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The Honourable Jackie Jacobson, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES

Tuesday, March 11, 2014

Members Present

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

The House met at 1:31 p.m.

Prayer

---Prayer

SPEAKER (Hon. Jackie Jacobson): Good afternoon, colleagues. Mr. Bromley.

POINT OF ORDER

MR. BROMLEY: Thank you, Mr. Speaker. I rise at the earliest opportunity after reviewing unedited Hansard from yesterday to raise a point of order against Mr. Miltenberger.

Mr. Miltenberger said to me in my proposed amendment to a motion, and I quote from yesterday's unedited Hansard, page 50: "...if it's not outright duplicitous, it's friggin' double standard. And I withdraw the friggin'."

Mr. Speaker, House Rule 23 states it's against orders of the House, under (i), to impute false or hidden motives to another Member; under (j), charges another Member with uttering a deliberate falsehood; and, finally, (k), uses abusive or insulting language of a nature likely to create disorder, which, Mr. Speaker, speaks for itself.

I am not on the warpath here and this is not about the use of the word "friggin'," which the Member is known to use and then apologize for at the same time, something that's apparently an acceptable practice in this House. It's about the word "duplicitous." The Merriam Webster Dictionary defines duplicitous as "deceptive in words or actions." It provides the synonyms including "bent, crooked, deceptive, double dealing, dishonest, fast, fraudulent, guileful, rogue, shady, sharp, shifty, underhand and underhanded." Rule 23(h) applies here.

Double standard is defined as: "a situation in which two people, groups, et cetera, are treated very differently from each other in a way that is unfair to one of them." My amendment, which I had proposed to the motion and speaking to it, was accommodating to different views perhaps, but showing a double standard? I don't think so, Mr. Speaker, and Rule 23(i) would apply here.

During debate, several Members, Mr. Bouchard, Mr. Dolynny, Mr. Moses, for example, possibly others, suggested that the current planned date of the election was something we should stick to. Others wanted the longer period of change, but recognized the value of flexibility within the month of October 2015 to coordinate the NWT election with other elections planned for October 2015.

My intent was clearly honourable and meant to be an accommodating compromise between these two views, no matter how satirical or ironic a person might be listening to it. To call it duplicitous and a double standard is wrong.

I ask the Speaker to seek correction of this injustice for the dignity of the House and the people of Weledeh. Mahsi.

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

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. I've looked at the Hansard and I, as well, looked up the definition of duplicitous and it says, "deliberately deceptive." I do say that if it's not outright duplicitous, it's a friggin' double standard. I withdrew the "friggin'" and I apologize for that once again.

I will give the Member the benefit of the doubt, even though methinks he doth protest too much, that it wasn't deliberately duplicitous and I will withdraw that comment, that phrase. However, I do think the use of the term "double standard" is entirely within the acceptable bounds of parliamentary language. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Mr. Bromley, do you accept the apology?

MR. BROMLEY: Thank you, Mr. Speaker. I am happy to accept that. As I said, I'm not on a warpath here and I'm not going to worry about the colours the Minister wants to put on it. He can couch it as he wants, but I think he knows he was in error. We're talking about the dignity of the House and I accept the apology. Mahsi.

MR. SPEAKER: Thank you. Let's not waste any more of the House's time now. Item 2, Ministers' statements. The honourable Minister of Transportation, Mr. Beaulieu.

Ministers' Statements

MINISTER'S STATEMENT 56-17(5): ON-LINE SERVICES UPDATE

HON. TOM BEAULIEU: Mr. Speaker, it is my pleasure to provide the House with an update on the success of the Department of Transportation's on-line driver and motor vehicle services.

As you'll recall from my statement earlier this session, residents can now register to receive e-mail reminders to renew a driver's licence, general identification card, vehicle registration, driver's medical, appointments, and commercial vehicle inspection notifications. They can also renew their vehicle registration anytime on-line. This is already making our government an industry leader; other jurisdictions have contacted us to find out more about how they could implement similar systems.

Mr. Speaker, our service centres are now able to deliver client services better than ever, while remote communities can now connect to services where none were previously available. The department has also provided training to community government service officers so they may effectively help elders and other clients gain access to the services on-line.

In the first month, Mr. Speaker, residents from 27 communities have already taken advantage of our on-line services. Over a thousand clients have subscribed to the e-notification system and half of all registrations are already being done on-line. That has resulted in 2,500 e-mail notifications and over 3,000 on-line registrations in the first month.

This is a significant reduction in red tape. Residents are getting the service they need, when they need it.

We are already working on additional improvements like the ability to schedule appointments and obtain drivers' abstracts on-line.

Mr. Speaker, on-line service delivery is part of the GNWT's Service Innovation Strategy, which supports effective and efficient government.

The department looks forward to continuing this success through ongoing improvements including the replacement or renewal of drivers' licences, commercial vehicle services and address changes. Thank you, Mr. Speaker.

SPEAKER'S RULING

MR. SPEAKER: Thank you, Mr. Beaulieu. Colleagues, before we go on, there was no point of order after the apology. We're just moving on now.

Item 3, Members' statements. Mr. Menicoche.

Members' Statements

MEMBER'S STATEMENT ON EMPLOYMENT AND ADVANCEMENT OF ABORIGINAL EMPLOYEES IN THE GNWT

MR. MENICOCHÉ: Thank you, Mr. Speaker. I continue to be concerned about our Aboriginal people and employees who are not getting jobs and advancement opportunities in our government.

Earlier in this sitting, I spoke about how the new shared services department made it difficult for employees to advance but treated long-service employees like new hires. We have to take pride, Mr. Speaker, as we say we do, to support our Aboriginal employees as they advance in our government.

I also have many Aboriginal employees who have been trying to be hired by our GNWT, without success. They are upset because they are qualified, experienced and ready to work, yet consistently they get screened out because there were no suitable candidates. That is very frustrating.

Potential new employees are also subject to screening tests each and every opportunity they apply for. They somehow fail and when they get screened, they have no opportunity to review the test or to see it or have ownership of it. It's all behind the manager's desk and saying you failed because of this or this. They never actually get to see it. They know they have the experience, training and skills for the job they are applying for.

I believe that we have to apply every effort to assure we have Aboriginal managers and executives in our government. We also must ensure that our representative workforce exceeds the 30 percent we have been at for the past 10 years, Mr. Speaker.

Later on I will have questions for the Minister of Human Resources. Thank you.

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

MEMBER'S STATEMENT ON OPPORTUNITIES TO REDUCE THE COST OF LIVING

MR. BROMLEY: Thank you, Mr. Speaker. Constituents are saying their home heating and power bills are higher than they've ever been. Just last week I tabled a petition from residents of the NWT calling for more action on climate change.

Government expense is increasing with increasing damage to infrastructure. We all know that oil is just going to get more expensive and that climate change is going to get a lot worse before it gets better. It is our dependence on fossil fuels that is creating this crisis.

The Chinese character for crisis is a combination of the symbols for danger and opportunities. Today I'd like to stress the opportunities we have.

In a January newspaper I read, Superior Propane was introducing micro-combined heat and power units. These systems provide both heat and power at 90 percent efficiency instead of the usual 28 percent efficiency that most community diesel generators run at. This great idea is something that a few Northerners like the Snowshoe Inn in Fort Providence and Gruben's Camp in Tuktoyaktuk have been doing for years. With new quieter technology we can see micro-combined heat and power use throughout the territory. If the Power Corporation got onto this, they would have a new source of revenue, selling both power and heat to large buildings like schools, northern stores, arenas and so on.

The Public Utilities Board has just made a decision to implement net metering, or close to it. Net metering, or the sale of home-generated renewable electricity into community grids, has great potential for reducing power bills. Northern businesses are gaining experience in installing these solar panel systems, recognizing a business opportunity here too.

Homeowners have been seeing the top savings of wood pellet heat for years now. A recent study by the Arctic Energy Alliance showed that we could use 20-foot shipping containers to bring affordable pellets into all communities with barge access right to Tuk, in fact.

Lentil farmers in Saskatchewan use containers to ship their lentils overseas and we can use the same methods to ship wood pellets.

Combined with the plans for a wood pellet plant in Enterprise, this could make Hay River the bio-energy hub of the whole Western Arctic.

All of the opportunities I've just mentioned make financial sense right now, Mr. Speaker. We've got local businesses stepping up and taking the lead and we need to support them.

We know the price of oil is not going to be coming down.

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

---Unanimous consent granted

MR. BROMLEY: We know the price of oil is not going to be coming down. We know that President Obama will soon put a price on carbon emissions and Canada will follow. The only question is when, not if. Many in our business community are responding to these opportunities and so are many home and building owners.

To reduce the cost of living, we need to find ways to support the rapid rollout of these opportunities to everyone in the North. Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. The honourable Member for Range Lake, Mr. Dolynny.

MEMBER'S STATEMENT ON MEDEVAC SERVICES AND MED-RESPONSE

MR. DOLYNNY: Thank you, Mr. Speaker. When serious accidents happen, urgent rescue is required. In the field of medical triage they say, "time is tissue." In some cases minutes, let alone hours count and lives do hang in the balance. People in the Northwest Territories still don't have 911, but they do have a reasonable expectation that if they or their loved ones are hurt, they will be transported with haste to the nearest suitable medical facility.

Unfortunately, we are hearing of too many instances where medevacs are not being provided in a timely manner, and with disastrous results. Just last week we heard from Mr. Yakeleya and he spoke of a heartbreak of one of his constituents by the failure of a local health centre to make the right call in transporting a constituent who had been seriously injured in a skidoo accident.

Last year Member Menicoche spoke about two serious accidents in Trout Lake affected by delayed medevac services. The first, a boating collision where an elder died before the arrival of a medevac plane, which took almost six hours to get to the scene.

A Trout Lake resident who rendered assistance to the victims of this boating accident happened to find himself at an unfortunate scene of another accident. This time it was his wife who injured herself with a skill saw. When staff at the health centre told him they would need to seek approval to medevac his injured wife, this gentleman, knowing full well how critical a delay could be, called for air transportation himself, rather than risk the wait. He was then struck with the worry that he would be billed for a flight that should have been paid by the GNWT.

Another accident took place in 2013 near Fort Providence, leaving two dead and another seriously injured. This highlighted the problems resulting from the lack of a clear policy on emergency highway extraction. In this case, a waiting helicopter crew was told to stand down while the severely injured truck driver was driven to Fort Providence before being flown by medevac to Yellowknife and then finally on to Edmonton.

Clearly, there are many problems with medevac services. Decision-makers are not always clear about who has the authority to make the call on a medevac. Too often, decisions are being made by staff without the appropriate credentials. It also appears that the cost is being factored into decision-making when the severity of a patient's condition should be the only consideration.

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

---Unanimous consent granted

MR. DOLYNNY: The Minister of Health and Social Services has advised this House that his department is moving forward with Med-Response, a program that will give all the health centres and all the communities direct access to a physician to coordinate expediting of medevacs, which is going forward, as we were told, on April 1st of this year.

Clearly, the sick and injured in the Northwest Territories deserve better service than they are getting.

At the appropriate time, I will be asking the Minister of Health and Social Services questions about the status of this proposal. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dolynny. Member for Hay River North, Mr. Bouchard.

MEMBER'S STATEMENT ON SUPPORT FOR NORTHERN TRUCKING INDUSTRY

MR. BOUCHARD: Thank you, Mr. Speaker. The Minister of Transportation talked about on-line services today. I appreciate the department's hard work in that area.

One of the areas that I see this being a benefit...and I think I've talked about the trucking industry in the Northwest Territories before and some of the issues plaguing them. One of the issues that have come up recently is the on-line 24-hour service for permitting wide loads and heavy loads currently being done by a southern company. I don't quite understand why we have a southern company doing some of this service, but I'll be asking the Minister about some of the on-line services that we can provide for that trucking industry.

As well, some of the issues that I've had in the past have been to deal with the commercial vehicles and light commercial pick-ups towing a trailer that are over the 4,500 kilograms, something that came up from the bridge tolls, but that are now requiring a Class 3 licence that has always been there but was stirred up from the bridge process. This is very difficult for companies that are looking for southern employees that are basically low-skilled but yet can be helpful to them. But if they're towing a trailer, then they need a Class 3. Now those individuals that don't have the skills and don't have a Class 3 are not employable by those companies. This is a difficulty in the industry; it's a difficulty for people who are trying to find work in our area, so I think the department needs to work on this.

The other issue with the permitting is also bridge tolls. Can we do bridge tolls on-line along with this 24-hour service?

Later on I'll have questions for the Minister of Transportation. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON BEAUFORT-DELTA EDUCATION COUNCIL E-LEARNING PROGRAM

MR. MOSES: Thank you, Mr. Speaker. Today the Department of Education, Culture and Employment did do a news release in regard to the Beaufort-Delta Education Council's program, the e-learning program that they have within the Beaufort-Delta region and it is one-time funding to explore e-learning in more of the communities across the Northwest Territories.

I'd just like to speak to this again. This method of course delivery helps the Beaufort-Delta Education Council, and hopefully the Department of Education address many of the challenges that our schools face, such as high teacher turnover, limited course offerings, small senior high class sizes, which prevent the allocation of a full-time teacher to many of the specialized courses, decreasing the gap in academic achievement between our smaller and rural schools and the more populated centres. As well, it has the potential to increase the need for students to leave their home communities in search of various course offerings.

The Beaufort-Delta Education Council over the last five years has been developing these on-line courses to provide better learning opportunities for all their students. These on-line academic courses are for students and teachers to meet the objectives through activities, videos, on-line work and assessment. I know a few of the Members here have firsthand experience working with this program and it is very successful.

Today I'd just like to thank the Minister and the staff in his department for working with the Beaufort-Delta Education Council to provide this one-time funding to the Beaufort-Delta Education Council to get more of these academic courses into our smaller communities. I'd also like to thank the Beaufort-Delta Education Council for being so innovative, thinking outside of the box, looking at different ways to keep our students at home in the small communities while getting the education that they deserve. I'd also like to thank all Members that support this initiative moving forward. I think that will show some very strong, positive impacts for education in the Northwest Territories in the years to come. Thank you.

