labour Code and offer employees the flexibility to address personal

situations while maintaining their employment status.

The department engaged stakeholders on the proposed amendments through stakeholder interviews and an online survey. Thoughtful and positive feedback was received from residents, business, labour, and community organizations across the Northwest Territories. A "what we heard" report is available on the ECE website.

I would like to recognize the hard work of the Members of the Standing Committee on Social Development during the review of Bill 57. These proposed amendments support our Northwest Territories workforce in navigating important and oftentimes challenging moments in life by strengthening job security during time away from work. Mahsi cho, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. I will now turn to the chair of the Standing Committee on Social Development, the committee that reviewed the bill, for any opening comments. Does the chair have any opening comments? Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. The Standing Committee on Social Development concluded its review of Bill 57, An Act to Amend the Employment Standards Act, on August 8, 2019, with a public clause-by-clause review held at the Legislative Assembly building. Committee held a public hearing on Bill 57 in Yellowknife on July 25, 2019. The committee received two commissions, one from the Gwich'in Tribal Council and a joint submission from the NWT Seniors' Society and the Canadian Cancer Society, which also sent a representative to present the submission to the committee at the public hearing.

On behalf of the committee, I would like to thank everybody who provided input on Bill 57. The committee supported the government's efforts to better align with our territorial Employment Standards legislation with the recent changes made to the Canadian Labour Code and the federal Employment Insurance program, as well as to update certain provisions to better protect Northwest Territories workers.

Individual Members may have additional comments or questions as we proceed with the consideration of this bill. We would also like to thank the Minister and the department for the work that they did, as well as all of the people that did provide their commissions and the committee's work. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. Does the Minister wish to bring witnesses into the chamber?

HON. CAROLINE COCHRANE: Yes, I do, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Sergeant-at-Arms, please escort the witnesses into the chamber. Minister, please take your seat at the witness table. Minister, please introduce your witnesses for the record.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. On my left is Michael Saturnino, who is the director of Labour Development and Standards, and on my right is Kelly McLaughlin, who is the drafter for the legislation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Could you please, once again, slowly for the record, introduce the witnesses? We didn't quite catch the names.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. On my left is Mr. Michael Saturnino. He is the director of Labour Development and Standards. On my right is Kelly McLaughlin, and she is the drafter. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you very much, Minister. Welcome to the witnesses. Committee, I will open the floor to general comments on Bill 57. Do we have any comments from committee? First, I have Ms. Green.

MS. GREEN: Thank you, Mr. Chair. This is one of these unsung but very important, bills that would make a difference to the lives of many families in the Northwest Territories in a number of different ways, not only for families in extreme circumstances like those facing family violence, but just ordinary working families, especially given the shortage of childcare in the Northwest Territories. This could really be an important incentive to having families staying longer in the Northwest Territories, because they are able to stay at home with their children for a longer period of time, so I am pleased to see the changes that are in this bill, and I will support them. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. The Minister may recall that I raised the issue of how our parental benefits system was out of sync with the federal one. The federal system, they brought their changes in. Originally, I think they were supposed to start July 1st. They pushed it forward to March, so, under the federal system, they provide EI benefits. The difficulty was that our legislation did not ensure that employers kept the jobs for those people if they went off. I did push to have this bill brought forward in the life of this Assembly, so I want to commend the Minister and her staff for undertaking a very quick turnaround time to get this

bill back into the House, and the committee for their work, as well, because we do not want our parents and families to not enjoy the benefits that most other Canadians are getting. I want to also commend the Minister and the department in reviewing the types of leave that are provided under here to include domestic violence leave. I think that is a very important improvement, so I just want to thank and commend the Minister and department for their hard work to get this back into the House so our parents are entitled to the same benefits as everyone else. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Any further general comments? Seeing none, we will move to a clause-by-clause review of the bill. As usual, we will defer consideration of the bill number and title until after consideration of the clauses. Please turn to page 1. I will call each clause individually. If committee agrees, please respond accordingly.

SOME HON. MEMBERS: Agreed.

---Clauses 1 through 12 approved

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

MR. O'REILLY: Sorry, I wanted to ask about clause 14, if I may.

CHAIRPERSON (Mr. Simpson): So we have agreed to clause 13?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Clause 14. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I had asked the Minister in the clause-by-clause when this bill is going to be coming into force, and I would like to get it on the record in the House, as well. Thanks, Mr. Chair.

