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The Honourable Tony Whitford, Speaker

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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, JULY 23, 2001

Members Present

Honourable Roger Allen, Honourable Jim Antoine, Mr. Bell, Mr. Braden, Mr. Delorey, Mr. Dent, Honourable Jane Groenewegen, Honourable Joe Handley, Mr. Krutko, Mr. Lafferty, Ms. Lee, Honourable Stephen Kakfwi, Mr. McLeod, Mr. Miltenberger, Mr. Nitah, Honourable Jake Ootes, Mr. Roland, Honourable Vince Steen, Honourable Tony Whitford.

ITEM 1: PRAYER

-- Prayer

SPEAKER (Hon. Tony Whitford): Thank you, Mr. Roland. Please be seated. Good afternoon, colleagues. I would like to welcome you back to the Assembly from a brief summer vacation, interrupted as it may be.

I wish to advise the House that I have received the following message from the Commissioner of the Northwest Territories.

"Dear Mr. Speaker,

I wish to advise that I recommend to the Legislative Assembly of the Northwest Territories the passage of the Supplementary Appropriations Act, No. 2, 2001-2002 during the Fourth Session of the 14th Legislative Assembly.

Yours truly,

Glenna F. Hansen

Commissioner"

As well, I would like to take this opportunity to say a couple of words. Since we met the last time, a couple of very momentous things have taken place in the Legislative Assembly, one being that the honourable Member for Yellowknife South, Mr. Bell, was the first sitting Member in living memory to be married during his term.

-- Applause

I would like to offer congratulations to both Mr. Bell and Jill Taylor, his lovely bride as of the 14th of July.

As well, the honourable Member for Frame Lake achieved a milestone in his life on Friday. I will not say his age, but he is halfway there.

-- Applause

Congratulations, Mr. Dent. Congratulations, Mr. Bell.

Item 2, Ministers' statements. The honourable Premier, Mr. Kakfwi.

ITEM 2: MINISTERS' STATEMENTS**Minister's Statement 27-14(4): Federal Support for Mackenzie Valley Pipeline**

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, on Friday in Italy, Canada's Prime Minister told President Bush and reporters that the development of NWT gas is a priority for his government.

He said, "...no doubt about it, there will be a pipeline in the Mackenzie Valley. It is the only way you can get the gas from the Delta down to the market." He also said, "...if we have only one pipeline, it is easier than two."

These were welcome words for those of us promoting the development of our Territory's natural gas resources.

Mr. Chretien's comments not only reflected his belief that NWT gas should precede Alaskan gas to market, but more importantly, that NWT's aboriginal people are major stakeholders in this plan.

Our government has long maintained that gas from a stand-alone pipeline down the Mackenzie Delta can and should be allowed to address the energy shortage in the United States. In light of a recent drop in the price of natural gas, this less-costly means of getting natural gas to market is currently even more economically sound.

I believe that eventually sound economics, the private sector and our regulatory process will also determine the route of Alaskan gas, and that it too will flow to market through the NWT. By working closely with industry and with federal and aboriginal governments, both of these projects can be achieved in a safe, economical and environmentally sound manner.

Mr. Speaker, I would like to thank the Prime Minister for backing the Mackenzie Valley pipeline. His support is a most welcome step in addressing the many challenges that must be overcome before natural gas can flow to market from the NWT.

Mr. Speaker, I can assure my colleagues today that Mr. Chretien's comments do not mean that our lobbying effort in Ottawa is complete. If anything, they mean that we must increase our efforts. Investment from Ottawa will be key as we continue to ready our Territory for this project.

In January of 2000, Dene, Metis and Inuvialuit leaders declared unanimous support for the proposed aboriginal ownership of a gas pipeline. This support was confirmed in June of that year when the Aboriginal Pipeline Group was mandated, on behalf of all aboriginal people, to pursue a means by which aboriginal ownership could be realized.

Last week in Calgary, the Minister of Resources, Wildlife and Economic Development, the Honourable Joe Handley and I met with gas producers, explorers and pipeline companies to ensure that these interests continue to be reflected in their efforts to develop Mackenzie Delta gas reserves.

Mackenzie Delta producers indicated that they will be ready to file a notice of application to construct a Mackenzie Valley gas pipeline by this fall. That means that there is much work to be done. We must work to ensure a deal is reached for aboriginal equity in a Mackenzie Valley pipeline -- one that offers maximum benefits to, and meets the terms and conditions of, the people of the NWT.

We must also complete our process of regulatory reform and continue to invest in infrastructure, training and the development of the NWT's business sector in order that NWT residents are in a position to fully benefit from the natural gas development that is now most certainly on the way. Mahsi cho.

-- Applause

MR. SPEAKER: Mahsi, Mr. Kakfwi. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Mackenzie Delta, Mr. Krutko.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement on Safe Drinking Water for Delta Communities

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my statement today deals with something that is fundamental in the lives of all people -- having good, safe drinking water to consume for your use. Yet, Mr. Speaker, I find it awfully difficult, realizing the problems I have seen in the Mackenzie Delta with THMs in Fort McPherson, ...inaudible...context in Tsiigehtchic, and also H. pylori in water samples in Aklavik.

Mr. Speaker, what alarms me the most is that presently there is no environmental health officer in the Inuvik region to ensure the health and the well-being of the residents of the Northwest Territories and the Mackenzie Delta are being looked at and having someone there to ensure that the health of the people in the Mackenzie Delta is being monitored by ensuring that the environmental health officer is directing the Departments of Public Works and MACA to continue with its water samples and testing of the water to ensure that the health and the well-being of the residents that I serve is being upheld.

Mr. Speaker, what upsets me the most is that presently there are no time frames to the conclusion of the Fort McPherson water project, which was supposed to be in operation effective July 1st. It is way behind schedule. It looks like there may be a cost overrun. Yet, Mr. Speaker, this was supposed to be a priority of this government. The whole water issue was supposed to be a priority with regard to the health of what we see.

Yet with what is going on across Canada, with Walkerton and elsewhere in the provinces and other jurisdictions, we are seeing the results of not monitoring our water systems and ensuring the upkeep of the facilities in our communities is being worked on. Yet when we have systems that are breaking down under this government and nothing is being done about it, I for one feel that there has to be something done.

Mr. Speaker, there has been a lot stated with regard to improving the water treatment facilities in our communities. Yet, Mr. Speaker, I believe we are moving too slowly on this matter. I for one feel this government has to do more and they have to be more active in ensuring that we have safe drinking water in the Northwest Territories. With that, I will be asking the Minister questions on this matter. Thank you.

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

Member's Statement on Yellowknife Housing Issues

MR. BRADEN: Thank you, Mr. Speaker. Mr. Speaker, housing in Yellowknife and the Northwest Territories is a constant issue that merits our attention. I would like to again bring attention to it.

Here in Yellowknife, Mr. Speaker, we are fortunate to have a buoyant economy fuelled largely at this time by the diamond industry. Our summer students are generally well employed, but local help wanted ads reflect increasing shortages in the trades and the service industry. Employment initiatives by the Minister of Education, Culture and Employment and public housing approaches by the Minister responsible for the Housing Corporation are welcome, but more affordable housing is urgently needed. Much more needs to be done.

People cannot camp at Fred Henne Park in December, Mr. Speaker. The housing situation in Yellowknife is critical, with less than two percent vacancy rate for rental accommodation. Detached units are virtually unavailable. The shortage of tradesmen is increasingly problematic.

Diavik and De Beers Snap Lake projects have still to come on stream. While the private sector is looking at a level new housing construction, some 60 new units are on stream in Yellowknife. High land and servicing costs, fuel, high taxes and a lack of tradesmen impact diversely on our buoyant economy. I guess we could ask a question, Mr. Speaker, "If we build it, will they come?"

The Housing Corporation should re-examine its administration of public housing to see if there are opportunities for improvement and a more integrated approach. How and for whom can more public housing be made available?

Emergency housing inventories in Yellowknife are over-taxed. I would appeal to the corporation to continue to support and provide immediate funding for the three family units at the YWCA and commit to sit on the Yellowknife Housing Coalition.

Mr. Speaker, our message is that our governments -- municipal, territorial, federal -- and the private sector must work together to remedy not only the increasingly critical short-term housing situation, but also to plan and manage and benefit from the short-and long-term prospects for development in Yellowknife and the NWT. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Braden. Item 3, Members' statements. The honourable Member for Thebacha, Mr. Miltenberger.

Member's Statement on Concerns Regarding Health and Social Services Program Delivery

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, health and social services has been on my mind and on the mind of my constituents quite a bit as of late. Mr. Speaker, I have come to see health and social services like a vehicle. The Minister and the department provide the steering and the engine with their money and their legislation and their regulation. Mr. Speaker, the health boards are the tires. They are where the rubber hits the road. They are what delivers the programs to the people in the communities.

Mr. Speaker, we all know that this vehicle is experiencing some significant mechanical problems. It is burning oil. Its gas mileage is not very good. We are enveloped in clouds of smoke and there is rattling and banging noises as it grinds away trying to take care of business.

Mr. Speaker, unfortunately, rather than going to a qualified, northern, full-service garage, the department decided to go south to a consultant, a specialist. Unfortunately, Mr. Speaker, it turns out that this consultant's specialty was in shredding tires.

Lo and behold, once he looked at the vehicle, he said, "The tires are the problem." As we sit here, coughing and gasping in the smoke, pouring oil and money constantly into the engine trying to keep it running, which seems to spend, with steering problems, a lot of its time going in and out of the ditch.

Mr. Speaker, the people in my constituency are greatly concerned about the state of this vehicle that is so important to them and the programs and services that are so critical to the people of the Northwest Territories. Mr. Speaker, what we are seeing and hearing from the department does not provide much comfort that things are well in hand.

I would hope that the Minister would not be bound to implement the recommendations of her southern consultant and taking things at face value. The people are watching and are not blind. The people are definitely not stupid when it comes to what programs are important to them and how they want to see them delivered in their communities. Thank you, Mr. Speaker.

-- Applause

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

Member's Statement on Plight of Two Hay River Homeless People

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I must say that I am happy to be back here with you and the rest of my colleagues on both sides of the House. I hope that our visit this summer does not last for too long.

Mr. Speaker, I rise today to address an issue that is affecting at least two Hay River residents. I cannot help but notice, Mr. Speaker, how well my colleagues look with the advent of summer upon us. We are all taking the pleasures that our homes provide, whether it be a wonderful barbeque with family, sitting on our backyard deck or a quiet evening with our children.

Mr. Speaker, I am aware that the basic right of society is the right of shelter. Unfortunately, this is not the case for at least two Hay River residents that I referred to. Due to various circumstances, these two people were evicted from public housing in early December. These two people are indigent and, as such, are on income support.

Mr. Speaker, as these people were evicted from public housing, they are only entitled to an allotment from income support of \$32 per month. You cannot even buy a cup of coffee per day, Mr. Speaker, for \$32 per month. These two individuals, Mr. Speaker, are currently being housed in a tent at the Hay River campground and alternately at Louise Falls campground, where they have recently encountered a bear in their camp site, but were unharmed.

Mr. Speaker, I submit to you that these two individuals deserve more from our government than a tent in a campground 40 kilometres away from Hay River. I have contacted several government departments in an attempt to seek a solution to these people's predicament to no avail.

Mr. Speaker, I feel strongly that our government should have some sort of a safety net in place to assist people. It appears that in order to run a proper program for the homeless in our communities, there needs to be dollars made available from this government. There are too many roadblocks put in place to truly assist these people.

Mr. Speaker, in closing, I would like to say that these two individuals in Hay River are in a desperate situation and do need our help. They are not going to go away. We as a government need to assist these people in any way that we can. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Delorey. Item 3, Members' statements. The honourable Member for Tu Nedhe, Mr. Nitah.

Member's Statement on Cuff Report on Health and Social Services

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, there needs to be more ownership at the community level for health and social programs, not less. That is my concern with the recently released Cuff report. What the Cuff report is suggesting is a big step backwards to recentralization of health and social services and programs.

Following the Social Agenda Conference in Hay River -- which stressed communities taking ownership over their social programs and other areas, such as housing -- the Cuff report is saying just the opposite. It flies in the face of what the grassroots people were asking for at the Social Agenda Conference, Mr. Speaker.

While the Social Agenda Conference was a good idea, the timing was bad, Mr. Speaker. It was held just prior to the release of the Cuff report and so conference observers were not acknowledged in the Cuff report. Also, delegates did not have an opportunity to discuss the report.

There should have been significant time for the public to review the report prior to the Social Agenda Conference, or even today. Thirty-three days is not enough, Mr. Speaker. The idea of a community programs and services board is an option that

should be considered. It could incorporate not only health and social services programs but justice, housing and other areas, giving it the economy of scale.

The problem with the Cuff report is it recommends recentralization of services provided by health boards and this does not really address the problem. It only transposes it to another bureaucracy. Will the Minister of Health and Social Services follow the Cuff report recommendations or will she listen to the people of the Northwest Territories who want more control over services and programs at the community level?

Mr. Speaker, I would suggest to the House we not develop capacity by taking responsibilities away from them. In fact, Mr. Speaker, what the Cuff report is suggesting is getting more dependant on this government. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Mahsi, Mr. Nitah. Item 3, Members' statements. The honourable Member for North Slave, Mr. Lafferty.

Member's Statement on Condition of Highway

MR. LAFFERTY: Thank you, Mr. Speaker. My statement today is about the condition of Highway No. 3 from Stagg River to Yellowknife. Since spring, the condition has deteriorated and is now a safety concern. It seems that the maintenance on this stretch of highway, although it is being done, it is not effective.

Mr. Speaker, I have noticed that more time is spent on repairs than on maintenance. I have to say that if more time was spent in early spring on this road in the maintenance part, then we would not have to worry about repairs in the middle of summer.

Mr. Speaker, I will have questions during question period on this matter. Thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Lafferty. Item 3, Members' statements. The honourable Member for Deh Cho, Mr. McLeod.

Member's Statement on Concerns of Workers' Compensation Board Clients

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, I have been a Member of this Assembly for over a year and a half now and, as with my colleagues, I have worked hard to meet the responsibilities of this Assembly and the people of the Deh Cho.

One disturbing trend I have noticed, Mr. Speaker, is that I am spending more and more time advocating on behalf of my constituents who are having problems with the Workers' Compensation Board. It seems, Mr. Speaker, that the way the Workers' Compensation Board deals with its clients can at times be very arbitrary and contrary to due process.

One case that I am aware of, a client has had his amount of compensation lowered three times. Three times, Mr. Speaker, without ever receiving an explanation for the changes. You can imagine the frustration of my constituent.

I get the sense that in some cases, the WCB is assuming that injured workers are trying to rip off the system and consequently make it so hard for the client to access the program that they may go away. I do not mean to slight the staff of the Workers' Compensation Board. They work in very trying conditions and must deal with people who are facing a crisis and may not be at their best. They should be commended.

However, Mr. Speaker, compassion, understanding and consideration have to be provided to the WCB clients. They have to be informed of changes to their benefits prior to their cheques being received. Board staff must assume a less adversarial role in dealing with clients. I am hoping that the review of the Workers' Compensation Board will take into account the views of injured workers who are having problems in accessing benefits and will recommend positive changes. Thank you, Mr. Speaker.

-- Applause

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

Member's Statement on Update on Inuvik Community Activities

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, I would like to give an update on the activities in my community of Inuvik. Mr. Speaker, I have had opportunity to see a lot of activity going on in the construction area -- trucks busy hauling gravel to fill in lots, develop new infrastructure. Mr. Speaker, it has been many years -- over a decade, in fact -- since we have seen this kind of activity in the community, as well as in the region.

Mr. Speaker, it has been a lot of work by a lot of individuals in the community to see some of the projects get off the ground, so to speak. I was able to take part in a ceremony at the female young offenders site, the site blessing. As well, I was able to go for a short little tour of the foundation that is being worked on for the new hospital in Inuvik, which will again benefit the constituents of the region.

Mr. Speaker, one of the things that we must also look at is when development comes at such a fast pace, we must ask ourselves, are we truly ready to meet those demands that are placed on the infrastructure and community and the residents of that community?

Mr. Speaker, we have heard through other conferences of the concern that has been placed on the social systems that we have. I have heard from members of Turning Point as to some of their concerns of trying to address the increased impacts of having more cash flow through the community. There is a good side of development and there is a bad side.

Another side that we have to look at, Mr. Speaker, on the infrastructure side, is from the municipal government side. Mr. Speaker, in trying to develop and be prepared for development as is occurring in the community I represent, the municipality is facing some difficult times in trying to ensure that they are meeting the needs that are being placed on it, from the housing side of the scale as well as from the business side, having

proper industrial lots and development that is going to meet that need.

As well, Mr. Speaker, for example, our sewer systems need to be addressed, as there are more people coming to the community and placing a demand on those services.

Mr. Speaker, hopefully this government will be working with our community to ensure that we are meeting the needs of our residents. With that, Mr. Speaker, I will have questions for the appropriate Minister. Thank you.

-- Applause

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

Member's Statement on Success of the Member's Constituency Web Page

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, on this very beautiful July summer day, when our constituents are, I am sure, out there enjoying the summer in and out of the city, I wonder if I could take this opportunity to update my constituents on the best form of communication that I could suggest, which is my website.

As you will recall, Mr. Speaker, it was launched over a year ago, and I have had much success in communicating with my constituents and informing them about my activities. I could inform you that I have had as high as 500 hits a day and up to 800 during our very busy time of last March.

Mr. Speaker, I would like to inform my constituents again that they could find all of the statements that I make in this House and outside on my website. As well, I have new sections in my website. Called "What's New," I have a detailed report about my schedule, where I have been and where I plan to go. We have also loaded dozens and dozens of photos from all of the events I have been attending. As you know, Mr. Speaker, I have been travelling across the NWT attending assemblies as part of my job as a member of the Special Committee on the Sunset Clause and Self-Government Implementation.

I would also like to inform my constituents about a new section called "Sandy's Library," which is a section where I download documents that I receive as a Member of the Assembly, where there is no encumbrance with copyrights or anything like that.

Mr. Speaker, I would just like to thank those who have visited my site and have provided me with positive comments that encourage me and my staff to work hard to keep our site current and fresh.

I would also like to take this opportunity to thank my CA, Stephen Dunbar, a summer student who has worked really hard to make my website the vision that I have for it. As well, I also have a summer student, Ryan Chenkie, who is a grade 9 student who is a computer whiz. He has helped a lot as well. It is Stephen's birthday today, so I would like to wish him a happy birthday as well. Thank you.

-- Applause

MR. SPEAKER: Thank you, Ms. Lee. I think there was probably about three subjects in there. I would like to remind Members that Member's statements should stick to one

subject. Item 3, Members' statements. The honourable Member for Yellowknife Centre, Mr. Ootes.

Member's Statement on Tribute to Tom Eagle

HON. JAKE OOTES: Thank you, Mr. Speaker, and good afternoon, colleagues, and welcome back. Mr. Speaker, today I would like to speak about a fine and exemplary citizen of Yellowknife who has worked north of 60 both for pay and as a volunteer, and has benefited so many people here in the North for the past 30 years. Tom Eagle came to the NWT in 1971 as a military man in charge of setting up cadet corps in the NWT and the Yukon. He was part of a contingent of military people chosen for transfer to the North, based not only on their military standing, but also because of their volunteer involvement.

The intent was to have the military presence create a positive impact on the North. Tom says he cannot thank the Armed Forces enough for bringing him to the NWT.

While serving with the forces here, Tom was instrumental in establishing cadet corps in Yellowknife and in other communities in the NWT, Yukon, and what is now Nunavut.

Following his retirement from the Armed Forces, with 25 years of service, Tom became Commissioner Hodgson's assistant for five years. He says he thinks back to working with the commissioner with great pleasure, not only because of the work itself, but because it gave him an opportunity to visit every community across the Arctic and begin treasured friendships with many people, including most of the leaders of today.

Tom then went on to work for the Government of the Northwest Territories for a number of years, during which time he took on several tasks, including helping to set up the NWT Housing Corporation, the political development of aboriginal people, and helping youth to become organized.

From the time of his arrival in the North, Tom was involved as a volunteer on the board of the Tree of Peace Friendship Centre. The accomplishments from those early days include the purchase of the present Tree of Peace building, the taking over of the Camp Antler program, the formation of the business arm of the Tree of Peace, and the setting up of adult education at alcohol and drug and employment outreach programs.

Tom was part of the establishment of friendship centres in Fort Rae, Hay River, Rankin Inlet, Fort Simpson, Fort Smith and Fort Providence. He also served a two-year stint as president of the National Association of Friendship Centres.

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

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

HON. JAKE OOTES: Thank you, Mr. Speaker. Thank you, colleagues. In 1989, Tom became the executive director of the Tree of Peace and, with the support and help of other board members and staff, took on a bigger role in a number of the Tree's significant developments and milestones.

He continued to stress the importance of preserving, protecting and enhancing aboriginal cultures and languages. An alcohol

and drug program for youth was started. A very significant accomplishment was the establishment of a permanent Aboriginal Friendship Centre program with core funding under the federal government's Canadian Heritage Department.

Tom left his job at the Tree of Peace at the end of last month, but he insists he has not retired. He left because of his health, which he is now concentrating on regaining. He does not know, or at least is not saying, what he will do next, but I think we can be assured, Mr. Speaker, that it will be something extremely worthwhile to the Northwest Territories and to its people. I am sure many people in the NWT and Nunavut join me in expressing my thanks to Tom Eagle and in wishing him a speedy recovery of his health. Tom is with us in the gallery here today, Mr. Speaker. Please help me give him a big thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Ootes. Item 3, Members' statements. Item 4, returns to oral questions. The honourable Member for Nunakput, Mr. Steen.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return to Oral Question 13-14(4): Access to Highway Maintenance Records

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I have a Return to an Oral Question asked by the Member for North Slave on June 6, 2001. The Member asked why the Department of Transportation considered highway maintenance records confidential, and I replied that I would get back to the Member with the information at a later date.

The short answer to the Member's question is that the department's highway maintenance records are not confidential. The department's maintenance staff keep daily logs, including a highway surface report that, like a weather report, records the condition of the highway surfaces on the beat for that day.

In the coroner's report resulting from an accident fatality on Highway No. 3 of August 4, 2000, the coroner directed the following recommendation, amongst others, to the Department of Transportation:

"Road maintenance records be available for future use.

Rationale: The coroner felt that access to road maintenance records was inadequate. It was felt that such records should be readily available for review by investigators."

In his investigation of the August 4, 2000 highway fatalities, the coroner met with the department's director of highways on April 27, 2000. In their conversation, the coroner and the director discussed many aspects of Highway No. 3, including its maintenance. The coroner asked for the highway maintenance records for Highway No. 3 and the director agreed to provide them. The director did not sense any urgency in the coroner's request, and did not attach a high priority to collecting and forwarding the maintenance records. Neither did the coroner make a subsequent request for the records to remind the director of his commitment.

As it was, the coroner's office completed its investigation of the fatality and released his report on May 24, 2001, without the benefit of having received the requested maintenance records.

The department had not intended to withhold the maintenance records; it simply did not appreciate how soon the coroner's office expected them and did not provide them as promptly as it might have.

This misunderstanding and the recommendation in the coroner's report had nothing to do with the Access to Information and Protection of Privacy Act or the confidentiality of highway maintenance records. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister Steen. Item 4, returns to oral questions. The honourable Premier, Mr. Kakfwi.

Return to Question 60-14(4): Regional Reorganization Planning

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, on June 12, 2001, the honourable Member for Inuvik Boot Lake asked whether the creation of new positions planned for or currently working in the Intergovernmental Forum Secretariat in relation to the regional reorganization initiative have been approved through the budgeting process.

Mr. Speaker, there have been no new positions created to coordinate the regional reorganization initiative. The Intergovernmental Forum Secretariat was created at the beginning of the 14th Legislative Assembly to coordinate this government's participation in the Intergovernmental Forum process and to assist in building stronger intergovernmental relationships with emerging aboriginal governments. At its inception, the secretariat consisted of three positions; a special advisor to Cabinet, a policy advisor and an administrative support position.

With regard to the regional reorganization initiative, the director of regional relations was tasked with coordinating this initiative at the beginning of the 14th Legislative Assembly. This position was also established at the beginning of the 14th Assembly to coordinate other regional initiatives, such as our work in support of the Beaufort Delta Political Accord. In order to provide the appropriate level of direction and support for this important initiative, the position now reports to and receives administrative support from the Intergovernmental Forum Secretariat.

Mr. Speaker, in summary, all four of these positions were created through the 2000-2001 budget process. Furthermore, no new positions have been created within the Intergovernmental Forum Secretariat, nor are any planned at this time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Kakfwi. Item 4, returns to oral questions. The honourable Minister responsible for the Department of Health and Social Services, Mrs. Groenewegen.

Return to Oral Question 89-14(4): Linking Reorganization and Restructuring Initiatives

HON. JANE GROENEWEGEN: Mr. Speaker, I have a Return to Oral Question asked by Mr. Miltenberger on Thursday, June 14, 2001, regarding linkages between regional reorganization, regional governance and the recently released Report on the

Health and Social Services System of the Northwest Territories.

As Members are aware, the Department of Health and Social Services is seeking public responses to this report. The responses received will be an important factor in helping shape the implementation action plan. In addition, department and board staff are analyzing the recommendations and consulting with other government departments to ensure that all relevant factors are considered.

Two critical components to be considered in this analysis are the work that is currently underway regarding regional reorganization and regional governance issues, particularly as they relate to aboriginal self-government. These will provide the context within which specific recommendations are considered and around which an action plan is developed.

At this stage, we are unable to be specific regarding details of timing but will ensure that Members are kept informed of progress. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Minister. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. The honourable Member for Yellowknife Centre, Mr. Ootes.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, a few minutes ago I had an opportunity to speak about Tom Eagle and I would like to recognize him in the gallery today. I have known Tom for many years and I have admired the work he does and what he stands for as an individual. Please help me welcome Mr. Tom Eagle.

-- Applause

MR. SPEAKER: Thank you, Mr. Ootes. Welcome to the gallery, Mr. Eagle. No stranger to the Legislative Assembly, he has been here many, many times. Thank you for coming. Item 5, recognition of visitors in the gallery. The honourable Member for Sahtu, Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, we have a special visitor from Ontario today who I would like to recognize. This is Mr. Jim Taylor, the father of April Taylor, the director of communications in the Department of the Executive, who will be getting married on Saturday of this week. Mr. Jim Taylor.

-- Applause

MR. SPEAKER: Welcome, Mr. Taylor. Item 5, recognition of visitors in the gallery. The honourable Member for Great Slave, Mr. Braden.

MR. BRADEN: Mr. Speaker, I too would like to recognize someone who has served our community extensively. I would like to recognize Mrs. Josie Gould. Josie recently retired with 33 years of public service to various departments including that of the Commissioner; Personnel; Resources, Wildlife and Economic Development; Legal Aid; and Safety and Public Services. Josie was one of the founding members of the Union of Northern Workers. Indeed, her involvement goes back to 1970 when she was the first secretary treasurer of Local 1.