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

MEMBER'S STATEMENT ON
JUNK FOOD TAX

MR. NADLI: Mahsi, Mr. Speaker. There's no dispute obesity is a serious health issue with adverse impacts on people's quality of life, longevity and public health care. Obesity used to be a personal issue, but with the increasing burden on our taxpayers, it's turning into everybody's problem. This government can take action by introducing a tax on junk food. It will help raise revenues and guide consumers toward healthy choices. It's already a very popular idea.

A coalition of health and education experts has called on the Quebec government to introduce a sugar tax on soft drinks and energy drinks. Ontario's doctors want higher taxes and graphic warning labels on junk food, to combat obesity. The taxation and warnings on cigarettes have led to a decline in smoking. Other groups in North America want taxes on fast foods that contain more than the recommended daily intake of sugar, salt and calories, such as potato chips, chocolate bars, French fries, burgers and pizza.

Our current tax code already distinguishes between foods that are good and bad for you. Basic grocery items are untaxed and junk food like candy is taxed. The structure isn't perfect, but the intent of the law is clear: junk food should be taxed more heavily than basic groceries. The Nutrition North Program, for example, only subsidizes healthy choices. Taxing junk food could help promote equality between our communities.

Some people argue that raising taxes will hurt people with modest incomes who tend to eat more fast food because it means they have less money to spend on general groceries and so they won't buy as many fruits and vegetables that are already expensive in the North.

Healthy people making better choices results in greater cost savings overall. The reduced costs to health care could eventually help reduce the cost of living. People need help making a conscious choice to change their eating habits and lifestyles. We can all do that by teaching our people, especially young parents, about healthy eating. We can restrict marketing fatty and sugary foods to children and support national initiatives to label foods in ways that help consumers choose more wisely.

Finally, we can tax unhealthy foods so that we're less likely to choose them as often. It's like putting the cookie jar out of reach. Mahsi.

MR. SPEAKER: Thank you, Mr. Nadli. The Member for Hay River South, Mrs. Groenewegen.

MEMBER'S STATEMENT ON
REPATRIATION OF NORTHERN RESIDENTS
FROM SOUTHERN PLACEMENTS

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Today I'd like to talk about the issue of repatriation. That is, northern residents in southern placements. Over the years we have spoken of this often. We have often calculated how many northern residents are in southern institutions. We call them southern placements for a variety and a number of reasons with different types of challenges.

I think that from time to time we need to review that list and that expense for many reasons. For one thing, if we can have Northerners in the North, that's a good thing. If Northerners in the North need to be looked after, having other Northerners look after them, that's a good thing. It brings Northerners closer to their families where there is a different type of support. It possibly creates employment in the Northwest Territories, and there are just a whole lot of reasons why it is best, if we can, to have these folks in the Northwest Territories.

I recognize and realize that there are sometimes very specialized needs that residents have that there is no solution other than a southern placement in order to most effectively address the needs of a client, but I think that this is something that we need to constantly be monitoring and watching, because I think that when front-line workers run into situations where they need help and support, and perhaps accommodation for an individual sometimes if it's not readily available in the North, the quickest thing is to refer that client to a southern institution, and once they're in that southern institution, I would hate to think that out of sight is out of mind and that perhaps it's easy to put that cheque in the mail every month to that institution where that person is being cared for.

I would like to explore today in question period a little with the Minister of Health and Social Services what types of services that are being procured for our residents in the South that might be possibilities for repatriating to the Northwest Territories with a longer view than just the immediate need of the client and to a bigger picture kind of view.

I'll have questions for the Minister of Health and Social Services later today.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The Member for the Sahtu, Mr. Yakeleya.

MEMBER'S STATEMENT ON
HIKING THE CANOL TRAIL

MR. YAKELEYA: Thank you, Mr. Speaker. For the past eight years and hopefully this summer, in July, people will tell us to take a hike, and I say I'm glad to. I hike along the Canol Heritage Trail. I hike with the young people. We've been doing it for the last eight years. Why take the hike? Why go with them?

I look at this and I say, well, what's the experience? From this experience, what will help the youth today? We go out to the Canol Trail, someplace, maybe at Mile 15, maybe at Mile 70, maybe at Mile 222, but we take one of these locations and we go out with the youth and we give them the opportunity once every year, maybe once in a lifetime, to come out and experience life on the land of the yesterdays and see how this experience will help them. They need help in all kinds of ways today because of such an enormous amount of challenges facing them.

This experience helps them with the value of teamwork and learning how to work together, how to survive on the land, what areas to look for to camp, how to gather wood in the rain, to make fire in the rain, how to cook for themselves, even to wash dishes, what kind of wood to get, and know that the sticks are not going to get off the ground and make their way to the fire. They have to get up and get the sticks to put them on the fire because there's nobody there to do it for them, or to get water, but the values they learn as young people are enormous, and their potential.

You know what? After the hike, these young people are so beautiful. They're so rich and so strong, and all they need is guidance from older people. I'm looking forward to the ninth annual hike to learn more with them, to learn with them, and having some of my colleagues that hopefully will be on the trip with me to hike this year. This will be the ninth annual leadership hike with the youth in the Sahtu, and I'm hoping that, again, we'll have some more youth coming out with us to experience life and that this experience will do them wonders in life.

So, Mr. Speaker, certainly this summer I will take a hike.

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

MEMBER'S STATEMENT ON
EXPANSION OF FRENCH-LANGUAGE
SCHOOLS IN YELLOWKNIFE AND HAY RIVER

MS. BISARO: Thank you, Mr. Speaker. We heard from some of my colleagues last week that negotiations between the Department of Education, Culture and Employment and the Hay River DEA to swap schools in Hay River have broken down. Not only has the Hay River District Education Authority withdrawn but so has the Commission scolaire francophone.

The solution proposed by the GNWT, while workable, just did not provide for a good learning environment for either Ecole Boreale or Harry Camsell School students in Hay River.

The situation in Yellowknife is no better. Negotiations are on hold while Education District No. 1 consults with their parents and other

stakeholders. There will obviously not be any resolution in Yellowknife prior to the upcoming court date, noted by the Minister last week.

It has been almost two years since the NWT Supreme Court ordered the Government of the Northwest Territories to provide the necessary expansions to both Ecole Allain St-Cyr and Ecole Boreale. Since June 2012 the commission has been unable to take any actions to upgrade or expand their two schools in Yellowknife and Hay River. The Government of the Northwest Territories continues to appeal court decisions time and time again. It's a costly venture for both the commission and the GNWT, and it does not allow for any advancement. Who loses out? The students, Mr. Speaker.

It is time for this government to bite the bullet, to accept the decision and accommodation ordered by the court and start planning for two capital projects: expansion of Ecole Boreale and expansion of Ecole Allain St-Cyr. In the grand scheme of our budget, the \$28 million cost to expand these two schools is not a lot of money. The Commission scolaire and their students and parents should not have to wait any longer. Members know how long the capital planning process takes. It has been two years already. If planning for additions to these schools starts now for the 2015-16 capital year, it will be at least another two years before the construction is complete, if at all even started.

The government has to give up on the court appeals and start to implement the court-ordered decision. All groups involved in this problem have tried to find solutions. It has been a lot of hard work on the part of many people. But the government has to realize now that their plan, the swapping of schools, is not going to come to fruition. They have to realize that they must move on to plan B or plan C before we have another two years of inaction.

I will have questions for the Minister later on. Thank you.

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

MEMBER'S STATEMENT ON
SUPPORTING NORTHERN EMPLOYMENT

MR. HAWKINS: Thank you, Mr. Speaker. I want to support my colleague Mr. Menicoche in this little micro theme day statement here.

Often I hear from people who are trying to apply for jobs and they're screened out for various reasons, some that make sense and some that just want you to bang your head against the wall. In some cases, we hear they're screened out and they only get the news long after the job has been awarded and the appeal period is long past. At this point, of course, they have no rights to appeal because they weren't screened in, and often these people are screened

out. Why? Because they didn't have the official university degree or college diploma it boldly says right on the top, but sometimes it also says on the bottom that if you have experience, demonstrate that.

The calls I get always say it seems to matter little. They show that they have 10, 15, 20 and even 25 years of hardworking experience, but to them it appears that if you don't have the academics, don't even bother.

This is frustrating, because I know, and everybody in this building knows, skills, training, education, experience are absolutely critical. No doubt about that. No one is trying to sell it for any less. But no one is suggesting that we take a first aid attendant and give him a shot at being a doctor. What we're trying to do is giving meaningful people a meaningful opportunity, but oftentimes we hear, oh no, you don't have a certificate; you need not apply.

A lot of good people fall through the system because it's almost like the door is shut before they even get a chance to open it. So rather than use that as a distraction, let us finally realize that there are many paths to the same destination. We could work with people who have great, dedicated, northern experience. I believe strongly, and Member Menicoche believes strongly, we have to get our people working. That's our focus. I know that's my focus and that's his focus; it would be nice to see it be the government's focus.

In the end, I often hear stories like this. I got a call a little while ago about an Aboriginal woman who had some difficult choices early in her life, but she got a break and her break led her to a job. She has got 20 years of experience. She applies for a job, but no advancing. Why? Because in some ways, in her eyes, she's being punished by 20 years ago a choice she had to make, a choice I wouldn't want to be forced to make, one she had to make on her own. But how do we help her move forward? Not this system. What system then?

Myself and Mr. Menicoche believe really strongly that we've got to provide all Northerners, Aboriginal, women and everyone, a fair shot. Just because they don't have the technical credibility of a university certificate doesn't mean 20 years of experience is a waste of time. We can do better; let's start doing it. Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Item 6, acknowledgements. Mr. Yakeleya.

Acknowledgements

ACKNOWLEDGEMENT 6-17(5):
2014 WISE WOMAN AWARD RECIPIENT
PATRICIA MODESTE

MR. YAKELEYA: Mr. Speaker, I would like to recognize Mrs. Patricia Modeste from Deline, who was chosen for the 2014 Wise Woman Award for the Sahtu.

Mrs. Modest is known for her kind heart and dedication towards helping our community. She is a well-known lady who likes to laugh and get things done when needed. She deserves this award, as do the other recipients.

On behalf of the Sahtu region, I congratulate Patricia and her family in Deline and to keep up the great work you're doing for your community and people and remember to rest too. Mahsi cho.

---Applause

MR. SPEAKER: Thank you, Mr. Yakeleya. Item 7, oral questions. The Member for Hay River South, Mrs. Groenewegen.

Oral Questions

QUESTION 261-17(5):
REPATRIATING NORTHERNERS
FROM SOUTHERN PLACEMENTS

MRS. GROENEWEGEN: Thank you, Mr. Speaker. My questions today are for the Minister of Health and Social Services. I'm aware that the Minister and his department have been doing some very good work on reviewing a lot of files within their mandate and I'd like to ask the Minister if he could put in some context either the number of clients or the kind of money that we spend as a territorial government to support clients that require southern placement at this time. Thank you.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. I actually can't remember the exact number of clients that we had in there. I actually just talked about it a couple of days ago when we were having our budget dialogue, but it is about 100 adults and about 100 youth, give or take. We know it's incredibly expensive. During the last round of supps, I asked for \$2.5 million for youth and another I think it was \$2.5 million or \$2.6 million for adults. So there is a significant cost. There's multi-millions of dollars a year.

I take the Member's point from her statement where we need to dig into these files and review them and see if there's any opportunity to repatriate and I've already directed that the department do that. They're going to do a file-by-file review and where there are similar clients with similar needs and

there's a business case for repatriating a block of them, it's something that we'd like to explore and I'm certainly willing to work with committee on that. Thank you.

MRS. GROENEWEGEN: The number of clients in southern placements, adult and children and the types of placements that they are in, I understand, are probably fairly varied, but I'd like to ask the Minister, and I know he hasn't been in the department that long, but at his first analysis on maybe a high level, is there anything that jumps out, is there anything that stands out that may be a type of southern placement that could be repatriated to the Northwest Territories? For example, in Hay River we have the assisted living facility. A lot of the clients in that facility were in southern placements prior to this. So, is there a type of care that initially stands out that the Minister could identify where we, as Northern communities could think about accommodating? Thank you.

HON. GLEN ABERNETHY: My initial discussions with the department, we're looking for a similar type case where we have individuals with similar needs, but we do know right now that there's a huge variety of residents in the Northwest Territories. We have some residents who require 24/7 care with multiple individuals and others that are more in the independent setting, but require significant medical supports. So at this time I'm not prepared to say that we have found a catchment, a group of individuals who have similar challenges that we may be able to repatriate up here, but I have directed the department to do a case-by-case review. As we do that, we'll start to be able to see what, if any, similarities exist and where an opportunity exists we will certainly be having that discussion with committee and I hope to have the information available. We expect it to take about a year to do a review of every file. Thank you.

MRS. GROENEWEGEN: That was going to be my next question is when we might begin to see the results of the review of those files to see where there might be some economies and would make some sense to a business case scenario and, also, we know there's a human factor to this, as well, to bring some of these folks home.

In the interests of decentralization and the fact that there may be communities out there that would be interested in accommodating, whether it be a group home or an assisted living facility or maybe something even more specialized, how will the results of this work be communicated so that if there are communities who would like to express interest in being involved in a plan to accommodate these folks, how will that be communicated in such a way?

HON. GLEN ABERNETHY: Before any decisions are made, we do need to understand the caseload, the client load, and the individuals that may be able

to be repatriated. I intend to share that information with committee and we can have a discussion on what might be the most appropriate location and how we, as an Assembly, decide where we want to invest our dollars, remembering that we want to keep people as close to home if we can find a way, and we have residents from all over the Territories, so there might be multiple opportunities here.

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

MRS. GROENEWEGEN: Thank you, Mr. Speaker. That is exactly what I wanted to hear. There are opportunities, I think, for regional facilities and that would accommodate keeping people closer to home and it would also maybe create the need for smaller-type facilities but more home-like where possible. I really don't have any more questions.

MR. SPEAKER: Thank you, Mrs. Groenewegen. Just a comment. The Member for Range Lake, Mr. Dolynny.