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

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. Basically, the act will come into force, the proper terminology, it comes into force on a day or days to be fixed by order of the Commissioner. The plain language standard of that is that we are working on the regulations right now. We have the orders to get them through. We have the regulations to get the regulations done. This is important. This is critical. This is about children and families and family violence, so I will be pushing my department as hard as possible, and Justice, to try to get it done, so it's a priority for us. I can't say the date, but we are working really diligently to get them done. We need the regulations done, but we are on it. Thank you, Mr. Chair.

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

MR. O'REILLY: Thanks, Mr. Chair. Well, I may not be here to hold the Minister to this, but is there an estimate of a time that the Minister or her staff might be able to give us? The reason I ask this is parents who are looking at or wanting to take some of these types of leave, they are going to want to know when it's going to kick in, so, if I could get some kind of a rough estimate, that would be helpful. Thanks, Mr. Chair.

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

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. We are trying to get this work done right now. It will potentially be early, as early as possible, in the next Assembly if we cannot get it done before. We are rushing it now. We are trying to get it done, but we recognize we only have a couple more weeks to get this work done, or a month, three weeks, so we are trying. The latest it will be, I can't give you an estimate. We are hoping within a couple of months. That is what we are hoping for. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Anything further from Mr. O'Reilly? Nothing further from Mr. O'Reilly. I will call clause 14.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Please return to the bill number and title. Bill 57, An Act to Amend the Employment Standards Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you. To the bill as whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Does committee agree that Bill 57 is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 57 is now ready for third reading. Does committee agree that this concludes our consideration of Bill 57?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the Minister and to the witnesses. Sergeant-at-Arms, you may escort the witnesses from the Chamber. Committee, we have agreed to next consider Bill 58, Justice Administration Statutes Amendment Act. I will turn

to the Minister responsible for the bill for opening comments and to let the Minister introduce it. Minister Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I am pleased to be here today to discuss Bill 58: Justice Administration Statutes Amendment Act. This bill proposes to make targeted and necessary legislative amendments to acts that support the justice system in the Northwest Territories.

This bill amends various statutes administered by the Department of Justice to:

- repeal provisions of An Act to Amend the Children's Law Act and amend the Children's Law Act to establish a recalculation service;
- amend the Coroners Act to clarify the responsibilities of the Chief Coroner and coroners in respect of inquests and authorize the release of the body of the deceased if an investigation is complete;
- amend the Evidence Act to add provisions in respect of the admissibility of electronic records, and repeal provisions that allow the court to refuse to admit photographic film prints into evidence;
- add an updated definition for "prime rate" to the provisions of the Judicature Act relating to prejudgment and post-judgment interest;
- add a reference in the Jury Act to exemptions from jury service contained in the Legislative Assembly and Executive Council Act;
- increase fee rates in respect of the registration of certain instruments and caveats under the Land Titles Act;
- amend the Public Trustee Act to establish a mechanism for the disposition of unclaimed property;
- amend the Residential Tenancies Act to provide for the appointment of a chief rental officer, adjust provisions relating to service and the giving of reasons, and allow regulations to be made in respect of fees for services provided; and
- amend the Retirement Plan Beneficiaries Act to provide for the discharge of the administrator of a plan.

Overall, this bill contains a number of measures to improve access to justice and service delivery, which the government believes will significantly assist residents of the Northwest Territories.

Of particular note, the changes to the Children's Law Act will improve the process for recalculating support order amounts payable under both that act and the federal Divorce Act. This will make it easier for parents to obtain changes in the amounts payable under support orders to better reflect current circumstances. These amendments will allow the government to implement this long-awaited service by the end of 2019.

In addition, the proposed changes to the Residential Tenancies Act will help address the processing times for orders. Members of this Assembly and the public have stated many times that the timelines faced by those relying on the hearing process set out in legislation are too long. Contributing to the delays are certain requirements set out in the existing legislation, including the requirement to provide written reasons for every order.

I would be pleased to answer any questions that Members may have regarding Bill 58. Thank you.

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

MR. THOMPSON: Thank you, Mr. Chair. The Standing Committee on Social Development concluded its review of Bill 58, Justice Administration Statutes Amendment Act, on July 25, 2019, with a public hearing and clause-by-clause review held at the Legislative Assembly building. Committee received no submissions from the public. The committee supported the government's change to improve access to justice and service delivery, which will assist residents of the Northwest Territories.