In her 33 years, she has made a tremendous contribution to our community, our public service, her union and volunteer organizations. We wish her well in her retirement. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Braden. Welcome, Mrs. Gould. Item 5, recognition of visitors in the gallery. The honourable Member for Nunakput, Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize two people from my constituency, Blake and Violet McSanna. Mr. Speaker, Blake is a mechanic by trade and is now employed in Nunavut. Violet Pukus-McSanna is a member of the RCMP and served for many years in the Tuktoyaktuk and Inuvik area and is serving now in Nunavut as well, I believe. I would like to welcome them to the Assembly.

-- Applause

MR. SPEAKER: Thank you, Mr. Steen. Item 5, recognition of visitors in the gallery. Welcome to all of the folks who have come to take the time to see your Legislative Assembly. Item 6, oral questions. The honourable Member for North Slave, Mr. Lafferty.

ITEM 6: ORAL QUESTIONS

Question 94-14(4): Highway No. 3 Reconstruction

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Minister of Transportation, the Honourable Vince Steen. In May, I had a conversation with the Minister about Highway No. 3 and the poor condition it was in. The Minister stated that the department had the expertise to maintain and repair highways. I would like to ask the Minister, when will the department put their expertise to work and repair the highway, bringing it back to a safe condition? Thank you, Mr. Speaker.

-- Applause

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

Return to Question 94-14(4): Highway No. 3 Reconstruction

HON. VINCE STEEN: Thank you, Mr. Speaker. I thank the Member for showing support for the department's expertise. The department has been applying its expertise, I might say, all along. However, we have to take into consideration -- and I am sure the Member will take this into consideration as well -- the fact of the amount of traffic on Highway No. 3. There are also a number of occasions when the weather is so wet that it causes a lot of problems for the maintenance of Highway No. 3.

The department does try to counteract this impact of the environment on the highways and increase the amount of maintenance on this particular stretch of highway to offset the impact of the weather. It is not always possible for us to do this in a manner that the public would prefer to see because we do have other sections of highway to maintain as well.

In short, the department is applying its expertise on an ongoing basis. Thank you.

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

Supplementary to Question 94-14(4): Highway No. 3 Reconstruction

MR. LAFFERTY: Thank you, Mr. Speaker. On the same day I spoke to him about the condition, I tried to give the Minister some pointers for his department but he informed me that the department runs itself. I would like to ask the Minister what he meant by that. Thank you, Mr. Speaker.

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

Further Return to Question 94-14(4): Highway No. 3 Reconstruction

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I believe what I meant by that was that we allow managers to manage. It would not be appropriate for me as Minister to go down there and start supervising the maintenance of Highway No. 3. We have people hired for that. I believe in letting people do their jobs, including my equipment operators.

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

MR. LAFFERTY: Thank you, Mr. Speaker. I am glad the Minister informed me that the Minister still runs that department. I would like to ask the Minister, regarding our conversation, if the priorities of highways have changed since our conversation in May. Thank you.

MR. SPEAKER: Mr. Lafferty, I am going to have to rule your question out of order. I do not think it is appropriate to discuss conversations that may or may not have taken place. Perhaps you would like to rephrase that question in such a way that you can ask a question related to the Minister's portfolio rather than personal conversations you may have had with him. Mr. Lafferty.

Supplementary to Question 94-14(4): Highway No. 3 Reconstruction

MR. LAFFERTY: Thank you, Mr. Speaker. I would like to ask the Minister if the department's priorities have changed since May of 2001. Thank you, Mr. Speaker.

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

Further Return to Question 94-14(4): Highway No. 3 Reconstruction

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I am not aware that the department has changed its priorities since May. We still respond, as I said earlier, to conditions on highways and we direct our forces where we see a need. Thank you.

MR. SPEAKER: Thank you, Minister Steen. Your final supplementary, Mr. Lafferty. No supplementary? Item 6, oral questions. The honourable Member for Frame Lake, Mr. Dent.

Question 95-14(4): Wildlife Management Regulations

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, my questions today are for the Minister responsible for Resources, Wildlife and Economic Development and have to do with regulations under the Wildlife Act. Mr. Speaker, I would like to ask the Minister why, in the regulations under the Wildlife Act, are there different wildlife management areas?

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Return to Question 95-14(4): Wildlife Management Regulations

HON. JOE HANDLEY: Thank you, Mr. Speaker. We have a very comprehensive system of wildlife management. It includes licences, tags and quotas, hunting seasons and management zones. Management zones are then divided up. In fact, we have units that are consistent with the land claims areas in order to facilitate managing wildlife consistently with land claims agreements.

We have zones that are major ecological areas and those are in place. That is what the Member referred to. These are there to manage wildlife within those areas, but an ecological zone...I mean, for example, Mackenzie Mountains or the barren ground areas.

Then we have what we call areas. Areas are in place to manage specific species. These are tools used by our department to ensure that we are not over-harvesting any species. Thank you.

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

Supplementary to Question 95-14(4): Wildlife Management Regulations

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, is the purpose similar for quotas and the numbers of hunting tags that are issued to resident hunters? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 95-14(4): Wildlife Management Regulations

HON. JOE HANDLEY: Thank you, Mr. Speaker. Yes, as I mentioned earlier, tags and quotas are another way we use to manage the number of animals that are going to be harvested each year. We can do that. It varies year by year and species by species. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Supplementary, Mr. Dent.

Supplementary to Question 95-14(4): Wildlife Management Regulations

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, is the Minister confident that wildlife populations and the harvest of

wildlife in the Northwest Territories is adequately monitored to ensure that animal populations stay healthy? Thank you.

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 95-14(4): Wildlife Management Regulations

HON. JOE HANDLEY: Thank you, Mr. Speaker. Yes, I am reasonably confident that our management systems are working well within the means we have to do it. I am sure there are always ways we could improve it if we had the resources to do that.

Also, in addition to a Wildlife Act, we are also working on species at risk legislation. I think all in all, the measures taken in the Northwest Territories are as good or better than we would find in any other jurisdiction in Canada. Thank you.

MR. SPEAKER: Thank you, Mr. Handley. Final supplementary, Mr. Dent.

Supplementary to Question 95-14(4): Wildlife Management Regulations

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, I am pleased to hear about the stringent requirements for wildlife management in the Territories. Could the Minister outline what sort of process is used when determining whether changes should be made to the number of tags or the wildlife management areas or zones? Is it something that residents can request changes, or is this entirely dictated by the health of animal populations?

MR. SPEAKER: Thank you, Mr. Dent. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 95-14(4): Wildlife Management Regulations

HON. JOE HANDLEY: Mr. Speaker, we use each of a number of ways of managing wildlife. First of all, certainly information that we get from harvesters is important in terms of the number of animals that are taken, and I refer both to aboriginal harvesters as well as just sport hunters. We also know, from quota information, the number of licences that have been taken out. As well, our biologists are collecting information. Certainly there is opportunity for anyone who feels that the quotas are either too generous or too stringent to provide us with that advice and the reasons why they feel that way. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Question 96-14(4): Development Costs in Inuvik

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement, I referenced the activities going on in my community, the development as well as the impact of that development, good and bad.

Mr. Speaker, my question would be directed to the honourable Minister responsible for Municipal and Community Affairs. In the area of community supports, one of the impacts of the development that is going on in the region and in my community is, how will the municipality itself be able to deal with the demands placed on its services and its infrastructure?

I know there is a difference between tax-based and non-tax-based, and knowing that, for example, if the community is going to develop lots for homes and houses in Inuvik, that taxpayers are going to front that through a debenture. However, sometimes, as has been experienced in the community of Inuvik, a large development is done and things collapse.

I would like to know if the department is doing any work to help communities that are finding themselves in the place of having huge demands placed on their resources. Thank you.

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

Return to Question 96-14(4): Development Costs in Inuvik

HON. ROGER ALLEN: Thank you, Mr. Speaker. I am pleased to acknowledge the problems that the community is experiencing in terms of its funding capabilities. Yes, we have been in consultation with the community in terms of trying to identify where this government can help out. An example is the Northwest Territories Housing Corporation has stepped in and purchased a number of lots, helping the community raise some funding so they can further develop other projects. From that perspective, Mr. Speaker, we have been trying to keep our level of involvement with Inuvik fairly high. Thank you.

MR. SPEAKER: Thank you, Minister Allen. Supplementary, Mr. Roland.

Supplementary to Question 96-14(4): Development Costs in Inuvik

MR. ROLAND: Thank you, Mr. Speaker. Has the department been doing work in the area of water and sewer as well to ensure that the community can meet the demands that are placed on it as development progresses? Thank you.

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

Further Return to Question 96-14(4): Development Costs in Inuvik

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, as you are aware, the department has put water and sewer projects as a priority of the department. We at times fund on a 50/50 basis, so we are again at that limit to assist that community. Thank you.

MR. SPEAKER: Thank you, Minister Allen. Supplementary, Mr. Roland.

Supplementary to Question 96-14(4): Development Costs in Inuvik

MR. ROLAND: Thank you, Mr. Speaker. Can the Minister inform us as to any areas that community governments can tap into from the department if they are going to do any large developments, especially referring to tax-based municipalities? Thank you.

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

Further Return to Question 96-14(4): Development Costs in Inuvik

HON. ROGER ALLEN: Thank you, Mr. Speaker. Again, the tax-based communities are expected to fund their own projects, but this time we are again in consultation with the tax-based municipalities who are under severe impacts. We will continue to speak to them and ensure that we will be able to be in a position to assist once those specific projects are identified. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. No supplementary. Item 6, oral questions. The honourable Member for Deh Cho, Mr. McLeod.

Question 97-14(4): Support for Mackenzie Valley Pipeline

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Premier regarding the pipeline. Since the meeting in Fort Liard a year and a half ago, there has been a lot of discussion on the pipeline. Our Premier has been very busy lobbying and promoting the pipeline in the North. However, as a Regular MLA, I have not been asked for my input on this issue and there has been no vote taken in this House regarding a pipeline.

Since this Assembly really has no say in the direction of where the pipeline will take place, I would like to ask the Premier, where is he getting his direction from? Who is setting the mandate to actively promote and lobby for a pipeline? Thank you.

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

Return to Question 97-14(4): Support for Mackenzie Valley Pipeline

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. There has been agreement, I believe, by this Legislature that we will proceed with development in a well thought-out way. That is reflected in the agenda. I believe there was support following the unanimous motion of support given by the aboriginal leadership in January of 2000. There was a direction of support given by this Legislature in March, I believe, but we would have to look back on the Hansard for that statement of support.

I have taken the unanimous motion, which was followed by signatures of every chief and Metis and Inuvialuit leader in the Northwest Territories, in support of the motion that came out of Liard in January of 2000. It was followed by a memorandum of understanding in June that led to the establishment of the Aboriginal Pipeline Working Group.

That has been the mandate and the direction that I have followed. I believe I have followed it very well. Thank you.

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

Supplementary to Question 97-14(4): Support for Mackenzie Valley Pipeline

MR. MCLEOD: Thank you, Mr. Speaker. As the Premier has indicated, the aboriginal leaders declared unanimous support in January, 2000. However, since that time, some regions and communities have voiced concern, especially from the Deh Cho and some from the Sahtu, over the issue of the pipeline. I would like to ask the Minister if he is going to continue to lobby and promote a pipeline without full support at any cost on this issue. Thank you.

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

Further Return to Question 97-14(4): Support for Mackenzie Valley Pipeline

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I take the motion from Fort Liard as a credible motion. It was done, I have always said, at a moment when unanimously united, the aboriginal leaders demonstrated an extremely high level of confidence. They proposed to work towards a pipeline, without articulating all the terms and conditions under which they would propose such a project. I have always said that I think it points to the high level of confidence that this demonstrated amongst the aboriginal leadership.

Since then, I have seen the level of confidence has perhaps diminished among some of the leaders in the Deh Cho. It is still unprecedented, in my view, that for well over a year and a half, that level of confidence was demonstrated.

The Deh Cho has indicated that they are now apparently no longer for or against, but have said that they have some terms and conditions before they would be willing to support development of a pipeline. There is still an application yet to be made of anyone proposing to build a pipeline. The terms and conditions that the Deh Cho articulated two years ago are terms and conditions that I think this government will support and will work with the Deh Cho to achieve.

While some leaders in the Deh Cho may have indicated they are no longer as supportive as they were, we do not see this as any reason to continue anything but full support for seeing the development of an application to build a pipeline down the Mackenzie Valley. Once an application is made, I believe everyone will come out with their terms and conditions under which that application should be considered. Anything before is simply pre-empting the process. Thank you.

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

Supplementary to Question 97-14(4): Support for Mackenzie Valley Pipeline

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, we now have two groups in the Northwest Territories with two different concepts of ownership. We have the Aboriginal Pipeline Group and the Arctic Resources Group. They are both promoting two

different concepts of ownership of how these pipelines should be owned. This government has a policy regarding market disruption. I would like to ask the Premier if this will cause a problem with funding in the future as there are now two groups.

MR. SPEAKER: Thank you, Mr. McLeod. I would be cautious about the type of question. I think you are looking at a response that the Minister will have to look into the future for. I will allow you to rephrase that, if you wish, Mr. McLeod, so it is not a hypothetical question.

MR. MCLEOD: Thank you, Mr. Speaker. I will ask a different question. The decision to build a pipeline will be a private sector decision made by the producers. However, it is important that we maintain the unity we had in January. I would like to ask the Minister if he has any plans on how to bring the aboriginal groups back together. Thank you, Mr. Speaker.

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

Further Return to Question 97-14(4): Support for Mackenzie Valley Pipeline

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. The aboriginal leadership had followed their motion in Fort Liard of January, 2000, with a subsequent decision in June, which saw the mandate of a special group that would look at the business terms and conditions under which to partner with possible groups to see the development of a proposal for a pipeline that could be then seen through the filing of an application. The pipeline working group has a political mandate, and it has been duly mandated by the aboriginal leadership of the Northwest Territories. So this government has given support to that.

The aboriginal pipeline working group has worked specifically with the Delta producers to bring Canadian Delta gas within the Northwest Territories down the Mackenzie Valley.

There is another proposal being bandied about publicly. We have never seen any documentation giving any credibility or substance to it, which suggests that if they could ever get it, they would like to take Alaskan gas down over the top and down the Mackenzie Valley. That is a different proposal altogether.

There is no identifiable group proposing this. It is seen as a largely private initiative by some individuals, all on the assumption that it could be financed and that there is merit in looking at 100 percent ownership by aboriginal groups, and that it is all predicated on the assumption that the Alaskan producers will allow their gas to be put into such a pipe. It is a different scenario and a different proposal altogether. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. Final supplementary, Mr. McLeod.

Supplementary to Question 97-14(4): Support for Mackenzie Valley Pipeline

MR. MCLEOD: Thank you, Mr. Speaker. I would like to ask a question on the funding again. There are now two groups out there promoting a pipeline. Will this government be funding both organizations?

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

Further Return to Question 97-14(4): Support for Mackenzie Valley Pipeline

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. The Minister of Resources, Wildlife and Economic Development is the Minister that is responsible for dealing with these types of issues, but in our view, and I think it has been said that there is no other group out there that has the endorsement of the majority of the aboriginal leadership. There is no mandate. There is no credibility given at this time to another group for whatever proposal.

We have talked to some sources in Ottawa, the producers of the Alaskan gas field, as well as the Delta producers, the oil and gas and the pipeline companies in Calgary, and none of them, as far as we know, give any credence or credibility to this other proposal, if you want to call it that.

At this time, we believe it is imperative that all of us continue to encourage the producers and the aboriginal groups to work to develop a single proposal to bring Delta gas down the Mackenzie Valley as soon as possible under terms and conditions that the aboriginal groups will continue to support. Once an application is made, it will become important that we stay united to make sure that there is an application made to bring Canadian gas, Delta gas, NWT gas, down the Mackenzie Valley as soon as possible.

I believe that once that is secured, then it will become economically and politically more viable for the Alaskan producers to suggest that since a pipeline is possibly and potentially going to be built down the Mackenzie Valley in any event, they would propose to support it. They would see that a pipeline is going to be built anyway and that it would be more economical for them to link up with the proposed Mackenzie Valley route to bring their gas to market.

That is the thinking, and that anything else that would delay getting our act together, anything that would look like we are fractured and divided, we are running around in circles, will certainly give the Alaskan politicians an upper hand. In the end, I think that would completely do a disservice to everyone in the Northwest Territories. Thank you.

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

Question 98-14(4): Water Quality in the Mackenzie Delta

MR. KRUTKO: Thank you, Mr. Speaker. My question is for the Minister responsible for Health and Social Services, and is regarding my Member's statement and the concerns by residents of the Mackenzie Delta about the lack of an environmental health officer in the region to ensure that the health of the residents of the Mackenzie Delta is being looked at.

The concern I have is more with regard to the water quality. As we all know, there is a high trace of THMs, or trihalomethanes, in Fort McPherson. There are also chemicals in other communities, such as Aklavik, with H. pylori, which is another carcinogen that has been traced in their water system. In the last number of months, there have been some high traces of

iron, magnesium and the colouring of the water in the community of Tsiigehtchic, which in most cases is pretty yellow. Trying to drink that every day is a concern.

Mr. Speaker, I would like to ask the Minister of Health exactly what is her department doing to ensure that we have people who hold senior positions, such as environmental health officers, on site. What do you do when someone resigns, quits, or whatever, to ensure that there are people out there looking after the health and well-being of the residents? Can the Minister answer that?

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

Return to Question 98-14(4): Water Quality in the Mackenzie Delta

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, the Departments of Health and Social Services; Public Works and Services; and Municipal and Community Affairs have taken initiatives to improve the coordination and delivery of water-related services. These three departments together have reviewed the roles and responsibilities of all organizations, including government departments, water boards and communities involved in the provision of drinking water.

The review was completed in April. Public Works and Services is now focusing on the provision of small water system operator training and certification, with particular emphasis on the training and certification of the uncertified operators in the smaller communities of Aklavik, Tsiigehtchic, Jean Marie River and Lutselk'e. The training certification session has been scheduled for May and June in Yellowknife and Inuvik. Those are some of the initiatives we have undertaken to try to address the issue of the quality of water supply. Thank you.

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

Supplementary to Question 98-14(4): Water Quality in the Mackenzie Delta

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, it sounds great coming off a piece of paper, but actually the problem we have here is that we have a senior person within the Department of Health and Social Services, an environmental health officer whose responsibility is to ensure the health and well-being of our residents is being looked at. In the case of Inuvik, they have not had an environmental health officer there for some three months, I believe.

With the shortage of nurses in our communities now being compacted with this, what is the department doing to ensure that the health and well-being of our residents is being looked at to ensure that the quality of water and the health in our communities are living up to the standards they should be?

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

Further Return to Question 98-14(4): Water Quality in the Mackenzie Delta

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, with respect to the staffing of the position of environmental health officer for the Inuvik region, I would have to undertake to speak to the department to find out: what the status of that staffing is; if it is not occupied, why it is not; and if there are any prospects on the horizon for someone to fill that job, and then report back to the Member. Thank you.

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

Supplementary to Question 98-14(4): Water Quality in the Mackenzie Delta

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I think this issue is urgent. We have shortages of doctors and nurses in our communities. This position falls in line with a doctor or a nurse, and I think it is important that when we have these vacancies, where you have people who are responsible for the health and well-being of our residents, that those positions be filled.

In this case, the Minister said that she would get back to me. I have spoken to the director of the health and social services board in Inuvik, I have spoken to people in Public Works. Public Works has not received any direction to do any water sampling in the last few months, so who is doing those samples and ensuring the analysis is done to ensure the water is safe in our communities?

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

Further Return to Question 98-14(4): Water Quality in the Mackenzie Delta

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, certainly the environmental health officer does have a role to play in terms of the monitoring that is ongoing. As I stated before, the only thing I can do to respond to the specific information that Mr. Krutko is providing, that there has been a lapse in the monitoring of the water supply, is to take that information and ask my department to check into this to verify whether this is the case or not. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Before I go into the next supplementary, Mr. Krutko, I just want to remind Members that questions should be short and to the point, and answers should be short and to the point, within reason. The Chair has been quite lenient, but the time for question period is going very quickly and we are not going anywhere. With the number of people who are on the list, please keep your questions short and to the point, and answers short and to the point. This is according to your rules.

Final supplementary, Mr. Krutko.

Supplementary to Question 98-14(4): Water Quality in the Mackenzie Delta

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, is there anything that the Minister can do to find someone, either in Yellowknife, who may have surplus staff and have someone

else out there to fill this position in the interim, to get someone up there right away and check the status of our drinking water in our communities? Can the Minister commit to moving on this right away and find people who can be in the region taking a look at the quality of the water in our communities?

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

Further Return to Question 98-14(4): Water Quality in the Mackenzie Delta

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Based on the information that I will get from the department on what the status is of the sampling that is required to be done by the regional environmental health officer, pending the outcome of what that information is -- and I am not disputing that the Member may be correct, I do not have that information with me -- if this is the case, there are some things we can do to address the information in the short term and perhaps in the longer term.

There may be some resources here where we could have people go in. That is not the long-term solution. The long-term solution would be to have that position staffed. There are also things that we can do for the department in terms of our recruitment and retention unit, which may help the Inuvik region identify a person for this position. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Item 6, oral questions. The honourable Member for Great Slave, Mr. Braden.

Question 99-14(4): Adoption by Same-Sex Couples

MR. BRADEN: Thank you, Mr. Speaker. My question is for the Minister responsible for Health and Social Services. It concerns the area of same-sex benefits. Two of the constituents in my riding of Great Slave, a same-sex couple, are concerned about the security of their family. They are seeking to have legal recognition of their rights and responsibilities to share equally in the raising of their family.

My question for the Minister, Mr. Speaker, is that in light of the response that they have had from the director of adoptions, refusing them this right under our present Adoptions Act, is the Minister prepared to bring forth an amendment to the Adoptions Act to allow same-sex couples to adopt? Thank you.

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

Return to Question 99-14(4): Adoption by Same-Sex Couples

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, the Member is right that our definition of spouse in the Adoption Act does state either of a man and a woman who are married or cohabitating. It does not provide for same-sex couple adoption.

This has resulted in the lobbying and the information on the constituents that Mr. Braden refers to being made public. It would appear that courts in other jurisdictions have made decisions already with respect to these matters.

We probably have more legislation within the government that relates to the same subject. What I am hoping to do is have a discussion with my Cabinet colleagues on this so we might take a comprehensive and coordinated approach, not just to the adoption legislation on a piecemeal basis, but also review what other legislation may not be in keeping with new legal precedents which have been established in other jurisdictions. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Supplementary, Mr. Braden.

Supplementary to Question 99-14(4): Adoption by Same-Sex Couples

MR. BRADEN: Mr. Speaker, given, as the Minister has referred to, the fact that other jurisdictions in Canada and indeed the Supreme Court of Canada has ruled that the definition of spouse must guarantee under the Charter of Rights and Freedoms, freedom from discrimination against sex, is the Minister saying that this government still has to consider whether it will consider this amendment? Thank you.

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

Further Return to Question 99-14(4): Adoption by Same-Sex Couples

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, this is, as I said, an issue of legislation that covers more than one department. It is an interdepartmental issue. What I have said is we believe that our legislation may not be presently up-to-date and in keeping with precedents that have been set in other jurisdictions. Cabinet needs to decide what the appropriate course of action is to take at this time in relation to that matter. This is something we will discuss and identify where our legislation may be out of step. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Supplementary, Mr. Braden.

Supplementary to Question 99-14(4): Adoption by Same-Sex Couples

MR. BRADEN: Mr. Speaker, I certainly agree with the Minister. This is not an isolated area. There are a number of acts. My understanding is that it needs to be addressed not only in her department, but in others. My question would be, when can this House expect to hear at least a progress report, if not wording, for an amendment? Thank you.

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

Further Return to Question 99-14(4): Adoption by Same-Sex Couples

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, I would propose that the Cabinet would consider the review of all of this legislation, and I would propose to bring it up at the next available opportunity with Cabinet. Thank you.

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

Supplementary to Question 99-14(4): Adoption by Same-Sex Couples

MR. BRADEN: Mr. Speaker, other jurisdictions have dealt with this issue, regrettably and unfortunately, through the courts. My final question would be, is the Minister aware of any court action that is now underway, or perhaps is being considered, against this government that will force us to comply with this rule? Thank you.

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

Further Return to Question 99-14(4): Adoption by Same-Sex Couples

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, I am not aware of any formal legal action which is pending at this time with respect to the issues Mr. Braden raised today. Thank you.

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

Question 100-14(4): Responsibility for Social Housing

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement, I referred to a situation in Hay River with homelessness. I would like to thank the Minister of Housing, Mr. Roger Allen, for his continued support and willingness to address this issue in Hay River.

Every time we try to address the issue, there seems to be roadblocks, whether it is from Health and Social Services or Education, Culture and Employment, or local government. There seem to be roadblocks coming up where we cannot put any finality to the situation.

I would like to ask the Premier if he could tell us who is ultimately responsible for homelessness in the Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The question is directed to the honourable Premier, Mr. Kakfwi.

Return to Question 100-14(4): Responsibility for Social Housing

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I believe that the Minister for the Housing Corporation, Mr. Roger Allen, is responsible for that under social housing. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Are you instructing the Chair to recognize the honourable Minister, as is your prerogative? Then we will take that as the answer. Supplementary, Mr. Delorey.

Supplementary to Question 100-14(4): Responsibilities for Social Housing

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, at the present time, these individuals are being housed in a campsite in tents. I was wondering if the Minister could inform this House if he figures this is an acceptable situation for these people? Thank you, Mr. Speaker.

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

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, I thought the question was directed to the Minister and not the Premier, but in any case, I would like to refer the question to Minister Allen, since he is more informed as it is his responsibility. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. The Premier is exercising his prerogative to have the Minister responsible for Housing to respond to the question. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 100-14(4): Responsibilities for Social Housing

HON. ROGER ALLEN: Thank you, Mr. Speaker. I would just like to confirm that yes, we have been responding to all communities' concerns across the Northwest Territories with respect to the homelessness issue. We have been going to the communities to discuss some of the options and some of the solutions that we see as necessary to respond accordingly.

The Member is correct. We are trying to work with the local community government to ensure that we are responding accordingly and we will continue to do so. Thank you.

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

Supplementary to Question 100-14(4): Responsibilities for Social Housing

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, these individuals were evicted from public housing and are now receiving income support in the form of \$32 a month. I was just wondering, Mr. Speaker, what this \$32 a month is supposed to represent, seeing as how it is such a low amount. What is this \$32 a month supposed to address? Thank you, Mr. Speaker.

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

Further Return to Question 100-14(4): Responsibilities for Social Housing

HON. ROGER ALLEN: Thank you, Mr. Speaker. This is a question that is directed to me, but that is an Education, Culture and Employment issue. Income support comes under that jurisdiction. Thank you.

MR. SPEAKER: Thank you, Minister Allen. Your final supplementary, Mr. Delorey. The Minister did answer, in a fashion.

Supplementary to Question 100-14(4): Responsibilities for Social Housing

MR. DELOREY: Thank you, Mr. Speaker. I guess it goes back to my original question and why I had directed it to the Premier, because therein lies the problem. Part of it is Health and Social Services; part of it is Education, Culture and Employment, part of it is Housing, and nobody seems to be able to take the ultimate responsibility for this. Thirty-two dollars a month, Mr. Speaker, is a very low amount for anybody to do anything with.