QUESTION 262-17(5):
STATUS OF MED-RESPONSE PROGRAM

MR. DOLYNNY: Thank you, Mr. Speaker. What precipitated my Member's statement today and my oral questions was as a result of a search on our government careers website. Recently there was posted an advanced territorial support medical coordinator and an emergency medical dispatcher. When you look on the job description, it does mention to help emergency medical evacuation services including medevac triage, coordinating dispatching and repatriation of services. This prompted me to talk about it in my Member's statement today, but, more importantly, to have questions today for the Minister of Health and Social Services.

In less than three weeks, Med-Response is going to go live. Can the Minister indicate what is the research basis for this new program and how is this program intended to improve what I talked about earlier, our current situation?

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

HON. GLEN ABERNETHY: Mr. Speaker, a significant amount of research has been done on this particular file. It started off with a different name many years ago, the Territorial Support Network. We've had physicians from across the North and we've had some real strong champions for this particular approach, and we have looked at other jurisdictions. This is going to give the community health care workers in the communities one point of contact for all medical emergencies, medevacs, all of those types of situations as opposed to what we've experienced in the past where every authority had their own plan, their own reporting mechanism, which often and was capable of

leading to some real confusion out there with respect to coordinating all of these activities for the best interests of the patients. This will coordinate everything into one contact point.

MR. DOLYNNY: Can the Minister indicate what the department's position is on the provision of medevac flights to emergency extractions on our NWT highway system? Last time I asked this question with the previous Health Minister we didn't have a clear policy. Can the Minister indicate, has this changed?

HON. GLEN ABERNETHY: The Department of Health and Social Services, the Department of Justice, and the Department of MACA are working together on a ground and highway rescue strategy. This particular EMR response tool is with respect to direct contact out of health centres to the regional centres, and we can coordinate things like medevacs out of there, but they will be going to the communities where there are airports as coordinated by the on-site people, the coordinator in the EMR office and a dispatcher in the EMR office. It will not be dispatching airplanes or helicopters to highway situations.

MR. DOLYNNY: In this year's budget, the Minister noted funding in the amount of \$790,000 to continue the implementation of the new Med-Response service. As he quoted, it was to "provide community health care practitioners with remote emergency clinical support, triage advice and help to coordinate NWT air ambulance services."

Can the Minister of Health indicate for these funding dollars, what overall improvements to the medevac service can Northwest Territories residents expect to see? Thank you, Mr. Speaker.

HON. GLEN ABERNETHY: These dollars are intended to provide 24/7 coverage in the office for our staff who will be providing the services. The significant difference and benefits for residents of the Northwest Territories – and our focus is on the people, the clients and our residents – is when somebody is injured in a community and they are in the health centre and they need immediate response, immediate action or immediate medevac, the community health worker or the community health care professional in that community will be able to call one office and that office will give them links to physicians or specialists. If we need to medevac them, there will be a medevac dispatcher on the phone as well.

So, all the people who need to be involved in the discussions to get that person to where they need to be or to provide them care on-site will all be on the same line providing advice. All of them will be informed, all of them will be able to provide the best level of care and, if medevac is needed, the most timely medevac for that patient. Thank you, Mr. Speaker.

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

MR. DOLYNNY: Thank you to the Minister. Once Med-Response is launched, can the Minister indicate what plans the department has to monitor and evaluate this program ongoing?

HON. GLEN ABERNETHY: We will be putting in and developing an evaluation framework around this particular model to see how it's working, to make sure it's meeting the needs of our residents, patients and professionals in the individual communities. I've said it before and I'd love to say it again, I'd love to invite committee out to see staff and see the operations once we get it up and running. I ask for a couple of months, but then I'd love to invite the Social Programs committee out there to see the operations up and running. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Abernethy. The honourable Member for Hay River North, Mr. Bouchard.

QUESTION 263-17(5):
ISSUES RELATED TO THE
TRUCKING INDUSTRY

MR. BOUCHARD: Thank you, Mr. Speaker. My questions will be to the Minister of Transportation on trucking issues. As he discussed an on-line service, has the department looked into putting truck permitting on-line?

MR. SPEAKER: Thank you, Mr. Bouchard. The honourable Minister of Transportation, Mr. Beaulieu.

HON. TOM BEAULIEU: Yes, Mr. Speaker. The intention is to have on-line services for commercial vehicles within the next two to three years.

MR. BOUCHARD: Also, another on-line service I'm wondering if we could implement is the bridge tolls. I know the bridge tolls are under review, but I am wondering if we will be putting that on-line as well. Thank you, Mr. Speaker.

HON. TOM BEAULIEU: I think the bridge tolls currently are provided out of a company we have a contract with in the South. I'm not sure if we are putting bridge tolls on-line, but I think we will definitely look at that possibility. There may be some issues with the configuration of the vehicles that may be close to the border where some Members have indicated that they may or may not need a toll permit to go across. It is a possibility, but I'm not 100 percent sure if that is in our plans right now. Thank you.

MR. BOUCHARD: The other trucking issues that I have discussed in this House are the commercial vehicles and the requirements for a regular pick-up towing a trailer to have a Class 3 licence.

Has the department looked into this difficulty? Many of the businesses in my riding are having difficulties with this. Has the department looked into a solution for that? Thank you, Mr. Speaker.

HON. TOM BEAULIEU: Our transportation system is harmonized with all the other jurisdictions that have interconnected highways into the Northwest Territories. When we consider removing the requirement for somebody to have a Class 3 and certain size vehicle, we do have to consult with other jurisdictions. So, currently there is a regulation that certain size vehicles need a certain class of licence. At this time, we're pleased with the way that's going and it fits in well with the other jurisdictions.

We can look at it to see if there is something we can harmonize with the other jurisdictions, but we can't make a change and not advise the other jurisdictions that we're making changes and so on. We can look at it but it would probably be more of a national discussion than just us making changes to the regulations here in the Territories. Thank you.

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

MR. BOUCHARD: Thank you, Mr. Speaker. I'm having difficulty with the harmonization concept. The Minister is telling me there's harmonization when I know, in fact, in Alberta a pick-up is a pick-up. It doesn't matter if you're towing a trailer or not, it's still not required to have a Class 3 licence. As well as the issue of licence plates, in Alberta they need a licence plate on the front. When you cross the border now, you have to put a licence plate on the front. So I don't know how the harmonization is working.

Can the Minister commit to look at these regulations and the fact that they aren't harmonized and try to harmonize them with Alberta, which is the main transportation province we deal with? Thank you, Mr. Speaker.

HON. TOM BEAULIEU: This is a national issue. Alberta does have its own regulations. We aren't exactly similar. We are trying to become part of the transportation system. We do harmonize with the other provinces. Harmonization is the ability for vehicles to move across the country and into the Territories without switching loads or being ineligible or eligible of driving a vehicle of that size. So we would look at everything, not just one province and just harmonize with a province where the most commercial vehicles are coming from. We'd look at everything. Like I said, if that was the best possible solution, was to do the same thing Alberta was doing, we'd probably look at that, but at this time we have our own regulations and we're following what we think is best for the Territories. Thank you.

MR. SPEAKER: Thank you, Mr. Beaulieu. The honourable Member for Deh Cho, Mr. Nadli.

QUESTION 264-17(5):
JUNK FOOD TAX

MR. NADLI: Thank you, Mr. Speaker. Earlier I made a statement on the idea of a junk food tax. My question is to the Minister of Finance.

What level of taxing authority does the GNWT have in implanting indirect taxes on goods and services sold or bought in the NWT? Mahsi.

MR. SPEAKER: Thank you, Mr. Nadli. The honourable Minister of Finance, Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. We have the authority, listening to the Member's statement, to set some taxes in place as they pertain to some of the substances that the Member was talking about. We also do things like liquor, tobacco and those types of things as well. Thank you.

MR. NADLI: Earlier I also made the comment that some provinces, such as Quebec and Ontario, are seriously taking the lead in terms of implementing taxes as a deterrent to the lifestyle of their citizens because they realize the significant costs it incurs down the road to the health care institutions.

Would the Minister of Finance agree to follow the lead of those provinces and begin examining the idea and concept of perhaps coming to a point where you could come back to the House with a proposed idea of maybe putting a tax on junk food? Mahsi.

HON. MICHAEL MILTENBERGER: We, as a government, have been trying to use taxes as a way to encourage, in effect, behaviour, especially as it pertains to cigarettes and alcohol. We have some of the most expensive cigarettes and alcohol in the country. We've just recently raised the price of loose tobacco, and our smoking and drinking rates, unfortunately, across the board haven't shown a lot of bending the right way. We haven't bent the trend, as they say. We continue to monitor through it that way.

If there's an interest in committee to look at some type of tax on sugar, I'd be prepared to have that discussion. It's much more complicated than it sounds on the surface, on junk food, but we'd be prepared to definitely engage in that discussion.

MR. NADLI: Thank you. It seems that at this point – you know, sugar is a candy – and recent studies have indicated that if you consume it, at least for diabetes, and we have a high rate of diabetes here in the Northwest Territories. Recent studies have indicated that sugar intake on a daily scale could lead to some forms of cancer.

Would the Minister, perhaps in the next session, indicate to the House whether it could be probable

for the Minister of Finance to categorize the junk food tax as a form of sin tax? Mahsi.

HON. MICHAEL MILTENBERGER: The definition of sin, of course, is one that's been debated for centuries. The issue of classifying sugar as a tax similar to tobacco and liquor... I mean, junk food similar to tobacco and liquor is a discussion we can have.

Once again, if you look at the literature, the debate and the complexity you get into in trying to define your term very, very precisely for taxation purposes is not without its challenges. We've been spending a lot of time as a government trying to look at active living, productive choices, Drop the Pop, Don't Be A Butthead, getting people and young people to make the right choices, babies born healthy. Taxing the way to good health I don't think has shown to be that successful, but once again, we're not averse to having that discussion with committee. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Final, short supplementary, Mr. Nadli.

MR. NADLI: Would the Minister agree that a tax on junk food could be a possible source of badly needed revenues? Mahsi.

HON. MICHAEL MILTENBERGER: Given the prodigious appetite we have in the North for things like junk food, if there was a definition that was agreed to and a tax that was agreed it, it would maybe generate an initial spike of revenue, but if the Member's rationale proved out, then the demand would drop off precipitously. But it could be, if all the stars aligned. Thank you.

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

QUESTION 265-17(5): REGIONAL RECRUITMENT PROGRAM

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. Earlier in the day I spoke about the difficulty my constituents had, the long-term employees advancing as well as new employees that want to get in with the Government of the Northwest Territories. I want to ask my question to the Minister of Human Resources.

In our 20/20: A Brilliant North, NWT Public Service Strategy Action Plan 2012-2016, how is the Minister and this government planning to advance our Aboriginal employees in management and executive? Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Minister of Human Resources, Mr. Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Speaker. We are starting to employ the Regional Recruitment Strategy as one of the strategies that we're hoping will bring the Aboriginal numbers up across the GNWT. Also, as far as trying to advance more Aboriginal employees in the GNWT to senior

management and management level, we are using the Aboriginal Development Program, which is we are placing associate superintendents and associate directors, Aboriginal employees, into the system for them to take those jobs on. Also, we are now developing associate managers so that people from lower than managerial positions, such as officers and clerks and so on, can be advanced into manager positions. Thank you.

MR. MENICOCHÉ: One of the issues raised was when they created a new financial shared services division, a long-term employee with many years of experience and training applied for a management job and yet that person wasn't qualified. Once again, I question the government's ability to over-qualify jobs and not giving enough attention to many, many years of service. How is this plan addressing that? Thank you.

HON. TOM BEAULIEU: Mr. Speaker, the Aboriginal employees are all employees that were affected by the financial shared services. Regionally there were 16, and 15 in headquarters, so 31 people were affected by the position, and the majority of them were placed into jobs with the government. I think there is a possibility that a couple of the specific cases where individuals may have been applying for the positions that would have been considered an advancement did not get the jobs, but my understanding is that there were some discussions held with these individuals. I don't have the specifics on the individuals that may have been looking for advancement and didn't get it, but my understanding is that most people who were affected were placed in other jobs within FS, financial shared services, or retained in their own departments. Thank you.

MR. MENICOCHÉ: I continue to urge the HR Minister and all the Ministers that when we're trying to advance our Aboriginal employees that we pay attention to them like we say we do in our plan.

I also spoke about the frustration that individuals are having trying to gain employment with the Government of the Northwest Territories. They apply on many jobs and every time they have to do a personal screening test for each and every job. I can see how complicated and how frustrating that can be.

Does the plan include anything to make it easier for potential new employees to gain employment in the Government of the Northwest Territories? Thank you.

HON. TOM BEAULIEU: Mr. Speaker, we do have a Workforce Planning Strategy and where we're looking at including the strategy I referred to, Regional Recruitment Strategy. There are various strategies that we are employing as a department, working with other departments in the GNWT. Our intention is always to try...(inaudible)...our numbers set out by the Affirmative Action Policy. The

Affirmative Action Policy calls for the government to be representative of the population and that's our goal, so we do work, as a government, with other departments to try to achieve those goals.

We're moving ahead with some of the committees, like the Aboriginal Employee Advisory Committee and get some advice on them. They're from across the regions. Aboriginal employees from across the regions are giving us advice on how to move forward on hiring Aboriginal employees into the public service. Thank you.

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

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. Once again, for new employees, entry-level jobs are often overqualified and they don't get attention for the years of experience and training that the individuals we have.

Does the plan address this fact? Are they reviewing those entry-level jobs and lowering the qualifications because people cannot get in. When you want a new employee, it's about just getting them in there. They'll learn the system; they'll learn the organization and become long-term and valuable employees. Can the Minister look into that?

HON. TOM BEAULIEU: We can discuss this with the departments. The departments do the job descriptions and through their knowledge, skills and abilities that are typically required for a position that they're posting. So they need to do a certain job; there are tasks that have to be done; the department determines what type of qualifications that individual needs to carry in order to do that job. So, if we're discussing with the department on looking at those qualifications that maybe a job with a different type of task in there may be sufficient, then we'll have that discussion. I'm more than willing and prepared to do that through the deputy to have those discussions with the other deputies in the other departments. Thank you.

