

Votes and Proceedings

SECOND SESSION OF THE NINETEENTH LEGISLATIVE ASSEMBLY

October 4, 2023

The Assembly commenced sitting at 1:31 pm, with the Honourable Frederick Blake Jr., Speaker, presiding.

Members' Attendance

Present: Member for Deh Cho, Member for Frame Lake, Member for Great Slave, Honourable Member for Hay River North, Member for Hay River South, Honourable Member for Inuvik Boot Lake, Member for Inuvik Twin Lakes, Member for Kam Lake, Member for Monfwi, Honourable Member for Nahendeh, Member for Nunakput, Honourable Member for Range Lake, Honourable Member for Sahtu, Member for Thebacha, Member for Tu Nedhé-Wiilideh, Honourable Member for Yellowknife Centre, Member for Yellowknife North, Honourable Member for Yellowknife South.

Absent: None.

Ministers' Statements

- 388-19(2) The Minister of Environment and Climate Change made a statement regarding residential and recreational public lease pricing revisions.
- 389-19(2) The Minister of Education, Culture and Employment made a statement regarding early learning and child care.
- 390-19(2) The Minister of Health and Social Services made a statement regarding improvements in mental health supports.
- 391-19(2) The Minister responsible for the Status of Women made a statement about Reclaiming the Capable Person, a strategic framework for addressing family violence in the Northwest Territories.

Members' Statements

- 1630-19(2) The Member for Hay River South made a statement regarding supports for businesses impacted by 2023 wildfires.
- 1631-19(2) The Member for Monfwi made a statement regarding medical travel and access to healthcare.
- 1632-19(2) The Member for Thebacha made a statement regarding the Taltson Hydro Expansion Project.
- 1633-19(2) The Member for Frame Lake made a statement regarding Environmental Guidelines for Contaminated Site Remediation.
- 1634-19(2) The Member for Inuvik Twin Lakes made a statement regarding the National Day of Action for Missing and Murdered Indigenous Women and Girls and Gender Diverse People.
- 1635-19(2) The Member for Nunakput made a statement regarding homelessness and water delivery in Nunakput communities.
- 1636-19(2) The Member for Deh Cho made a statement regarding Alberta tailings ponds contamination and seepage.
- 1637-19(2) The Member for Tu Nedhé-Wiliideh made a statement regarding local governance in Fort Resolution.
- 1638-19(2) The Member for Great Slave made a statement regarding violence against Indigenous women and girls and 2SLGBTQIA+ people.
- 1639-19(2) The Member for Yellowknife North made a statement about the settling of outstanding land claims.
- 1640-19(2) The Member for Kam Lake made a statement about housing for Indigenous women and girls.
- 1641-19(2) The Honourable Member for Nahendeh made a statement regarding Soham Srimani, 2021 and 2022 Band Manager Mentor Award winner.

Reports of Standing and Special Committees

- 76-19(2) Moving Forward: Recommendations for the 20th Assembly – Report of the Special Committee on Transition Matters

The Member for Hay River South, seconded by the Member for Frame Lake, moved that Committee Report 76-19(82): Moving Forward: Recommendations for the 20th Assembly – Report of the Special Committee on Transition Matters be deemed read and printed in Hansard in its entirety.

The motion was CARRIED.

The Member for Hay River South, seconded by the Member for Frame Lake, moved that Committee Report 76-19(2): Moving Forward: Recommendations for the 20th Assembly – Report of the Special Committee on Transition Matters be received and referred to Committee of the Whole.

The motion was CARRIED.

Tabling of Documents

- 1024-19(2) Reclaiming the Capable Person: We Are All Capable Persons When We Have Community – A Strategic Framework for Addressing Family Violence in the Northwest Territories. Tabled by the Minister responsible for the Status of Women.
- 1025-19(2) Correspondence dated March 1, 2023, from The Canadian Dental Hygienists Association regarding Modernizing the *Dental Auxiliaries Act* for Increased Access to Preventative Healthcare. Tabled by the Member for Kam Lake.
- 1026-19(2) Correspondence dated March 7, 2023, from the British Columbia Dental Hygienists Association regarding Modernizing the *Dental Auxiliaries Act* for Increased Access to Preventative Healthcare. Tabled by the Member for Kam Lake.
- 1027-19(2) Correspondence dated March 29, 2023, from the Ontario Dental Hygienists' Association regarding Modernizing the *Dental Auxiliaries Act* for Increased Access to Preventative Healthcare. Tabled by the Member for Kam Lake.