There is also the fact of the policy. When do these people become eligible for fair market value equivalent for their housing needs? I would like to ask that question next, Mr. Speaker, to whoever wants to answer it.

MR. SPEAKER: Thank you, Mr. Delorey. The question would appear to be directed to the Minister responsible for Housing, Mr. Allen.

Further Return to Question 100-14(4): Responsibilities for Social Housing

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, we would take the responsibility of trying to house the homeless people. We have been doing that. It works well in some communities. It does not work so well in others. We have been working with NGOs across the Northwest Territories to ensure that they are given adequate housing and that some of their basic needs are met.

Unfortunately, we cannot respond in the context of income support, but in terms of housing, we can and we have been doing that in consultation with the Members of this House, as well as the communities who are adversely affected by the increasing number of homeless people. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Thebacha, Mr. Miltenberger.

Question 101-14(4): Health Services Reorganization Plan

MR. MILTENBERGER: Thank you, Mr. Speaker. My questions are addressed to the Minister responsible for Health and Social Services, regarding her written reply and the Cuff report.

Mr. Speaker, the people in my community get the sense that the department is just going through the motions in terms of looking for legitimate feedback in terms of the Cuff report, and that the plans are already in the works to implement and carry out the recommendations.

I would like to ask the Minister, could she indicate when she expects to come forward to this House with a plan that will lay out the intention of the department? Thank you.

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

Return to Question 101-14(4): Health Services Reorganization Plan

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. I expect to come forward with a plan in the fall sitting of the Legislature. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Supplementary, Mr. Miltenberger.

Supplementary to Question 101-14(4): Health Services Reorganization Plan

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, one of the concerns I had was the linkage or the necessity to link the regional reorganization, the regional governance issues, with this particular report. The Minister indicates in her

reply that they do not have the timing down. My question to the Minister is will, in fact, her report encompass and make the connection so that it is comprehensive between regional reorganization, regional governance, and the Cuff report? Thank you.

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

Further Return to Question 101-14(4): Health Services Reorganization Plan

HON. JANE GROENEWEGEN: Yes. Thank you, Mr. Speaker.

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

Supplementary to Question 101-14(4): Health Services Reorganization Plan

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, will the department's submission also finally address the issue of community services boards, which has been raised in this House by myself, by my colleague, Mr. Nitah, and others, and which was promised to us that it would be part of the Cuff Report, but was not? Will it be part of the department's submission in the fall? Thank you.

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

Further Return to Question 101-14(4): Health Services Reorganization Plan

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, one of the recommendations that is contained in the report is the possibility of community advisory councils. It would contemplate that councils such as that would be available or would be an option in every community. Whether or not that advisory council could be expanded to cover other areas of program and service delivery in the community, such as housing, justice, education, remains to be considered. However, there may be an opportunity to expand on those community councils, if that is the position that is adopted. Thank you.

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

Supplementary to Question 101-14(4): Health Services Reorganization Plan

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, I can tell you that in my community, these advisory boards are not of interest to us. We are looking at meaningful community control. I would like to ask the Minister to be a little less evasive and equivocal and state clearly, will in fact that opportunity to have community control linking education, health, social services, housing, justice, through a community services board be a viable option? Thank you.

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

Further Return to Question 101-14(4): Health Services Reorganization Plan

HON. JANE GROENEWEGEN: Thank you, Mr. Speaker. It is a little premature to be able to make such a commitment. We are just in the process of receiving feedback now from boards and from individuals who are interested parties, so the answer to Mr. Miltenberger's question is I do not know. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Item 6, oral questions. The honourable Member for Tu Nedhe, Mr. Nitah.

Question 102-14(4): Location of Lodge Operator's Airstrip

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, my question today is for the Minister of RWED. Mr. Speaker, I first would like to start by congratulating the Minister for freeing up \$900,000 to promote the Northwest Territories as a tourist destination. However, Mr. Speaker, having said that, I have a great concern, as do my constituents, with one of the tourism operators. The Plummer's Lodge has been in existence for years, Mr. Speaker. They built an airport that covered grave sites that have been there for hundreds of years.

The question to the Minister of RWED is how can the department allow a tourist operator to cover up grave sites in the Northwest Territories? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Return to Question 102-14(4): Location of Lodge Operator's Airstrip

HON. JOE HANDLEY: Mr. Speaker, I appreciate the recognition for the extra money we were able to identify to support tourism. With regard to the Plummer's Lodge at Taltheilei Narrows, which I think is the one the Member is referring to, it came to my attention that when the airport was extended a number of years ago, that they had built it out over some graves, as the Member points out.

This is certainly not something that falls within the jurisdiction of RWED. It is an issue that should be dealt with through the federal government. At that time, the land use permit would have been issued based on some sort of environmental assessment, and looking at what was there and what the risk was.

It is not an RWED issue. I am aware of it. I have brought it to the attention of DIAND and I will pursue that further. Thank you.

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

Supplementary to Question 102-14(4): Location of Lodge Operator's Airstrip

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, it is my understanding that the tourist operators in the Northwest Territories pay this government for permits. Can the Minister tell this House if the Plummer's Lodge at Taltheilei Narrows buys permits from this government? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 102-14(4): Location of Lodge Operator's Airstrip

HON. JOE HANDLEY: Thank you, Mr. Speaker. Certainly, Plummer's Lodge is required, like any lodge operator, to have a number of permits. The ones that are managed through RWED are essentially permits that allow them to operate a tourism establishment and to conduct fishing expeditions out of that lodge.

They also have to have a land use permit. That is the permit they would have got from the federal government when they extended their runway. There are a number of permits. The one that is in question here would be not one that is within the mandate of RWED. Thank you.

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

Supplementary to Question 102-14(4): Location of Lodge Operator's Airstrip

MR. NITAH: Thank you, Mr. Speaker. I am starting to get a grasp of the complexities of permits in the Northwest Territories. Why would one government provide permits for a fishing operation that requires an airport, and yet that permit comes from a different place? Mr. Speaker, the Minister is working with DIAND. What kind of progress has he made with the Department of Indian and Northern Affairs on this issue? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 102-14(4): Location of Lodge Operator's Airstrip

HON. JOE HANDLEY: Mr. Speaker, as the Member points out, it is a very complex situation in the Territories and that is one of the reasons why we would like to see a lot of this responsibility devolve to the GNWT, so that any lodge operator gets all his permits from one government and we can then have full responsibility for it.

In terms of progress with the Department of Indian and Northern Affairs, let us say that I have not had a response from them so, essentially, I have made no progress with them at this point. Thank you.

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

Supplementary to Question 102-14(4): Location of Lodge Operator's Airstrip

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, Plummer's Lodge – all the permits for fishing include the Northwest Territories. Other than that, it does not benefit the people of the Northwest Territories. It certainly does not benefit my constituents. They have an airport there that they fly their tourists directly from Winnipeg. I do not know if they buy supplies up here. What I would like to know is can RWED

withhold permits from this lodge until this very serious matter is resolved and restitution is paid to the people that the damage is done to? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Handley.

Further Return to Question 102-14(4): Location of Lodge Operator's Airstrip

HON. JOE HANDLEY: Mr. Speaker, the answer is no. Once the lodge has the permits issued to them, then we cannot take them back or withhold renewing them unless something changes in their operation. As long as they continue as is, and as frustrated as we may be that benefits are very, very limited in this case...to my knowledge, I believe they fly tourists in and out of Winnipeg. I believe they fly in a lot of their supplies. I believe they bring in a lot of their workers from the south. There is nothing we can do. This lodge has been in operation for many years.

I do not like it any more than the Member does in terms of its very limited benefits to the Northwest Territories, but we cannot use the airport extension that happened a number of years ago as a reason to not continue to renew the tourism licence. Legally, we just cannot do that. Thank you, Mr. Speaker.

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

Question 103-14(4): Benefits for Same-Sex Couples

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Justice and it follows up on the questions and answers regarding adoption privileges for same-sex couples. I am asking this question because I was surprised at the attentiveness with which the Minister answered the questions, and there were lots of maybes and uncertainty about what this government is planning on doing to make sure that our laws are in line with the supreme law of the land, that being the decision of the Supreme Court of Canada.

My question to the Minister of Justice is, has the Minister reviewed the laws of our Territories to see what is out of sync with the Supreme Court decision with regard to same-sex couple benefits? Thank you, Mr. Speaker.

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

Return to Question 103-14(4): Benefits for Same-Sex Couples

HON. JIM ANTOINE: Mahsi, Mr. Speaker. Mr. Speaker, the Department of Justice has looked at the Supreme Court decision, the M. versus H. decision. The Supreme Court of Canada decided that the definition of "spouse" in the Ontario Family Law Act did not meet the Charter of Rights and Freedoms. We have done some work in the Department of Justice. We have looked at what Canada has done and what other provinces have done in order to get their legislation in line with the Supreme Court decision. We have done that, and we are currently drafting some legislation to amend the Family Law Act. This is to apply to same-sex couples for spousal support.

The question earlier was with regard to adoption, which is under the Health and Social Services Adoption Act legislation. What we need to do here is to look at all our laws that deal with this whole issue of same-sex couples and try to take a comprehensive approach, rather than just trying to meet the requirements of M. versus H. Thank you.

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

Supplementary to Question 103-14(4): Benefits for Same-Sex Couples

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, based on the answer that the Minister has just given, is it safe for us to assume that the Minister is pursuing the option of changing the legislation, rather than waiting for someone to challenge the law in court? Thank you, Mr. Speaker.

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

Further Return to Question 103-14(4): Benefits for Same-Sex Couples

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, yes, we have done some work. We have drafted legislation to amend the Family Law Act, but the recent court decisions and the different approaches that we see in other jurisdictions, as well as the question of adoption by same-sex couples, which is a different act, which is the Adoption Act. These new developments cause us to hold back of moving forward with legislation right now until we do a comprehensive review and, hopefully by this fall, we will have something in place. Thank you.

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

Supplementary to Question 103-14(4): Benefits for Same-Sex Couples

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I would like to think that the Minister's desire to review the law is to do it right and not to prolong the process. I would like to ask the Minister if he is already aware of the fact that there is a defect in the Adoption Act, would he not be prepared to deal with that first and then deal with other ones that may come up? Thank you, Mr. Speaker.

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

Further Return to Question 103-14(4): Benefits for Same-Sex Couples

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, if we deal with just specific requirements of the M. versus H. court decision, that leaves out other areas and other legislation of our government that have to be looked at. We could do a comprehensive review, which may take a little longer, but if we deal specifically with a specific issue, some of the work has already been done.

I would prefer to do more of a comprehensive review and look at what other jurisdictions are doing so that we do not have to reinvent the wheel as we move through this. I think there is a

substantial amount of work being done by the Department of Justice. I think we might be in a position to introduce legislation by this fall during session. Thank you.

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

Supplementary to Question 103-14(4): Benefits for Same-Sex Couples

MS. LEE: Thank you, Mr. Speaker. I would like to take the words of the Minister for what it is and I would just like to ask for his commitment that he does everything in his power to bring the legislative proposals back by the fall session, given the crowded agenda that we have. Thank you, Mr. Speaker.

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

Further Return to Question 103-14(4): Benefits for Same-Sex Couples

HON. JIM ANTOINE: Thank you, Mr. Speaker. Yes, I will do that. Thank you.

MR. SPEAKER: Thank you, Minister Antoine. The time for question period is over. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to go back to item 6.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to item 6, oral questions. Are there any nays? I heard a nay. There is not unanimous consent to return. Item 7, written questions. Item 8, returns to written questions. Mr. Clerk.

ITEM 8: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, Return to Written Question 2-14(4) asked by Mr. Bell to the Minister of Education, Culture and Employment concerning pupil-teacher ratio calculations.

Return to Written Question 2-14(4): Pupil-Teacher Ratio Calculations

Mr. Speaker, I have a Return to a Written Question asked by Mr. Bell on June 6, 2001, regarding pupil-teacher ratio calculations.

The Government of the NWT defines pupil-teacher ratio (PTR) as the ratio of full-time equivalent students (FTE) to the number of full-time equivalent teachers. The PTR is determined by dividing the total number of FTE students enrolled on September 30th in the NWT by the number of FTE teachers in all schools. Students who attend school for a full day are counted as 1.0 FTE, while students in a half-day kindergarten program or part-time high school students are counted at 0.5 FTE.

Teachers are considered to be regular classroom teachers, principals, assistant principals and program support teachers. Aboriginal language cultural specialists, classroom assistants, education assistants and school community counsellors are not counted as part of the PTR.

The PTR is a consistent measure used by all provinces and territories in Canada to measure and compare resource allocations for kindergarten to grade 12 school programs.

The interprovincial education statistics project uses the term student-educator ratio for the ratio of FTE enrolment of students to educator FTE. FTE enrolment is defined as the number of full-time equivalent students enrolled in public schools in September of the school year.

Educators are defined as all employees in the public schools system who are required to have teaching certification as a condition of their employment. This definition excludes substitute/supply teachers, temporary replacement teachers, teachers on leave, teaching assistants, student assistants and consultants. Educator FTE is defined as the number of full-time equivalent educators in September of the school year.

Return to Written Question 4-14(4): Funding for Non-Government Organizations

Mr. Speaker, I have a Return to a Written Question asked by Mr. Braden on June 11, 2001, regarding funding and support for non-government organizations.

Later today at the appropriate time I will table a schedule that summarizes the responses from GNWT departments on the various levels of support provided to these organizations.

Return to Written Question 5-14(4): Allocation of Funding for the Maximizing Northern Employment Initiative

Mr. Speaker, I have a Return to Written Question asked by Mr. Nitah on June 13, 2001, regarding Maximizing Northern Employment.

The Maximizing Northern Employment (MNE) initiative encompasses a wide variety of programs and services delivered by several departments. The MNE programs can be augmented by programs of other departments or organizations in order to ensure maximum community benefit.

In the Fort Smith region, the Departments of Education, Culture and Employment, Resources, Wildlife and Economic Development and Aurora College are planning a coordinated initiative respecting MNE. We will provide communities with information on both MNE and existing programs so that maximum use of available resources can be brought to bear on behalf of each interested community. Through the interdepartmental approach, our staff will be available to assist communities in scoping out project ideas.

Predetermined allocations of funding by community have not been made in the Fort Smith region in order that, through community initiative, the best use of available resources can be made across the region. Notwithstanding that, every community is expected to benefit directly from the programs available.

I am confident that this community development approach, whereby initiatives will come from the communities, is a positive way to maximize the value of Maximizing Northern Employment programs.

MR. SPEAKER: Thank you, Mr. Clerk. Item 8, returns to written questions. Item 9, replies to the opening address. Item 10, petitions. Item 11, reports of standing and special

committees. The honourable Member for Yellowknife South, Mr. Bell.

ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES

Committee Report 5-14(4): Report of the Special Committee on Conflict Process

MR. BELL: Thank you, Mr. Speaker. I present you with the report of the Special Committee on Conflict Process.

Background

On May 7, 2001, the honourable Member for Hay River South, Jane Groenewegen (the "Minister") brought forward an application to the Board of Management (the "Board") requesting the Board direct the Conflict of Interest Commissioner (the "Commissioner") to suspend her investigation into a complaint made by Jack Rowe against the Minister (the "complaint"); and further that the Board recommend to the Commissioner of the Northwest Territories under section 92(3) and 92(1)(a) of the Legislative Assembly and Executive Council Act (the "Act") that the Conflict of Interest Commissioner be temporarily suspended and an acting Conflict of Interest Commissioner be appointed. The application alleged that there was a reasonable apprehension of bias on the part of the Commissioner respecting the investigation and that this gave rise to her inability to act due to "cause or incapacity" or that she was unable to act as a result of this.

The Board wished to hear from all parties on the issue and requested submissions on initially, the question of jurisdiction of the Board and secondly, if jurisdiction was found, on the facts and substantive issues in the application.

During the course of this, the Legislative Assembly reconvened on June 5, 2001 and the matter became an issue for the Legislative Assembly to deal with because the power of the Board exists only when the Legislative Assembly is not sitting.

As a result of this, and because the Conflict of Interest Commissioner intended to release her investigation report, she sought the direction of the Assembly as to whether or not she should hold it past June 13, 2001. The Legislative Assembly passed a motion establishing the Special Committee on Conflict Process to deal with the matter.

Terms of Reference for the Special Committee

The Special Committee on Conflict Process was given direction by the Legislative Assembly by Motion 4-14(4), dated June 12, 2001. The terms of reference set out the membership of the special committee. In addition to the incidents of parliamentary privilege, the special committee had the following specific authorities and mandate:

- To consider all aspects of the application made by the Minister to the Board of Management on May 7, 2001;
- In considering all aspects of the application, to have access to such persons, papers and records that it considered necessary;

- To conduct hearings and meetings as it considered necessary;
- The special committee was required to provide its report upon conclusion of consideration of the application to the Speaker and to report to the Legislative Assembly with its findings and recommendations no later than July 23, 2001.

Submission of Conflict of Interest Commissioner's Report

The Legislative Assembly also directed the Conflict of Interest Commissioner to suspend any further action including but not limited to the submission of the report in the matter of the complaint filed against the Member for Hay River South, the Honourable Jane Groenewegen. The Legislative Assembly also directed that the report on the complaint be held until the special committee reports to the Legislative Assembly and the Legislative Assembly has considered the report.

Authority of the Special Committee

The special committee does not have the authority to finally determine the issues, only to recommend courses of action based on its consideration of the facts and issues. The Legislative Assembly must ultimately resolve the matter.

The matter would be available for debate in that forum in accordance with the procedures of the House in considering reports of standing and special committees.

Throughout the process, the special committee was vigilant to ensure that whatever approaches were taken or instructions given that all parties were afforded a fair opportunity to be fully heard.

The special committee had the power and authority to:

- compel the attendance of witnesses;
- to require the production of records and documents;
- to hear submissions and evidence and to consider such facts as it considered necessary;
- to conduct itself in the manner that it considers appropriate to the nature of the issues under review;
- to make recommendations to the Legislative Assembly as to the course of action or options available as a result of hearing from interested persons.

While the special committee is clothed with parliamentary privilege and thus is the complete master of its own procedure, even to an extent larger than administrative tribunals in the normal course, it has been mindful of certain advisable standards to be adopted in considering the issues, Mr. Speaker.

The Legislative Assembly has complete authority to govern the conduct of its Members and statutory officers. In doing so, a public trust has been placed in the Assembly as a whole that it will do so with a view to protecting that public trust by ensuring both the integrity of its processes and the actions of Members and statutory officers. Because the office and duties of the Conflict of Interest Commissioner in and of itself deals with

issues of integrity and the conduct of Members, the committee wished to take care not to improperly interfere with the statutory obligations imposed on the Conflict of Interest Commissioner and to be cognizant of and respect its necessary independence. Balanced against this is the duty of all statutory officers of the House to conduct themselves according to certain standards.

The special committee has attempted to deal with these issues on the basis of the following general principles:

- ensuring a fair opportunity for interested persons to be fully heard. This opportunity must, in the circumstances, be extended equally and fully to the Minister and the Commissioner. The Commissioner is of the view that the complainant, Mr. Rowe, is an interested person and should be heard from as a party in these proceedings;
- it must be aware of the roles and obligations of the Minister and the Commissioner as contemplated in the act which governs their respective duties;
- it must be mindful of the public interest associated with not only this process but in the issue of governing the conduct of Members and statutory officers generally;
- it must make any recommendations only on the basis of the facts and issues placed before it and not on the basis of other facts or issues, which are not before it in connection with this process.

Mr. Speaker, a number of these concepts or obligations have various different parts, which are elaborated below. However, the fundamental principle is that of fairness, and common sense is often the best guide to what is or is not fair to all of the interested parties.

The Right to be Heard

In ensuring that interested parties have the right to be heard, it is important that:

- each party or person clearly knows the position of the other party;
- each party have the opportunity to be represented by counsel;
- each party has a reasonable opportunity to prepare for the hearing, a reasonable opportunity to put forward their position and a reasonable opportunity to know and test the position of other parties. Testing the position of the other party can include cross-examining witnesses of the other party or calling witnesses to contradict. No person should be caught by surprise; and
- each party has the opportunity to put the facts that they consider relevant before the committee and to make submissions on the law as it applies to the facts.

Establishing Process and Conduct of Public Hearings

The special committee commenced its work by establishing time frames for the submission of written briefs by counsel for the Minister and counsel for the Conflict of Interest Commissioner. These time frames provided that the Minister would file material respecting the merits of her application by June 22, 2001, the Conflict of Interest Commissioner would file a brief responding to this by June 29, 2001 and the Minister would file a final response by July 4, 2001. The July 4, 2001 response date was changed by agreement to July 6, 2001.

The special committee anticipated that it would be in a position to conduct a public hearing Thursday, July 12, 2001 to deal with the application by the Honourable Jane Groenewegen in this matter. Due to various conflicting schedules, it was difficult to obtain a date for the hearing in sufficient time to allow for a report back to the House by July 23, 2001 as directed in the motion, which established the committee. This hearing date was available to all with the exception of the Conflict of Interest Commissioner, who had other previously scheduled commitments in Vancouver. However, it was anticipated that her counsel would be in attendance and that the Conflict of Interest Commissioner could be connected by telephone to the proceedings.

The written material was, for the most part, provided by the parties within the time frames established by the special committee. This written material was made available to the public in advance of the hearing.

Appearance of Witnesses

The July 6, 2001 reply material of the Minister contained a request that the special committee hear evidence from witnesses to resolve a conflict in facts that appeared between the Minister and the Conflict of Interest Commissioner. This conflict in facts surrounded the question of what information the Conflict of Interest Commissioner had prior to any complaint being filed and as a result of a discussion and interview with Lee Selleck, a reporter for CBC North television. Counsel for the Minister urged that this conflict in facts was critical as it was alleged that the actions of the Conflict of Interest Commissioner could have been affected by any advance knowledge that she had regarding the details of the complaint. It was suggested that such knowledge could have affected the statements made in the media by the Conflict of Interest Commissioner and the approach in conducting the investigation, once a complaint was received.

The Conflict of Interest Commissioner in her written submissions, stated that the interview with Mr. Selleck dealt with conflict provisions generally and was not about a concern regarding a specific Member of the Legislative Assembly. She further asserted that any suggestion that she had received prior information from Mr. Selleck indicating that the Minister remained a director was incorrect. She stated in her submissions that the CBC reporter did not make her aware of the existence of documentation filed in the corporate registry concerning the identification of the Minister as a director of a company or companies.

The Minister alleged in her material that as a result of a conversation between the Conflict of Interest Commissioner and Lee Selleck on March 15, 2001 the Conflict of Interest Commissioner was aware of the existence of documentation

filed with the corporate registry concerning the identification of the Minister as a director of a company or companies. It further alleged that the Conflict of Interest Commissioner was made aware that Mr. Selleck's investigation was based on his view that the Minister was in violation of the conflict of interest provisions of the Legislative Assembly and Executive Council Act.

The Minister further alleged that a tape-recorded telephone conversation between John Bayly, principal secretary and the Conflict of Interest Commissioner, which occurred March 26, 2001, confirmed these facts.

Legal Counsel and Representation for the Conflict of Interest Commissioner

Mr. Speaker, in addition to this issue, the special committee has to some degree been hampered throughout by the absence of an executed contract between the Speaker and the lawyers for the Conflict of Interest Commissioner. Such a contract would provide that legal counsel for the Conflict of Interest Commissioner be paid for by the Government of the Northwest Territories. Disagreement arose between the Speaker and the lawyers for the Conflict of Interest Commissioner respecting certain specific terms of the requested contract.

The Speaker, while confirming that the relationship between the Conflict of Interest Commissioner and her lawyers is one of solicitor-client and thus confidential, requested that details of time spent be provided in legal bills sent to the Assembly so that the reasonableness of time and public costs expended could be assessed. The contract provided that in the event of any disagreement over time spent, the Clerk of the Supreme Court, as an independent third party, would review the bills. The lawyers for the Conflict of Interest Commissioner refused to sign a contract with these terms, stating that such terms violated the solicitor-client privilege of the relationship and undermined the independence of the Conflict of Interest Commissioner's office.

They further stated that as the Law Clerk was responsible for advising the Speaker on the terms of the contract and advising the special committee respecting its functions, this represented a conflict of interest and the Law Clerk should be discharged from her role as legal advisor to the special committee.

The lawyers for the Conflict of Interest Commissioner advised the special committee July 11, 2001, that they would not be attending the public hearing scheduled for the following day. This correspondence stated that "The untenable position in which the Conflict of Interest Commissioner has been placed, described in detail in our previous correspondence, required her to instruct us not to travel to Yellowknife today for the meeting of the special committee."

Therefore, as July 12, 2001 approached, it became clear that various threshold issues had to be decided and it was unlikely that the hearing could proceed as originally intended. These issues, Mr. Speaker, were as follows:

1. Whether new legal counsel should be engaged to advise the special committee, replacing the Law Clerk, as requested by counsel for the Conflict of Interest Commissioner;

2. What, if any, steps could be taken by the special committee to resolve the issue of legal representation for the Conflict of Interest Commissioner;
3. Should the special committee hear evidence from witnesses and if so, what witnesses should be requested to appear before the special committee;
4. Should the special committee conduct any of its proceedings in camera? It was suggested by counsel for the Minister that some aspects of the evidence should be taken in camera;
5. If witnesses were called, how procedurally should their evidence be presented;
6. Should the tape recording and transcript of it respecting the March 26, 2001 telephone conversation between John Bayly and the Conflict Commissioner be provided to the Conflict of Interest Commissioner's lawyers as requested by them; and
7. Should a portion of the investigation report of the Conflict of Interest Commissioner be sealed and delivered to the special committee until conclusion of the matter as requested by counsel for the Minister?

On July 12, 2001, the committee met in camera to decide the question of whether new legal counsel should be retained. The committee decided not to do so and to continue with the services of the Law Clerk.

Conduct of Public Hearing on July 12, 2001

The public meeting was convened in the afternoon of July 12, 2001. Mr. Chivers, legal counsel for the Minister, was in attendance. Further faxed submissions were sent by counsel for the Conflict of Interest Commissioner respecting the issue of whether evidence should be called.

As a result of consideration of the various issues, and upon reviewing the submissions of counsel for the Conflict of Interest Commissioner and those of Mr. Chivers, the following decisions were made:

1. As the Speaker has exclusive authority respecting any contract for legal counsel for the Conflict of Interest Commissioner, this matter was referred back to him in the hope that it could be expeditiously resolved;
2. The special committee decided that it was necessary to hear evidence from witnesses to clarify certain issues and facts. In this regard, it directed that invitations to attend before the committee be issued to the Minister, the Conflict of Interest Commissioner, John Bayly, Wendy Morgan, Jack Rowe and Lee Selleck;
3. Mr. Chivers indicated his willingness to provide a transcript of the tape-recorded March 26, 2001 telephone conversation to the Law Clerk for provision to the lawyers for the Conflict of Interest Commissioner. It was directed that this transcript be so provided;
4. The special committee declined to have a copy of the transcript for its information as the admissibility of this material could be in issue. Committee members therefore, as at the date of this report, have not been

provided with this transcript and are not privy to any information that it may contain;

5. Mr. Chivers did not press for any portion of the proceedings to be held in camera. The special committee therefore directed that proceedings would continue to be in public. If any application was made at a future point to go in camera, it would be assessed on the merits and reasons for that request;
6. The special committee directed that the Conflict of Interest Commissioner continue to hold her investigation report as originally directed by the Legislative Assembly in its June 12, 2001 motion;
7. The special committee indicated its wish to reconvene the public hearing July 24th to 26th, 2001 if it was granted an extended mandate from the Legislative Assembly and if witnesses and counsel were all available. It further directed that if these dates were not acceptable, that alternate dates be canvassed with all concerned; and
8. The special committee concluded that it would submit its report to the Legislative Assembly July 23, 2001, indicating that it was unable to conclude its tasks. A further extension of time would be sought to allow it to conduct the hearing and conclude its mandate.