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

QUESTION 266-17(5):
EMPLOYMENT OPPORTUNITIES
FOR NORTHERNERS

MR. HAWKINS: Thank you, Mr. Speaker. Well, we're not going to let the Human Resources Minister off that easy because, quite frankly, I don't think that these goals are being achieved. Often I hear people apply for jobs who have years if not, in some cases, decades of experience, but because they don't have that actual certification, such as a university degree or a college diploma, they get screened out.

Let's start off with a simple question by asking the Minister, how often does someone get hired on the

principles of they have a university degree, versus the people who've brought real life decades of experience? The department must track this because they spend a lot of time evaluating these things. What kind of answer can we get from the Minister on this? We'll start this question off this way. Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. Minister of Human Resources, Mr. Beaulieu.

HON. TOM BEAULIEU: Thank you, Mr. Speaker. I couldn't possibly know how often that occurs in the government. I indicated in the House previously, we have anywhere from 1,600 to 1,700 staffing actions per year going back I don't know how many years. How am I able to determine how often this occurs in the government? I would perhaps do a long research and then we would probably be able to come up with this number, but it would mean tracking everybody that qualified up against the individuals that got hired in order to determine that number. Thank you.

MR. HAWKINS: Maybe the Minister is starting to grasp the complication behind this particular problem. I've got people who have applied with 10, 20 or more years of experience, but they're screened out and the competition is awarded and they don't know until after the appeal period is gone, but then again their rights don't really matter. Of course, they feel they don't matter because their experience is weighed directly against credentials of the university. So let's go with this group, and by the way, the footnote I'd like to add is quite often I hear of this complaint, and it's a good complaint and it needs to be solved, by women and certainly Aboriginal women are screened out because their years of experience clearly don't matter. So maybe the Minister can help us, help the House, help the public understand how does the department weigh experience on a job and evaluate them against somebody who has the official credential, because it appears right now if you have experience it doesn't matter, if you have the certification by a university diploma then they'll look at you? Thank you.

HON. TOM BEAULIEU: Mr. Speaker, related experience does matter. Minimum qualifications, as far as education goes, and related experience matter. It's written in most job descriptions, if not all job descriptions, that we receive from the department. If an individual has directly related experience in the job they're applying for, it has a significant impact on whether or not the individual gets hired. If a person has directly related experience, education that may not be directly related, but many years of directly related experience as the Member is talking about today, we will not screen that individual out. The person with directly related experience will be interviewed. Thank you.

MR. HAWKINS: Thank you. Recently I had someone who applied or wanted to apply for a job, but of course it says, as a must, they have to have a high school diploma, but their 20-plus years of experience didn't matter because their job was pre-qualified and they were encouraged to apply anyway. Frankly, they had to make a choice at that high school year severely impacts their life. Somebody defined it as it continues to haunt their life because they had to make the choice that was right for them, but they can't apply.

So perhaps I'll ask it this way, how does the Minister see someone with 20 years' experience – and, of course, he did say related experience matters – apply for jobs like this that they've been doing for years, but it doesn't appear to matter because if they don't have that high school diploma they don't even get into the game and they're told weeks later after the competition is over, hey, by the way, it wouldn't have mattered anyway.

HON. TOM BEAULIEU: Thank you. It's difficult for me to speak on this. For me it's a hypothetical case. If the Member has an actual case where an individual has 20 years' directly related experience and was not allowed to apply for the job that they were doing, I would be glad to hear about the specifics from the Member and we'll then contact the department and find out what the issue is. Thank you.

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

MR. HAWKINS: Thank you, Mr. Speaker. If it's difficult for the Minister to answer this question, quite frankly it's difficult for the public wanting to apply for jobs if we don't know how they can get opportunities that they rightly can do and they're being blocked at the front door by this little sticker that says if you don't have the university degree, don't apply, if you don't have the college diploma, don't apply and in some cases, unfortunately, some people don't have the high school, but they've got the 20-plus years' experience.

I'm going to ask this question: How is the Minister going to fix this problem? Because we have a lot of good people and my experience, growing up in Fort Simpson, I can tell you some people just had to take paths that they didn't necessarily like, but by golly they're dedicated, hardworking and certainly capable and they're being shut out because of these small things and we can make this happen. I'd like to ask the Minister how he's going to solve this problem. Thank you.

HON. TOM BEAULIEU: Thank you. Again, I'm looking at case-by-case would be the way to resolve this issue. People have not come to me, individuals have not come to me and said that they had been working jobs, have 20-plus years' related experience and then were not eligible to apply. I've had situations recently exactly as the Member

spoke, an individual that said that they had 20 years' experience, but they didn't have a Grade 12 education that was a requirement. I encourage the person to apply for a job at any event. So, I don't know that is an issue. I haven't specifically heard that is an issue until today. If this is an issue, it's an ongoing issue, it's a big issue, then the Member can provide me specifics on it and I will go to the departments and try to find a solution to get those people to work. Thank you.

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

QUESTION 267-17(5):
COURT ORDER REGARDING
FRENCH-LANGUAGE SCHOOLS

MS. BISARO: Thank you, Mr. Speaker. My questions today are addressed to the Minister of Education, Culture and Employment. I'd like to follow up on my Member's statement. It is obvious, and I mentioned it in my statement, that the government is not going to be able to meet the March 24th deadline date that they have for the court date and come forward to the judge with a solution, with an alternative solution to what's been mandated by the court.

I'd like to know from the Minister at this point, knowing that negotiations are not happening either in Yellowknife or in Hay River, what's next on the part of the department and the government? Thank you.

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

HON. JACKSON LAFFERTY: Mahsi, Mr. Speaker. Initially the department has had an exploratory discussion with the Hay River District Education Authority, the Yellowknife Education District No. 1 and also Commission scolaire francophone to determine whether or not alternatives to the court order could be found in both communities.

These are the discussions that we've been having with both communities and the government has a responsibility to work with its partners to ensure that school facilities are used in the most cost effective and efficient way. The discussions we've been having since September until this last couple weeks have come to a stop. We've heard from both Yellowknife and Hay River. The next step will be to present that to my Cabinet colleagues this coming Thursday and then go from there. Mahsi.

MS. BISARO: Thanks to the Minister for hearing that it's going to go to Cabinet this week. I want to talk about the timing. The Minister stated in answer to my colleagues last week that there are two options, we can proceed or we cannot proceed. The amount of time that's involved so far, it has already been two years since the court decision

and it was quite some time before that that both parties were in court, so the Commission scolaire has been looking for this accommodation for a very long time.

I'd like to know from the Minister, if there's going to be a discussion at Cabinet this Thursday, how much longer are we looking at before there's going to be some movement on capital planning for these two schools?

HON. JACKSON LAFFERTY: As I stated earlier, Hay River Commission and the YK No. 1 have all stated no to the school swap at this point, and I realize that YK No. 1 is still engaging, but March 24th has been a deadline because we still have to go through the appeal process and it is before us and that's the next couple of weeks. What I'll be presenting to the Cabinet colleagues will be what's going to be happening for the next step, and it's still to be seen. Those are the discussions that we need to have as a government. As part of the capital planning process, what should the next step be?

MS. BISARO: Thanks to the Minister. In the discussions with Cabinet, again, I want to try and get some sort of a timeline. Can the Minister give me any idea if Cabinet decides to go ahead and put these two schools into the capital planning process, when might we expect construction to start on one or both of these schools?

HON. JACKSON LAFFERTY: I can't really speak to that at this point because we still have to make a decision to move forward on this particular subject. At the same time, there is an appeal process that's happening as well. All those will come into play, but the specifics of the capital infrastructure, the discussion will be brought to the Cabinet colleagues and then we will let the Members know what will be the next phase of the approach.

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

MS. BISARO: Thanks, Mr. Speaker. To the Minister, at this point I'm a little surprised the Minister couldn't give a ballpark estimate of time that it would take to go from planning to actual start of construction, but there we are.

To date, the government has incurred costs in terms of the legal costs in terms of the court costs. The Commission scolaire has also incurred costs. From my perspective as a Member of the Assembly and trying to keep costs of the government down to a dull roar, I'd like to know from the Minister what kind of costs we have incurred to date. I know we are going to incur more costs because it sounds as though we're going to go forward with further appeals.

I'd like to know from the Minister how much has it cost us to date to take this legal action to try and avoid expanding these two schools.

HON. JACKSON LAFFERTY: I did already commit that last week to Member Bouchard, so I'll definitely provide that detailed information to the Member.

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

QUESTION 268-17(5):
GREENHOUSE GAS STRATEGY

MR. BROMLEY: Thank you, Mr. Speaker. My questions today are for the Minister of Environment and Natural Resources. I'd like to note that our current Greenhouse Gas Strategy was released in 2011 and runs until 2015. According to the document, the GNWT is going to start work on a new Greenhouse Gas Strategy in 2014.

As we begin this work, could the Minister tell us how the success of the past plan will be evaluated?

MR. SPEAKER: Thank you, Mr. Bromley. The Minister of Environment and Natural Resources, Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. We have been looking at the cost effectiveness of greenhouse gas reduction initiatives. We're going to hit the targets we have set for ourselves. We will review those. We will look at all the work that's been done in the intervening time, the development. We have an extensive amount of work looking at the cost effectiveness, and that will be one of the key determinants as we look at renewal.

MR. BROMLEY: Thanks to the Minister. I hope it will be more than that. Both the current Greenhouse Gas Strategy and the relatively new Energy Plan are focused almost entirely on the supply of electricity to our communities and a little bit on heating, yet they all start with graphs showing that our greenhouse gas emissions primarily come from transportation and industry.

How can we claim that our strategy was successful when it did not even address the problem?

HON. MICHAEL MILTENBERGER: When we look at the areas that were targeted, it was successful. The Member is correct; the area of transportation is a big area that has to be addressed and it is a source of major greenhouse gas emissions.

MR. BROMLEY: Indeed, transportation is one. The other one I said was industry, which is probably even bigger, and we all know there are flares happening right now in the Sahtu. Perhaps the Minister could tell us what emissions are coming out of those flares.

As of the 1st of April, the GNWT will have new authorities under devolution. This should give us some new tools to deal with greenhouse gases in these sectors that we typically ignore right now.

Will the next Greenhouse Gas Strategy include actions based on our new toolbox? For example, will we be looking at regulating emissions from industry using water licences or air emissions permits?

HON. MICHAEL MILTENBERGER: As the Member talked about flares, he didn't touch on the success of the Diavik wind farm, which is a major industrial achievement in terms of hitting our targets. In terms of the question that the Member asked with our new authorities and the new toolbox that, yes, as we move forward we're going to be looking at our new world post-devolution and what opportunities do we have, what areas do we need to look at that we haven't considered in the past for authority reasons or because we were not in a position to before, so on a go-forward basis, yes.

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

MR. BROMLEY: Thank you, Mr. Speaker. Thanks to the Minister. Good to hear that. The previous Greenhouse Gas Strategy massively overestimated the level of industrial development that would take place in the NWT and now, of course, the Minister claims the lack of development is a success in reducing emissions. How to preplan success.

Will the next Greenhouse Gas Strategy take a more rigorous approach and list the emissions reductions that we aim to achieve from each action in the strategy?

HON. MICHAEL MILTENBERGER: The Member, once again, sort of underestimates and doesn't recognize the significant investment that Diavik did make and it was very important in terms of achieving targets. We will continue to try to aim high. We could aim low and promise low and over-deliver, but we'll have that discussion with the committee on a go-forward basis as we look at renewal of the Greenhouse Gas Strategy.

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

QUESTION 269-17(5):
CANOL HERITAGE TRAIL

MR. YAKELEYA: Thank you, Mr. Speaker. My questions are to the Minister of ITI. About eight years ago I decided that I'd like to take a hike on the Canol Trail. At that time, Premier Joe Handley wanted to come along. Basically, the idea was to take some youth out because looking at the situation of our youth and that it might be a good opportunity to talk about the youth, give them some experience about being out on the land and talking with some of the older people and the leaders and what they want to do in life. Over the past eight years this hike has become an annual event.

Given that we know more than the past eight years that we've been on the trail, the Sahtu Park

Development Committee made some strong recommendations, I want to ask the Minister, what is the department doing in respect to the Sahtu Park recommendations in regard to making some infrastructure improvements on the hiking trail of the Canol?

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

HON. DAVID RAMSAY: Thank you, Mr. Speaker. All the government can do and the department can do today is continue to work with the Sahtu Secretariat and the federal government in ensuring that eventually that park is developed. There are some concerns, of course, from a health and safety perspective with some of the sites that need to be remediated along that route. Also, Mr. Speaker, the federal government wants to retain control over that entire 222-mile trail. So they have a plan to remediate and they also have a plan to monitor after remediating. Our intention is that that land will eventually be transferred to the Government of the Northwest Territories. Thank you.

MR. YAKELEYA: For the last 10 years, I've been getting tips, reports, as to the transfer of the Canol Heritage Trail, the sites and reports from the federal government. Our government has been hesitant and reluctant to take over full ownership until all the i's are dotted and t's are crossed on this issue. With regard to the park they built, there are some areas that are not contaminated. Some areas are pretty well as natural as can be since the creation of this world.

Are there things in the plan that would help the young people as to what we can do to improve the safety of the hiking trail for other hikers that do go on the trail?

HON. DAVID RAMSAY: Capital money for parks is scarce. We just had over \$2 million for small capital projects at our parks across the Northwest Territories. Last year we had \$50,000 for Doi T'oh and also this year we're looking at a further investment of \$150,000. We're looking at a cable crossing at Twitya River. That is a treacherous river crossing, as the Member knows. So we're looking at putting that investment into the area as well.

We need to find further investments as we move along and get that land transferred so we can continue to look at positive developments at that park. Thank you.

MR. YAKELEYA: The youth that we had out there, about ages 14 to 20 years old from different regions, came to the Canol and we had private sponsors. Certainly, we appreciated the sponsors from this government to take the youth. I wanted to ask the Minister, would there be an opportunity for the young people... From the report I have, some of the recommendations for them to be on the trail for

25 miles, 70 miles, 50 miles, they saw a lot out there.

Can this department sit down with the youth and ask what they've learned, take their recommendations and where can we put some emergency shelters, some infrastructure, so we can make the hike more enjoyable yet challenging?