Notices of Motion

- 86-19(2) Report of the Integrity Commissioner into Complaint of Breach of Code of Conduct. Notice given by the Member for Frame Lake.
- 87-19(2) Dissolution of the 19th Legislative Assembly. Notice given by the Member for Thebacha.

Consideration in Committee of the Whole of Bills and Other Matters

The Chair, the Member for Inuvik Twin Lakes, reported that the Committee of the Whole considered Committee Report 55-19(2): Standing Committee on Government Operations Report on Bill 85: *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*; Bill 65: *Builder's Lien Act*; Bill 84: *An Act to Amend the Northwest Territories Business Development and Investment Corporation Act*; and Bill 85: *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* and reported progress with 15 motions carried, that Committee Report 55-19(2) is concluded, that Bill 85 is ready for third reading and that Bills 65 and 84 are ready for third reading as amended.

Committee Motion 493-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories, in collaboration and cooperation with Indigenous governments or organizations, develop and release a clear statement on how it interprets and intends to apply free prior and informed consent.

The motion was CARRIED.

Committee Motion 494-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories, in collaboration and cooperation with Indigenous governments or organizations include, in the action plan developed under Section 9 of Bill 85, specific measures to confirm rights, devolve jurisdiction, build institutional capacity, strengthen fiscal autonomy, set service standards, and facilitate nation-to-nation relationships, among others;

AND FURTHER, this work should refer to the written submission of the First Nations Financial Management Board to Committee's review of Bill 85.

The motion was CARRIED.

Committee Motion 495-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories should set up a funding framework to support Indigenous governments or organizations' capacity to engage with work to implement the declaration going forward.

The motion was CARRIED.

Committee Motion 496-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends the Government of the Northwest Territories, in consultation with the Standing Committee on Accountability and Oversight and Indigenous governments or organizations, set up a mechanism that ensures regular Members can access timely, comprehensive, and detailed information about the Action Plan Committee's work.

The motion was CARRIED.

Committee Motion 497-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories should, without delay, make all authorizations provided to a Minister to negotiate or enter into a shared decision-making agreement under the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act* publicly available by publishing it on a government-maintained website.

The motion was CARRIED.

Committee Motion 498-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories provide notice and seek comments from the Standing Committee on Accountability and Oversight before entering into a shared decision-making agreement under the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*.

The motion was CARRIED.

Committee Motion 499-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories in its capacity as a member of the Action Plan Committee, advocate for the Action Plan Committee to choose an independent person or entity to lead the five-year review of the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*.

The motion was CARRIED.

Committee Motion 500-19(2)

The Member for Yellowknife North moved the following motion:

I MOVE that this committee recommends that the Government of the Northwest Territories consult the Standing Committee on Accountability and Oversight when developing guidelines for statements of consistency required under the *United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*.

The motion was CARRIED.

Committee Motion 501-19(2)

The Member for Frame Lake moved the following motion:

I MOVE that Bill 85 be amended by deleting subclause 8(2) and substituting the following:

- (2) The Action Plan Committee must be comprised of
 - (a) members appointed by Indigenous Governments or Organizations of the Northwest Territories;
 - (b) members appointed by the Government of the Northwest Territories; and
 - (c) subject to subsection (2.1), one member appointed by motion of the Standing Committee on Accountability and Oversight or any successor committee that may be established by the Legislative Assembly.

- (2.1) The Action Plan Committee may, in respect of a member appointed under paragraph (2)(c), limit or specify
 - (a) the classes of persons eligible for appointment; and

(b) the rights of participation of the member in the work of the Action Plan Committee.

The motion was DEFEATED.

Committee Motion 502-19(2)

The Member for Frame Lake moved the following motion:

I MOVE that Bill 85 be amended by adding the following after subclause 12(2):

(2.1) Before entering into an agreement under this section, a Minister authorized under subsection (1) shall provide notice to and seek comments from the Standing Committee on Accountability and Oversight, or any successor committee that may be established by the Legislative Assembly.