Events Following the July 12, 2001 Public Meeting

The Committee Clerk sent notices to the witnesses required for the hearing on July 13, 2001. It was determined that Mr. Selleck was declining to appear and Mr. Bayly would be required to return from Ontario in order to attend the July dates for the hearing. Mr. Rowe, Ms. Morgan, and the Minister confirmed that they would be available on the dates outlined by the special committee. On July 17, 2001, the special committee was advised by correspondence from counsel for the Conflict of Interest Commissioner that they would be unable to attend on the dates tentatively established. It appeared that the special committee's attempts to quickly conclude this matter would again be frustrated by a combination of circumstances.

Issues, Mr. Speaker, also arose with respect to the tape recording of the March 26, 2001 telephone conversation between John Bayly and the Conflict of Interest Commissioner, to which the Minister was privy.

The Minister was prepared throughout to provide an audio copy of the March 26, 2001 telephone conversation. She indicated that any other matters on the tape in question were confidential and should not be disclosed to third parties. Counsel for the Conflict of Interest Commissioner wanted a copy of the entire tape, indicating that there may be other matters on the tape which were relevant to either the March 26, 2001 telephone conversation or issues generally touching upon matters before the special committee. After some difficulties, the tape in question was delivered to the Law Clerk, to be held pending further consideration of whether a portion of the tape or the tape in its entirety should be copied and provided to counsel for the Conflict of Interest Commissioner.

Attempts were then commenced to establish new dates for the hearing. However, on July 18, 2001 correspondence was received from counsel for the Minister requesting that they be

permitted to withdraw the original application. While the Minister remained convinced of the merits of her application, her concern was that the proceedings had become far more protracted and costly than was warranted. This correspondence quite properly was framed as a request. This is due to the fact that once the matter is before the special committee, it is for the House to ultimately decide on the appropriate conclusion of matters. If it so wished, the House could direct that the matter be completed irrespective of the request to withdraw by the Minister.

The request to withdraw was forwarded to counsel for the Conflict of Interest Commissioner, requesting that they advise whether they agreed or disagreed with the request. The Conflict of Interest Commissioner responded with correspondence dated July 20, 2001 directed to the chair of the special committee. The correspondence did not squarely address the question of whether or not she agreed with the request to withdraw. However, the Conflict of Interest Commissioner did indicate relief that the Minister had decided to withdraw the application. In doing so, she communicated concerns that the fairness and propriety of her conduct and the integrity of her office had been brought into question by the Minister in a most public and protracted way. Further lengthy materials in the form of speaking notes of counsel were also submitted. The materials did not go to the question of whether there was agreement about withdrawal of the application.

The special committee felt it was necessary to have a further public meeting prior to session commencing to consider its options and to draft its report to the House.

July 22, 2001 Public Meeting

The special committee convened a further public meeting on the afternoon of July 22, 2001 to consider the request to withdraw the application, to assess its options and finalize its report to the House. Counsel was not present for the Minister or Conflict of Interest Commissioner. The further lengthy submissions from counsel for the Conflict of Interest Commissioner were not considered, as the submissions went primarily to the merits of the bias issue.

The special committee considered three possible options respecting recommendations that could be made to the Legislative Assembly:

1. That the matter is considered concluded on the basis of the request to withdraw the application, and that no further action by the special committee is mandated;
2. That the matter goes forward irrespective of the Minister's request to withdraw the application;
3. That the committee be reconstituted to look at related issues of conduct of Members and statutory officers of the House and others.

During the course of the meeting, the Minister requested an opportunity to clarify a matter. As the comments made by the Minister were not clarification but essentially a submission on what should be done with the investigation report, the special committee did not take those remarks into consideration.

Issues of Public Confidence

The special committee has significant concerns that a number of varied and serious allegations have been made, which at the present point in time have no definitive resolution. These allegations include:

- The allegation by the Minister that the statutory functions of the Conflict of Interest Commissioner have not been duly carried out and are affected by a reasonable apprehension of bias on the part of the Conflict of Interest Commissioner in the conduct of her investigation of the Rowe complaint;
- The allegation of the Minister that the written submissions made on behalf of the Conflict of Interest Commissioner contain serious factual discrepancies;
- The allegation of the Minister that there has been a "pattern of avoidance" on the part of the Conflict of Interest Commissioner in dealing with this matter and the process of the special committee;
- The allegation of the Conflict of Interest Commissioner that neither the Board of Management nor the Legislative Assembly, through the special committee, ought to have undertaken a review in this manner respecting her actions;
- The allegation of the Conflict of Interest Commissioner that it has been an unfair process and improper to require her to defend her actions and that the Speaker has undermined her independence by placing any limitations on her right to counsel;
- The allegation of the Conflict of Interest Commissioner that her concerns about the process are compounded when the application to withdraw is made in the face of seeming pressure to produce the whole of the tape recording.

These allegations and innuendo which flow from them are indeed very serious. Quite apart from the various allegations made by each the Minister and Conflict of Interest Commissioner, the special committee is disturbed by the steps by both which have resulted in the process being both more costly and protracted. It is disturbed that the factual accuracy of material put before it may be in question. It is disturbed by the knowledge of a telephone conversation occurring between senior staff and a statutory officer of the House, which was surreptitiously tape-recorded.

In the view of the special committee, serious issues of public confidence have been raised by these proceedings to date. Mr. Speaker, these include:

1. The Office of the Conflict of Interest Commissioner is charged with a variety of functions. One such function is to ensure that Members meet the requirements of the act respecting conflict avoidance. In addition, the general goal is to ensure that Members of the Legislative

Assembly conduct themselves in a manner which engenders public trust and confidence in their integrity. The office must therefore be in a position to deal fearlessly with complaints of infractions and with independence from political influence or interference. Members should exercise the utmost judgment in bringing forward allegations concerning the due conduct of these responsibilities. However, once such a question is raised, the Assembly must also ensure that the fulfillment of these serious statutory obligations is beyond reproach and it has a duty to ensure that the confidence of the public is duly entrusted to this office and those who occupy it. Once such a controversy has been embarked upon, the air must be cleared so both the confidence of Members and that of the public at large can be restored.

2. The ability of a Conflict of Interest Commissioner to properly fulfill his or her statutory duties depends to a large degree on maintaining an effective working relationship with Members. This is particularly so as the Commissioner must provide advice on an ongoing basis to Members with respect to the proper ordering of their interests. When a cloud has been cast over the conduct of a Conflict of Interest Commissioner, the maintenance of such relationship becomes very difficult, if not impossible.
3. The conduct of Members of the Legislative Assembly reflects on the credibility of the Assembly and its ability to maintain public confidence in its actions and initiatives. The public deserves to know that its faith in the integrity of Members of the Legislative Assembly is rightfully sustained.

Furthermore, the striking of a special committee to deal with such serious issues requires a high level of conduct and professionalism for those who actively participate in this process. It requires that those who undertake roles do so in a way that assists the special committee in fulfilling its mandate. Direct and concise responses to issues, attendance at committee hearings, use of appropriate language in written submissions and due respect for the special committee process and requirements should all be present without question. These standards have been noticeably absent at various stages of the proceedings to date.

Recommendations

Due to the serious issues respecting public confidence, which have been raised to date, the special committee therefore seeks a further mandate from the Legislative Assembly to conduct a review of allegations of bias together with the questions of conduct, which have presented themselves to date. While this process does require expenditure of public funds, the committee is greatly concerned that should matters abruptly cease at this juncture, significant funds which have been expended to date will have resulted in only doubts and questions being raised without answers and definitive conclusions. Absent a conclusion to this review, there will continue to be a cloud hanging over the reputations of both statutory officers of the House and Members.

Therefore, the special committee is recommending to the Legislative Assembly the following:

1. that the Legislative Assembly approve the request of the Honourable Jane Groenewegen to withdraw the

application, as filed with the Board of Management on May 7, 2001;

2. that the Legislative Assembly advise the Conflict of Interest Commissioner that she may transmit her report on the investigation to the Speaker;
3. that notwithstanding the withdrawal of the application, the Legislative Assembly authorizes and extends the mandate of the Special Committee on Conflict Process to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise during the normal course of proceedings of the special committee;
4. that the Legislative Assembly instructs the Special Committee on Conflict Process to undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session, no later than October 23, 2001; and
5. that the authority and terms of reference of the Special Committee on Conflict Process as approved by the Legislative Assembly are hereby amended and extended with the adoption of this report.

Conclusion

The tasks that the Legislative Assembly mandated the special committee to consider became a daunting proposition and one that each of the committee members found difficult at times. The members of the special committee were vigilant to ensure that whatever approaches were taken, fair opportunities were afforded to those who may be affected by the process we embarked upon. If the Legislative Assembly approves our recommendations, I can assure you that we will continue to apply our best efforts to give fair consideration of the issues. The special committee would like to express its appreciation and confidence in the assistance provided to it by the Clerk and Law Clerk. This concludes our report as required by our terms of reference and it is commended to the Legislative Assembly for its consideration.

Therefore, I move, seconded by the honourable Member for Inuvik Boot Lake, that the report of the Special Committee on Conflict Process be received by the Legislative Assembly and referred to committee of the whole.

MR. SPEAKER: Thank you, Mr. Bell. We have a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour, please signify. Thank you. All those opposed? The motion is carried.

The Chair recognizes the honourable Member for Yellowknife South, Mr. Bell.

MR. BELL: Mr. Speaker, I seek unanimous consent to waive Rule 93(4) and have the report of the Special Committee on Conflict Process moved into committee of the whole for today and be considered as the first item of business.

MR. SPEAKER: Thank you, Mr. Bell. The honourable Member is seeking unanimous consent to waive Rule 93(4) and have the report of the Special Committee on Conflict Process moved into committee of the whole for today. Are there any nays? There are no nays. You have unanimous consent to move the

report into committee of the whole for today and to be considered as the first item of business.

Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. The honourable Member for Inuvik Boot Lake, Mr. Roland.

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Governance and Economic Development has reviewed Bill 2, An Act to Amend the Income Tax Act, and wishes to report that Bill 2 is ready for consideration in committee of the whole.

Mr. Speaker, I request unanimous consent to waive Rule 70(5) and have Bill 2 ordered into committee of the whole for today. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Member is seeking unanimous consent to waive Rule 70(5) and have Bill 2 ordered into committee of the whole. Are there any nays? There are no nays. Unanimous consent has been granted to move Bill 2 into committee of the whole for today.

Item 12, reports of committees on the review of bills. The House will take a short break and return at the sound of the bell.

-- Break

MR. SPEAKER: The House will come back to order after a short break. We ended on item 12. Item 13, tabling of documents. The Chair recognizes the honourable Member for Mackenzie Delta, Mr. Krutko.

MR. KRUTKO: Mr. Speaker, I seek unanimous consent to go back to item 6.

MR. SPEAKER: The honourable Member is seeking unanimous consent to return to item 6, oral questions. Are there any nays? There are no nays. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

REVERT TO ITEM 6: ORAL QUESTIONS

Question 104-14(4): GNWT Obligations in Land Claim Agreements

MR. KRUTKO: Thank you, Mr. Speaker. Thank you, colleagues. My question today is for the Minister responsible for Economic Development, regarding the comprehensive claims agreements that we have signed on to, especially in regard to the Gwich'in agreement.

Section 10 is an economic chapter that directs this government to take into account the economic opportunities in developments that take place in the Gwich'in settlement region, and also how developments will happen on Gwich'in lands.

In particular, there is a project that is going on with regard to the Fort McPherson water project, which is on Gwich'in lands. There was an economic chapter that was supposed to kick in to give preferential treatment to...I would like to ask the Minister of Finance, knowing that this agreement exists, there

is an agreement signed between this government and the Gwich'in Tribal Council. There are decisions made by Cabinet for negotiated contracts. What is your government doing to ensure that you, as the Minister, are living up to the obligations that are in the land claim agreements?

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

Return to Question 104-14(4): GNWT Obligations in Land Claim Agreements

HON. JOE HANDLEY: Thank you, Mr. Speaker. This government is very aware of our obligations under section 10 of the land claim agreement. This has been an issue that has been ongoing for some time. Last week, I did meet with one of the vice-presidents and discussed it and have tentatively come up with a proposal that, if there is support both by government and from the president, we would move forward as a better way of managing our responsibilities there. Thank you.

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

Supplementary to Question 104-14(4): GNWT Obligations in Land Claim Agreements

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I think it is important as a government that we educate the departments and the people who run these departments, especially the deputy ministers and senior bureaucrats within the department, on exactly what the land claim agreements are. I would like to ask the Minister exactly what is the government doing to ensure that we are educating the civil servants and bureaucrats within the system to understand what our obligations are in these land claim agreements?

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

Further Return to Question 104-14(4): GNWT Obligations in Land Claim Agreements

HON. JOE HANDLEY: Mr. Speaker, all of the deputies are familiar with the Gwich'in land claim and all the provisions that are in it. Until now, if there have been any questions about it, then those have been referred to the Ministry of Aboriginal Affairs for interpretation. There is also the question of what is the spirit and intent of some of the sections and those, I believe, we have been making efforts to adhere to them.

I did meet last week, as I mentioned, with the vice-president. I have yet to talk to my colleagues here on my proposal, but it would essentially be one where we would have deputy ministers exercise more responsibility as a group over projects in the Gwich'in and Sahtu areas. Thank you.

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

Supplementary to Question 104-14(4): GNWT Obligations in Land Claim Agreements

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I for one believe that this is long overdue. The claim was signed in 1992.

It has been over eight years. I think it is important that this government starts living up to the obligations in the agreement. I would like to ask the Minister, what is the government doing to ensure that there is a group or committee to evaluate the responsibilities? Are we really living up to those obligations with regard to how government is doing business in those claims areas where land claims have been settled?

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

Further Return to Question 104-14(4): GNWT Obligations in Land Claim Agreements

HON. JOE HANDLEY: Mr. Speaker, last week when I met with the vice-president, I did agree with him that we would not publicly discuss details about what we are proposing until our government is aware of what it is and has a chance to have input into it, and also that the president, when he returns from holidays, is not surprised by some agreement that happened while he was away. I said that I would basically work on it. I think the president is back some time at the end of July. We will follow up with him immediately at that time. I do not think it would be appropriate to get into details right now. Thank you.

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

Supplementary to Question 104-14(4): GNWT Obligations in Land Claim Agreements

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would just like to read a quote in the agreement, which is section 10.13. It says:

"The government shall meet with the Gwich'in Tribal Council not less than once every three years to review the effect of programs in relation to the objectives under 10.11, where it says the government's economic development programs in settlement regions shall take into account certain objectives to maintain and strengthen the economic self-sufficiency of the Gwich'in."

I would like to ask the Minister, can he ensure us that this obligation will be adhered to? That they will do a thorough review to see the effectiveness of economic development programs, negotiated contracts, sole-sourced contracts, and policies that this government has in place, and is it working in the context of the agreements?

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

Further Return to Question 104-14(4): GNWT Obligations in Land Claim Agreements

HON. JOE HANDLEY: Mr. Speaker, yes. I am sure there will be a lot of meetings between various departments, deputies, Ministers and so on, and the Gwich'in Tribal Council on this matter. My intention is that we need to formalize that process a bit more to ensure that we are living up to it and we are meeting at least the minimum number of times as outlined in

the land claim agreement. Exactly how we propose to do that is something I would like to deal with the president on when he is back and, of course, with the MLA. Thank you.

MR. SPEAKER: Thank you, Minister Handley. Item 6, oral questions. Item 13, tabling of documents. The honourable Member for Hay River South, Mrs. Groenewegen.

ITEM 13: TABLING OF DOCUMENTS

Tabled Document 30-14(4): It's Time to Act: A Report on Health and Social Services System of the Northwest Territories -- Executive Summary

HON. JANE GROENEWEGEN: Mr. Speaker, thank you. I wish to table the following document entitled It's Time to Act: A Report on Health and Social Services System of the Northwest Territories Executive Summary. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Minister. Item 13, tabling of documents. The honourable Member for Weledeh, Mr. Handley.

Tabled Document 31-14(4): Departmental Funding to Non-Government Organizations

HON. JOE HANDLEY: Mr. Speaker, further to my Return to Written Question 4-14(4), I wish to table the following document entitled Departmental Funding to Non-Government Organizations. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Item 13, tabling of documents. The honourable Member for Nahendeh, Mr. Antoine.

Tabled Document 32-14(4): Report and Recommendations of the Judicial Remuneration Commission for the Period April 1, 2001 to March 31, 2004

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, I wish to table the following document, entitled Report and Recommendations of the Judicial Remuneration Commission for the Period April 1, 2001 to March 31, 2004. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Antoine. Item 13, tabling of documents. Mr. Clerk.

Tabled Document 33-14(4): Response to Petition 1-14(4): Chief Albert Wright School Building Extension

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, in accordance with Rule 42(10), I wish to table a response to Petition 1-14(4), presented by the Member for Sahtu and responded to by the Minister responsible for Education, Culture and Employment.

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

Tabled Document 34-14(4): Letter From Gwich'in Tribal Council Regarding Government Contracting Procedures and Approaches

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I would like to table two letters, first dealing with the government

negotiated contracts procedures, addressed to myself and the president of the Gwich'in Tribal Council.

Tabled Document 35-14(4): Letter From the Mayor of Fort McPherson Regarding Environmental Health

Mr. Speaker, a second letter regarding environmental health concerns to the Inuvik Regional Health and Social Services Board from the Hamlet of Fort McPherson, copied to myself.

MR. SPEAKER: Thank you. Item 13, tabling of documents. Item 14, notices of motion. The honourable Member for Great Slave, Mr. Braden.

ITEM 14: NOTICES OF MOTION

Motion 9-14(4): Extended Adjournment of the House to October 23, 2001

MR. BRADEN: Thank you, Mr. Speaker. I give notice that on Wednesday, July 25, 2001, I will move the following motion. I move, seconded by the honourable Member for Weledeh, that notwithstanding Rule 4, when this House adjourns on Wednesday, July 25, 2001, it shall be adjourned until Tuesday, October 23, 2001.

And further, that any time prior to October 23, 2001, if the Speaker is satisfied, after consultation with the Executive Council and Members of the Legislative Assembly, that the public interest requires that the House should meet at an earlier time during the adjournment, the Speaker may give notice and thereupon the House shall meet at the time stated in such notice and shall transact its business as it has been duly adjourned until that time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. Item 14, notices of motion. Item 15, notices of motion for first reading of bills. The honourable Member for Weledeh, Mr. Handley.

ITEM 15: NOTICES OF MOTION FOR FIRST READING OF BILLS

Bill 14: Supplementary Appropriation Act, No. 2, 2001-02

HON. JOE HANDLEY: Mr. Speaker, I give notice that on Wednesday, July 25, 2001, I will move that Bill 14, Supplementary Appropriation Act, No. 2, 2001-02, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Item 15, notices of motion for first reading of bills. The honourable Member for the Sahtu, Mr. Kakfwi.

HON. STEPHEN KAKFWI: Mr. Speaker, I seek unanimous consent to return to item 2, Ministers' statements, to give an emergency statement. Thank you.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to item 2, Ministers' statements. Are there any nays? There are no nays. Item 2, Ministers' statements. The honourable Premier, Mr. Kakfwi.

REVERT TO ITEM 2: MINISTERS' STATEMENTS**Minister's Statement 28-14(4): Resignation of Deputy Premier**

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, earlier today, the Honourable Jane Groenewegen, Deputy Premier and Minister of Health and Social Services, tendered her resignation as Deputy Premier.

In her letter of resignation, Mrs. Groenewegen indicated that she demonstrated poor judgment by recording a telephone conversation on March 26, 2001, between the Principle Secretary and the Conflict of Interest Commissioner, Carol Roberts. Mrs. Groenewegen has apologized for her actions and how they may have reflected on the integrity of the most senior levels of government, including her colleagues in Cabinet and the Assembly.

I have accepted Mrs. Groenewegen's resignation and I commend her for taking responsibility for her actions under very difficult circumstances. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Item 2, Ministers' statements. Item 15, notices of motion for first reading of bills. Item 16, motions. Item 17, first reading of bills. The honourable Member for Weledeh, Mr. Handley.

ITEM 17: FIRST READING OF BILLS**Bill 13: An Act to Amend the Income Tax Act, No. 2**

HON. JOE HANDLEY: Mr. Speaker, I move, seconded by the honourable Member for Inuvik Twin Lakes, that Bill 13, An Act to Amend the Income Tax Act, No. 2, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: We have a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? Thank you. All those opposed? The motion is carried. Bill 13 has had first reading. Item 17, first reading of bills. Item 18, second reading of bills. The honourable Member for Nunakput, Mr. Steen.

ITEM 18: SECOND READING OF BILLS**Bill 11: Architects Act**

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 11, Architect's Act, be read for the second time.

Mr. Speaker, this bill provides for the creation of a professional association for architects in the Northwest Territories. The bill also provides for the regulation of the profession by the new association and requires, with some exceptions, persons practicing architecture to be authorized to do so by the association.

Some of the key provisions of the bill concern the following matters:

- setting out the powers of the association to manage its affairs, including the powers to hold property, make by-laws, elect a governing council, register members, issue licences and permits, and conduct discipline proceedings;

- setting out rules respecting various aspects of the practice of the profession, including the use of the title "architect", the use of stamps and seals and the supervision of certain persons;
- providing for the enforcement of the practice restrictions set out in the act;
- providing for certain transitional issues, including establishing the initial membership and council of the association and grandfathering certain persons currently practising architecture in the Northwest Territories.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Steen. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried. Bill 11 has had second reading. Accordingly, the bill stands referred to a committee. Item 18, second reading of bills. The honourable Member for Frame Lake, Mr. Dent.

Bill 12: An Act to Amend the Wildlife Act

MR. DENT: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Bill 12, An Act to Amend the Wildlife Act, be read for the second time.

Mr. Speaker, this bill proposes to reduce the period required to achieve resident status for the purposes of wildlife harvesting from two years to six months. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. The motion is in order. To the principle of the Bill. Mr. Dent.

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, as I already noted, the purpose of this bill is to reduce the period required to achieve resident status for the purposes of wildlife harvesting from two years to six months.

Mr. Speaker, the act currently defines non-residents as people who have lived in the Northwest Territories for less than two years. This is the most stringent residency requirement found in any provincial or territorial wildlife statute. Once these non-residents have moved to the Northwest Territories, they are immediately eligible to transfer their current driver's licence for an NWT driver's licence. After only three months, they qualify as residents for NWT health care.

Mr. Speaker, although these non-residents live in our communities, support our economy and pay income tax to the territorial government, they must wait for two years before being considered residents under the Wildlife Act. During those two years, they are subject to all the hunting restrictions that people who do not live in the Northwest Territories must face. So even though they live here year-round, their hunting rights are only the same as a person from southern Canada who visits the North for just a few days each year to hunt big game.

When it comes to small game, Mr. Speaker, there are restrictions placed on their hunting activities. Their licences are more expensive and they have quota restrictions not faced by residents.

Mr. Speaker, I found it very interesting that the Fisheries Act defines an NWT resident as a Canadian citizen or landed immigrant who has resided continuously in the Northwest Territories for three months immediately preceding the day he begins to fish. That means that a person can purchase an NWT resident fishing licence and harvest fish after only having lived here for three months.

Mr. Speaker, the current Wildlife Act is over 20 years old and must be updated to make it compatible with settled land claim agreements, the Canadian Constitution and other federal and territorial legislation. For over 10 years, successive governments have been talking about completing a comprehensive review of the Wildlife Act. In fact, Mr. Speaker, I was looking at Hansard from March 29, 1994, and I found that on that date, the Standing Committee on Legislation made this comment in a report to the Legislative Assembly:

"The committee would like to note that the government had made a commitment three years ago to review the entire Wildlife Act. The committee wonders at what stage this review is at."

Mr. Speaker, there was no response at the time from the government. It appears that we are caught in a never-ending review process. My constituents and I have heard for so long that a comprehensive review of the Wildlife Act, including the residency requirements, would soon be done, yet it never seems to happen. For that reason, I decided that it was time to bring this minor amendment forward now.

I initially became interested in reducing the residency requirement after several constituents, who were either RCMP officers or members of the Armed Forces, complained to me that they wanted to fully enjoy the outdoor experience offered in the Northwest Territories but they were often transferred before having the opportunity to hunt.

In several other provinces in Canada, RCMP and DND members are given special exemptions. I know that many RCMP and DND members seek northern transfers because of the wilderness experience the northern lifestyle can offer. They made the point to me that they provide a vital service to all citizens of the Northwest Territories and Canada, and I felt it unfair that members of the RCMP and the Canadian Forces may not be able to enjoy the full benefit of living in the North because of the long residency requirement for a hunting licence.

I had initially asked the Minister responsible to consider an exemption to the two-year residency requirement for RCMP and Canadian Forces personnel. However, Mr. Speaker, I have now come to believe that a new residency requirement in the Northwest Territories should apply to all people, not just to RCMP and DND members. After all, the Charter of Rights and Freedoms guarantees equal protection and benefit of the law to every individual.

The Wildlife Act should not be seen as providing special treatment for certain segments of the population. Therefore, this amendment proposes to reduce the residency requirement for all people in the Northwest Territories to six months.

Mr. Speaker, I would argue too that this is a quality of life issue. I have often heard Members in this Assembly talk about the

quality of life in the North as one of the advantages we need to use to attract health professionals. Being able to fully enjoy the outdoors by hunting as a resident is a part of the quality of life we need to be able to use when trying to attract people to the Territories. So I would like to propose six months.

Mr. Speaker, the current residency requirement of two years, as I have noted, is the longest of anywhere in Canada. One other jurisdiction requires residency of one year, and all the others, other than Nunavut, require six months or less. Alberta and Manitoba actually have no residency requirement.

Mr. Speaker, I know that the Department of Resources, Wildlife and Economic Development states in its business plan that the development of a new Wildlife Act is a priority. During session last June, the Minister of RWED advised the House that at the most optimistic, new wildlife legislation would be brought forward by the fall of 2002.

I have heard the government talk about revising the Wildlife Act for over ten years. It is a very complex process. I am not convinced that we will see new legislation during the life of this Assembly. In the meantime, I am proposing that we do the right thing immediately and make a simple amendment to our outdated Wildlife Act. It is basically an administrative procedure to reduce the residency requirement to six months so that we are in-line with the rest of Canada.

Some have suggested that we need to maintain the longer residency requirement for conservation purposes. However, Mr. Speaker, conservation is achieved by regulating the number of animals harvested and the areas where big game may be hunted, not by imposing an arbitrary residency requirement. Conservation issues should be addressed on a species-by-species basis as the need arises. There are many tools in wildlife legislation to do this. For example, quotas for non-aboriginal residents that do not depend on residency, which can disenfranchise someone across the board, not just for a species that is in trouble.