HON. DAVID RAMSAY: It's in our best interest to utilize the information. I know the Member has been out there many years with the youth from the Northwest Territories walking the Canol Trail. It is very useful information that he has and the youth who have that have traversed the trail over the years. If there is an opportunity to sit down with the most recent participants on the Canol hike from last summer or this coming summer and look at areas where they believe we could put some infrastructure, we could make the park better for people who are travelling in the park, that's certainly an area where our staff have a hard time getting out to, so any input the hikers and the Member can provide the department with is certainly in our best interest.

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

MR. YAKELEYA: Mr. Speaker, on part of the hike, we have rules of conduct when hiking out on the trail. One of the things we thought would be good as part of the recommendations would be to put up some signs at mile 25 on Carcajou River or Twitya or Little Keele to let people know to respect the trail. They are entering into Sahtu Dene/Metis lands and to respect the Canol Heritage Trail. That's part of the rules of conduct we have amongst our young hikers. Don't throw garbage on the ground, take what you need to take out of there, be respectful of the area.

Is that something the Minister could look at? Maybe putting up some billboard signs for hikers as a reminder when they come onto the Sahtu lands?

HON. DAVID RAMSAY: Signage, of course, is important. Again, it would be in the department's best interest to talk to the Member, talk to the people who have travelled the trail to find out where the best locations are for signage. I thank the Member for his offer and I'll ensure the staff in the region get a chance to sit down with those who hike the trail and talk about where we can put the signage. We've had some capital dollars last year and we have more capital dollars earmarked for the area this coming year, so we may be able to look at some signage for the park. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Member for Mackenzie Delta, Mr. Blake.

QUESTION 270-17(5):
UPGRADES TO HIGHWAY NO. 8

MR. BLAKE: Thank you, Mr. Speaker. At the beginning of session, I asked questions of the Minister of Transportation with regard to Highway No. 8. I know we don't have funds available in this current budget to address the upgrades to the highway. I know one of the things that I was told is we're waiting on a response from the federal government with regard to the Building Canada Fund. Since then, we've received confirmation, so I'd like to ask the Minister if there will be funding available to continue upgrades to the Dempster Highway, or Highway No. 8. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Blake. The honourable Minister of Transportation, Mr. Beaulieu.

HON. TOM BEAULIEU: Mahsi cho, Mr. Speaker. Recently, we've received confirmation for the Building Canada Fund. We've had discussions internally about the allocation between DOT and Municipal and Community Affairs and funding the communities. So we have had most of those discussions. Right now, we've taken the money that was promised to us through the Building Canada Fund and we are now going to be discussing that to determine how we're going to be able to match that money with the GNWT dollars in order to leverage the full amount that's available. Thank you.

MR. BLAKE: Does that mean we will have work for the highway this summer? I know a lot of people depend on that work. We employ over 40 people during the summer. Will that be in place for this current summer? Thank you, Mr. Speaker.

HON. TOM BEAULIEU: The plan moving forward and the portion of the plan that we had submitted to the federal government that was approved was for the reconstruction of most of the highway infrastructure across the territory. The Dempster is in there. As soon as we're able to match the dollars, if we're able to find matching dollars for the Dempster in 2014-15, then we will be starting year one of the Building Canada Plan work on the Dempster and other highways this year. Thank you.

MR. BLAKE: That sounds promising, so I will have further questions during the spring session. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Blake. Mr. Hawkins.

QUESTION 271-17(5):
GROWING FORWARD PROGRAM

MR. HAWKINS: Thank you, Mr. Speaker. Recently, I've been informed that an applicant to the Growing Forward Program had received some money, but they used it for holidays and to take people away.

I'd like to ask the Minister of ITI, when we give money to applicants in programs like this, how often are they screened and evaluated in a follow-up process to make sure this doesn't happen on a regular basis? Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Minister of Industry, Tourism and Investment, Mr. Ramsay.

HON. DAVID RAMSAY: Thank you, Mr. Speaker. I'm not familiar with the suggestion that somebody was using program dollars for a vacation. If the Member wants to give me some details, I'm certainly more than happy to look into that. Thank you.

MR. HAWKINS: Thank you. I'll certainly make sure the Minister receives those particular details, but one of the problems that I've seen with the Growing Forward Program is that the department doesn't do a follow-up evaluation and certainly sort of a measured context as opposed to reporting back to find out how the money was spent and how it was enabled to do more as it always promised.

What type of screening, evaluation monitoring and management of the information and certainly the investment of the money is done by ITI and how is that distributed back to the public? Thank you.

HON. DAVID RAMSAY: Thank you. On an annual basis we table the grants and contributions report detailing the program dollars that we do get out there. Program dollars are delivered on a regional basis and we've got lots of examples of how that money is being put to good use here in the Northwest Territories. We're developing an agricultural industry here in the NWT, we signed a new agreement with the federal government last year and we're moving forward in a very positive manner. We're also going to be developing an agricultural strategy and a firm, solid policy base for agriculture here in the NWT. I certainly look forward to the Member and other Members' input into the development of that strategy. Thank you.

MR. HAWKINS: Thank you. Well, we all know where the money is going because it's found in a report, that report is tabled, it's available at the library or on-line. That's all great information, but is there any follow-up compendium to know how the money was spent and what were the results achieved out of that type of money, because that would have all been part of the application to say I need X amount of dollars and this is what I plan to do with them.

Do we know if they actually did the stuff that they've applied for and met the spirit and intent of the application? Thank you.

HON. DAVID RAMSAY: Thank you. We do have professional staff across the Northwest Territories that does follow-up with folks that access dollars through those programs. If the Member has a

specific concern over a specific application, or funding that went somewhere and wasn't followed up on, again, I'd be more than happy to sit down with the Member or hear his concerns about a specific application and we can follow that up. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Time for oral questions has expired. Oh, sorry, Mr. Hawkins, final, short supplementary.

MR. HAWKINS: Thank you, Mr. Speaker. I appreciate your generosity there. The Minister says that people follow up, I can provide examples where people don't follow up on grants and contributions given to individuals where they've applied to the department. All I want to know, and I think the public deserves to know right now, is where is this all reported? It's great we know we can go to, say, group X or business X or NGO X and they got so much money, but we want to know to make sure that they did spend the money as they said they would. So we just need to make sure that that's the case. That's the issue right now. We want to see where it's publicly reported, not just because the Minister says he knows. I want to see it reported. Thank you.

HON. DAVID RAMSAY: Thank you. Again, we table, on an annual basis, the grants and contributions report. Again, if the Member has any specific concerns, please bring them to my attention and we will follow them up. Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Time for oral questions has expired. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to opening address. Item 11, petitions. Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Mr. Moses.

Reports of Committees on the Review of Bills

BILL 4: HEALTH INFORMATION ACT

MR. MOSES: Thank you, Mr. Speaker. I wish to report to the Assembly that the Standing Committee on Social Programs has reviewed Bill 4, Health Information Act, and wishes to report that Bill 4 as amended and reprinted is ready for consideration in Committee of the Whole. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Moses. Mr. Moses.

MOTION TO MOVE BILL 4, HEALTH INFORMATION ACT, INTO COMMITTEE OF THE WHOLE, CARRIED

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

Lake, that Bill 4, Health Information Act, be moved into Committee of the Whole for consideration today. Thank you.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. Motion is carried.

---Carried.

Bill 4 is moved into Committee of the Whole for consideration today. Mr. Moses.

MR. MOSES: Thank you, Mr. Speaker. I seek unanimous consent to return to item 12 on the Order Paper, reports of standing and special committees.

----Unanimous consent granted

MR. SPEAKER: Item 12, reports of standing and special committees, Mr. Moses.

Reports of Standing and Special Committees (Reversion)

COMMITTEE REPORT 4-17(5): REPORT ON THE REVIEW OF BILL 4, HEALTH INFORMATION ACT

MR. MOSES: Thank you, Mr. Speaker. Your Standing Committee on Social Programs is pleased to provide the Report on the Review of Bill 4, Health Information Act, and commends it to the House.

Introduction

Bill 4, Health Information Act, is the product of extensive work undertaken over the better part of a decade to develop health-specific privacy legislation for the Northwest Territories. The Standing Committee on Social Programs commends the Minister of Health and Social Services for developing the bill. With its passing, the Northwest Territories will join a growing number of Canadian jurisdictions that have enacted legislation of this kind.

Bill 4 was referred to the committee on November 7, 2013. The public hearing was held on February 20, 2014. Numerous stakeholders and citizens provided written submissions and made oral presentations. The clause-by-clause review was held on March 10, 2014.

It is the considered view of the committee that the act strikes an appropriate balance between the rights of patients and the need for efficiency within the system. At the same time, a great deal is riding on proper implementation.

The committee proposed and adopted two amendments during the clause-by-clause review of

the bill, with the concurrence of the Minister. Both amendments are discussed in this report.

Mr. Speaker, I would like to now return the report over to my colleague, Mr. Dolynny.

MR. SPEAKER: Thank you, Mr. Moses. Mr. Dolynny.

MR. DOLYNNY: Thank you, Mr. Speaker, and thank you, Mr. Moses.

Key Issues

Purpose Statement

Through an amendment, the purpose statement was broadened to address the rights of patients to access, correct and protect their personal health information. The committee reasoned that patient rights should be treated on a par with the need for system efficiency. A comparison of purpose statements in other health-specific privacy legislation lent support to this view.

Implementation

Stakeholders stated repeatedly that the act is difficult to understand. Unease about its complexity was widely expressed. Following the public review, the committee identified this as an impediment to the provision of meaningful input and requested plain language material. The department obliged, providing a "Frequently Asked Questions" document and an annotated version of the act. The committee in turn circulated the material to the stakeholders concerned. The department posted the FAQ document on the website, taking a strong first step toward informing the public about this legislation.

Given the complexity of the act and its inevitable future impact, extensive public education will be required to make the legislation understandable. Extensive training will also be required to ensure that key players in the health sector implement the legislation in a consistent and accurate manner. To this end, the committee urges the department to widely circulate plain language material, including annotated versions of the act and the regulations. Real-life scenarios and vivid illustrations should be used to explain key terms such as "health information custodian," "implied" and "express" consent, and the "circle of care."

In line with health-specific privacy legislation in other Canadian jurisdictions, "implied consent" is the backbone of this legislation. It does not require written authorization and occurs during the routine course of a patient visit. The act places the onus on health information custodians to inform patients about implied consent and what it entails. The act further states that consent must not be obtained through coercion or deception.

The act gives patients the right to withhold and withdraw consent and to set limits on how their personal health information is shared. It is the

patient's responsibility to exercise these rights. During implementation, patients should be given repeated opportunities to absorb this information.

Special efforts must be taken to ensure that unilingual Aboriginal language speakers understand their rights and what this legislation means.

The department has allocated \$462,000 in 2014-2015 for implementation. To ensure delivery of a comprehensive public awareness campaign and thorough training for custodians and health care providers, the committee urges the department to allocate approximately double this amount.

Several citizens raised concerns about the extent to which personal health information is shared with the "circle of care." Patients should be able to obtain a log of everyone who has viewed their personal health information. This message should be clearly communicated to the public.

Concerns were expressed about what happens to personal health information when it leaves our borders. Through information-sharing agreements with Alberta, our most frequent partner in the provision of health care, and other jurisdictions, the department should ensure that personal health information is protected to the greatest extent possible when shared with health providers outside the NWT.

"Express consent" is a formal method of giving consent which typically requires written authorization. This method is used for some research purposes and when health care providers collaborate with other professionals such as teachers and social workers. Information about express consent should be communicated to the public and to helping professionals.

Mindful of the government's goal of promoting service integration and interdepartmental collaboration, the committee is concerned that this legislation may entrench "service silos." Reasonable measures should be taken to ensure that mental health workers, nurses and other health care providers are not unduly prevented from collaborating with teachers and social workers. Interaction between health professionals, child welfare agencies and schools is often more influenced by institutional culture than privacy legislation. For this reason, training for health workers should include a module on how express consent works in "wrap-around" and integrated case management settings.

Concerns were raised about researchers accessing patient information without their knowledge. Under the act, this can only be prevented if a patient makes an express statement to this effect. Once again, this message should be clearly communicated to patients and the public.

Regulations

The Health Information Act and its regulations, taken together, constitute one of the largest information-sharing endeavours in the history of the Northwest Territories. Numerous details will be worked out in the regulations and while this affords greater flexibility to adjust legislation as required, the public has no opportunity to review them. Numerous stakeholders requested that such a courtesy be extended. The committee strongly echoes this request.

Security procedures will be laid out in regulations to protect against hacking, viruses and other security breaches. The serious breach of personal health information in Alberta recently illustrates the need to proceed with extreme caution. The regulations should establish meticulous and thorough procedures based on best practices nationally and internationally.

With respect to fees, the committee urges the department to continue the well-established practice of waiving fees under the Access to Information and Protection of Privacy Act, ATIPP. To discourage repeated, frivolous or unreasonably large requests, the regulations should stipulate that a fee can only be charged if the cost of processing the request exceeds a pre-set amount.

The committee was alerted to dangers associated with stripping, encoding or transforming information to create non-identifying data. Such dangers are amplified in a population the size of the Northwest Territories and they are not trivial. The committee urges the department to ensure that custodians are trained in de-identification techniques, including measures to reduce the risks of re-identification.

Mandatory Review

An amendment was made to the bill requiring the Minister of Health and Social Services to conduct a review of the act within 10 years of its enactment. This will allow legislators to test the department's performance against its own rules.

At this time I would like to turn it over to the chair of the Standing Committee on Social Programs, Mr. Moses.

MR. SPEAKER: Thank you, Mr. Dolynny. Mr. Moses.

MR. MOSES: Thank you, Mr. Speaker. Thank you, Mr. Dolynny.