The motion was DEFEATED.

Committee Motion 503-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that Bill 65 be amended by adding the following after clause 3:

(3.1) this Act is to be interpreted in a manner consistent with the recognition and affirmation of existing Aboriginal and Treaty rights in section 35 of the *Constitution Act*, 1982.

The motion was CARRIED.

Committee Motion 504-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that Bill 65 be amended by deleting clause 3.1 and substituting the following:

3.1.(1) in this section, "land, resources and self-government agreement" means

(a) any of the following agreements:

(i) the Gwich'in comprehensive Land Claim Agreement entered into between Her Majesty the Queen in right of Canada and the Gwich'in, as represented by the Gwich'in Tribal council, on April 22, 1992, as amended,

(ii) the Inuvialuit Final Agreement entered into between the Inuvialuit of the Inuvialuit Settlement Region and the Government of Canada on June 5, 1984, as amended,

(iii) the Sahtu Dene and Metis Comprehensive Land Claim Agreement entered into between Her Majesty the Queen in right of Canada and the Dene of Colville Lake, Deline, Fort Good Hope and Fort Norman and the Metis of Fort Good Hope, Fort Norman and Norman Wells, as represented by the Sahtu Tribal Council, on September 6, 1993, as amended,

(iv) the Land Claims and Self-Government Agreement among the Tlicho and the Government of the Northwest Territories and the Government of Canada, signed on August 25, 2003, as amended,

(v) the Deline Final Self-Government Agreement among the Deline First Nation Band and the Deline Land Corporation, the Government of the Northwest Territories and the Government of Canada dated February 18, 2015, as amended;

(b) any legally binding agreement intended to be a Treaty under section 35 of the Constitution Act, 1982, concluded between an Indigenous government or organization, the Government of the Northwest Territories and the Government of Canada; or

(c) any prescribed legally binding agreement.

(2) this Act is to be interpreted. In a manner consistent with the recognition and affirmation of existing Aboriginal and Treaty rights in section 35 of the *Constitution Act, 1982*.

(3) an action or thing authorized by this Act must be carried out in accordance with any applicable land, resources and self-government agreement.

(4) if there is a conflict or an inconsistency between a provision of this Act or the regulations and a provision of a land, resources and self-government agreement or legislation approving, giving effect to and declaring valid a land, resources and self-government agreement, the provision of the land, resources and self-government agreement or legislation prevails to the extent of the

conflict or inconsistency.

The motion was DEFEATED.

Committee Motion 505-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that bill 65 be amended by striking out "landlord's interest" in that portion of subclause 20(1) preceding paragraph (a) and substituting "landlord's interest in the premises."

The motion was CARRIED.

Committee Motion 506-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that bill 65 be amended in that portion of subclause 44(2) preceding paragraph (a), by striking out "must set out" and substituting "must set out, with an affidavit supporting the claim".

The motion was CARRIED.

Committee Motion 507-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that subclause 46(6) of bill 65 be deleted and the following substituted:

(6) the court may, on application, order that a certificate of pending litigation expires if no significant steps toward trial have been taken after two years from the date of registration of the certificate.

The motion was CARRIED.

Committee Motion 508-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that Bill 65 be amended by adding the following after clause 90:

Review of Act

90.1.(1) the provisions and operation of this Act must be reviewed

by the department responsible for the administration of this Act within two years after the commencement of the twenty-first Legislative Assembly.

(2) the review

(a) shall include an examination of.

(i) an examination of the administration and implementation of the Act,

(ii) the effectiveness of its provisions,

(iii) the achievement of its objectives, and

(iv) which the entities and improvements that should be subject to the Act; and

(b) may include any recommendations for changes to the Act.

(3) the Minister shall make the results of a review completed under

(1) publicly available by publishing them on a website maintained by the department responsible for the administration of this Act.

The motion was DEFEATED.

Committee Motion 509-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that the English version of Bill 65 be amended by striking out "a certificates" in paragraph 91(k) and substituting "certificates."

The motion was CARRIED.