Each year, RWED uses a system of licences, tags, quotas, seasons, and wildlife management areas to regulate the level of resident hunting. The wildlife harvest is constantly monitored. In this manner, as the number of resident hunters increases or decreases, the hunting regulations are adjusted to ensure that the animal populations stay healthy. Mr. Speaker, that is the way to ensure conservation, not by imposing unreasonable residency requirements.

It is also important to note the changes in the residency requirement will have no impact on the holders of general hunting licences. The holder of a GHF may hunt virtually without restriction throughout areas of the Northwest Territories that do not have separate land claims. This proposed amendment to the Wildlife Act will in no way impose on the current traditional hunting rights of aboriginal people and GHF holders in the Northwest Territories.

Mr. Speaker, one of the main reasons for revising wildlife legislation is so that it will recognize and become more fully integrated with land claim agreements. This amendment that I am proposing will be compatible with, and have no impact on, those agreements. Each wildlife management council will continue to regulate hunting within its respective settlement area, as detailed in its land claim agreement.

Mr. Speaker, I ask other Members for their support for this bill today. Let us make hunting regulations and restrictions using good wildlife management procedures, but let us make the waiting period fair for all residents of the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. To the principle of the bill. The seconder, Mr. Delorey.

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I will not go into any lengthy speech in support of this bill. However, I do not have a problem supporting it. In talking with Mr. Dent, most of the points that he brings up in here, I am in support of. I know that in all economic development that we are proposing for the North, and the realization that we are going to be needing help if we want to develop the Territories in the form that we are talking about, many companies are having a hard time finding workers right now. That indicates to me that we are going to have to be encouraging more people to come North to help us along.

When we bring people up and ask them to come and support the Territories and work towards the development and betterment of the Territories, they should also be able to enjoy any of the benefits that come along with living in the Territories.

We very openly talk about everything the North has to offer, such as hunting and trapping. I think a residency requirement is one that is very important to residents, as well as the rest of the country. I do not think we should be penalizing anybody who is up here helping develop our Territory by making them wait two years for hunting. Therefore, I will be supporting this bill to reduce that time frame to six months. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. To the principle of the bill. The honourable Member for Mackenzie Delta, Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I will not be supporting this bill. There is a process in place now, which is doing a thorough review of the Wildlife Act of the Northwest Territories. There have been claims settled in the last number of years where those agreements have been waiting to have legislation attached to enact those land claim agreements and obligations. The obligations are in regard to the management, protection and planning for wildlife.

I think it is inappropriate that aboriginal people who have lived here for years are now asking for a say of how their rights are going to be implemented through legislation. Now we have a group who are not even residents of the Northwest Territories asking for special rights through this amendment so that they can hunt way before they even become a full-fledged resident of the Northwest Territories. People who are born and raised here are having their rights restricted without any consultation by establishing restricted corridors for harvesting.

Aboriginal people are being affected by the harvesting of wildlife in the Northwest Territories because of these type of reflective decisions where people are saying, "It is not going to affect you. It is just a small amendment."

What we are finding is it is these small amendments that are being imposed on aboriginal people that are the problems, where we are see aboriginal peoples' rights to hunt are not being lived up to, or else they are being abolished to the point where they are being restricted.

I for one feel that we have a process in place. Yes, it has been long overdue, but it is in place. I feel that if this idea is going to go forth, it should go through the same process that everybody else is following at the present time, which is the amendments to the Wildlife Act for the whole Northwest Territories, so that the land claim groups can have their say with regard to how they see the amendment to the Wildlife Act being made to ensure that those rights that they have in their land claim agreements, aboriginal peoples' rights, are going to be protected, so they do not have restrictions put on them without having consultation. The people who want to look at the residency clause can do it in that context.

I for one will not be supporting this motion because I feel there is a process for it. We should not be putting amendments to the Wildlife Act before the review is concluded, so that everybody who will be involved, the residents of the Northwest Territories, will take part to look at wildlife for the whole Territory, not just one aspect at a time. I for one feel that will do more damage than it will to help try to bring a conclusion to this long overdue process of the Wildlife Act.

I would like to thank the Member for bringing this issue forth, but I think in terms of timing, this should be done in the context of the existing Wildlife Act amendments that are going on, the hearings that are taking place. I strongly push the government to move a little faster on this and hopefully we can have it passed in the term of the 14th Assembly. Thank you.

MR. SPEAKER: Thank you, Mr. Krutko. To the principle of the bill. The honourable Member for Tu Nedhe, Mr. Nitah.

MR. NITAH: Mahsi, Mr. Speaker. Mr. Speaker, here is a case in point again why we need to establish how long a person has to be in the Northwest Territories before they are deemed a Northerner.

To the principle of the bill, Mr. Speaker, I am speaking against the motion. The Member from Yellowknife is introducing this bill particularly for residents of Yellowknife. The majority of non-aboriginal people who live in the city of Yellowknife want to hunt in the surrounding regions.

The land claims from the Dogrib Treaty 11 and Akaitcho Treaty 8 have not been concluded yet. Within those claims, there will be contingencies of wildlife management; which lands can be accessed for wildlife harvesting.

There is one diamond mine, another in construction and a third one being proposed. Those are major impacts on the wildlife. There are major studies being done right now to get baseline studies to have a better understanding of caribou movement and other wildlife within the Slave Geological Province. Until the land claims are settled, until the baseline studies are finalized, until the Wildlife Act is reviewed, I cannot support such a motion. Thank you, Mr. Speaker.

MR. SPEAKER: Mahsi, Mr. Nitah. To the principle of the bill. The honourable Member for Thebacha, Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, this issue as well would be contentious in my community. However, I believe it should be given a chance to go through the committee process to allow all the Members on the GED committee to give it the thorough scrutiny it deserves to address some of the issues raised by my colleague for Mackenzie Delta or my colleague for Tu Nedhe. On that basis, I

will be voting in support of giving it second reading to allow it to go through due process and give it fair consideration. Let it be subject to the best decisions possible from the committee responsible for that particular bill. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. To the principle of the bill. The honourable Member for Range Lake, Ms. Lee.

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I would like to speak in favour of this motion. I would like to start off by thanking the Member for Frame Lake for the hard work that he has put in to bring this bill to where it is today. It is not easy for Regular Members on this side to draft a bill and to carry it through. I would like to express my thanks and congratulations to the Member.

Mr. Speaker, I was not planning on speaking at length on this, but I would like to put my support for this on the record. Mr. Speaker, I can advise you that when I became an MLA, I became aware of this issue, where I was not aware of it before. It was very much a constituency issue for me because a lot of people in my riding either work for the RCMP or for the military services in Yellowknife.

Mr. Speaker, I believe that the work they do in this part of the country is as important as any they do in the rest of the country and around the world. This is a big morale issue for them. They feel that they are not being treated -- in fact, they are being treated substandard than they would be treated as any other Canadian citizens.

Mr. Speaker, I can also tell you that this is a subsistence issue. I have learned in my job in talking to these members of the military service that they really do not make very much money at all. The lower-ranking military service personnel make minimum wages and they do actually hunt for their food. I think a family of four expected to live at \$25,000 is not -- I think we have a misconception about people's wages and people's living standards that we are not aware of.

This is very much an economic issue for those military families based in the Northwest Territories where the cost of living, as we know, is higher than the rest of Canada.

I think, Mr. Speaker, there is a very important issue here, and that has to do with our obligation as elected representatives and a Legislature to protect the Constitutional Charter of Rights that are supreme law of this land.

Mr. Speaker, I believe that whenever we speak about protecting our own rights, we have to always be willing and prepared to grant the same to those who are entitled to the same.

Mr. Speaker, we value the rights we have under the Charter. One of them is the residency of mobility rights. To ask these military personnel or RCMP who are not able to establish a residency requirement because they are being moved so often, to ask them to do something that they are not able to do has to be a violation of the Charter. They are not able to meet the three-year requirement in many cases. If they are only based here for three years and they have to spend two years establishing it, they would be asked to leave shortly after they become eligible to do what they want to do.

I believe that this is a very important issue. We should be thinking about the rights and privileges of everyone. I think it is possible to do this and grant them the equal privileges without affecting or delegating in any way the aboriginal rights of our aboriginal peoples in the North.

Mr. Speaker, I would like to conclude by adding that I do not believe it is a sound argument or it is true to say that the amendments being proposed or the review process of the Wildlife Act will take care of this question. I believe that process rightly is one that is fair to address the questions and issues and implementation issues that come out of settled land claims and other negotiations between aboriginal peoples and Canada, and that is fine. I think this government has put a lot of resources to make sure that does happen.

However, this one is very precise and it should be immediate. I think this deserves the support of this House as a democratic institution.

Mr. Speaker, I could also add that in the resources that this government has put in for the review of the wildlife legislation, I do not believe there is any effort put in there whatsoever for groups like this to come before the review committee to have their say in this process. So in that manner, I think that having this bill go forward and have a second reading, and then to have some sort of a public input process through a committee review, would be something that would be the right thing to do for this Assembly.

For that reason, Mr. Speaker, I would like to speak in favour of the motion. I would like to once again to thank the Member for bringing it forward. Thank you, Mr. Speaker.

MR. SPEAKER: To the principle of the bill. The honourable Member for the Deh Cho, Mr. McLeod.

MR. MCLEOD: Thank you, Mr. Speaker. I wish to state that I will not be supporting this motion.

Whenever we talk about wildlife, fish, land or waters, it is a very sensitive issue in my riding. Issues of this nature should be put through a consultation process. I do not believe that has taken place. Committees in my riding are currently going through the land claims process. These issues will be raised at that time. There is currently a review of the Wildlife Act taking place.

I think there have been issues that we have to consider. I have heard the mover state that conservation is not an issue, but I believe it is. We really do not know how many people we are talking about here. It will certainly add to the number of people out there who are hunting and fishing. In the small area that we have to hunt in the Deh Cho region, there are already signs that the wildlife populations are declining.

I do not buy the arguments that we need to change the Wildlife Act so that we can attract workers from the south. If you want workers, there are many of the aboriginal communities that have 40 percent unemployment as it stands. I am sure you could go there and find some workers. With that, Mr. Speaker, I want to state that I will not be supporting this motion. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. To the principle of the bill. The honourable Member for Great Slave, Mr. Braden.

MR. BRADEN: Mr. Speaker, I will speak in favour of this motion. At the front of my responsibility is my constituents and I have a number of them in the riding of Great Slave who are employees of the federal police and military service. I too want to see that the benefits of living in the North are extended as much as possible to them.

However, I also note that the mover, Mr. Dent, has said that he is not seeking an exclusion or an amendment just for people in this employ, but for anyone who lives in the Northwest Territories for more than six months. Given the way our economy is developing, I think that in some small way if this can help encourage people to look at the Northwest Territories as a welcoming place, something that they can really put some roots down, that will be a benefit.

I think there is also something that we should look at, as Ms. Lee said, with mobility and going from place to place in Canada where we already have so many different standards by which benefits are extended or rights are extended. This is one way, in some sense, of equalizing things.

Mr. Dent has done a good job of researching this, Mr. Speaker. He has made it very evident that the whole Wildlife Act is something that is really taking on almost a life of its own in terms of consultation. This Assembly is seeing a lot of money and a lot of time expended in review and consultation on the Act.

A provision like this can be considered and should be considered up through to the committee level. I endorse it, at least to get it out to that stage so that the public can have a chance to give their views and we can come back and report with confidence on what I think is a good move. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. To the principle of the bill. The honourable Member for North Slave, Mr. Lafferty.

MR. LAFFERTY: Thank you, Mr. Speaker. I wish to make it known that I do not support the bill. I sort of supported it at the start, but now I think of all the professionals that come to my region, who all live in Yellowknife. I have been sitting here counting on my fingers how many professionals I have and they all live in Yellowknife and commute to Rae or fly into one of my communities.

As one of my colleagues said, there are plans to make amendments later on. There is a process that is already happening. I think it may be wise that we wait and make this part of the Wildlife Act amendment.

As the claims are all happening, we have parts in it that touch on the Wildlife Act, on aboriginal-owned lands. I will not be supporting this motion, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. To the principle of the bill. The honourable Member for Nunakput, Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, although I am a Member of the Executive Council, I am first an MLA representing a riding of people heavily dependent on subsistence hunting. This particular issue would have a direct impact on these people.

I believe that these people, through this process or through the process the government is proposing and initiating to review

the Wildlife Act, will allow people to bring forward their concerns as to whether or not we should amend the time allotted for residence to qualify as residents under the Wildlife Act.

However, I think that regardless of whether it is through this process or through the government process in place, the committee that is taking on this responsibility, should this bill be before the committee, should take seriously their responsibility to hear from my small communities, because they are going to be heavily impacted by what happens here.

I urge the committee, if there is a committee, to not only concentrate on the larger centres when they do their hearings, because it is the larger centres that are going to have the populations that are going to want to amend this bill.

Mr. Speaker, I am also aware that there is legislation in place requiring the government to consult with the aboriginal groups in any changes to any legislation of this nature that would directly affect them. So I am confident that there are opportunities for people to have their say.

However, from the perspective of my people back home, it would not be right for me not to raise this issue in the House on their behalf, and this is what I am doing.

I am also, Mr. Speaker, aware that as a past chair of the NWT Game Council, this issue was debated, debated and debated. In the end, it was decided that a two-year residency was most appropriate. It was debated for exactly the same reasons that Members have addressed today; to attract people, to allow residents the benefit of living off some of our wildlife resources, as well as supplement their income. This is a way of attracting them. It was also looked at as a way of recreation. Regardless of what the result was, the end result was that people preferred that there be a two-year residency.

That is not to say that it should stay as it is. Twenty years ago is a long time and people may have changed their outlook, but nevertheless, they will express those concerns if they have any. I do know that one of the concerns were whether these people with residency licences have the ability to take care of themselves out on the land. That was one of the major concerns; whether they have the ability to effectively hunt wildlife in a professional manner. We should keep in mind that one of the major issues here is going to be that if you are a resident, you no longer require a guide. That is one of the major issues that has not been mentioned so far.

I think all this will come out in due course, but really, I am here to voice the concerns of my people that we would like to be heard if this thing is going to go before committee and participate.

MR. SPEAKER: Thank you, Mr. Steen. To the principle of the bill. The honourable Member for Nahendeh, Mr. Antoine.

HON. JIM ANTOINE: Mahsi, Mr. Speaker. Mr. Speaker, I have to represent my constituents as well, even though I am on the Executive Council. This is a very sensitive area for us in the Deh Cho. Travelling to the different assemblies this summer, especially down in Tulita where the Dene Nation gathered, I made a presentation and the elders spoke of the land and the water and what it means to them as aboriginal people, as Dene people. They view the land as their store house. The majority of the Dene people that I know, their primary source of food is

on the land, hunting and fishing. They regard going to the store as a secondary way of feeding. They say "We are not white people. We do not go to the store to feed ourselves. We go out on the land."

Hunting is a very important aspect of their way of life, and if you are a hunter -- I do not know how many people here are hunters -- but if you are a hunter, you know what it means to go out on the land, respect the land and get food and put it on the table for your people. People in the North and the people in my region that I represent hold that very dear and regard it as a special right according to their treaty, to have these hunting, trapping and fishing rights that our ancestors have negotiated years ago.

Based on that, I think it is very important to make sure that there is proper consultation done in this whole regard. The government, through RWED, has undertaken a new review of the Wildlife Act and this is a part of the review of the Wildlife Act that there is a specific motion on. It would circumvent the process.

There is an aboriginal working group, I understand, that is working on this review of the Wildlife Act. They have grappled with this issue of the two-year residency. If this motion goes ahead, it would circumvent the process.

One of the points raised earlier is that there are land claim processes taking place right now, and going from what was negotiated in the Inuvialuit claims, the Gwich'in claims and the Sahtu claims, game and the management of game, hunting and residency were a big part of these claims.

With the Dogrib claim just on the verge of being finalized, it has components dealing with this issue. In the Deh Cho, where I come from, there is a process underway. The Akaitcho government, the South Slave Metis, everybody has claims on the go. This is one of the specific rights they would like to address. If this is going to be addressed to accommodate new people coming into our Territory, I think we are going to have to look at it very carefully. There are people who have been on this land since time immemorial and these are rights, and it is difficult here to give those rights away.

If you open it up, there will be so many hunters out there already in the fall. If you go into my region, you are going to add that much more to it and there is going to be a depletion of game. There will be less game for people who depend on it. If there is less game, they will put regulations in there for everybody, so they will be regulating the amount of game. If there is overhunting, that would affect many people in the future, as well if there is an overdepletion of game.

My point here is that there is a process in place already. Why not wait for this process to run its course? The honourable Member for Nunakput says that he was involved in this process 20 years ago and we are still grappling with it. We are going to continue to do it, but the point I want to raise is that there is a special right that the Dene people have, who have treaty in the North, that they regard as their special right. If we are going to make changes, they are going to have to be included in the consultation. Mahsi.

MR. SPEAKER: Mahsi, Mr. Antoine. To the principle of the bill. The honourable Member for Yellowknife Centre, Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Speaker. This is no doubt a very difficult issue for many of us. I just want to speak about a concern that I want to express for some of my residents, and it has been ongoing ever since I have been in the Legislative Assembly, and that is the representatives of the military and the RCMP who get posted into the North. They are here for perhaps a short period of time. These are people who get transferred on a consistent basis to other jurisdictions, and they never have a home anywhere. They feel that this particular Wildlife Act is an imposition on them, whereby they cannot ever hunt in any jurisdiction.

This is the crux of the problem, from my perspective, for many of my constituents. As a matter of fact, the RCMP and the military headquarters are within my constituency and I do have to speak for them. I think it is important that this issue be addressed.

Yes, I am very appreciative of the comments made by other Members. The Wildlife Act may take a period of time to get through, and it would be my wish that this particular issue start being addressed and that the bill be put before a committee to look at, and at the end of the day, let the Members decide whether it should proceed or not. In the interim, you will have at least a consultation process that has taken place on this issue and a broad viewpoint.

It would be my wish that there would be very extensive consultation on this whole area, and that we do obtain the viewpoints of all people so that we can formulate a process. Should this particular bill not pass, at least we have gone through the process to be prepared for the final, the large section of the Wildlife Act that needs to be revised, so that we can deal with it.

Otherwise, I foresee an opportunity here for the Wildlife Act to be held up for a long period of time. It may take a great deal of time in the first place. I would like to see it proceed. Thank you.

MR. SPEAKER: Thank you, Mr. Ootes. To the principle of the bill. The honourable Member for Inuvik Twin Lakes, Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Speaker. I too, as the representative for Inuvik Twin Lakes, cannot support this bill. I think I stated back when I tabled a document, a profile of Inuvik Twin Lakes, which says that we have a large proportion of our residents who still subscribe to the subsistence harvesting way of life. It is important for them to have some say in how we decide how we put this proposed bill into effect.

We are dealing with the same context as the gun law. This gun law really prohibits many of our subsistence hunters to exercise their rights because they are somehow governed by laws and other regulations that prohibits them from continuing to practice hunting and securing wildlife for food and clothing.

It is important for me as the Member for Inuvik Twin Lakes to support the ongoing subsistence harvesters so that they can maintain what they feel is their legal and legitimate right to continue to practice that tradition. Mr. Speaker, I will not support this bill. Thank you.

MR. SPEAKER: Thank you, Mr. Allen. To the principle of the bill. The honourable Member for Inuvik Boot Lake, Mr. Roland.

MR. ROLAND: Mr. Speaker, listening to a lot of the comments I have heard regarding this proposed amendment to the Wildlife Act has left me torn. Torn, Mr. Speaker, between my cultural background -- that of my father, who is a hunter and trapper, and has done well in that area. Torn between the history I have as an Inuvialuit and that of my children, who are moving forward in a more modern era. They love to travel the land and hunt and fish.

Mr. Speaker, it is something that we have to consider as a very serious issue. It is unfortunate that we find ourselves at times making these decisions that seemingly pit one group against another, being aboriginal and non-aboriginal, as this bill seems to do. I do not think that is the intention, Mr. Speaker.

Mr. Speaker, we have heard of the timing of the Wildlife Act and that process is ongoing. In fact, during the business plan reviews that were tabled in this House, I think it identifies that it would be concluded in about 2003, which is at the end of our mandate. There is no guarantee there that it will be dealt with during this Assembly.

I know the Wildlife Act amendments were raised during the 13th Assembly for a different reason; in the area of this government moving forward on the wishes of the aboriginal groups, who had concerns that this government was not implementing what has been put forward in the land claims agreements.

Mr. Speaker, I have tried to weigh this as it first came up in first reading and the Member approached me on this issue. I spoke to a number of people back home. I have heard the comments that some Members have raised here, that there is a process. The Wildlife Act amendment is under review by the department. Let that go its process. In fact, as we heard from the Member for Nunakput, this has been an ongoing discussion for decades.

Mr. Speaker, I do not take lightly what we must do as Members of this Assembly and how we must proceed. That is why it is very difficult, but I understand that we will, from time to time, have to make some decisions. I understand as well that we are at the process where we decide if we go to the standing committee stage. If this passes, we will go to the standing committee, which I would be involved with, along with other Members of this House. All Members would have an opportunity to take part in that process to one degree or another.

It is a decision of whether we stop it here or move forward to the next level to get more input.

One of the things I have to look back on, Mr. Speaker, is a commitment I made to the people who elected me, to afford me the opportunity to be in this forum. One of the things, Mr. Speaker, that I made a commitment to in the very first election I ever took part in, was that I would treat everyone with an open mind, no matter where they come from, what their cultural background is, if they are employed or unemployed, young or old. I said if you come to my office, I will treat you with due respect.

So I find this draws me to the commitment I made to my constituents of Inuvik, that I would take all aspects fairly and weigh them evenly.

Mr. Speaker, I find myself at this time in a position where I think there is a need to go to the next level, so that we could have

the standing committee listen to our constituents. As Mr. Steen stated in this House, we will have to listen to those in the small communities as well, because they are the ones who are directly, every day affected by the hunting and fishing that goes on in the Northwest Territories.

Believe me, Mr. Speaker, I know making this decision will have some impact back in my community, because I have a large family, an extended family who is directly involved in the hunting and trapping tradition. In fact, many of my family right now are at the coast, whether it is Kendall Island or Whitefish Station, taking part in the seasonal whale hunting activities -- something that I have missed, Mr. Speaker, since I have become an elected Member. I have not had much opportunity to get out. I look forward to getting out this summer, though, at some point.

Mr. Speaker, it is only for the reason of going to the next level that I can support this bill. I want to hear from more of my constituents who would have a say in this process. If they come back clearly and tell me no, then that is the way I would vote on the final outcome. However, for the purposes of getting it to the next level, Mr. Speaker, and only for that, I would support this bill to go ahead to the next level.

Let no one make the mistake that I am supporting this right through to the end. I want to see it go through the due public process. With that, Mr. Speaker, I will support this on that basis and on the basis of the commitment I made to my electorate. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Roland. To the principle of the bill. The honourable Member for Yellowknife South, Mr. Bell.

MR. BELL: Thank you, Mr. Speaker. I want to speak in favour of this bill here today. I believe it should go to the next level, as Mr. Roland has indicated. I think at the committee stage, it will get due consideration. We will hear from people in larger and in smaller communities. We need a public consultation on this matter.

I would not be comfortable if we were talking about making the exemption for certain people based on their occupation, such as military or RCMP. I think it is important that we look at everybody equally. That is what this bill proposes to do.

I am confident in my colleagues on the GED committee that they will hear from all segments of society in the Northwest Territories and make the most reasonable decision that they can.

I know it is a contentious issue, but I do have confidence in my colleagues that they can hear from all sides of the issue and come up with a recommendation. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Bell. To the principle of the bill. The honourable Member for Weledeh, Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Speaker. I was not going to speak to this bill, but I will, mainly because I want to reinforce that there already is a process underway to review the Wildlife Act. There is a wildlife aboriginal advisory committee set up. If we go forward with this one to take it out for consultation, we are going to be confusing a process that we already in this House agreed to review the Wildlife Act.

So I think it is really going to confuse it if we move ahead with this one at this time. It is possible, and we are targeting having a Wildlife Act draft legislation available by a year from this fall. If we are not able and we are not making progress toward that target, then I might feel differently about this. At this point, moving this forward at this time would just confuse a process that is already underway. Thank you.

MR. SPEAKER: Thank you, Mr. Handley. To the principle of the bill. The honourable Member for Frame Lake, Mr. Dent.

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, as I was going through the Hansard I mentioned earlier today, in 1994, the Minister appearing with his witness the deputy minister, was Mr. Kakfwi and Mr. Handley at the time. There was comment then about there having been three years since the promise had been made of a comprehensive review.

We have an awful lot of work to do at the self-government tables. Will we manage to get through to the point where the wildlife review is going to be concluded in the next year? I am not confident that that will happen. This process has dragged on for a long time. I know that there have been a number of issues raised today by Members that I would hope, if we could move it to the committee stage, that I would have an opportunity to address. I recognize that if I am not successful in addressing the issues in committee, I think I have heard loud and clear that it is not going to get any farther than that.

I am not confident that in the life of this government we will conclude the comprehensive review and see the legislation. This is an issue that has gone on since I have been elected in 1991. I would like to again urge Members to support this bill and to support sending it to the committee for consideration after second reading. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. That concludes debate on the principle of the bill. Is the House prepared for question? Question has been called. All those in favour, please signify in a very clear manner. Thank you. All those opposed? Thank you. We have a tied vote. Eight in favour, eight opposed. It falls on to the Chair to respond and to break the tie in this event. The Chair will vote in support of the bill. The motion is carried. Bill 12 has had second reading. Accordingly, the bill stands referred to a committee. Item 18, second reading of bills. The honourable Member for Weledeh, Mr. Handley.

HON. JOE HANDLEY: Mr. Speaker, I seek consent to proceed with second reading of Bill 13, An Act to Amend the Income Tax Act, No. 2.

MR. SPEAKER: Thank you. The honourable Member is seeking consent to proceed with the second reading of Bill 13. Are there any nays? There are no nays. You have consent, Mr. Handley. Please proceed.

Bill 13: An Act to Amend the Income Tax Act, No. 2

HON. JOE HANDLEY: I move, seconded by the honourable Member for Inuvik Twin Lakes, that Bill 13, An Act to Amend the Income Tax Act, No. 2, be read for the second time.

Mr. Speaker, this bill will change the income tax system in the Northwest Territories from one that calculates income tax on the amount of federal tax payable to a system that calculates tax on the amount of taxable income. This bill also makes

technical changes to the act to clarify the language and to update references related to the federal act. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. We have a motion on the floor. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Thank you. All those opposed? The motion is carried. Bill 13 has had second reading. Accordingly, the bill stands referred to a committee.

Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters: Committee Report 5-14(4), Ministers' Statements 1-14(4), 3-14(4), 4-14(4), and Bill 2, with Mr. Delorey in the chair.

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

CHAIRMAN (Mr. Delorey): I will call committee of the whole to order. We have a number of items to discuss in committee of the whole. It has been agreed that we will deal with the report of the Special Committee on the Conflict Process, so I will turn it over to Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. You have heard the recommendations of the Special Committee on Conflict Process here today, and the committee does acknowledge that the Minister has formally requested a withdrawal of her application to have the Conflict Commissioner's investigation suspended due to a reasonable apprehension of bias.