The Standing Committee on Social Programs strongly urges the following courses of action:

- 1) that the Department of Health and Social Services develop and implement a comprehensive public awareness campaign;
- 2) that the Department of Health and Social Services provide extensive training for health

- information custodians and health care providers;
- 3) that the Department of Health and Social Services ensure the quality of patient care is not unduly compromised when a patient withholds, withdraws or places limits on consent;
 - 4) that the Department of Health and Social Services employ a grace period during the first year of implementation, requiring custodians to provide patients with repeated opportunities to absorb the legislation;
 - 5) that the Information and Privacy Commissioner be provided with additional fiscal and human resources to support implementation of the act;
 - 6) that the Department of Health and Social Services ensure consistent application of the legislation across all regional authorities;
 - 7) that the Department of Health and Social Services take reasonable measures to ensure that unilingual Aboriginal language speakers understand their rights and what the legislation means;
 - 8) that the Department of Health and Social Services provide an opportunity for the Standing Committee on Social Programs to review and comment on the regulations before they come into force;
 - 9) that the Department of Health and Social Services provide an opportunity for the public to review and comment on the regulations before they come into force;
 - 10) that the Department of Health and Social Services review the "Pan-Canadian De-Identification Guidelines for Personal Health Information" as prepared by the Office of the Privacy Commission of Canada and ensure the regulations include measures to mitigate against the risks of re-identification;
 - 11) that the Department of Health and Social Services clearly inform residents about their right to withhold consent to use of their information for research purposes;
 - 12) that the Department of Health and Social Services provide training to members of the territorial research ethics committee which conforms to the tri-council policy statement: Ethical Conduct for Research Involving Humans;
 - 13) that the Department of Health and Social Services establish information-sharing agreements with Alberta and other jurisdictions to ensure personal health information is protected to the greatest extent possible when it leaves the NWT;
 - 14) that the Department of Health and Social Services and other custodians make it their

- practice to comply with access and correction requests promptly and without undue delay;
- 15) that the Department of Health and Social Services inform patients about their right to obtain a log indicating which individuals have accessed their personal health information;
 - 16) that the Department of Health and Social Services take reasonable measures to ensure the Electronic Medical Records System is running smoothly prior to implementation;
 - 17) that the Department of Health and Social Services ensure that mental health workers, nurses and other health care providers are not unduly prevented from collaborating with teachers, social workers and other professionals; and
 - 18) that the Department of Health and Social Services include a module in their training to custodians and health-sector workers on the "wrap-around," or team-based, approach, including how to obtain express consent from clients.

Conclusion

The committee is grateful to everyone who provided input on Bill 4 and attended the public hearings.

The Standing Committee on Social Programs advises that it supports Bill 4 as amended and presented to Committee of the Whole.

MOTION TO RECEIVE AND ADOPT COMMITTEE REPORT 4-17(5), CARRIED

I move, seconded by the honourable Member for Range Lake, that Committee Report 4-17(5) be received by the Assembly and adopted. Thank you, Mr. Speaker.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. The motion is carried.

---Carried

Committee Report 4-17(5) is received and adopted by the Assembly. Item 14, tabling of documents. Minister Abernethy.

Tabling of Documents

TABLED DOCUMENT 68-17(5):
NWT ANTI-POVERTY ROUNDTABLE
FINAL REPORT,
NOVEMBER 28-29, 2013,
DETAH, NORTHWEST TERRITORIES

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. I wish to table the following document,

entitled "NWT Anti-Poverty Roundtable Final Report, November 28-29, 2013, Detah, Northwest Territories."

MR. SPEAKER: Thank you, Mr. Abernethy. Item 15, notices of motion, Ms. Bisaro.

Notices of Motion

MOTION 18-17(5):
EXTENDED ADJOURNMENT OF THE HOUSE
TO MAY 28, 2014

MS. BISARO: Thank you, Mr. Speaker. I give notice that on Thursday, March 13, 2014, I will move the following motion. I move, seconded by the honourable Member for Thebacha, that, notwithstanding Rule 4, when this House adjourns on March 13, 2014, it shall be adjourned until Wednesday May 28, 2014; and further, that any time prior to May 28, 2014, 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 to that time.

MR. SPEAKER: Thank you, Ms. Bisaro. Item 16, notices of motion for first reading of bills. Item 17, motions. Mr. Nadli.

Motions

MOTION 17-17(5):
INTERIM MEASURES FOR THE
COMMERCIAL HARVEST OF
WILD MUSHROOMS,
CARRIED

MR. NADLI: WHEREAS non-timber forest products, including wild mushrooms, can offer wide-ranging health and economic benefits;

AND WHEREAS world-wide demand for gourmet mushrooms is increasing, as well as awareness of their availability, nutritional content and value as a natural resource in the Northwest Territories;

AND WHEREAS commercial wild mushroom harvest may represent a significant economic development opportunity for residents of the Northwest Territories;

AND WHEREAS a large crop of valuable morel mushrooms associated with forest fire burns is anticipated this year in areas accessible by road on traditional Aboriginal lands;

AND WHEREAS these areas are in regions with land claims currently under negotiation;

AND WHEREAS residents, including members of local Aboriginal organizations, have no regulatory

mechanism to allow benefit from wild mushroom harvest, while unregulated, out-of-territory entrepreneurs are actively harvesting the resource;

AND WHEREAS in 2006, the forest management division of the Government of the Northwest Territories' Department of Environment and Natural Resources made commitments to advance this industry, including a commitment to draft a policy paper to lead the process for developing appropriate policy and regulations for non-timber forest products by 2014;

AND WHEREAS updates to legislation to regulate the commercial harvest of wild mushrooms are still required;

AND WHEREAS this legislation is not expected to come forward in time to govern this year's harvest;

NOW THEREFORE I MOVE, seconded by the honourable Member for Weledeh, that the Government of the Northwest Territories, prior to summer 2014, honour its commitments and work with those Northwest Territories First Nations and entrepreneurs that have an interest in harvesting morels and other mushrooms, to implement interim measures that regulate and manage the commercial harvest of wild mushrooms;

AND FURTHER, that the Government of the Northwest Territories immediately begin drafting legislation to provide for the responsible management of the wild mushroom resource and provide a comprehensive response to this motion within 60 days.

MR. SPEAKER: Thank you, Mr. Nadli. The motion is in order. To the motion. Mr. Nadli.

MR. NADLI: Mahsi, Mr. Speaker. I'd like to thank the seconder of the motion, the Member for Yellowknife Centre, Mr. Robert Hawkins.

I'm presenting this motion because there's a growing interest in wild mushrooms. Northerners are interested in the harvesting of mushrooms as a business opportunity and livelihood that complements the northern lifestyle of the outdoors.

Recently, we are witnessing people coming into parts of the NWT and harvesting mushrooms. They are taking our natural resources and leaving the NWT. Currently, there are no regulations on wild mushrooms, on morels, to manage and regulate this growing industry.

This motion asks for interim measures to be put in place before this summer's harvesting season begins. Things such as residency criteria, pricing of seasonal harvesting licence and permits for harvesting are some suggestions that could be considered based on consultations; further, that work begins towards developing legislation that addresses non-timber forest products such as wild mushrooms.

What are wild mushrooms, morels? They are a small fungi type plant that has a growing monetary value. There are many kinds of mushrooms. This particular species of wild mushrooms, morels, referred to as morels or *Morchella esculenta*, are described as prize morel mushrooms and are cone-shaped sponge. They are hard to find and are commonly found in newly burnt areas after forest fires. The plant species proliferates in growth in June.

Mr. Speaker, I'd like to remind the public that it is important to know the good mushrooms from the bad, poisonous mushrooms.

In terms of morel mushrooms as a product in the economic market, there is a high demand. Wild mushrooms, morels, sell at about \$100 per pound, based on 2012 prices. Dried and then sold, most are destined for European restaurants.

In 2013 the Northwest Territories experienced some big forest fires. One that is of particular interest is in the area between Trout River and Jean Marie River. Besides the Mackenzie Highway cutting into the heart of the area, there are also service roads that run north and south of the highway and may provide easy access to the burnt areas.

After the forest fire of 2013, it is expected that the mushrooms, morels, will experience a bumper crop this summer. Morel mushrooms are hard to find. Recently, harvesting activities were in Behchoko, Sandy Lake and Fort Smith areas.

There is interest from local entrepreneurs in my constituency for the harvesting of wild mushrooms, morels. Like berry picking, wild mushroom harvesting complements traditional activities where you go out and harvest the bounty of the land.

This is a great opportunity in a growing industry. There are people in the NWT who harvest wild mushrooms, morels, both in Fort Smith and Yellowknife.

Recently, some communities have achieved forest management agreements with the GNWT. There is also a strong possibility of a wood pellet plant being established and planned activities for forest timber type operations. Potentially, morels could become a secondary industry for those communities that have forest management agreements.

In 2006 there was a conference on mountain timber forest products. Then, this government committed to work on the five points. Eight years later, those commitments have yet to be realized.

The wild mushroom industry is growing. The potential monetary value of wild morel mushrooms is appealing for Northerners because of the lifestyle it promotes: the great outdoors and easy pickings.

Media, such as TV, have played a part in promoting the industry. In December 2003 the future on

mushroom harvesters aired on Dragon's Den. At that time, the panelists agreed to invest in the group that harvested wild morel mushrooms that perhaps could venture in the Northwest Territories.

In closing, this motion asks that the GNWT take action in developing interim measures and respond in 60 days. Today is March 11th and June 4th is four months away and there is a need to prepare for the summer harvest. The other thing is to start working on the legislation and, in the meantime, begin examining interim measures to ensure ways to regulate and manage mushroom resources. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nadli. I will allow the seconder to speak. Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker. I want to thank the mover of the motion, Mr. Nadli, Member for Deh Cho, for bringing forward this very important motion.

I'll say I've certainly experienced good morels and I can tell you it's always good to have good morels from time to time.

Sorry, folks, I'm here for 19 minutes, not all week.

On a serious note, it's always good to see the government honour its commitments with First Nations and this could be a small reminder of how important that is. When you honour a small commitment, it demonstrates your ability to follow through on the big ones. We often hear about how important relationships are with First Nations. This motion speaks to the strength of that, and as I said earlier, it's important to honour the small ones as equally as the large ones. Again, they speak to our character and other morals, by the way.

This is, as we all know, the bread basket of every economy. The NWT is no less concerned in those areas than anywhere else in Canada and certainly the world. This provides supporting mechanisms. These are small steps in helping First Nations entrepreneurs, First Nations people and even small communities get ahead by these small steps.

Mr. Speaker, what better way of putting combinations together than by putting entrepreneurial opportunities, especially with exercise and getting into the outdoors, it's a perfect opportunity and perfect combination.

As Member Nadli said, he likens it to a traditional activity just like berry picking. This is people living their history and building on their history going forward. These traditional activities aren't just about being Aboriginal but also about being family. We can see people getting together and away. We can see communities getting together. We can see people being people together in an important way.

I always tell my own children there are more activities out there besides video games. These are great things to do as families. Again, an important

activity we sometimes find ourselves getting away from.

This also provides business. Business means opportunities, and opportunities, as we all know, are few and far between in many of our small communities. We can always do more. This is certainly one the government can help buttress by following through on that earlier commitment that we've all been hearing about, about honouring our commitments and contributions and moral contracts – the other moral, by the way – with respect, but moral contracts as First Nations. Here's an opportunity; here's a chance for the government to step forward. This could truly be a small boon to our economy. Sure, it may not glitter like diamonds, but it will certainly fill bellies and hopefully some of that money will go into their pockets and help the families along.

I see nothing wrong with this motion about helping the everyday person in small communities, by helping them harvest these morels, because I can tell you they will go a long way.

About a year ago I went to the Minister of Environment and Natural Resources and I talked to him, because after seeing a local harvester in my constituency who goes out and collects mushrooms every summer, I asked him, how do you know, and he said his family taught him on which ones to pick and which ones not to pick. He went on at length about how ideal this is, about the opportunity and how they tend to just sit there and rot away. He actually asked me about saying what does our government do to identify mushrooms, both what are good, what are safe and certainly what are economical. Well, the Minister didn't find it in his heart and find any money whatsoever to help this initiative, because all I was asking for was that the department come forward with a bit of space on their website to identify northern mushrooms so the everyday person can get out there and harvest them on their own.

Although I am sort of sidetracking to some degree, what it does speak to is the opportunity that lies before us. Obviously, I will be supporting this motion and I want to thank Member Nadli for bringing it forward. Anything we can do in this Assembly to help small economies and small communities and Aboriginal businesspeople to get ahead, I'm 100 percent behind. Thank you, Mr. Speaker.

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

MR. DOLYNNY: Thank you, Mr. Speaker. I would like to thank the mover of the motion, Mr. Nadli, and Mr. Hawkins, for bringing it to debate here today.

When Mr. Nadli brought this to the committee here, it brought back memories of my youth, growing up in northern Alberta. I used to go pick mushrooms

with my grandparents for many years. It's a tradition that I actually haven't thought about, and this motion actually, I guess, made me go back to my youth and go and think about the benefits of what we did back then.

On top of that, the Member indicated the Dragon's Den CBC component that really kind of instigated my interest, and I have to go back to the archives of CBC and actually look up that episode. I was quite taken aback with the great comments. I always thought to myself, if it's good for Dragon's Den it should be good for the Assembly.

I like the motion because it does promote entrepreneurship, and I really like the traditional aspect that this motion talks about, allowing that type of entrepreneurialism in our communities and expanding that business unit. More importantly, I like how this motion really touches on the opportunity for NWT to look at this as a potential made-in-the-NWT stamp that we can put out there not only nationally but internationally. I think that also speaks loud and clear.

I think the motion itself brings a real simple ask to the table. It's asking for some very simple legislation and some regulation so that this industry has an operating chance to flourish on an international market. I believe this is a fair ask on behalf of a Member and a seconder, hoping that the Cabinet and the Minister involved can come up with that ask in short order.

I really like that this is a potential for a new industry and we've got some great exporting opportunities ahead of us here so when you add this all up, I think this is an incredible ask and I really want to thank the Member for bringing it forward, rekindling my youth and my interest back into this type of product of the mushrooms and morels. I will be supporting this motion. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dolynny. To the motion. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Speaker. I will be supporting the motion and I appreciate my colleague bringing this forward.

There are, indeed, commercial opportunities out there. I myself have picked mushrooms commercially in the Northwest Territories and sold them here. There is a market out there. There are a number of species of mushrooms, several types of morels and pine mushrooms of note, matsutakes, which are very well known to the Japanese tourists that we have and are highly valued. Even to have one of those at Thanksgiving, or the equivalent of Thanksgiving, is a big deal and worth a lot. There are also various types of boletes and so on.