Mr. Chair, I would also like to thank the Minister and his department for working with committee and our legislative staff as we move forward. Individual Members may have additional comments or questions as we proceed with consideration of this bill. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. Minister, do you have witnesses you wish to bring into the chamber?

HON. LOUIS SEBERT: Yes, I do.

CHAIRPERSON (Mr. Simpson): Sergeant-at-Arms, please escort the witnesses into the chamber. Minister, please introduce your witnesses for the record.

HON. LOUIS SEBERT: Thank you, Mr. Chair. To my right is Mr. Mark Aitken, assistant deputy

minister of Justice. To my left is Ms. Laura Jeffrey, legislative counsel. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Welcome to the witnesses. I will open the floor to general comments. First, Ms. Green.

MS. GREEN: Thank you, Mr. Chair. I have made several Member's statements in this House about the problems related to delays in putting out orders after hearings under the Residential Tenancies Act. In particular, I had heard from constituents who are just renting one place of their own, they aren't commercial landlords, and how the wait between the hearing and the order can mean that the money is even more difficult to collect from the non-paying tenant.

I am very happy to see this change. I think that it will make a tangible difference to the people who are, as I say, just landlords of a single property or a couple of properties. This will expedite the service that the public can receive from the rental office.

I am also happy to see the changes in the Children's Law Act. Whenever we can improve legal services for ordinary people who come face-to-face with the law, I think that we should do so, and I am pleased to see that this bill does that. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you, Ms. Green. Anything further to general comments on this act? Seeing none, does committee agree that we begin our clause-by-clause review?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will defer the bill number and title until after consideration of each clause. There are 11 clauses stretched out over 26 pages. I will call each clause individually. Clause 1.

---Clauses 1 through 6 inclusive approved

CHAIRPERSON (Mr. Simpson): Thank you, committee. Clause 7. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. This clause of the bill brings about changes to the Land Titles Act, and I will just note from the Minister's opening remarks that it will increase fee rates in respect to the registration of certain instruments and caveats under the Land Titles Act. Is this related to the government's proposal for increasing land transfer fees or land transfer taxes? Thank you.

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

HON. LOUIS SEBERT: It is an increase of fees, of course, but it is not a land transfer tax.

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

MR. TESTART: Thank you. What is the policy rationale for increasing these fees? Thank you.

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

HON. LOUIS SEBERT: The fees had not been changed in many, many years, and we thought it wise to update the fees.

CHAIRPERSON (Mr. Simpson): Thank you. Minister, when you are done speaking, I would just ask that you let the audio people know so that they can change the mics. Mr. Testart.

MR. TESTART: Thank you. For the benefit of people trying to understand these kind of collections of rate adjustments, when do these fees kick in? Is it when people buy and sell property? Thank you.

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

HON. LOUIS SEBERT: Yes, of course. The fees are phased in over three years. The fee could be imposed when you buy a property, certainly, but it could also be imposed when a mortgage is registered. That might not always be when you buy a property; there could be remortgaging, for example. Thank you.

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

MR. TESTART: Thank you. My understanding is that the majority of land transfers or land title transfers take place in the City of Yellowknife. Is that information correct?

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

HON. LOUIS SEBERT: Yes, that's correct, Mr. Chair. Thanks.

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

MR. TESTART: Following through that logic, then, the majority of the revenues that are raised by this fee increase are going to be paid in majority by Yellowknife land transfers. Is that also correct? Thank you.

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

HON. LOUIS SEBERT: Yes, that's likely. Thank you, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair. How much revenue is this expected to bring in year 1, year 2, and finally, year 3? Thank you.

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

HON. LOUIS SEBERT: I might ask Mr. Aitken to help me with this, but I believe that it is going to be about \$500,000 after the three years.

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

MR. TESTART: Thank you, Mr. Chair. Was there any consideration to using these fees as a cost recovery mechanism and keeping them fixed at a rate that is commensurate to the government's costs on administering land title transfers and the other business of land titles, rather than just increasing the fees? Thank you.

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

HON. LOUIS SEBERT: Just to clarify, when I said \$500,000, that would be the amount per year that we would be getting after the three years, so it would ramp up to that amount, I assume.

I am not sure if I understood the other portion of the question. I was having a bit of trouble listening. Perhaps it could be repeated?