However, Mr. Chairman, the Minister does remain convinced that the Conflict Commissioner was biased in her dealings in this matter. Mr. Chairman, I think that it is of utmost importance that the Office of the Conflict Commissioner have the confidence of both Members and the public. The allegations levelled to date have called into question this confidence, and the committee believes that it is compelled to investigate and make recommendations to this House which can clear the air.

I am hopeful that the Assembly here today will vote to adopt the recommendations of this committee. While we are cognizant of the fact that public money is being expended in this manner, we feel it is critical to restore confidence in the integrity of this institution, its Members and its statutory officers. With that, Mr. Chairman, I would like to invite Members to make comment on the report of the Special Committee on Conflict Process.

MR. CHAIRMAN: Thank you, Mr. Bell. I will open the floor to general comments. Mr. Ootes.

HON. JAKE OOTES: Mr. Chairman, the mandate of the committee is based on an application filed by the Member for Hay River South. The Member has now withdrawn her application. The committee has reported on that and is making various recommendations on page 12 of 14 in their report.

I believe the way to proceed with this would be to take each individual item -- there are five items here altogether -- and vote on each particular item on an individual basis.

In that regard, Mr. Chairman, I would move that we adopt item 1 to start with, which reads that the Legislative Assembly approve the request of the Honourable Jane Groenewegen to withdraw the application as filed with the Board of Management on May 7, 2001.

I would like to make that motion, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Mr. Ootes, can you please repeat your motion for clarification?

HON. JAKE OOTES: Yes, Mr. Chairman, I believe that there are five items to be dealt with here. I believe if we take each individual item on an individual motion basis and in that regard, I made the motion for item 1, that the Legislative Assembly approve the request of the Honourable Jane Groenewegen to withdraw the application as filed with the Board of Management on May 7, 2001.

CHAIRMAN (Mr. Delorey): Point of order, Mr. Miltenberger.

MR. MILTENBERGER: Mr. Chairman, I understood that we were in committee to look at this report, but to allow some time for general comments. There has been a lot of discussion going on here, but we have not had a chance to have any general comments or discussion, and we have already moved into motions.

I am feeling like we jumped to the head of the queue here. We were just trying to decide on the last vote on hunting rights and here we are voting on...

-- Interjection

MR. MILTENBERGER: ...that is it, but we will tape it and get back to you.

CHAIRMAN (Mr. Delorey): We were open for general comments on the report. I was wondering if we could maybe keep the floor open to general comments. Then, if it is the wish of the committee, to vote on each one of these individual recommendations.

There is a motion on the floor. The motion is in order. It can be made at any time. However, we were on general comments. If the Member would indulge holding your motion until general comments are over, or if you wanted to proceed with your motion now, we can do that as well. Mr. Ootes, would you care to respond to whether you wish to hold your motion?

HON. JAKE OOTES: Mr. Chairman, I guess I was not aware that -- this is a recommendation made by the committee. I guess I feel I am in support of that particular motion. That is the reason I made the motion. If we wish to debate each individual motion, then we can debate it under that.

CHAIRMAN (Mr. Delorey): Mr. Ootes, do you wish your motion to go forward now? For the record, Mr. Ootes, could you read your motion again.

Committee Motion 14-14(4): Recommendation No. 1 From Committee Report 5-14(4): Report of the Special Committee on Conflict Process

HON. JAKE OOTES: Mr. Chairman, there are five items here. It is my feeling that each individual item should be dealt with on a separate basis. Therefore, I move that the Legislative Assembly approve the request of the Honourable Jane Groenewegen as filed with the Board of Management on May 7, 2001.

CHAIRMAN (Mr. Delorey): There is a motion on the floor. The motion is in order. To the motion. Question has been called. Premier Kakfwi.

HON. STEPHEN KAKFWI: Mr. Chairman, it is my understanding that the committee members are in support of this motion. It is my view that the first two are fairly straightforward. They are a matter of House business. It is the remaining three that I think will deserve our full attention and debate.

The first two are fairly straightforward and there appears to be sufficient support to warrant just dealing with these and then potentially...

CHAIRMAN (Mr. Delorey): Mr. Kakfwi, there is a motion on the floor. To the motion, please.

HON. STEPHEN KAKFWI: Yes, I am leading up to saying I therefore support the motion. It is straightforward. The members of the committee support it and I think enough of us in the Legislature have indicated support for it, so we should deal with that.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kakfwi. To the motion. Minister Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman. Mr. Chairman, I speak in support of the motion as well, since that is the wish of the committee. I would prefer this manner as proposed by Mr. Ootes, where we deal with one item at a time, rather than assuming that by accepting the report, we accept everything in it. This way is more clear in my mind. It is more clear to people who are out there listening and watching as to what we are doing here. I support the motion.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. To the motion. Question has been called. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, I am not too clear. We have five motions here. I am just wondering, by dealing with them individually, because they do have repercussions on each other. Also, with regard to the conclusion, the committee is basically asking for more time to do an in-depth review.

I was not party to the hearings or to the committee. There has to be more discussion around these different motions as they are laid out, because it is still cloudy as to where we go from here. By simply passing these motions, it is concluded, but on the other hand with the report being read out, what I heard is that it seems like they are asking for an extension or more time to wrap up this whole process.

Simply by Mrs. Groenewegen withdrawing that application, does that unilaterally conclude the debate on that aspect, or are we still dealing with the relevancy of the complaint that was filed against the Commissioner? I feel once you file a complaint, it is a serious allegation. I think that by simply withdrawing the application, it does not end there.

My concern is whether this is going to go on forever and a day just because of doing these different motions? I was hoping we would have a chance to ask questions or respond to what is in the report. By simply jumping into the motions, I do not think it does justice to the Members who were not party to the process.

I for one feel that it is not over. This process is going to go on for another couple of months. After going through the inquiry in the 13th Assembly, now this, I think there are some serious allegations being raised in the context of this report, and I think that we as Members in the eyes of the public, we cannot be seen to do one thing one day and then take it back the next day and it is a done deal.

I feel that now with what is being stated here and the statements made on this matter, it is going to eventually possibly blow up into a full-fledged public review. When you challenge people that we have put in place, regardless of who they are, we give them the responsibility to do their jobs. We cannot make an allegation one day and stop someone from doing their job and the next day come back and say "I withdraw it because I made a mistake."

There is going to be more to this than what is being concluded. I was hoping to ask the chair of the committee exactly what was meant by asking for more time to conclude whatever work they were unable to conclude within this time frame.

CHAIRMAN (Mr. Delorey): Mr. Krutko, the motion that is on the floor deals with recommendation 1, and each of these recommendations will stand on its own merit when we vote on it. You can speak to any one of those recommendations. To the motion. Mr. Krutko.

MR. KRUTKO: That is the problem, Mr. Chairman. Usually in this process, you basically have a debate around the tabled item and review in the context of the aspects of the Members who were not party to it so we can have input into the process. You do not jump right into the motions without having a debate on the item. That is what I have a problem with. I cannot support something that I do not really understand the implications of, knowing that this process will probably go on a lot longer than we expect.

CHAIRMAN (Mr. Delorey): I think you are correct. The normal process is that a motion can be made at any time. We are just speaking to the motion now. To the motion. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. The committee has reviewed this and in light of all that has taken place, we felt that this first recommendation was one that we could recommend to the Assembly to facilitate.

Mr. Krutko has asked what impact does this have on other motions. It does have an impact. With accepting the Honourable Jane Groenewegen's application to withdraw her application of bias, we feel that then opens the door to the second recommendation, but that does not conclude the items as we have listed.

There are five recommendations here that the committee has put forward and hopes that the Assembly would see that those recommendations would all be adopted. However, we understand there needs to be debate on each one. Based on that, for the first motion that is on there, there is support. We as a committee accepted that, and we are putting that forward to the committee, but yes, we do expect debate on each one as they come forward. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. There is a motion on the floor. To the motion. Mr. Nitah.

MR. NITAH: Thank you, Mr. Chairman. Mr. Chairman, one of the areas of concern I have is following up on what Mr. Krutko was saying. If a person files a claim of bias, this Assembly sets up a special committee, sets up a special session, costing the taxpayers of this Territory maybe hundreds of thousands, and at the last minute decides to withdraw that complaint before the matter is dealt with by the committee established to deal with it, it scares me. If we do not deal with it, what is to stop another Member down the road from doing the same thing?

What is to stop anyone from filing a conflict based on bias or whatever reason and before it is dealt with, pulling it? I do not think it is good for the psyche of the people of the Northwest Territories. I do not think it is good for the image of the Assembly. If it is filed, then we should deal with it right through.

Whenever these are left open-ended and not concluded, there is just too much room for others to do the same. I do not have a proposal as to how to deal with it, but just accepting the withdrawal of the complainer at the very last minute is a problem, I feel, and we should deal with it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Nitah. To the motion. Question is being called. All those in favour? All those opposed? The motion is carried. General comments. Mr. Miltenberger.

Committee Motion 15-14(4): Recommendation No. 2 From Committee Report 5-14(4): Report of the Special Committee on Conflict Process

MR. MILTENBERGER: Thank you, Mr. Chairman. Since we have already opened the door for motions, I would suggest that we proceed logically. I move that the Legislative Assembly advise the Conflict of Interest Commissioner that she may transmit her report on her investigation to the Speaker.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Miltenberger. There is a motion on the floor. The motion is in order. To the motion. Mr. Steen.

HON. VINCE STEEN: Mr. Chairman, if we follow the thought pattern of this process, the only thing stopping the Conflict Commissioner from tabling her document to the Speaker in the first place was a request from this Assembly because of the application of bias. If the application of bias is removed, there is nothing preventing the Conflict Commissioner from presenting her report to the Speaker. Why would we need to inform her to do so? Is there something here that is not being said?

In other words, can this be interpreted to say that the report is only going to the Speaker and not to the House, so that people have access to this report that is not yet tabled in the House? I have to ask the question because I do not understand the need for this particular recommendation.

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

MR. BELL: Thank you, Mr. Chairman. In speaking to the motion, I want to address a concern that has been raised, specifically when the application was withdrawn. As Mr. Steen has indicated, there is nothing to prevent the Conflict of Interest Commissioner from transmitting the report. In fact, it would now come directly to the Speaker. By our statute, that automatically triggers that it must be tabled at the soonest available

opportunity. There is nothing here that Mr. Steen should be reading into this that is not being said. We expect that now, immediately, the Speaker will have the report and will endeavour to table it as soon as he possibly can. That is the intent here. Thank you.

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

HON. VINCE STEEN: Mr. Chairman, I thank the Member for that clarification. I take it then that this is nothing more than a clarification of the process. In other words, we all agree the process would have happened anyway. If you have a motion to allow the withdrawal of the application, then the second automatically follows, so I do not understand why it is a necessity. Since it is simply to clarify the process, I will support it.

CHAIRMAN (Mr. Delorey): Thank you, Minister Steen. To the motion. Question has been called. All those in favour? Opposed? The motion is carried. Mr. Bell.

Committee Motion 16-14(4): Recommendation No. 2 From Committee Report 5-14(4): Report of the Special Committee on Conflict Process

MR. BELL: Mr. Chairman, I move that, notwithstanding the withdrawal of the application, the Legislative Assembly authorizes and extends the mandate of the Special Committee on Conflict Process to consider the allegation of an apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner and to consider related matters which have arisen or may arise during the normal course of proceedings of the special committee.

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

MR. BELL: I think it is important to recognize that while the formal application has been withdrawn, the allegation of bias has not been withdrawn, and the Minister still maintains there is bias. For that reason, we think it is important that the committee endeavour to look into the matter and clear the air.

As I had indicated earlier, it is of the utmost importance that the Conflict of Interest Commissioner have the confidence of both Members and the public. These allegations have called this into question. We do feel compelled to investigate and make recommendations to this House.

I think it is pretty clear, Mr. Chairman, that we need an extended mandate in order to get to the bottom of this, and I do not think we would be doing the public any service at this point and leave things hanging without resolving all of these allegations and issues that are both direct to the bias and peripheral issues. Thank you, Mr. Chairman.

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

HON. VINCE STEEN: Mr. Chairman, number 3 is one of the reasons why I have had a problem with simply adopting the report and assuming everything falls as being accepted. In my understanding of this process, once the application of bias is removed, then there is really nothing left for the committee to extend.

You cannot extend a mandate that is not there anymore. The mandate was based on the fact that the bias application is being filed. Once the application is removed, there is no more mandate for the committee, so you cannot extend the mandate.

Furthermore, if there are other aspects of this investigation or process that we are going through that suggests bias, someone has to file it. Someone has to file a complaint. There is no more complaint, so we cannot very well give the committee the authority to do something that is not there.

Furthermore, if we assume to follow the thought that there is in fact a bias and it is going to clear the situation up that the Conflict of Interest Commissioner has raised, as far as her reputation being affected, that is totally something separate from the issue at hand here. She has an opportunity to file like everyone else, but I am beginning to wonder how this is going to sell.

Let us take into consideration, Mr. Chairman, if I may, a public document that is not tabled, and I am open to someone objecting to me using it here, but it is the letter from the Commissioner to the committee that was made public yesterday from Carol Roberts, and it is the letter she wrote to the committee.

She writes in the last paragraph:

"Finally, the Minister says that despite her request to abandon the proceedings before the special committee, she continues to remain convinced of the merits of her application. I respectfully request that should the special committee determine that the Minister's request to abandon ought to be accepted, then it ought to be recommended to the Assembly that the Minister, having had the opportunity to present her application in the forum established solely for that purpose and having now abandoned her application, should not be permitted to again assert those allegations on the floor of the Assembly where I will not be able to respond to them."

Mr. Chairman, I take this to mean she would be satisfied that this stuff being withdrawn, provided there is no opportunity for someone to bring these allegations up again where she will not have the opportunity to respond. So therefore, she should be satisfied. If it is withdrawn, it is withdrawn. What is the committee going to be investigating? There are no more allegations. It has been withdrawn. I cannot see myself voting in favour of this motion and spending more public money for something that has no results. It has no mandate.

I also have to take into consideration the fact that in the end, after this process is over and done with and the Conflict Commissioner's report is before this House and this committee, it will be up to us to decide if it is biased or not. It will not be up to the committee. They may recommend it was or was not, but in the end, in my mind and everyone else's mind, the House is going to have to decide whether the thing is biased or not.

That is one of the points the Conflict of Interest Commissioner raised in the letter. What was the point of all of this special committee process, if in fact it is the responsibility of this

committee and this Assembly in the end to decide whether the report stands as is or is biased and thrown out?

I raise questions here that in my mind justify saying no, this thing should stop. I will vote in that manner.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Steen. Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Chairman. First, I would like to move that we extend sitting hours to conclude Committee Report 5-14(4).

CHAIRMAN (Mr. Delorey): The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. To the motion, Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Chairman. Mr. Chairman, I would like to speak in support of the third motion. My colleague from Nunakput, I believe, is getting the wrong interpretation from that particular paragraph that he has read. I think it has to be read in the context of all that has transpired in this particular process.

While the formal application of bias has been withdrawn and accepted by this House, the harsh reality is that there are stacks of legal documents -- public documents that are out there on the record from both sides -- casting significant aspersions and allegations and innuendo on the conduct and behaviour of the process, of the Conflict Commissioner, and of what has transpired with the Minister's lawyers. It casts and leaves a cloud over this whole Assembly, Mr. Chairman.

At this point, we have a process that has never been followed anywhere before. This particular initial complaint has moved us like Star Trek, in that we have gone where no man has gone before, no person has gone before. We have broken new ground. I missed that, Mr. Premier.

-- Interjection

MR. MILTENBERGER: Person, Mr. Chairman. There are significant unresolved issues out there. In fact, it was stated up until yesterday that there was evidence that would prove an opinion of the Minister's lawyer that there was an apprehension of bias. We do not know that.

What we do know is that the process, the office, has been cast under a cloud. We as an Assembly are under a cloud because the system that we have does not seem to be functioning properly. It seems to be subject to bias. It does not seem to be politically tamper proof.

We have the issue of the tape and what that means. The tape and the involvement of senior staff, the Deputy Premier -- there are all these questions that leave this House under a cloud. Our system is under a cloud and we should be assuring the public that we will get our house in order. We will resolve the issue. We will make a final determination regardless of what the Conflict Commissioner's report says in terms of her findings on the complaint from Mr. Rowe.

I think it is absolutely essential that this Legislature take the necessary steps to resolve this issue, to reassure the people of the Northwest Territories that our systems do work, that we are not going to leave all these unanswered questions hanging out

there, and that we are going to make sure that we clear the air and bring some resolution to the issue so that there in fact is a sense that the Conflict Commissioner can do her business and that office is seen to be above reproach.

In my opinion, we have to deal with the other issues that have come out of this in terms of the process, the tape and the conduct issues. I think it is absolutely essential that we proceed and to look at it just within that narrow paragraph, once it is withdrawn formally, it somehow all just disappears, that the two or three foot stack of legal documents that are there for the public record no longer have any relevance and that there are no longer any questions that we have to deal with as an Assembly, I think is taking the wrong view.

I think it is absolutely incumbent upon ourselves as legislators in this House, the ones who make the laws for the people, to be seen that we have our systems operating and that our systems are there to protect the public interest. We cannot leave this cloud hanging over all of us. Thank you.

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

MR. KRUTKO: Thank you, Mr. Chairman. That is also the reason I question looking at motion 1, because simply by withdrawing it does not end the process. From the process that we have gone through, where you make allegations against a senior person, especially a person who is in the position of having independent authority to do her job, by having themselves put under a microscope by someone making an allegation that totally undermines that office -- I for one feel that whenever people do this, they have to keep in mind that you have to know going in that what you do or what you say and how you do it will have an implication of the outcome, regardless of who it affects.

This has affected the Legislative Assembly, Members of this House, and also people who are holding positions in this government: our Languages Commissioner, the Conflict of Interest Commissioner, our Information Commissioner. We have people who put their names forth to do a position, a particular job, who will think twice if they have to put their name forth to any of these positions knowing that anytime you make a decision or you are coming forth with a decision, someone can challenge you on the basis of bias and that it ties your hands from doing your job.

That is why I have concerns regarding motion 1, knowing that simply by passing that motion, this is not the end or the conclusion of this process. If anything, the microscope has been turned up a couple more notches to really look a little deeper into exactly what has gone on here.

I for one feel that we should look a little deeper to see what has gone on here, because I believe it is our responsibility to ensure that when allegations are made, they are made knowing that they have implications. If there are ways for this committee to review that with the mandate that we give them, come forth with rules that everyone will have to follow, knowing that we cannot simply make allegations and withdraw them after the fact, knowing that they had an effect on an office, on an individual or on a government.

I believe that, from what has been stated to the information that has been provided to date, people's personal and private lives

have been affected. I think that by doing this, we have to find a mechanism that makes it clear that the rules will apply when people decide to challenge, change or affect a decision or an outcome. That there is a process that once it starts, the outcome will be there. If you make an allegation, you better be sure that you carry it all the way through so we do not have anyone out there who will make an effect on any senior office, especially offices that we establish where we give people some independence to do their job. Without that independence, no one will want to take those jobs, or they will really think twice about what they are getting themselves into, where every time you do something, you are going to be challenged on it.

For me, I will be supporting motion 3, and hopefully, we get some conclusion of exactly what has happened here.

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

HON. STEPHEN KAKFWI: Mr. Chairman, this motion is suggesting that, although the Legislature has agreed to withdraw the application made by Jane Groenewegen, that application has been approved by the Legislature to be withdrawn, so it is withdrawn. Notwithstanding that, this committee that we set up, which is a special committee set up to take the place of the Board of Management to deal with this issue, is now asking to have its life extended and its mandate expanded to consider a whole range of issues, which I do not see any particular substance to right now.

I think Members are in agreement that when we set up this process, it was, to quote some Members, "getting into uncharted territory." In many ways, this motion reflects that. The committee is saying there is a request to withdraw the application and the Legislature approves that, but irregardless of it, the committee wants to continue.

The Member of the Legislature has got her request approved, so is now not going to be a party to this process. We have approved that.

We also have a letter from the Conflict of Interest Commissioner which, the way I read it, suggests that she never wanted to be part of this process in the first place, so there is no indication that this Conflict of Interest Commissioner is going to be a willing participant in the process to continue. If anything, it reads like get it over with. Shut it down because it is not a process that she endorses.

It is my view that the process, because it is uncharted as you say, is going to continue to escalate in cost and is going to distract and consume a tremendous amount of our time and energy. Right now, I do not see any substance to deal with. There are things that were uncovered in the course of the work. I do not know what they are. The public does not know what they are.

There are some innuendoes and suggestions made, but they do not appear to be substantial. If there are issues considering conduct, that is for the Board of Management, or perhaps myself as Premier, to deal with.

There are avenues. We do not need a special committee to deal with those issues that may have arisen in the course of this committee doing its work. That is really my point. The Board of Management has been misplaced by this special committee. The bias issue has been withdrawn, so there is no

need for this motion. The Board of Management can and should resume its duties at the earliest instance.

If there are issues regarding the conduct of Ministers, myself and senior officials, there is a forum in place to deal with it, so I do not see a need for this type of a committee. I believe the Legislature should see the report of the Conflict of Interest Commissioner as she has asked. She has asked to have the report dealt with and accept it. The last motion we dealt with opens the door to that. We should have a look at that and that should point to the fact that this process is no longer required.

I do not know about other Members, but the Conflict of Interest Commissioner continues to perform her duties. If the public has lost confidence, then who is saying that? I am not saying that. If anything, I have used the Conflict of Interest Commissioner's office and sought her advice in the course of the last couple of months. Just because you say it does not make it true. If you say it very often, you might make it sound like it is true.

I think that you have to respect the integrity of these offices and let everybody get back to the jobs they were asked to do. Thank you.

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

MR. LAFFERTY: Thank you, Mr. Chairman. As the Conflict Committee mandate was to look into the allegations of bias, the allegations of bias are still there. Although she withdrew her application, in her application she did not withdraw the allegations. The allegations are still there. So our mandate is still there.

We have a responsibility to the public, although we are looking at a higher cost. We have to explain to them if we stop this halfway through and tell them, "Well, we withdrew, so that is it." How can we justify to the people who we represent, who we have to be accountable and transparent to?

I have to support the Motion because I think we have a responsibility to the people to make sure the committee finishes the job it started and that is to look into the allegations of bias. They have a mandate to that.

I would just like to say that just by withdrawing the application, that does not mean we should just drop it. Thank you, Mr. Chairman.

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

HON. JAKE OOTES: Thank you, Mr. Chairman. Mr. Chairman, in the course of the comments being made, I want to refer back to some comments made by Mr. Steen. I heard him questioning the authority for the committee to be able to continue. The original motion stated that the authorities directed to consider the application filed by the Member. The application has been withdrawn and we have agreed that it has now been withdrawn.

That is an important element in the establishment of the committee. It was established because the Board of Management could not deal with the issue, so we established a committee to have the committee look at this specific issue.

I think like others have said, as Mr. Kakfwi has stated, the Conflict Commissioner, from what I understand, would be satisfied with this situation where this issue now deals only with her report in the House. If the committee wants to look at other issues, it goes way beyond the mandate I feel that was the original reason for establishing the committee. It was to deal with the authority and had the authority to deal with the application made by Mrs. Groenewegen.

We need to deal with the conflict report, Mr. Chairman. That was the start of it all. That is the issue here, the conflict report. We need to get that before us and deal with it. If there are other concerns, then I feel there is a process in place that people can make a complaint. If the Conflict Commissioner is not satisfied or someone else is not satisfied, then they can make a complaint. At that point, you can action the issue. Right now, the mandate of the committee has been completed.

I am not sure that my just stating the mandate is extended...what mandate? There is no mandate anymore. You have no terms of reference for that committee. I think you need to look at that. To me, I would ask the question legally, perhaps, for an explanation. What is the mandate of this committee? What are the terms of reference? If there are no terms of reference to follow up on this, then you cannot carry on as a committee.

That does not stop the process. If there is concern out there, then surely somebody will come forward and say "Look, we need to look at this issue. There are some unresolved issues here."

I would like to get on with the report itself. From that, no doubt we can make some judgments as well. We are going to get a committee to come forward with its investigation of bias? Well, we have to spend a lot of time as Members of this Assembly to judge whether the committee did its job properly. Did it do its job properly? Did it do it in due process? I guess my question would be, of the legal advisor, what is the authority of the committee and the terms of reference?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. I guess it is not normal to have a ruling in the middle of a debate, but would the committee agree that we could have input from the Law Clerk as to the legitimacy of the committee now that number one has been withdrawn?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Ms. Peterson, could you help us out?

MS. PETERSON: Thank you, Mr. Chairman. The question of the Member, as I understand it, is what mandate would the special committee have, given the withdrawal of the application, which was the threshold of it coming into being to begin with?

In its report, the committee is asking, in essence, for a revised mandate. A select committee or special committee of the House has whatever mandate the House chooses to give it. The House may choose to give it the mandate of having the authority to consider aspects of the allegations of bias that have been made and form part of the public record to date.

It is a matter of direction and articulation by this House. Without that articulation or direction from the House, the committee has no further mandate after today. That is quite clear, I think. Were there no recommendations passed or motions adopted by the House, the committee, which had its birth and *raison d'être* to consider the application, would no longer have that. So it does take the direction and recommendations from this House to provide that authority. Once given, that authority is clearly there -- it is a parliamentary authority.

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

HON. JAKE OOTES: Well, if I understand Ms. Peterson's comments correctly, the mandate of the committee has therefore ended, unless new terms of reference are established.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Ootes. Ms. Peterson, would you like to clarify that?

MS. PETERSON: That is correct.

CHAIRMAN (Mr. Delorey): To the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I would like to take this, my first opportunity to comment publicly on this issue, to say that I feel very strongly that this is highly regrettable, that by the incremental steps that have been taken by various parties, that we have gotten to where we are here.

There has been so much said and reported about this. I have taken the opportunity to attend all of the public meetings that the special committee held on this issue. I have tried my best to pay attention to the documents being filed and so on. I must say that I have not been able to read the mountains and hundreds of pages of various documents, statements, letters and stuff that has been filed on this matter.

In thinking about what we could do to come out of this process, the only thing I could think of was to go back to how we came to this in the first place. I guess the Minister in question would have a different opinion about it, but for me this goes back to the fact that a reporter found her name on a corporate registry showing her as a director.

Like I said, we will not know what the result of the Commissioner's investigation is, but even if she was found to be guilty or have done something wrong, in the big scheme of things, I do not think this is a matter that is really earth-shattering, or is of such criminal conduct that we have to deploy resources of the state in the way that we do.

I think there are things that are wrong, things that are right, and things that we have to fight for, and things where we have to move on. It does not take a lot for us to look around and see that we have a lot of bloody bodies around us, or at least severely bruised parties as a result of this process. I strongly believe that it is in the best interest of this Assembly and the people out there to put closure to this issue.

Mr. Chairman, I am very aware of the concerns and the seriousness of concerns expressed in this report and I think that those have to be dealt with by some process, but I am not sure if that process should be by way of this special committee.

First of all, because it is a process where the Minister herself has withdrawn from. She filed a complaint and for whatever reason, reasons she has stated and not stated, she has decided that she does not want to pursue that argument or that complaint anymore, which has effectively eliminated the reason for this committee to exist.