We know that these wild mushrooms have incredible nutritional value, some of them actually the same as dried meat in their dried form, so

there's an incredible nutritional value from these mushrooms.

However, it's not necessarily easy because they're not necessarily dependable crops. They vary quite a bit from year to year, over time and according to the conditions and so on, so it does take a particular type of entrepreneur, and really, wild crafters generally that make use of non-timber forest products can slot this into their bailiwick of different products that they can access when they are available so this sort of thing can provide tinctures and herbs and aromatics, serve the health and cosmetic industry as so on, as well as the nutritional industry and the gourmet food industry. In fact, we have several operating Weledeh entrepreneurs in this area right now so it does really require some oversight.

I appreciate that this motion in the House finally does call for this. The first call was through committee five years ago now, and with repeated intervals of calling for it from the various Ministers, with no action. I guess calling for it on an interim basis might be the best we can do and I'll be supporting that, but really we need a thorough response. Mahsi.

MR. SPEAKER: Thank you, Mr. Bromley. To the motion. Mr. Yakeleya.

MR. YAKELEYA: Thank you, Mr. Speaker. This motion is very unique. I'm not too sure if I'm going to support it, because I'm allergic to mushrooms.

---Laughter

But it's very unique and I appreciate Mr. Nadli and the seconder, Mr. Hawkins, bringing this motion forward and rekindling some of the fond memories of Mr. Dolynny as a young picker of mushrooms.

Wild mushrooms in the Northwest Territories... I mean, we have a lot of forest fires and there is lots of opportunity in the Northwest Territories. Anything we can do to support communities and looking at some analysis to be done by the government to look to see if this is something we can use in our community, by all means if that's something... I mean, a lot of people certainly use these mushrooms for their own means.

I don't know if I'm going to be abstaining or supporting the motion, because of my situation. However, I thank Mr. Nadli and Mr. Hawkins for bringing this motion to the table.

MR. SPEAKER: Thank you, Mr. Yakeleya. To the motion. Mr. Menicoche.

MR. MENICOCHÉ: Thank you very much, Mr. Speaker. I rise to say that I will be supporting the motion. It's new and unique and almost like an emerging opportunity for the communities to work with the experienced mushroom pickers that do come up from down south, and hopefully we can

learn from it and make it our own homegrown industry there.

Even with business, we say you have to work with Aboriginal communities, you have to work with Aboriginal businesses, and I think this is another fine example of it. The motion is just calling for the Minister to act quickly – there is potentially a boom in mushrooms this coming summer – to just set up some regulations or some kind of instrument that the people who are coming from the South to work with the communities, to set some regulations around it. The concern, of course, is that experience has shown in other jurisdictions that when they're unregulated, they do leave garbage behind on their picking sites, so those are the kinds of things we want to voice. Thank you very much.

MR. SPEAKER: Thank you, Mr. Menicoche. To the motion. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. The government will be looking at trying to comply with what's been requested in the motion. There has been work done by ITI and MACA, trying to regulate something that we don't have the legal authority over right now. The Forest Management Act is going to be redone in its entirety and that will recapture it in the next coming piece of work. Now that the Wildlife Act is completed, that's next on our list.

I do want to point out, as Mr. Bromley noted, that this is a profession that is very well organized from down south. They track fires, which the years after fires the morels tend to appear. They come in and are highly mechanized and they work very hard and very quickly and they follow the fires so there is an opportunity, but as Mr. Bromley said, we're going to have to get organized. People are going to have to be prepared to be mobile. But we will do our best to comply. While we are bound by the 120 days, we will do our best to try to comply with the requested 60. Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. I will allow the mover of the motion to have closing remarks, if he'd like. Mr. Nadli.

MR. NADLI: Thank you, Mr. Speaker. I'd like to thank my colleagues. This initiative goes to the very heart of community economies. It has always been the standard of this government to try to develop the traditional economies of hunting, fishing and trapping of the smaller communities. This is a step in the right direction. If we support this initiative, then we're supporting that very concept.

There are entrepreneurs out there who would like to work with each other or else at least get the northern spirit collectively in trying to look at partnership arrangements. Hopefully, this will set the stage for cooperation and partnership in terms of taking advantage of this growing industry. Mahsi.

MR. SPEAKER: Thank you, Mr. Nadli.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. The motion is carried.

---Carried

Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters, with Mrs. Groenewegen in the chair.

By the authority given to me as Speaker by Motion 10-17(5), I hereby authorize the House to sit beyond the daily hour of adjournment to consider business before the House.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRPERSON (Mrs. Groenewegen): I would like to call Committee of the Whole to order. There are a number of items before committee. What is the wish of the committee today? Ms. Bisaro.

MS. BISARO: Thank you, Madam Chair. We would like to continue with Bill 10, which we started yesterday, then Bill 11, Bill 13, Bill 14, Bill 15, Bill 16, Bill 17 and Bill 4, time permitting. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. We will resume that after a brief break. Thank you.

---SHORT RECESS

CHAIRPERSON (Mrs. Groenewegen): I would like to call Committee of the Whole back to order. Yesterday when we left off, we were dealing with Bill 10, Northwest Territories Lands Act. We were on general comments. First of all, Mr. Premier, would you like to bring witnesses into the Chamber?

HON. BOB MCLEOD: Yes, I would, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Agreed. Thank you, Premier McLeod. I will ask Sergeant-at-Arms, please escort the witnesses to the table.

For the record, could you please introduce your witnesses?

HON. BOB MCLEOD: Thank you, Madam Chair. To my right I have Kelly McLaughlin, director of legislation for the Department of Justice; to my left I have Jamie Fulford, legal counsel for the Department of Justice. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): As I was saying, yesterday when we left off we were on

general comments. The next person I had on the list was Mr. Dolynny.

MR. DOLYNNY: Thank you, Madam Chair. I'd like to welcome the Premier and devolution team here again today under the review of Bill 10.

Madam Chair, from what I understand, when bills are reviewed or legislation is reviewed both nationally or territorially or provincially, we look at things such as the imperial system that is used to describe certain things, whether it's units of measure, units of land. This may be more of a small, technical nature, but I thought this was something possibly not picked up when we did the mirror legislation.

In Section 9, it talks about the disposition of Territorial lands and it uses the term "acres," 160 acres, to be specific, in 9.(1), and in 9.(3), 6,400 acres.

The unit of measure in metric terms is hectares. Is that a miss or is that something we will expect with all legislation? Did the conversion go from imperial to the metric in this mirror legislation? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Dolynny. Ms. McLaughlin.

MS. MCLAUGHLIN: Thank you, Madam Chair. In this case, we actually kept the imperial measurement because a conversion would have created a decimal number. Without having the opportunity to review exactly the implications of rounding that decimal number, it was determined as an interim measure to keep it as is. Then in the future we could look at these sorts of instances and make them conform with our practice, which is a metric measurement. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. McLaughlin. Mr. Dolynny.

MR. DOLYNNY: Thank you.

CHAIRPERSON (Mrs. Groenewegen): Next I have Ms. Bisaro. General comments?

SOME HON. MEMBERS: Detail.

CHAIRPERSON (Mrs. Groenewegen): Okay. Thank you. Colleagues, some of the devolution bills before Committee of the Whole today contain well over 100 clauses. Would committee agree to consider clauses in blocks of 10? We would still be able to pose questions on any clause or clauses within the block of 10. We would like to make better use of our limited time available to us. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Agreed. Thank you. Clauses 1 to 10.

---Clauses 1 through 10 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 11 to 20.

---Clauses 11 through 20 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 21 to 30.

---Clauses 21 through 30 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 31 to 40.

---Clauses 31 through 40 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 41 to 50.

---Clauses 41 through 50 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 51 to 58.

---Clauses 51 through 58 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Thank you. To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Does committee agree that Bill 10 is ready for third reading?

---Bill 10 as a whole approved for third reading

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Thank you, Ms. McLaughlin and Mr. Fulford. Sergeant-at-Arms, please escort the witnesses from the Chamber. Thank you very much.

I'd like to ask Premier McLeod if he'd like to proceed with his opening remarks on Bill 11, Petroleum Resources Act. Premier McLeod.

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 11, the Petroleum Resources Act. The passage of this legislation will be another step towards implementing the Northwest Territories Lands and Resources Devolution Agreement.

The Department of Industry, Tourism and Investment will administer the Government of the Northwest Territories' new authorities under the Petroleum Resources Act.

Under the Devolution Agreement, the GNWT is obligated to substantially mirror Canada's statutes and regulations that are being repealed or made inapplicable to lands transferring to the GNWT through devolution.

The mirroring exercise means that the new GNWT laws will address the same matters, in substantially the same way, as federal laws do now. Mirroring principles limited changes to addressing issues such as outdated language and applying GNWT drafting standards.

Mirrored legislation is a practical first step to ensure a continued delivery of services on April 1, 2014. Mirrored legislation also ensures that there are no

legislative gaps or overlaps between GNWT and federal legislation.

The parties to the Devolution Agreement entered into a Protocol for Review of Devolution Legislation. Under this protocol, all parties had the opportunity to review and comment on this legislation before it was introduced in the Legislative Assembly. We have considered these comments carefully in the preparation of the bill before you.

The Petroleum Resources Act will govern the leasing of GNWT-owned oil and gas rights to companies that wish to find and produce the oil and gas. This includes all GNWT-owned oil and gas rights in the onshore of the NWT, right up to the onshore/offshore boundary negotiated by Canada and the GNWT. It does not include lands that will be retained by the federal government such as waste sites and the Norman Wells Proven Area.

Rights leased to a company under the Petroleum Resources Act will give the company the right to explore and, if successful, to produce oil and gas owned by the GNWT on behalf of the residents of the NWT.

Under the Petroleum Resources Act, oil and gas rights in unexplored areas will be issued after a public call for bids. The Minister may attach conditions to the transfer of rights including conditions for protecting the environment.

The Petroleum Resources Act will also establish an Environmental Studies Research Fund to pay for environmental and social studies necessary to inform decisions on whether oil and gas exploration or development should be carried out in a particular area. Oil and gas companies exploring in the NWT must make payments into this fund.

The proposed Petroleum Resources Act and Oil and Gas Operations Act each state that no work or activity on petroleum lands shall be authorized until the Minister has approved or waived the requirement of approval of a benefits plan.

Finally, the Petroleum Resources Act will allow the GNWT to prescribe the royalties that companies must pay to the GNWT once commercial production is achieved.

I would be pleased to answer any questions Members may have. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. I'd like to ask the Premier if he would like to bring witnesses into the Chamber. Premier McLeod.

HON. BOB MCLEOD: Yes, I would, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Is the committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. I'll ask the Sergeant-at-Arms to please escort

the witnesses in. Premier McLeod, could you once again introduce your witnesses for the record.

HON. BOB MCLEOD: Thank you, Madam Chair. To my right is Mark Aitken, the ADM with the Department of Justice, and to my left is Jamie Fulford, legal counsel with the Department of Justice.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Bill 11, Petroleum Resources Act. General comments. Mr. Dolyunny.

MR. DOLYNNY: Thank you, Madam Chair. Again, welcome back to the Premier and team here. Just some clarification questions within this act, and I know that this is mirror legislation, and I know that we don't want to delay implementation, but I need to understand a couple of things within this act a little bit more clearly. Within the act it talks about these exploration licences and the fact that there's a waiting period and everything else. Do we have people right now currently waiting for this act to pass that are kind of sitting in stasis for an exploration licence?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Dolyunny. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. In answer to the question, I am not aware of any specific instances, but I can say that if there are people in the chain of approvals that their applications get continued over under this legislation, so if they had an application that was made under the federal act it would be continued just as if it had been made under this act.

MR. DOLYNNY: The purpose of my question is to make sure that we are providing due process for those applicants, that we're not superficially making them wait to get our affairs in order. Again, I haven't had any calls to action on that, but I think it's important that we recognize that.

Embedded within this act it also talks about a regulator. Can we define who is this entity or individual or is it a company that they're involved with, the regulations or the regulator of the significant passages of this act?

MR. FULFORD: I believe the Member is referring to the regulator as defined in the act, and it's the same regulator that's defined in the Oil and Gas Operations Act. The regulator is defined as the regulator essentially chosen by Cabinet. The reasoning behind the choice in the mirroring was twofold. I would say that first it was a matter of flexibility, and second, and probably more importantly, was just with the timing constraints that we had the regulator needed to be in place as of April 1st. One of the choices might have been to constitute a quasi-judicial tribunal but that would have required separate legislation and likely consultation with the other parties, so that was

basically the reasoning behind the drafting choice of the definition of regulator.

MR. DOLYNNY: I appreciate the explanation there. That does provide a bit more clarity, because I know that term has come up a couple times and I know Members have spoken on, so I want to make sure we're talking about the same process between each act.

Lastly, under the part of royalties, it references the Commissioner and the Executive Council. Can we define what that position or who that person is, just for the record.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Dolyunny. Mr. Aitken.

MR. AITKEN: Thank you very much, Madam Chair. The Commissioner and the Executive Council is defined in the Interpretation Act as being the Commissioner acting by and with the advice of the Cabinet.

MR. DOLYNNY: Just for clarification, who would that person be specifically?

MR. AITKEN: It's actually two separate entities acting in concert. The Commissioner, of course, is the Commissioner of the Northwest Territories. The Executive Council is the Cabinet, and when it makes a decision, it makes a decision as a group, and so it makes a recommendation to the Commissioner who then signs the final approval.

MR. DOLYNNY: When I read a passage where it says Section 47(3) it says the Commissioner in Executive Council, so that means that the Commissioner, our current Commissioner is working on behalf of the Cabinet or is it with the Cabinet? Is it independent of the Cabinet or is it Commissioner and Cabinet working collectively as one signatory? I need clarification on that.

MR. AITKEN: The provision 47.(3) says the Commissioner and Executive Council may by order, so the procedure would be a proposed order brought before Cabinet. Cabinet would approve the order. A record of decision would be made. The record of decision would be provided by the Commissioner, who, acting upon the advice of Cabinet, would sign off the order, at which point it would be registered by the registrar of regulations, it would be a final instrument as of that time. Thank you.

MR. DOLYNNY: That answers those questions. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you. General comments. Next I have Mr. Nadli.