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

MR. TESTART: Thank you, Mr. Chair. This fee is a fee, and it is going up because it hasn't gone up in a long time. Was there any consideration given to charging these fees on, basically, a cost recovery basis? It would be an exercise where the government would recoup the costs for administering land titles, but it wouldn't be a revenue-generator for government. Was any consideration given to that? Thank you.

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

HON. LOUIS SEBERT: These are fees to increase revenue. There are certain fees charged by the government that are cost recovery. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. The question was whether or not consideration was given to making these cost recovery as opposed to revenue-generating. Minister.

HON. LOUIS SEBERT: They were already not cost recovery; they were revenue. Thank you, Mr. Chair.

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

MR. TESTART: Thank you. My understanding is, just in one case of another provincial jurisdiction doing this, in British Columbia, when a land transfer tax or fee was implemented in the 1970s, the explicit policy rationale was for income redistribution. Large home purchases would bring about revenue that could be invested in social programs and policies. I guess the contention I have here is this is a fee that is going to disproportionately affect ratepayers in one part of the territory and largely ignore the state of play in other parts of the territory.

I am not opposed to new taxes as long as they are married to very clear policy objectives. Certainly, I am opposed to anything that raises the question of tax fairness. As I said previously in this House when this proposal was raised, I cannot support a fee increase that is going to disproportionately affect my constituents for the sole policy reason of raising more revenue for the government.

I certainly do not take a problem with taxes on, say, tobacco or alcohol that have a clearly measured outcome. I certainly do not take issue with those kinds of considerations, but here we have the majority of land transfers taking place in the City of Yellowknife, and it's a fee increase. It is \$.5 million that Yellowknifers will provide in revenue to the GNWT.

We have already had changes to airport fees which amounts to a tax, if nothing less, and other initiatives. What I hear door-to-door from my riding of Kam Lake is that people already are concerned about the cost of living, are not seeing that cost go down, and this is another thing with the coming of other tax initiatives that is increasingly becoming unbearable for my constituents.

I think I have come to the conclusion of my line of questioning, but I am not convinced that this is in the best interests of the people I represent. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Anything further? Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. It's funny that we've discovered that this is something that hasn't been raised in a long time. I would just like some clarification, maybe, from the Minister as to how long it has been since this fee has been increased. Thank you.

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

HON. LOUIS SEBERT: Approximately 25 years.

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

MR. VANTHUYNE: Thank you, Mr. Chair. Now, the intention is that it hasn't been raised in 25 years, but now we're going to raise it, apparently three times over the next three years. I am wondering if the Minister can provide some kind of justification for this phasing-in approach? Thank you, Mr. Chair.

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

HON. LOUIS SEBERT: Well, I'd like to deal first with the issue of the \$500,000 of which I spoke of and which was referenced earlier. It's not as though this will all come from Yellowknife; land transfer in Fort Smith or Hay River would likely also be effected. We didn't want to have a revenue shock, if I can put it that way, on the consumers who would be paying this, so that is why it was decided that a most reasonable approach would be to phase it in over time. As I say, the rates had not been changed in approximately 25 years, maybe slightly more, slightly less, but it has been a long time with no change.

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

MR. VANTHUYNE: Thank you, Mr. Chair. Respectfully, we looked at this a couple of years ago when it was being proposed, essentially, as a land transfer tax, and it was at the time proposed that it could possibly bring in somewhere in the neighbourhood of about \$3.1 million. I think we understood at that time that about 70 percent of that would have been coming from the Yellowknife market. I appreciate that there are certainly other market communities that are going to be affected by this, but I am a little bit troubled that we are using a phased-in approach. I mean, I don't understand why the department would just have gone to increase the fee to the extent that they thought it was necessary right out of the gate. If you buy a house, you buy a house every five, maybe 10 years. You're not buying a house every single year, so it is not as though there is going to be a shock factor. People are going to buy a house maybe this year. You won't see them buy one for another 10 years. Whether you put the all-in \$500,000 now or not doesn't really matter.

The bigger concern is that this type of administration is something that we expect as taxpayers and as residents to be paid through general taxation and payroll-type taxes. When we start picking off little areas of administration where we think we need to add additional fees, then that's when people start to get upset.