The second thing is that the Commissioner does not support this process. So we have two parties who have the most at stake and have asked, agreed, supported a position that this special committee should not go on anymore.

Third, I have a problem with that process in that I am not part of that process. I am not saying that I want all that work, and I am not even sure that all of the Members here want to spend the next month or two reviewing something that has questionable merit, but if there was such a process, I want to be part of that process. So you have five or six Members reviewing this question for the next two months and it will have to be brought back here, like Mr. Steen mentioned, and then we will have to go through this all over again.

Finally, Mr. Chairman, I really do not have confidence, no matter how the terms of reference are worded or written and no matter what the membership of the committee is, whether I am in it or not, I do not think it is an issue that anyone could get to the bottom of. I think we have had a month. There are enough things having been said of various colours that could have us studying it for the next year. What is the question we are going to get to? How much can people say about someone's action or inaction or another person?

Then you have the lawyers involved. Anyone who comes before this special committee in the next two months will be armed with a lawyer. I am sure that the Commissioner, even if she was not to take part in this process in a formal way, she has already made it clear in her letter that she does not want this discussed without her having the opportunity to defend it.

By passing a motion, we have said we are going to agree to allow the Minister to withdraw and we did not put any value in that. We did not say it was right or wrong. She asked for it and we voted on the motion, each Member as they saw fit. To say that we accept to withdraw this, but we are going to just move right along because we think if we looked at this hard enough and thought about it enough and studied it enough, we are going to figure this one out. I do not think we can.

I am disturbed by the wording of the third motion where it says to consider the allegation of apprehension of bias in relation to the investigation conducted by the Conflict of Interest Commissioner, and to consider related matters which have arisen or may arise. That is a recipe for something that would grow daily as it moves through the process. I am not comfortable supporting such a mandate to a committee of this Assembly.

Mr. Chairman, I am not saying that this issue should not be visited, but I would suggest something like a retired judge or another Conflict of Interest Commissioner, because the Commissioner points out all sorts of areas in the law that are ambiguous. I can think of one where she said that I should not be asked to advise and adjudicate, and then the Minister's lawyer suggested that the Commissioner should not be making recommendations as to what should be changed in the act. That is just one little element out of hundreds of allegations and accusations that are in this report.

I do not think it is fair to ask these Members to straighten this out. I think if we feel that the conflict of interest legislation and process should be changed, we have to step back and have a third party look at it. This is not something that can be done by having various parties appear as they did before for the last month, and continue to do it. That really defeats the purpose of the first and second motion, or the reason why we are here today. I am not going to hold somebody against having voted for these motions or anything. These are very difficult issues, but I just do not believe that.

Second of all, I just want to remember that there are a lot of people on our legal aid who are not able to get legal assistance to defend whatever charges they have against them or to go after child support or spousal support or anything. We are looking at the prospect of spending hundreds of thousands of dollars -- \$300,000 limit for legal fees. I do not understand why someone who needs child support has to apply for \$2,000 to go and see a lawyer, whereas we think nothing of approving \$300,000 legal bills.

So for many reasons, Mr. Chairman, I think it is wise for us to stop this process right here and figure out another way of making the legislation and the process clearer and better. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Antoine.

HON. JIM ANTOINE: Mahsi, Mr. Chairman. Mr. Chairman, I would like to put an end to all of this once and for all. Personally, I have never spoken publicly about this issue before, but I really did not see the need for this special Assembly here in the middle of the summer. The cost incurred by the special committee to do its work, as well as pulling everybody together for the session today and the next two days to review this, I did not agree with that whole process. However, we are all pulled into this whole process and I have to speak about it because the people who put us here are wondering what we are doing here.

To accommodate this situation, we are here. I try to see the merit in the people who put me here and in what we are doing here today. We already dealt with the Honourable Jane Groenewegen's withdrawal of application against the Conflict of Interest Commissioner. We did that. We passed that motion. There is no more application here against the Conflict of Interest Commissioner.

Then we passed a motion saying that the Conflict of Interest Commissioner may submit her report on the initial cause of this whole process on the complaint filed by Mr. Jack Rowe from Hay River on Minister Jane Groenewegen in regard to the way she arranged her affairs.

We set up this special committee and it has done its work. The special committee is also recommending that they continue to do their work. I am wondering for what reasons?

As a Legislative Assembly, we have the power -- our own inherent power -- to control our own proceedings, privileges and prerogatives. As a Member of the Legislative Assembly being pulled into this whole process, my view is the committee has already done its work and we should get on with it.

There are many projects and many requests for funding coming to us, and we have spent a lot of money on this process to date. It is tremendous, "...a tremendous waste of

time and resources..." a quote I picked out from one of the letters. I agree with that. My concern is how long is this process going to go and at what cost?

I would like to thank the committee for doing their work. I know everybody is busy and they had to get together numerous times to try to do their work. I would like to thank them for that.

One of the terms of reference is to consider all aspects of the application, and there is a point made of certain tapings that happened. I did not know about these tapings until today. I did not. I am traveling, going to all these assemblies and being out there, meeting with the Dene and the aboriginal people. Unless somebody forgot to mention it to me before that, but to tell you the truth, I did not know about these tapings until earlier today.

It is wrong. I go on my own personal honesty and integrity. That is all I have. I am not a very rich man. That is what I try to protect. To do this sort of thing in this line of work is wrong. I think the Deputy Premier has paid the price for it today, as we heard in the emergency statement by the Premier. That is a big price to pay for things that happened there, but if that is what the special committee is going to go after, are you going to go after it or not, you know? Is that what it is? Are there other ways of pursuing it other than this special committee?

If you are going after the Conflict of Interest Commissioner, then I think the Board of Management should do its work and look at that, if that is what you are after. As far as I am concerned, I have no problem with the Conflict of Interest Commissioner. My dealings with the Conflict of Interest Commissioner have been on a professional level. I have had no concerns with the way she has conducted her work to this point. Hopefully, I will continue to work with her in that aspect, but as a Member here in the Legislative Assembly, this is where we decide on what we are going to do, what process we are going to do.

Being reluctantly pulled into this whole process, I would like to put an end to it and save our taxpayers some dollars. Perhaps there are other avenues that are there for us to pursue, whatever Members want to pursue.

Those are my thoughts on these things. Whenever I am in this Legislative Assembly, whenever I am going to speak, I try to draw on what I learned in Dene politics -- always try to be respectful and truthful and use your wisdom and your strength and try to have some humility in what you try to do. These are the different principles that I know exist in the aboriginal communities. We should try to use some of that in the Legislative Assembly once in a while. Perhaps things will go a lot better for what we are really here for -- to try to make life a lot better for people in the communities we represent. Mahsi.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Antoine. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Mr. Chairman, it has been discussed for a bit. I know the committee itself, in reviewing this, posed questions to ourselves, what is the process from here? As Members questioned, once the bias is removed, what is there then? Is that not the main focus?

If we want to look strictly at that one question of bias, then yes, I would have to agree with a lot of the Members here that it is

done by pulling the request. Although it is pulled conditionally, as I read it.

In the letter pulling the application of bias, in the closing part of the letter, it states the Minister still believes she has a point of bias here. That will always be hanging out there -- I will pull this, but I still think you are wrong. That is the question.

I have heard my colleagues talk about some bloodletting that is going on and it is time to stop the bleeding, so to speak, to close the wound. In fact, I think if we stop this process as it is now, with all the information that has been put out publicly, the submissions made by the lawyers, and then at the last minute, as we have heard, this tape coming on that says it would draw into question -- and this is public -- draw into question the conduct of our Conflict Commissioner. I am glad to hear that we have Members in this House that will still stand by our Conflict of Interest Commissioner, but this was all public. The people of the Territories are aware of this. I must say that to close this wound is like putting a band-aid on a ten-inch gash. Public accountability is not a questionable merit.

Mr. Chairman, when I took my oath, I swore to the people of the Territories and those who elected me that I would do my utmost to hold the esteem that was placed in me and the accountability and trust to do my job to the best of my ability. I have tried to fulfil that.

Now this question comes to us as to where we go from here. Some would suggest that it is time to stop it here and deal with the report, which yes, many people would want to see. As well, there will be those out there who will question, what are you going to do with that information that is presented, that draws into the light the conduct of Members or your statutory officers?

I do not think we have enough right now to give a very clean report as to this is where it lies. By this Assembly saying no, we will stop it here. We shall stop the process of truly letting it be revealed as to what occurred to bring it to this stage. Will we have the trust of the people of the Northwest Territories, who already have a good piece of the information publicly that says that this has occurred, this has been stated by one of your Ministers regarding your statutory officer, this is the information that has been put before the public and it is going to stop and go behind closed doors? Is that public accountability?

Yes, we could spend the money on other things that would help our residents. I agree with that and I am disappointed with the fact that we are here today discussing this. When the special committee was formed, I thought it was an opportunity that I might be able to remove myself a little bit from this, but no, I was still part of the group, in that sense. I take my role seriously. Whether I enjoy it or not, it is a job that I have to do to the best of my ability.

We find ourselves once again at a crossroads of where do we go and how do we proceed? I think it is in the best interests of the people of the Northwest Territories to prove to them without a doubt that we have concluded the matter. If we conclude in the form that is being suggested by some Members here not to proceed, then I believe we are concluding by leaving a huge doubt hanging over this Assembly for the simple fact that there is public information that has been put forward that draws into question our credibility. It is up to us as Members as to where we proceed from here. I think it is important.

There is a time line. October 23, 2001 is when the mandate will go to. Lately, we have tried to shorten this process as much as possible, and maybe the committee has been lenient with those parties involved and it is time to lay it down and say this is the time. You will meet at this time and decisions will be made because the Assembly needs to prove to the people of the Territories that it is credible, that we are accountable to the public.

Let us not be bought by the fact that an argument can be placed to say that the money is better spent in other areas. I agree that the money can be spent in better areas, and families out there are doing that. People put us here on a platform to do the right thing, to lead and lead above what we could be cloaked in, as we have been in the past. Politicians do not have a good name. People are looking for reasons to take a shot, and I am sure they will be on both sides of this question.

Mr. Chairman, let me close by just saying, as I have said earlier, public accountability is not a questionable merit. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Chairman. I am the same as, I think, all of us here. I am sorry that we have to spend our time on this kind of issue. It is not what I came here for and I am sure it is not what most people came here for.

I have to say that in my view, the allegation of bias is still there. The action has been stopped, but the allegation, in my perception of it, is still there. It is a very serious allegation, particularly to the Conflict of Interest Commissioner, who is the person who is being contracted to give us advice on how to conduct our activities properly. This goes right to the very core of credibility in this House and the officers who are appointed. In my heart, that is serious. It is serious and I have had no difficulty personally with the Commissioner. I have not had much dealing with her because my life is not very complicated, but I have had no difficulty with this person or with the office.

I do have difficulty, though, trying to figure out in my own mind how she is going to be able to continue to operate with a cloud hanging over her head. The next time there is a situation in front of her, there is going to be this doubt about bias and is she conducting her affairs credibly? Is she doing it in an unbiased way? My view is that we cannot leave that kind of situation out there to undermine us.

It is a serious allegation. I guess as a member of the committee, I feel that there is a need to bring this to closure. We cannot just drop it and leave it hanging out there.

There was a suggestion, and I think there have been a number of comments around the room here today, is a special committee the way to do it? I am not a hundred percent sure. There was a suggestion that this should be referred back to the Board of Management. I am a new member on the Board of Management. I am not sure whether this fits in there, but I guess, in closing, I would just like to say that I would be interested in hearing the Law Clerk's advice. Is this something that should be referred back to the Board of Management? I ask that simply as a question.

CHAIRMAN (Mr. Delorey): Ms. Peterson.

MS. PETERSON: Thank you, Mr. Chairman. The mandate of the Board of Management, as I am sure you are all aware, is set out in the Legislative Assembly and Executive Council Act. Section 41 of that legislation provides the Board of Management with its basic authorities, and those are to provide the services to Members that the Board considers appropriate to administer indemnities, allowances, reimbursements and benefits, to provide for the management and operation of the office of the Legislative Assembly, and provide for any other financial or administrative matter that it considers appropriate.

Generally speaking, those duties are with respect to allowances, indemnities, and administrative matters. It does not have a statutory authority beyond what the statute gives it. So it can only do the things that are set out in the statute. It has some specific responsibilities in terms of engaging some of the statutory officers, but those officers tend to be governed by either this legislation or legislation that is particular to their office, like the access to information and protection to privacy legislation. So some aspects of the ability of the board to deal with matters is limited by the statute that creates it.

The other difficulty with the board, even if it had a larger mandate or one that was more expansive than that, is that it does not by statute have the authority that a select or special committee does, or standing committee, for that matter, to compel the attendance of witnesses, summon documents or records as it may consider appropriate to look into a matter. So that aspect of matters could not be carried forward by the Board of Management in the same fashion that it could before a special or select committee.

CHAIRMAN (Mr. Delorey): Mr. Kakfwi, do you want to respond to the legal advice on the management services board or do you want general comments? I have a list here with other Members on it.

HON. STEPHEN KAKFWI: Mr. Chairman, I would like to respond in part, but I would also like to make additional comments. I think it is customary for everyone to make general comments. If there is an opportunity to comment again, I would like to have that. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kakfwi. Next on the list I have Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I take it that we are speaking to the motion. Mr. Chairman, I will speak in favour of the motion.

The allegations and the apprehension of bias impacts all of us. I think the public in particular want to know that we are going to have an open and transparent system. Public and Members must have confidence in the office of the Conflict of Interest Commissioner in order to be seen as credible in doing her job.

Now the Minister has asked to withdraw her application. In so doing, she again restated her position that the Commissioner was biased. Had she withdrawn the position that there was bias, then perhaps this would be really over.

I have had countless people ask me what in the name of heaven was going on. I am afraid that I have not been able to answer very well. I have typically held out that when the special committee concluded its work, we would have a better idea of what the issue was.

I think we need to know. There is going to have to be some reckoning. The public has to have some understanding what has happened, why it has happened, and how this whole process has been worked out. I think that it is clear that it has demonstrated that there is some weaknesses in our legislation, and I think that it is going to be important that we find a way to repair that legislation so that we do not find ourselves in a similar situation again.

I am in favour of the committee continuing with its work. I know that Ms. Lee says that she has no confidence in the process unless she is involved. I thought it was interesting that Mr. Antoine basically proposed the answer there by pointing out that it is up to all Members of this Assembly to look after our own. So it is our responsibility as an Assembly as a whole to deal with issues like this. I think that we have to remember that we face a reality here. That reality is one of time. In this Legislature, it is our custom to delegate all of the issues that we consider.

For instance, we have three standing committees responsible for program areas. We have one standing committee responsible for rules. We have two special committees; one for languages and the other is on the sunset clause and self-government. On top of that, to look after our administrative issues, we have the Board of Management. So typically, all of the issues that we consider are delegated for consideration by committee. Why is that? It is because we would have to sit for 260 days a year if we were going to deal with everything through the committee of the whole process, which is the only way that we can do things and have 19 Members of the Legislative Assembly involved in things, to deal with issues on a free and equal basis.

It would be unlikely that we would be able to really do our jobs well if we were tied to sitting in here in meetings for five days a week, 52 weeks of the year.

Mr. Chairman I think that the members of the special committee have already waded through all of the information up to this point. I think that it is better to keep them working on something that they have developed some familiarity with, rather than moving it to another process at this point.

I have heard the comment that we could spend the money in much better ways. I have to say that I cannot disagree with that. Absolutely, we could spend the money better. I certainly regret that we have come to this point in this issue and that we are spending as much money as we are in this whole process.

Again, this comes back to how do we carry on? Could we send it to the Board of Management? It sounds like, from the Law Clerk's explanation, that there is a bit of a mandate problem there, but there is an even bigger problem and that is the Board of Management does not report to this Assembly.

As Mr. Antoine pointed out, it is important that the Members of this Assembly make the final decision on this issue. It is up to us to make the final decision, and it is only when recommendations come back to us from a committee that we have a chance to consider them and to make that final decision.

I do not think that all 19 of us have to sit around a table and hear all of the arguments all the time. I feel quite comfortable in delegating issues, whether it is to the Governance and

Economic Development Committee or the Special Committee on Official Languages to come back and make recommendations, that I can then count on their expertise to provide us with the background information so that I can make informed opinions.

The other suggestion that I have heard is that we bring in a retired judge to carry on the process. I would argue whether this was kicked to the Board of Management or to a judge, the costs to bring this to conclusion are going to be the same. At this point, people have applied to bring in witnesses. They want to be heard. It is going to be an expensive process no matter how we bring this to resolution. However, I think we have to bring this to some resolution. It is not going to be easy and it is not going to be cheap. It is not going to cost us any more to have the special committee do it.

They do not get paid more for every day that they meet. Their costs are going to be the same. The costs that they would have for witnesses or for counsel and those costs are not going to be any different, whether it is a retired judge or the Board of Management or the special committee. So I say let's stick with the process that we have started, because I do want to see some resolution to this issue. I want it to come forward and I believe that the quickest way to do that is to ask the special committee to continue, to extend their mandate and ask them to continue their consideration of this issue and to bring it to a final report to this House for a debate. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. To the motion. Mr. Braden, Mr. Delorey, Mr. Allen, Mr. McLeod, Ms. Lee and Mr. Kakfwi, in that order.

MR. BRADEN: Mr. Chairman, in the course of our work here and life and business everywhere, as we all know, things are going to go wrong. That is inevitable. How we manage things when they do go wrong is really how we are measured how effective we are. How we can all rise above the problem, clear the decks and get on with life. We are really into this from that perspective, Mr. Chairman. Just what is it we are managing here?

The motion suggests we are considering the allegation of an apprehension of bias. That seems to be reasonably well-defined in the context of this. Then it goes on to say related matters which have arisen or may arise. Like Ms. Lee, I am a little apprehensive of that. We are really leaning very far over the edge on this.

In terms of what is the rest of the job description here, the committee report -- very well written and very thorough -- pages 10 and 11 outlines six issues of public confidence. That gives us a little more substance.

I guess I would really like to know -- and I am going to lead up to a question in just a moment here, Mr. Chairman, that perhaps our Law Clerk could help us out with -- just what it is we can indeed manage here? Can we really, at the end of an extended mandate for the committee, arrive at a committee's opinion as to who is to blame for more stuff here?

We already have five of our offices or institutions involved in this, and blame has been ascribed or alleged to the Conflict Commissioner and to a Minister. It has already affected the

office of the Deputy Premier. The Speaker's office has been involved, and so has that of the principal secretary.

I would like to know, if that is what we need to do, okay, but how can we come out of this stronger and better? Unfortunately, one of the special committee's terms of reference does not include coming back with recommendations about how we might amend the legislation itself so we do not end up in this mess again. That is not part of the job description, and I do not think it is appropriate that we try rolling that in tonight. I am not going to propose that.

I will come to this question that I would like to pose to our Law Clerk, if it is appropriate, Mr. Chairman. Could the Clerk or perhaps a Member of the committee advise what other steps, new processes or new ingredients are going to be brought into an extended mandate for this committee that is going to help solve this? What new things can be done that have not already been tried? Can someone address that for me? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): It is out of the scope, but I will allow the legal counsel to respond. Ms. Peterson.

MS. PETERSON: Thank you, Mr. Chairman. I am not entirely sure I understand the question, but I will try and respond. I think you have asked what new ingredients or new aspects could the special committee, or could a special committee, bring to solve the issues that are presently floating out there.

One of the things that has occurred is the application made allegations of an apprehension of bias. We should be clear that apprehension of bias is a test that, not necessarily was the person actually biased in what they did, but would a reasonable person who was informed conclude that they brought some prejudice or bias to their activities?

That particular issue has not been dealt with on the merits, so it has not been explored in terms of what evidence is there to support it or to controvert that particular allegation, so it remains as such. It remains an allegation. The committee did ascertain that to assist it in coming to that conclusion, it would have to hear from witnesses to get a better idea of what transpired and whether those actions, once they heard them from the mouths of individuals, not just something written in a legal brief, substantiated something or not, as the case may be. As the committee has indicated in its report, it was not able to get to that point, of determining the merits.

CHAIRMAN (Mr. Krutko): I have six people on my list, so just a reminder of the time. Next I have Mr. Delorey.

MR. DELOREY: Thank you, Mr. Chairman. I would just like to state that like a lot of Members here, I find it very inconvenient, kind of heartbreaking in the way that we are caught up in this kind of issue again. It is taking up an awful lot of our valuable time.

I know the public perception of the last Assembly and what transpired there, the amount of time and money that was spent. In some people's minds, it was very well justified. In others, there were a lot of people who thought there was no conclusion to things that happened in the last Assembly.

I think the issue that came forward here was a non-issue to begin with, or a very light issue that could have been dealt with

in different ways. I think there may have been mistakes made along the way in how everything was handled.

I know that as a Member of this Assembly, we are going to be looked at, myself included, in how we deal with it, the decisions that we make on it. Inevitably, I think it is going to come right back here to this House for the Members to make some decisions. We will be watched.

For my part, I have to speak on behalf of the people who elected me and put me here, what I have been hearing from those people since this has come to light. We all know how hard it is to get money to deal with the problems that the people are having out there, and when they see us spending huge amounts of money trying to solve our own problems and allegations, that does not sit well with a lot of people.

I know what has happened has cast a light and will continue to do so on this Assembly. As we have seen earlier today, it has already taken its toll. I cannot overlook the fact, and it has been mentioned here today, that a cloud is cast over the Conflict of Interest Commissioner. I think that is very much a case that is very much alive until it is dealt with in one way or another.

I have been wondering all along on this, regardless of how this special committee and what decisions it made on that charge of bias, who is going to be the winner and who is going to be the loser. I still see any process that we use from here as to who is going to be a winner and who is going to be a loser. I do not think there are any. I think we are all losers by the whole process that has taken place in what we are involved in right now.

I know that we stand in Caucus and every time we sit down to try and find a couple of dates, a weekend, a week, to do things, we are all tied up. We are tied up in committee meetings. We are tied up in one committee or another or doing business plan reviews. That is one thing that comes to mind when I think of the special committee going on to do this. It is another thing they are tasked with. That would be the only reason I would prefer an outside person to look at the whole thing and come back and report to us, because we will have to make decisions along the way somewhere.

The fact that the charges have been dropped...I think it is hard to say something like that and then expect it just goes away. I again go back to the cloud that is hanging over the Conflict of Interest Commissioner and her ability to do her job in the future.

I do not think that the issue is dead, by any means. I do have a problem as well with the paragraph if the special committee did go on, anything that was brought up could lead to further and further investigation and on and on it goes.

For the people I represent, I would have to say that they think there has been enough money spent in this process and the quicker we can bring it to a close and get on with the business of governing and trying to better the lives of the people of the Territories, the better off we are.

I guess we have to find a way to bring some closure to these issues. Then we have not really come to what the original issue was and that is the conflict of interest brought against the Honourable Jane Groenewegen. We are simply trying to decide who is going to deal with that issue. I would have to say, on behalf of my residents, that we have gone far enough with it.

We have to get somebody who, if there are other problems, somebody has to bring those problems forward and then we will have to have them looked at. I do believe that it has to be somebody other than the Board of Management, because it has to be somebody who will report back to this Assembly.

In my own mind, I think the best way to do that is with an outside person, whether it be a judge or whatever, but that is the way I feel it should go. Ultimately, it will come back to us to decide, to be our own judges. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Krutko): Thank you, Mr. Delorey. Next on my list I have Mr. Allen, Mr. McLeod, Mr. Steen, Ms. Lee and Mr. Kakwi. Mr. Allen.

HON. ROGER ALLEN: Thank you, Mr. Chairman. I am compelled to speak to the motion as it is presented. With all due respect to my esteemed colleagues here, there are both arguments that set out a balance, I guess, but I personally cannot support motion 3. I cannot see the committee achieving any more than they already have. I think there are both legal and technical arguments to be presented again, and the public wants access to the information, as stated earlier. It was public yesterday. They want to sort through all the vast number of paperwork. If that is permissible, then I think people have the right to see that.

As a new Member here, I am learning a bit more in observing the proceedings. I believe all the answers have been provided. I think Mr. Steen is correct from a technical point. There is no longer a mandate of the special committee. I think we should at least acknowledge that and perhaps move on.

I think Mr. Delorey is right as well. Our constituents are tired and they are exhausted about hearing about this issue being in the forefront. In question period, we were trying to respond to many of the difficulties our constituents, not only in my riding but in other ridings, are experiencing. It is very tiring on the people. It is hard on them because they are trying to adapt to the vast impacts occurring Territory-wide. Not only with oil and gas, but also in the mining industry and other industries. The majority of our people are still subscribing to the subsistent way of life and they are not adapting too well to the community lifestyle.

We are hearing this. I think we are spending a lot of money. We are spending a lot of time and effort. If we are transparent, we should make people aware that this clouds our ability to perform our duties.

Philosophically, we need to make a presentation to our people that we are going to represent them and represent a value to them...inaudible...value to our...inaudible...or we are debating issues when we are really beyond our capability. On many occasions here, we see a lot of legal documents floating back and forth. My observation is that the letters state very clearly who is battling who and what legal position...it is not a healthy situation.

I think there are many Members, including myself, I am not going to speak for all, but I think for a few of us who are indentured to represent the majority of people who need to work with ourselves and who need proper representation so we will not be copying a lot of this rhetoric here.

It leads me to believe that, as a Member, we need to conclude this as quickly as possible. I think the mandate of the special committee is concluded. I do not think they will achieve much more than they already have. Thank you, Mr. Chairman.

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

MR. MCLEOD: Thank you, Mr. Chairman. I want to make a couple of quick comments on this issue. I have been listening with interest from the outset, when the original conflict of interest complaint was filed against Mrs. Groenewegen for having her name as director on the board of a company that she owns. I watched with interest as a bias application stated the Conflict Commissioner had a bias. Following that, over the news, I hear that there is a tape recording, people listening in to phone calls -- it really paints us all with the same brush, that there are a lot of things happening in this Assembly that are not totally on the up and up.

However, I think we still have the original conflict of interest complaint to deal with. That is something that has been left hanging for a long time, longer than it should have been. The bias application that was there has been revoked. It has been withdrawn and is no longer there. Even though some people have stated that the Minister is still alleging that the Conflict of Interest Commissioner -- she is still making the allegation that there is a bias -- she has withdrawn those comments. She has withdrawn the application. She does not feel strongly enough that there is a bias there to keep her application and follow through with the process, then I do not think we should pursue it.

We may be...inaudible. That is true. I, like other people in this room and across the Territories, would love to hear what is on that tape, but until somebody files another complaint, I think we are going to have to live with that.

I really had to ask myself a lot of questions here today, mostly over the tape. Is that the big issue here? Is that what we are looking at extending the mandate for? This issue, which should have been a simple process to deal with, has drawn, has taken a lot of time and money. Where is it going to go next?

I do not know. Was there wrongdoing in some of the other stuff that has come up, especially with the tape and listening in to a phone call? I am told not legally, so I cannot support this motion. Until somebody files a new complaint and starts a new process, I think we have to go back and deal with what was originally in front of us, and that is the conflict of interest complaint.

We have other things to deal with. I know from discussions with some of the constituents in my riding, they feel that we are making a bigger issue out of this than we should have. I have to agree with them. I would like to see this wrapped up. I will not be supporting this motion. Thank you.