Committee Motion 510-19(2)

The Member for Kam Lake moved the following motion:

I MOVE that Bill 65 be amended by adding the following after clause 93:

Consequential amendments

93.1.(1) the *Land Titles Act* is amended by this section.

(2) each of the following provisions is amended by striking out "mechanics' lien" and substituting "builders' lien":

(a) subsection 24(2);

(b) subsection 96(2).

The motion was CARRIED.

Committee Motion 511-19(2)

The Member for Nunakput moved the following motion:

I MOVE that this committee recommends that clause 7 of Bill 84 be numbered as subclause 7(1) and the following is added after subsection 5(1.2):

(1.3) The Minister shall make reasonable efforts to appoint directors who are representative of the economic sectors and communities of the Northwest Territories.

The motion was CARRIED.

The Member for Inuvik Twin Lakes, seconded by the Honourable Member for Yellowknife South, moved concurrence of the report of the Committee of the Whole. The motion was CARRIED.

Third Reading of Bills

Bill 74 *Forest Act*

The Honourable Member for Nahendeh, seconded by the Honourable Member for Yellowknife South, moved that Bill 74, *Forest Act*, be read for the third time.

The Honourable Member for Nahendeh requested a recorded vote. The results of the recorded vote were:

Members for: Inuvik Twin Lakes, Deh Cho, Hay River South, Kam Lake, Frame Lake, Nunakput, Yellowknife North, Tu Nedhé-Wiilideh, Monfwi, Great Slave, Nahendeh, Yellowknife South, Sahtu, Range Lake, Inuvik Boot Lake, Yellowknife Centre, Hay River North. (17)

Members against: None. (0)

Members abstaining: None. (0)

The motion was CARRIED.

Bill 78: *Waste Reduction and Resource Recovery Act*

The Honourable Member for Nahendeh, seconded by the Honourable Member for Yellowknife South, moved that Bill 78,

Waste Reduction and Resource Recovery Act be read for the third time.

The Honourable Member for Nahendeh requested a recorded vote. The results of the recorded vote were:

Members for: Inuvik Twin Lakes, Deh Cho, Hay River South, Kam Lake, Frame Lake, Nunakput, Yellowknife North, Tu Nedhé-Wiilideh, Monfwi, Great Slave, Nahendeh, Yellowknife South, Sahtu, Range Lake, Inuvik Boot Lake, Yellowknife Centre, Hay River North. (17)

Members against: None. (0)

Members abstaining: None. (0)

The motion was CARRIED.

Bill 83: *Liquor Act*

The Honourable Member for Yellowknife South, seconded by the Honourable Member for Sahtu, moved that Bill 83, *Liquor Act*, be read for the third time.

The Honourable Member for Yellowknife South requested a recorded vote. The results of the recorded vote were:

Members for: Inuvik Twin Lakes, Deh Cho, Hay River South, Kam Lake, Frame Lake, Nunakput, Yellowknife North, Tu Nedhé-Wiilideh, Monfwi, Great Slave, Nahendeh, Yellowknife South, Sahtu, Range Lake, Inuvik Boot Lake, Yellowknife Centre, Hay River North. (17)

Members against: None. (0)

Members abstaining: None. (0)

The motion was CARRIED.

Bill 92: *An Act to Amend the Petroleum Products and Carbon Tax Act, No. 3*

The Honourable Member for Yellowknife South, seconded by the Honourable Member for Nahendeh, moved that Bill 92, *An Act to Amend the Petroleum Products and Carbon Tax Act, No. 3*, be read for the third time.

The Honourable Member for Yellowknife South requested a recorded vote. The results of the recorded vote were:

Members for: Inuvik Twin Lakes, Deh Cho, Hay River South, Kam Lake, Frame Lake, Nunakput, Yellowknife North, Tu Nedhé-Willideh, Monfwi, Great Slave, Nahendeh, Yellowknife South, Sahtu, Range Lake, Inuvik Boot Lake, Yellowknife Centre, Hay River North. (17)

Members against: None. (0)

Members abstaining: None. (0)
The motion was CARRIED.

The Speaker adjourned the House at 8:14 pm.



Hon. Frederick Blake Jr.
Speaker of the Legislative Assembly



Glen Rutland
Clerk of the Legislative Assembly