Sin taxes and the like are a little bit different because there are often reasons behind those for wanting to change society's behaviour on a particular, usually problematic, or some kind of instance where we need to change society's behaviour so that we can reduce harm to society. In this case, this is housing. You continue to say that we advocate for affordable housing, and we have to undertake initiatives to find ways to make it cheaper to have families buy and reside in homes, and yet here we are again, going to find a way to increase the costs of acquiring housing.

I am still not convinced that this isn't anything more than the government's original plan as it related to gaining their costs and revenue difference to get to the \$150 million mark from the onset of this government. I think that, because there was clearly not any public acceptance to the original land transfer tax that would have resulted in \$3.1 million a year being generated, this now has been the approach in which we're going to deal with this.

I think that the constituents I represent will have a difficulty with this. They certainly will be letting me know about the increase to the cost of living when I start knocking on their doors in a few weeks.

Unfortunately, Mr. Chair, I can't find myself supporting this particular clause at this point in time. Thank you.

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

HON. LOUIS SEBERT: I see from my notes that the fees became effective in 1994, so it is approximately 25 years. Yes, this is an increase in fees, but it is nowhere near the land transfer tax that was contemplated earlier. I think this is a reasonable compromise. It is a fairly low increase over a period of three years, and clearly, if you are buying a more expensive house, you pay more fees. I think that is fair. I think this is, as I say, a reasonable compromise. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Clause 7, Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. I have a question for the Minister. I am wondering why at this point, in market communities at this point, the market has gone down a bit. I think in Yellowknife you can witness that. There are the properties that were, they were trying to sell some properties. You just look at all the realtors' sites and there has been a huge drop in the market. In Yellowknife, there has been a drop in the market, a significant drop in the market, which, of course, affects everything. The market value of people's properties gives them the ability to borrow, gives them the ability to participate in the economy. Just as the market is kind of going

down and has been going down for a couple of years, a few years, I would say, this additional tax is added to it.

I would like to ask the Minister, he wasn't the Minister, I think, when things were going up sharply: what type of advice did he get from the government at this point to put this type of fee in just when the market is on a downturn? Thank you.

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

HON. LOUIS SEBERT: Of course, if the value of your house is a lower amount, then the fees are lower, too. A fee on a \$300,000 house is higher than it would be on a \$250,000 house. If you bought at \$300,000 and paid a fee then and then someone else buys the house or you buy another house at \$250,000, you are going to pay less than you would have. The point is the fees are based on the value of the property or the size of the mortgage. If the market is in decline, we will be collecting fewer fees. Thank you.

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

MR. BEAULIEU: Thank you, Mr. Chairman. This also applies to a refinancing. Now, if you are not switching houses, but the market value of your house is down, now in addition to having less ability to take money out of the market, there is this fee. I was wondering if the Minister has looked at the frequency of that type of transaction as opposed to just looking at the buy-and-sell transaction where many people go to use their houses for equity in order to purchase other things, buy other things around that are needed, that may not be, or even maybe renovating their own homes. When the unit is refinanced, there is a fee paid in there. What type of impact is that having directly on the people who are refinancing their homes?

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

HON. LOUIS SEBERT: Thank you for the question. I really don't have that kind of information in front of me. All I want to say, though, is that the way that these fees are set up, if you were remortgaging at \$300,000, you will pay a certain fee. If you are remortgaging at \$250,000, you will pay a smaller fee. That is how the system is set up. Again, I don't have the kind of information that the Member is asking me about as to the number of these types of transactions and so on. I simply don't have that information. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Next, we have Ms. Green, clause 7.

MS. GREEN: Thank you, Mr. Chair. I find it a bit rich that my colleagues are here now excoriating the Minister for phasing in this fee increase when that was the agreement that we came to. On a \$500,000 house, the increase after three years would be \$350 on the land transfer. The person buying the \$500,000 house would be spending an extra \$350. It is my argument that if someone can afford \$500,000 dollars for a house, they can afford an additional \$350 for the land transfer tax.

Further, I don't want my colleagues to lose sight of the fact that this is an omnibus bill. If it is rejected, we lose the opportunity to help small landlords recover their costs, and we also lose the opportunity to give parents who are receiving child support the opportunity for a more efficient way to receive recalculation services. I would ask my colleagues to think very carefully about putting their own self-interests ahead of the interests of the people of the NWT. Thank you.