CHAIRMAN (Mr. Krutko): Mr. Steen.

HON. VINCE STEEN: Thank you, Mr. Chairman. I already spoke to the motion, but I have a question here of clarification for the Law Clerk, if I may. Mr. Chairman, there is a suggestion in recommendation 3 that the continuation of the committee would allow them to still review all aspects of the application. I would like to ask the Law Clerk if there is any obligation on the part of the committee to return all the supporting material to the

application to the person, in other words the Minister, and subsequently any material submitted towards the committee from the Conflict of Interest Commissioner? In other words, if all the material is returned, what would the committee have to evaluate?

CHAIRMAN (Mr. Krutko): Ms. Peterson.

MS. PETERSON: Thank you, Mr. Chairman. It depends on what mandate, if any, is given to the committee. If no mandate or further life is given to the committee, the material stays where it is. It does not go anywhere. It does not go back to the parties. It is part of the public record and it remains part of the public record. The use of that material depends completely on what this House directs this committee to do. That material is useful to the committee if it is empowered to look at the bias issues, the issues of factual discrepancies in the material from the Conflict Commissioner. It addresses all of those things -- way too much, some would say. That is its potential use, but it always remains there. It does not get returned.

CHAIRMAN (Mr. Krutko): Mr. Steen, we have a whole list of people here that still have general comments.

HON. VINCE STEEN: I appreciate that, Mr. Chairman, but with that response, there really is a need for a follow-up question in that this particular tape is in the possession of the Clerk, according to the information we have. It is not at this point public to anybody. What happens to the tape when, for instance, the Minister requests that it be returned?

CHAIRMAN (Mr. Krutko): Maybe I will ask for some direction from the committee. We still have four other Members who still want to speak to this motion, which is the second time around. I think that if we start getting into asking questions of the Law Clerk, we will be here a little longer. I would like to ask for some direction.

I will allow questions after we have finished general comments. We are dealing with motion 3. General comments to the motion. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I know I have spoken previously, but thank you for another opportunity to speak on this again. I do believe this is very important. Mr. Chairman, I just want to make it clear that I agree with the concerns raised in this report. I think there is no question that the process on this issue over the last couple of months has raised more questions and issues. I agree that this has to be resolved in some way. I just want to make it clear that my position is that this committee, as proposed, will not be able to get to the truth without a doubt, which is what a Member has said.

I just want to make it clear that it is not because I am not on that committee. I do not think it matters who is on that committee as long as they are Members of this House. It is because there is such a lack of clarity about what it is that this committee is supposed to seek and the procedure that should be used. For example, what is the definition of bias? Is there something that says that if A has one, two, three, that is bias?

I attended all the committee meetings and I was quite surprised at how legalistic this process was, when it is really not a court. As a lawyer, I do not believe that a legal resolution or legal discussion is always the best way to solve things. I believe in the power and the privilege of the political process to resolve

most of the issues of the day. Whereas what I watched were Members who had to constantly rely on legal advice.

If there were any parties or witnesses who appeared before it, it would be the same. Inevitably, this will boil down to a legal conclusion, but what is the legal concept of bias that we are giving the power to this committee to determine? Do we have a legal definition for which you could gather enough evidence and at the end you could come to a conclusion because I found A, B, C, D, now we find that there is a bias?

The next concept is what would happen if you do find bias or no bias? The question comes to my mind, that be careful what you are asking for because when you get it, what are you going to do with it? What would you do if the Commissioner was found to be biased, by whatever means you got to it? Do we have a penalty in mind? Are we saying that we are going to remove her from office? Are we going to throw her in jail? I do not know. What if there was no bias? Should the Premier be allowed to take the Deputy Premiership back? I do not know.

There are no set procedures on what it is that we are looking for, what evidence or what sort of conditions have to be met to say that you have found it when you find it. Then how do you reinforce it afterwards?

I am also uncomfortable -- not to mention the fact that I do not believe that you can control the timing of this committee. We have seen cases where in asking for 12 witnesses, most of them would not or could not appear. I think most people that I know are pretty busy for the next two months. It is very predictable that you will not be able to get the people to appear and do the things that you would like them to do or say, or whatever.

Mr. Chairman, I have another point, which is that I do not think it is wise for us to place the Members of this House in a position where the Conflict of Interest Commissioner is our commissioner. She is our advisor. We are her clients. At the same time, we as a Legislature created that office and the Board of Management, on our behalf, appointed her. It will be, in the end, us who will decide what is going to happen. For that reason, I do not think that we should be...

CHAIRMAN (Mr. Krutko): Ms. Lee, could you stick to the scope of that motion? You are wandering off here. Could you deal with the motion? I have another five Members that want to ask questions and this is your second turn. You had a chance to speak earlier. Could you stay within the scope of motion 3?

MS. LEE: Mr. Chairman, I do believe I am sticking to the motion, which is to say that the special committee's mandate should be expanded and that they should be given the mandate to consider the allegation and to consider related matters. I am saying that the word "consider" says nothing about what it is that the committee is supposed to do. We are debating a motion that would create a committee without giving specifics as to what they could do.

My point to this very specific motion is that the idea of this committee would not do the job that this Assembly, that this motion thinks that it is going to do, that it is unclear and that, in the best interest of this Assembly and the people, it would be better for us to wait for the report of the Conflict of Interest Commissioner to be filed.

We should step back and revisit. I think the only thing that would remain is any of the legislative or policy questions that may come out of this whole process that should be addressed, because the allegation of bias is withdrawn. It has been completed. It is outlying the overriding considerations which are, in my view, policy and legislative items that we should be dealing with in a separate way.

Last point, Mr. Chairman, if there is a question about the conduct of the Minister in taping private conversations, or of the senior management, I do believe we have other means of dealing with that. We are legislators. Our job is to keep the government accountable and maintain the trust of the people in this government. There are many ways to address that. I do not believe this special committee, as proposed, is one that would be able to do that.

Thank you, Mr. Chairman. I do believe that it was important that I make that clear.

CHAIRMAN (Mr. Delorey): I have five more Members who have already asked. I have Mr. Kakfwi, Mr. Miltenberger, Mr. Dent, Mr. Lafferty, and myself. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I think the question is becoming a little clearer and it is simply this: can this committee that is trying to swim in uncharted territories, assure this Legislature, assure the public, assure the Conflict of Interest Commissioner, the Minister who made the original allegation and the staff who may or may not be implicated, and everyone else that may be implicated with all the goings on that have happened to date, can this committee assure everyone involved that it can decisively and clearly conclude its work within a certain time frame and conduct itself decisively with authority and certainty?

I know the response coming through the letter from the Conflict of Interest Commissioner, which some seem to have attached some great importance to try and protect the integrity of, that she wishes it would all go away. She does not want to be party to this special committee. She says right in her letter she does not want to be party to it. Let her do her work. That is what it says. You know if you can say with certainty and you are going to contain the costs, which I do not think that you can.

We have already seen some of the costs that have been demonstrated to date. They are starting to become staggering. You think that you are going to extend the mandate well into October? You cannot say with certainty that you are going to be able to conclude your work. You cannot say with certainty that it is going to be under \$1 million. I would suggest that it is probably \$2 or \$3 million.

You have no process. You are in uncharted territory. My sense is the Assembly itself is split here. There is not going to be a strong mandate for this committee. It is not going to be a warm reception for this committee when it comes back with, again, no recommendations. So is there any confidence that we are going to protect ourselves, protect the integrity of this Assembly, protect those that work for us, the Conflict of Interest Commissioner, the staff that have been assigned to work for this committee? What can you say you are going to do that is going to save and protect the integrity of anybody?

I believe that it is very difficult to assume that you are going to go into uncharted territory and come back with any confidence

and say you are going to get a job done. It is not even clear under the motion what job it is you are asking to do. It is full of implications.

In my view, there is no way you can comfortably suggest that you know what your job is and you can do it, that there is a process, that there are rules of engagement, that there are defined costs. There is absolutely nothing.

I cannot support the committee continuing. I appreciate it wants to do a job and the things that it can do. I am just saying that I think that it has gone as far as it can. We have already called this special session of the Legislature specifically to consider the concluding report from this committee. It has been unable to conclude its report. It is unable to meet its original mandate, so you want to get a fresh new revised mandate, extended time, more resources, plus a mandate to save a lot of people's integrity. You have not saved anybody's yet.

So I would say that we should conclude it. We have some conclusions that we have reached. That is that the committee has gone as far as it can. The Conflict of Interest Commissioner has said from the first instance, let me table my report. It is now free for the Speaker to accept and report that. I think tomorrow, all of us will enjoy to see that report and to see what it has.

Any other issues that are outstanding can be raised in this Legislature and other processes are available. Our survival and integrity is certainly not contingent on the continuation of this committee. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Kakfwi. I have Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Chairman. I would like to point out that if in fact the Member for Hay River South had let the process run its course, the conflict exercise would have been finished months ago.

What in fact has happened is that there has been every legal obstacle and every legal challenge possible to put in the way of the Legislature in terms of resolving what should have been, as everybody thinks it is going to be, a straight-ahead issue. Having pulled that very expensive trigger, knowing full well with the experience the Member has in conflict situations, that it is very expensive. Having pulled the trigger, she backs away from the table, and now we hear the excuse of money for not carrying further to deal with the issues, the very serious issues that have been put before us and that we are now aware of.

It is interesting to hear the Premier ask of the committee things in terms of certainty in terms of budget, in terms of what they want to do. Things he cannot deliver as Premier of this government. We will have a budget and we end up with the biggest supps in legislative history a few weeks later. The Premier asks for absolute certainty, something he cannot provide in his best day, and none of us can.

Mr. Chairman, there are very clearly some moral and ethical issues and questions on the table for this Legislature. It is interesting to hear the debate on the way in which we come up with all sorts of excuses for inactivity to avoid looking at those particular issues.

We want somebody else to come forward, even though we know that issues are there to be dealt with. I have heard it mentioned around this table. We want someone else to come forward from outside this Legislature to lay another complaint so that we can deal with issues we know are there. It makes it seem that we are incapable, as a Legislature, of doing the work that is necessary to deal with issues that we know clearly are there.

Regardless of how the vote goes, we have to live with those results, but it is unfortunate that we want to avoid scrutiny of the activities of some of the Cabinet Members and some of the people involved in this process. The issues need to be dealt with. I would hope that this Legislature would be the body, through a committee, to in fact take care of that very critical business, to get it done. I am confident that we as a committee, if in fact we were given authority to deal with that issue within the time frames -- because the process will be different. There will only be the committee of operation and it will not be a case of everybody being lawyered up anymore. Thank you.

CHAIRMAN (Mr. Krutko): Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I am speaking in favour of the motion. I think we were elected to make decisions. I think one of the worst things that you can do as a politician is to waffle and be seen not to be prepared to make a decision. I am afraid that listening to the arguments I have heard here today, we are in danger of doing just that. I think that the public has the right to expect that we are going to make a clear decision to bring this issue to some close.

I am astounded when I hear people say that we can just shove this overboard and forget about it. A public allegation has been made against an officer of this Legislative Assembly, not appointed by the Board of Management, appointed by motion that all of us voted on in this House. A very public allegation of bias has been made against this officer. If we do not pass this motion, it just gets shoved under the carpet again.

There has been another allegation, an allegation that she has been untruthful in reporting a conversation with Mr. Bayly. If she does not get her day in court, that allegation stands. We would not stand for that for a deputy minister in this government, I do not think. I think this government would go to bat for an opportunity to allow that person to have their day in court. If we do not pass this motion, the mandate of the committee is finished and there is nothing that carries on. That is it. It is over.

The Premier has said that we have other processes available. He has not listed one of them. There is no process available. We cannot take it to the Board of Management. They do not have the mandate, and they do not report back publicly in this House so that we get some decision making here that can be seen by the public. It is absolutely unacceptable that we would say that somebody does not deserve to have their day in court.

If we are not going to ask the committee to represent all of us and hear those arguments and make their recommendation back to us, then it is incumbent on us to bring in another motion and say that all 19 of us will sit around in committee of the whole, invite the witnesses in and hear the arguments here. The ultimate decision comes back to us. Can the committee do the job? It is clearly laid out that it is the power and privilege of Members to make decisions of this sort on our own. I think they, as my proxy, as everybody's proxy here, could listen to

those arguments and come back and make good recommendations.

One of the highest forums of judicial consideration we have is the jury system. You get a bunch of people together who are ordinary people, not with any legal training -- in fact, they usually exclude people with legal training from juries -- to listen to the arguments and to then, from those arguments, make reasoned and well thought-out recommendations. There is no reason that members of this committee cannot do the same sort of thing. I have every confidence that they can. Their recommendations are still going to come back to this House.

To just not pass this motion would mean that we were abdicating any responsibility then to guarantee that somebody who has been very publicly criticized for being untruthful and for having bias gets no chance to have their day in court. That is absolutely wrong. For a democratic legislature, I would say that it is absolutely wrong.

We had better make sure that we separate the two issues here. The allegation of bias and the allegation that there has been a less than truthful reporting of a conversation is totally separate from the report of the Conflict Commissioner on the conflict issue that was filed by Mr. Rowe. That report, I hope too, will be tabled in this House tomorrow and then will become public so that we will be able to see what the results are. That has nothing to do with the allegations of bias. It is totally separate, but now that those allegations have been made, we owe the Commissioner an opportunity to present her side of the story and then we have to make a decision. Do we have confidence in the Commissioner? If so, we should express that? If we do not have confidence in the Commissioner after hearing both sides of the story, then we also have another decision to make and we should be prepared to make that decision too.

Let us not sit on our hands and say, "Well, we do not want to spend any more money." Let us make sure that we give people due process here, and other than a special committee to do this, which is going to cost us any more than -- in fact, it will probably cost us less than getting a retired judge to look at it. It is a process that we are going to have to do. It does not matter to me if it is a special committee or a committee of the whole that we do it in, but I think we owe it to the public and to the Commissioner to make sure that we hear this argument and know that we can have confidence in that office. Thank you, Mr. Chairman.

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

MR. LAFFERTY: Thank you, Mr. Chairman. I would just like to say a few words. Some of my colleagues that are against the motion have said that in the letter, the Conflict of Interest Commissioner just wants to wipe her hands clean of everything and just let everything be and to forget it. It does not say that in the letter. All that it says in the letter is that she does not want the Minister to bring her up in the House in the future if we have made a decision on this on her bias.

Again, some of the Members have said that by removing the application, we have removed the allegations, which is not the case. The allegations are still there. It says in the letter that the Minister stands by her word. In her mind, there is still a bias.

Our mandate was to look into the bias. In the Minister's eyes, there is a bias. In the public eye, it is a bias that we have to look into. The mandate is still there, and the only way to clear

all this up is to continue with the work that the committee has been doing. If we do not continue and we drop it, like some of the Members want, the person on the street will look on it as a cover-up by the government and we will all be painted with the same brush. I cannot support that. We must have a committee that will look at it. We already had a committee in place, a committee that knew all the information that they had in front of them. The committee produced a report for you.

There is a decision that we have to make. The public is looking at us. Right now it is only Yellowknife, but the Hansard will be available and for those who do not support the motion, what kind of answer will you give your constituents when they ask why did you drop it? We have to get to the bottom of everything. We have to find out why allegations were made. We have to find out why the tape recording happened. I would like to know why it happened. How many of my conversations have been taped? How do we know that we are not being taped right now somewhere else?

-- Laughter

Can we speak in the washroom? You have to be careful now. Do we have to go outside and stand behind a rock and whisper now? We have to be careful now, and because of one mistake someone has made, this is happening.

You worry about the cost. Yes, if the allegations were not made, the cost would not be there. The person that made the allegation is now saying that it is going to be costly and that is the reason she withdrew, but she still says that she thinks she is right in her allegations of bias.

By continuing with the committee, it may look like we are looking at the Conflict Commissioner and her bias, but I do not think that that is the only thing the public wants to know. The public wants to know every detail. I would like to know. I went so far and now I want to turn the last page.

If we do not turn the last page and you close the cover, can you call it a cover up?

-- Laughter

Thank you, Mr. Chairman.

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

MR. NITAH: Thank you, Mr. Chairman. Mr. Chairman, this is a process I am sure that none of us wanted to be in to begin with, but it is a process that we are ultimately stuck with. The Minister of Health and Social Services made a very serious allegation, by which a process was started. At the last minute, she pulled her conflict of interest allegation and still alleges that the Conflict of Interest Commissioner is still biased, by which she is saying the institution of this government and the people that we hire to run these institutions are biased.

If we do not agree with continuing the process to have some closure to this, we are endorsing the Minister's allegations that the Conflict of Interest Commissioner that sits there to work with us is biased.

I personally have a good working relationship with the Conflict of Interest Commissioner. I personally do not want to call her biased as well.

As a government, we are engaged in some major undertakings. Our main goal will be devolution and royalty revenue sharing. What kind of society would endorse a government that they perceive as a government that covers up because they may have something that they do not want to reveal. I do not think there will be a society on earth that would want to do that.

You look at Indonesia. Just on a basis of allegations, they want to impeach their president. He is gone. Here, we just elevated this issue again to a higher level than it was this morning. By not endorsing recommendation 3 that is in discussion right now, we might as well go in the hallway, grab a broom and act as if we are brushing the dust under that polar bear rug that is sitting in front of the mace.

There needs to be some closure to this process. Those who want to go outside of the Legislature and hire an independent person, it is a good idea, but would they have the mandate to do that? Will we give them a mandate and all the materials that have been collected to date? I am not sure that we can do that. I am not even sure that we can do it tonight.

We are not only asked to deal with this issue, we are asked to deal with it tonight, which gives us very little time. The issue is still out there and we have to resolve that issue. The institutions of our government are in question right now and I for one would like those questions answered.

I will endorse the recommendation. I will endorse the motion. Thank you, Mr. Chairman.

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

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, I think that it is fundamental in any democracy that we have an open process that people feel comfortable, knowing they are above board on what is going on, and have faith in our political institutions. However, when we start hearing of allegations made, tape recordings are being conducted by senior officers in this government, the Ministers...we do have a serious allegation.

We cannot allow it to go by without us not having a process to clarify it. I as a Member have second thoughts. I have had private conversations with Ministers in their offices. I have made phone calls to particular Ministers, wondering at the end of that phone call, is it being recorded?

It may be funny to some of the Cabinet Ministers, but when these allegations are made in a public process this committee has gone through, which is now part of a report that is tabled in this Legislature, there are some serious allegations here. For us to think well, it has been done, there has been a withdrawal of a motion in regards to bias and that is the end of it.

This is not the end of it. This is now at the surface. This has come to the public light. We have to deal with it in regard to the seriousness of these allegations. I for one feel that because of these allegations, it makes it that much more for us to get that public confidence back that is out there, knowing that the next time the people from the public come to a government office or talk to a particular Minister or Ministers, they want to know exactly how private is that discussion that is going on between yourself and a Minister? Or yourself and the principle

secretary? Is there privacy in your day-to-day dialogue with the government of the day? If it is not, we have to get to the bottom of this. I think for us not to allow this committee to conclude its response with regards to motion 3, we will seriously do injustice to the process that has taken place to date.

This could have been over and done with months ago. All it had to do was for the Conflict of Interest Commissioner to table her report on an allegation by a member of the public regarding a particular Minister.

Yet we find ourselves having to go through this process. Through this process, we have opened up the box and now we are finding there are some serious allegations being made regarding taped telephone conversations. I feel that is serious.

I for one feel that we have to have a thorough review of all information in regard to this case, and also who has been involved and how deep does this practice go in this government. Is it in only one Minister's office? Is it several Ministers? Is it the deputy minister's office that these recordings are going on in? Is it within the whole government that every time you talk to an official within the government, your discussions are being recorded?

These are serious, serious allegations. I think when you hear about Watergate and now the Legislative Gate that we just opened, we have some serious allegations to look at as soon as we can and have something back to the House when we sit in October to deal with the overall question of public confidence in this government.

With that, Mr. Chairman, I would like to ask for a recorded vote for this motion.

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

HON. VINCE STEEN: Mr. Chairman, I had questions for the Law Clerk. They were put on hold until everybody made their comments. My question still has merit. I would like the ability to ask the question or get a response from the clerk on that particular question that was already posed.

CHAIRMAN (Mr. Lafferty): Thank you, Mr. Steen. If there are no further comments to the motion, I will allow Mr. Steen to ask his question. Mr. Steen.

HON. VINCE STEEN: Mr. Chairman, my question was to the Law Clerk. What happens to the tape now? She indicated that everything else that was public knowledge stays where it is. However, the tape is not public. In withdrawing her application, does the Member also have the privilege of withdrawing the supporting documents and the tape, which is not public yet?

My reason for this question, Mr. Chairman, is I would hate to see us get into a long, legal debate in some court where there is an application to deal with whether or not this tape has to be returned because the application is withdrawn.

CHAIRMAN (Mr. Lafferty): Thank you, Mr. Steen. Ms. Peterson.

MS. PETERSON: Thank you, Mr. Chairman. If the committee, as requested in motion 3, is continued, the tape is in the custody of the committee through one of the committee assistants, the Law Clerk, and the use of the tape, or

publication of it, would be subject to the direction of the committee that continues with the matter.

If the committee is not continued, there is no longer any custody to be maintained over that particular material. It is not part of the public record. You are correct. It was delivered into the custody of a committee that no longer exists. In the normal course, I believe it would be returned to the person who provided it to the now non-existent committee, if that alternative were there.

There are two alternatives available.

CHAIRMAN (Mr. Lafferty): Thank you, Ms. Peterson. Mr. Steen.

HON. VINCE STEEN: Mr. Chairman, does it follow then that whatever cost is associated with the committee dealing with the tape and the contents of the tape, including the legal expenses associated with witnesses to that tape, is all going to be the responsibility of the committee?

CHAIRMAN (Mr. Lafferty): Thank you, Mr. Steen. Ms. Peterson.

MS. PETERSON: I am not sure I understand the question. The committee would bear, in the normal course, the expenses of witnesses that appear in front of it. The committee has the authority to direct how it will deal with the tape, whether it will hear it as evidence, whether it will provide copies to the commissioner. I am not sure that there are expenses particular to the tape as opposed to the process generally, but I may not be understanding your question.

CHAIRMAN (Mr. Lafferty): Thank you, Ms. Peterson. Mr. Steen.

HON. VINCE STEEN: Mr. Chairman, the question is in regard to what material the committee would be investigating, what exactly they would be using as material. If it is all published already, public, then we all know what is in there, but if there, for instance, is a request by the committee that the Member, the Minister appear and speak to the contents of the tape, do they still have the ability to discuss this in relation to the fact that she has withdrawn the application?

Of course, there is going to be associated costs with this. I assume that every request made by the committee for witnesses will be a commitment of some kind by the committee that they will pay the cost of the witnesses and their legal advisors to appear. Is that correct?

CHAIRMAN (Mr. Lafferty): Thank you, Mr. Steen. I always wanted to say this. That is a hypothetical question, so...

-- Laughter

...the Law Clerk may answer if she wants, if she can tell the future.

MS. PETERSON: Thank you, Mr. Chairman. First of all, in terms of witnesses appearing in front of committees, they do not necessarily, as a right, have an entitlement to counsel at the cost of the committee or have an entitlement to lawyers. There is some divided authority on that, but most of the authority indicates that not everybody gets to have a lawyer

paid for by the process. They can bring their own if they wish. Nothing prevents them from doing that.

In terms of the Minister appearing with respect to the tape, there was an agreement by the Minister to attend in any event to deal with the facts that were within her knowledge that gave rise to the allegation of bias being made in the first place.

In a larger sense, quite apart from the tape issue, she is an individual from whom the committee expressed an interest to hear and who indicated to the committee she would be willing to appear.

CHAIRMAN (Mr. Lafferty): Thank you. To the motion. Question has been called. A recorded vote was called for. All those in favour of the motion, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Bell, Mr. Nitah, Mr. Braden, Mr. Handley, Mr. Krutko, Mr. Roland, Mr. Dent, Mr. Miltenberger.

CHAIRMAN (Mr. Lafferty): All those against the motion?

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Steen, Mr. Antoine, Mr. Kakfwi, Mr. Allen, Mr. Ootes, Mr. Delorey, Ms. Lee, Mr. McLeod.

CHAIRMAN (Mr. Lafferty): All those abstaining?

-- Interjection

CHAIRMAN (Mr. Lafferty): Thank you. Being a new Chair and not knowing how procedures go, and using my judgment, for the best interest of the public I must vote for the motion.

-- Applause

CHAIRMAN (Mr. Lafferty): The motion is carried, 9 to 8. Mr. Bell.

Committee Motion 17-14(4): Recommendation No. 4 From Committee Report 5-14(4): Report of the Special Committee on Conflict Process

MR. BELL: Thank you, Mr. Chairman. I move that the Legislative Assembly instructs the Special Committee on Conflict Process to undertake its extended mandate as expeditiously as possible and to report to the Legislative Assembly at the next session, no later than October 23, 2001.

CHAIRMAN (Mr. Lafferty): We have a motion on the floor. To the motion. Question has been called. All those in favour? All those against? All those abstaining? The motion is carried. Mr. Bell.

Committee Motion 18-14(4): Recommendation No. 5 From Committee Report 5-14(4): Report of the Special Committee on Conflict Process

MR. BELL: Mr. Chairman, I move that the authority and the terms of reference of the Special Committee on Conflict Process as approved by the Legislative Assembly are hereby amended and extended with the adoption of this report.

CHAIRMAN (Mr. Lafferty): We have a motion on the floor. The motion is in order. To the motion. Question has been called. All those in favour? All those against? The motion is carried. Does

the committee agree that consideration of the committee report of the Special Committee on Conflict Process is concluded?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Lafferty): Thank you. I will rise and report progress.

MR. SPEAKER: The House will come back to order. Item 20, report of the committee of the whole. The honourable Member for North Slave, Mr. Lafferty.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. LAFFERTY: Mr. Speaker, your committee has been considering Committee Report 5-14(4), and would like to report progress with five motions being adopted, and Committee Report 5-14(4) is concluded. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. SPEAKER: Thank you. Do we have a seconder for the motion? The Chair recognizes the honourable Member for Inuvik Boot Lake, Mr. Roland, as seconder. The motion is in order. All those in favour? Thank you. All those opposed? Thank you. The motion is carried. Item 21, third reading of bills. Item 22, orders of the day. Mr. Clerk.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings tomorrow at 9:00 a.m. of the Cabinet House Strategy, also at 9:00 a.m. of the Accountability and Oversight Committee, 10:30 a.m. of the Standing Committee on Social Programs; and again at 12:00 p.m. of the Standing Committee on Accountability and Oversight.

Orders of the day for Tuesday, July 24, 2001:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motions for First Reading of Bills

16. Motions
17. First Reading of Bills
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
 - Minister's Statement 1-14(4): Sessional Statement
 - Minister's Statement 3-14(4): Fiscal and Economic Update
 - Minister's Statement 4-14(4): Update on the Social Agenda
 - Bill 2, An Act to Amend the Income Tax Act
20. Report of Committee of the Whole
21. Third Reading of Bills
22. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, the House stands adjourned until Tuesday, July 24, 2001, at 1:30 p.m.

-- ADJOURNMENT

The House adjourned at 8:17 p.m.