---Applause

CHAIRPERSON (Mr. Simpson): Turned into a real socialist Assembly. I'll just clarify the record that a clause can be defeated. It doesn't mean the bill is defeated. It just means the clause is removed. If the nay votes take this vote, the clause is removed, but the bill is not defeated just to clarify that for the record. Anything further? Mr. Testart, you already spoke to this. Do you have another issue? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I would request a division on clause 7 and that the vote be recorded. Thank you.

Recorded Vote

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Testart. The Member has requested a recorded vote on clause 7. All those in favour or all those who approve? One second. Let me get the language right, here, since we are recording this. This is the first time that this has happened in this Assembly. All those in favour of clause 7, please rise.

RECORDED VOTE

COMMITTEE CLERK (Ms. Cynthia James): The Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Sahtu.

CHAIRPERSON (Mr. Simpson): All those opposed to Clause 7, please rise.

COMMITTEE CLERK (Ms. Cynthia James): The Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Yellowknife North.

CHAIRPERSON (Mr. Simpson): All those abstaining, please rise. The results of the recorded vote: 12 in favour, three opposed. Clause 7 stands.

---Carried

Clause 8.

---Clauses 8 through 11 inclusive approved

Committee, I will return to the bill title and number. Bill 58: Justice Administration Statutes Amendment Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole, does committee agree that Bill 58: Justice Administration Statutes Amendment Act is ready for a third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 58 is ready for third reading. Does committee agree this concludes our consideration of Bill 58?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Thank you to the Minister and to the witnesses. Sergeant-at-Arms, you may escort the witnesses from the Chamber. What is the wish of committee? Mr. Testart.

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

CHAIRPERSON (Mr. Simpson): There is a motion to report progress. The motion is in order and non-debatable. All those in favour? I need at least one person to vote. All those in favour of the motion to rise and report progress? All those opposed? The motion is carried. I will rise and report progress. Thank you, committee.

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

Report of Committee of the Whole

MR. SIMPSON: Mr. Speaker, your committee has been considering Committee Report 20-18(3), Report on the Review of the 2017-2018 Northwest Territories Human Rights Commission Annual Report; Committee Report 21-18(3), Report on the

Review of the 2016-2017 and 2017-2018 Annual Reports of the Information and Privacy Commissioner of the Northwest Territories; Committee Report 22-18(3), Report on the Review of the 2015-2016 and 2016-2017 Annual Reports of the Office of the Languages Commissioner of the Northwest Territories; Committee Report 23-18(3), Report on the Review of Bill 40: Smoking Control and Reduction Act and Bill 41: Tobacco and Vapour Products Control Act; Bill 40, Smoking Control and Reduction Act; Bill 41, Tobacco and Vapour Products Control Act; Bill 54, Standard Interest Rates Statutes Amendment Act; and Bill 57, An Act to Amend the Employment Standards Act, and would like to report that Committee Report 20-18(3) is concluded; that Committee Report 21-18(3) is concluded; that Committee Report 23-18(3) is concluded, with five motions adopted; that Bill 40 is ready for third reading; that Bill 41 is ready for third reading; that Bill 54 is ready for third reading; and that Bill 58 is ready for third reading. Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

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

---Carried

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

Orders of the Day

CLERK OF THE HOUSE (Mr. Mercer): Orders of the day for Tuesday, August 13, 2019, 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Reports of Standing and Special Committees
5. Returns to Oral Questions
6. Recognition of Visitors in the Gallery
7. Acknowledgements
8. Oral Questions
9. Written Questions
10. Returns to Written Questions
11. Replies to the Commissioner's Opening Address
12. Petitions

13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
18. First Reading of Bills
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Minister's Statement 151-18(3), New Federal Infrastructure Agreement
 - Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services
 - Minister's Statement 211-18(3), Addressing the Caribou Crisis
 - Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan
 - Bill 36, An Act to Amend the Petroleum Resources Act
 - Bill 37, An Act to Amend the Oil and Gas Operations Act
21. Report of Committee of the Whole
22. Third Reading of Bills
 - Bill 40, Smoking Control and Reduction Act
 - Bill 41, Tobacco and Vapour Products Control Act
 - Bill 54, Standard Interest Rates Statutes Amendment Act
 - Bill 57, An Act to Amend the Employment Standards Act
 - Bill 58, Justice Administration Statutes Amendment Act

23. Orders of the Day

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

---ADJOURNMENT

The House adjourned at 7:24 p.m.