MR. NADLI: Thank you, Madam Chair. My question is in terms of fracking. I know that it's a practice that is happening here in the NWT and now that we've taken responsibility from the National Energy Board, the functions of this act in terms of regulating control and activities related to oil and

gas, I wanted to ask if there are any further advances that this government might undertake in terms of trying to add our further substance to the guidance document that this government has developed in overseeing fracking and practices and how it could be employed here in the North. Mahsi.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Nadli. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. Hydraulic fracturing is an operation that would be regulated under the Oil and Gas Operations Act, which is also before the Committee of the Whole. That act provides the ability for guidelines to be made that could further give shape to how that operation is regulated, but that is not something that would be done under the Petroleum Resources Act. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. General comments. Next I have Ms. Bisaro.

MS. BISARO: Thank you, Madam Chair. I have a number of questions here. I'm trying to understand some of the implications, I think, of the wording in the act. I'd like to start with the change of language from the Canada Petroleum Resources Act to the NWT act and the change from the Canada act to the NWT act is that the National Energy Board is the regulator for the Canadian act, or the federal act, and then in the territorial legislation anywhere where NEB is referenced, it's changed to the regulator and we know that that regulator is the Ministry of Industry, Tourism and Investment. Within the Inuvialuit Settlement Region the NEB will continue to act as regulator.

So I have two questions. Why did we not continue to use the NEB as a regulator within this territorial act, particularly when the NEB remains the regulatory for the Inuvialuit Settlement Region? So, what's the rationale for going to a different regulator for most of the NWT, but keeping the NEB for the ISR? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. Due to an agreement that was reached between the GNWT, Canada and the Inuvialuit Regional Corporation that was concurrent with devolution, there was a requirement for the GNWT to maintain the National Energy Board as the regulator in the ISR and that was mainly due to a desire to have consistency in the regulation of what are called straddling resources that straddle the onshore/offshore boundary. There's no such need outside of the ISR and there's no requirement in the Devolution Agreement for the GNWT to retain the federal regulator. So, I guess that's the answer. There was no requirement in the Devolution Agreement to do that. Thank you.

MS. BISARO: Thanks to Mr. Fulford. So, I understand that there's no requirement, but that doesn't tell me the rationale for why we did not continue to keep the NEB as a regulator. One of the concerns that we had from somebody who provided input to us, as committee, was that their concern is that the Minister of ITI should not be the regulator for petroleum resources and felt that if that was the direction that we were going to go that there ought to be some public discussion prior to us making that decision. So that decision has already been made, but again, I guess I would like to ask what the rationale was for this change from the NEB to the Minister of ITI as the regulator. Thank you.

MR. FULFORD: I think the rationale is as simple as this is territorial legislation so the default would be to a territorial regulator and while there's a specific requirement with regard to the ISR, that requirement doesn't exist outside of the ISR. Further, I guess I'd just note that under both the Canada Oil and Gas Operations Act and the CPRA that until the 1990s the federal Minister was the regulator and the NEB was only brought in as a regulator at a later date and that the model of having a ministerial regulator is fairly common in other jurisdictions across Canada. So our choice in defining the regulator and giving that flexibility was just reflective of all of these different types or models of regulation. Thank you.

MS. BISARO: Thanks to Mr. Fulford. So, I guess it just points out one of the reasons why we need to have public consultation on these acts once they have been approved, and after April 1st. It's another reason why the government and committee, hopefully, will get together and will provide some opportunity for fairly comprehensive consultation on these acts.

I wanted to ask about royalties. The payment of royalties comes under Section 47, I think, and beyond that as well. Am I correct in understanding that royalties can be exempted basically by the Minister without consultation with other Members and/or the general public? Is that correct? Thank you.

MR. FULFORD: I believe that is correct. I can't find that correct section reference, but there is ability of the Minister to exempt the payment of royalties.

MS. BISARO: Thanks. I don't need the exact section, so Mr. Fulford can stop searching. I guess my concern is that we could have decisions being made by an individual, I would hope not, but we could have decisions being made by an individual to exempt or waive or change royalties. So, my question further to this is whether or not there will be anything in regulation which will determine under what circumstances the Minister can exempt or change royalty payments. Thank you.

MR. FULFORD: If there is not right now, and I can't claim an encyclopedic knowledge of all the mirror

legislation, but if there is not now, then that is something that could be done after the transfer date. Thank you.

MS. BISARO: Thanks. Something else to add to the list for us to consider after April 1st when we consult. I wanted to also ask, it struck me and this came from the information that we got from our staff, but it talks about disclosure of information, and I'm sorry I don't have the reference in the bill, but as I understand it if, there was a conflict in terms of disclosure of information between the section in the act, between the Petroleum Resources Act and the Access to Information and Protection of Privacy Act, that the Petroleum Resources Act will take precedence. That struck me as being a little strange. I would have thought that the ATIPP Act would take precedence over pretty much anything else that we do. So, could I get an explanation of why the Petroleum Resources Act relative to disclosure of information would take precedence over ATIPP? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Aitken.

MR. AITKEN: Thank you, Madam Chair. The section is Section 91 and the part is administration enforcement. You'll see the Section 91 on disclosure of information is a very extensive section. It has 11 subsections, runs over three pages. It deals very specifically with the use of information and deals very specifically with the types of information that may be sought under this particular part. So, the exemption is only in respect of this part of the Petroleum Resources Act and it is similar to provisions we have in other territorial legislation we have now where if there is a detailed scheme setting out the rights and protections in respect of access to information, those provisions can govern over the Access to Information and Protection of Privacy Act, which is a general statute relating to access to information. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Aitken. Ms. Bisaro.

MS. BISARO: Thanks, Madam Chair. Okay, understood. I wanted to ask a question with regards to the Environmental Studies Research Fund and the Minister mentioned that in his opening remarks as well. I understand the purpose; I understand who is going to be appointed to this group, but I don't understand where the money is coming from. Could I find out how this is going to be funded with dollars? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. It would come from the industry itself. Those are companies that are operating in the Northwest Territories. Thank you, Madam Chair.

MS. BISARO: Thanks to the Premier. That's good to hear. Where is that going to be laid out? Is it laid out already in regulations, or is it again something that has yet to be determined? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Aitken.

MR. AITKEN: Thank you, Madam Chair. Section 72 of the act relates to the fixing of rates. Rates are to be paid by the industry into different sub-accounts depending on where the activity is taking place. The sub-accounts are set up in regulations and the rates are set and they can be generally across the board to all sub-accounts or they can also be made particularly to individual sub-accounts. Those rates will be set or they can be varied at different stages in time.

I understand that the first rate setting by this government will take place for effective January 2015. That's the plan going forward. At this point we have the existing rates previously set by the federal government. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Aitken. Ms. Bisaro, your 10 minutes for general comments have passed. Is there anybody else with general comments? Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair. I want to follow up on some of these similar questions for Bill 11, Petroleum Resources Act. I know a number of the public are alarmed at the regulations being proposed and put in force by this act, particularly because it is a fundamental change in public policy that demands public discussion certainly, and one would think in a consensus government that it would at least have demanded committee discussion. The questions were asked at the beginning of this six-week sitting. Commitments were made about briefing committee and that still has not been done. Again, so-called consensus government here seems to be failing us in a critical area such as this. I think it's been pointed out the conflict of interest between the regulator who is also the promoter and subsidizer in this industry. So there are some fundamental concerns there.

Similar to that is concern with the lack of capacity and experience. I know the department's going out, the regulator is going out for some contract help on that, but in the matter of transparency and to bring some certainty to this very uncertain equation, would the Minister be prepared to provide us with a copy of the contract that goes out for the closed contract services so that the public can be aware exactly what we are having contracted out and who is doing it? I'm not worried about the price on those things. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. Normally in these kinds of contractual situations we

would have to check with the contractor. I don't expect there would be any problem in doing so, but we'll just have to check to see if there are any privacy requirements or contractual arrangements that we have to check on. We're prepared to make it available subject to checking on a number of things. Thank you, Madam Chair.

MR. BROMLEY: Thanks to the Premier for that. I think the fundamental change, as I said, was from a publicly accountable institution to behind closed doors. We are looking for transparency whenever we can find it here and particularly given that committee's being kept absolutely in the dark. So I would appreciate that information.

I guess related to that is a concern that decisions being made will be made by politicians instead of by objective, independent board members who are identified for that purpose. Again, it goes against certainly what the Premier's been saying, that we are bringing decisions closer to the people and transparency and so on. This is in secret and behind closed doors, so that's certainly a concern.

The question of royalty and fees for oil and gas are set in regulation and should be reviewed, obviously, to ensure an adequate return to the public once again. I am also concerned about the ability of the Minister to exempt a party from payment of royalties. I think government has a bad record on these sorts of things, especially when, again, decisions are made behind closed doors and in secret. I will look forward to the fleshing out of that and exactly where the authorities are, the limits on that, the role for the public in oversight of that.

The review, I would say, of royalties should include consideration of the bid system where the current approach is based on work. Bid criteria rather than cash bid or other criteria would better serve our communities and the environment. I know the Premier's made a commitment for review soon, so that can be addressed at that time.

Mention has been made of the Environmental Studies Management Board. Again, the concern in this case is the only eligible people who sit on the board are government employees and individuals, non-native, by the oil and gas interests owners. This hardly seems fair or objective and it's hard to understand how such a restriction serves the public interest. This part of the bill deserves a serious review to ensure, again, greater accountability and representativeness. I appreciate the information on Section 72 where rates will be set, I believe, in relation to this as well by...(inaudible)... That's for the royalty fees rates, so I will be following up with that one.

Finally, again, as has been stated for several bills, we need a clear requirement for mandatory financial security to cover all aspects of oil and gas operations in the NWT. This is especially true in terms of accidents, malfunctions, spills and so on. I

don't believe this bill provides that, but I guess I would ask that question at this time. Is there provision for clear requirement of mandatory financial security to cover those things? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. There is, in fact, a requirement for a financial security but it's in the Oil and Gas Operations Act. The Petroleum Resources Act speaks only to lands under the administration and control of the Government of the Northwest Territories. The Oil and Gas Operations Act speaks to oil and gas operations irrespective of what lands they occur on. For example, if they are on Aboriginal lands, operations on those lands will be governed by the Oil and Gas Operations Act. It's actually called financial responsibility, but it's the same idea, as the security needs to be posted in a manner and in a form satisfactory to the regulator. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair, and thanks to Mr. Fulford. That's good information to have and I appreciate that. I'll maybe just postpone any further discussion on that aspect. I believe that's all I had. Yes, that's it. Thank you very much.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Other general comments on Bill 11, Petroleum Resources Act? Ms. Bisaro.

MS. BISARO: Thanks, Madam Chair. I just wanted to ask one other question. There are a number of regulations, I gather, under the Canada Petroleum Resources Act. Is my understanding correct that these regulations, Environmental Studies Research Fund regulations, Frontier Lands Petroleum Royalty Regulations, Frontier Lands Registration Regulations, will those be mirrored as the act has been mirrored?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Aitken.

MR. AITKEN: Thanks, Madam Chair. The answer is yes, and in fact, those mirror regulations are being finalized now and they will be made before March 31st, so they take effect on April 1st.

MS. BISARO: Thanks, Mr. Aitken. One last question. I guess it's a comment, really. I notice that it was in Bill 10, as well, and I'm pretty sure that it's in some of the other bills, also, but closure and reclamation of developments isn't really covered, I don't believe, in probably any of these acts, and it kind of goes to the same issue of financial security that Mr. Bromley was talking about. Do we have in these bills as we mirror them, do we have what the general public would consider as adequate financial security and adequate requirements for closure and remediation plans when a development is finished?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Fulford.

MR. FULFORD: Madam Chair, the way that I would respond to that is I can't speak to what people would view as adequate but there are a number of the bills that address this in various manners. Our mirror Waters Act, for any development that requires a water licence, security will have to be posted with the Minister and the water licence speaks to terms of reclamation. Land use permitting in a similar manner. The standard terms of a lease under the Northwest Territories Lands Act will also speak to a requirement on the lessee to bring the lands back to...basically to reclaim the lands to the state that they were before the lease was issued. There are a number of pieces there that are in the mirror legislation, and of course, in the Mackenzie Valley the Mackenzie Valley Resource Management Act and Regulations continue to apply as well. There are various pieces out there that address the matter of security and reclamation.

MS. BISARO: Thanks to Mr. Fulford for that. I kind of thought that was the case. I think my concern is that the requirement may be there, but as I understand it, the amount of either the financial security or the need to have the closure and the reclamation plans is up to the regulator, and if the regulator makes a determination and determines an amount of money that is not what is required or accepts a remediation plan that's in its infancy and isn't updated over the years as the development occurs, we're going to be left holding the bag when the development ends or it folds in the midst of production and everybody runs away and we're left cleaning things up.

I think my question goes more to what there is either within the regulations or within the act that we can use, one, to make sure that the regulator sets appropriate amounts of financial security and demands appropriate closure and reclamation plans, and secondly, what do we have that's going to enforce whatever it is that's decided on for a development?

MR. FULFORD: If we're speaking specifically to the ability of the oil and gas regulator to establish security, that's done under the Oil and Gas Operations Act, and there are sections of that act that govern that process. Keeping in mind that the oil and gas regulator is acting as a regulator and not as a Minister outside of the ISR, he will be bound by principles of administrative fairness, and in other cases specifically, the act itself sets out that the things that the Minister needs to do in terms of process and openness in making these decisions. Even absent those requirements, common law principles of natural justice will ensure that the regulator makes his or her decisions in a way that takes into account all of the affected parties.

MS. BISARO: Great explanation, but it doesn't give me much comfort. I didn't really hear that there are any enforcement capabilities, and it's something that concerns me, particularly in a number of areas as devolution comes forward. We've got a lot of operating mines, for instance, which, as we've heard over the last couple of weeks, don't have adequate security for their closure plans, and this sounds to me like it's similar. We're going to have a regulator who makes a decision, but will the regulator be using somebody to determine that the amount of money that's declared is accurate and is appropriate, and if we don't get the money from the company, who's going to make sure that we get it?

MR. FULFORD: Again, I'd just point out that this is a matter dealt with in the Oil and Gas Operations Act, and I draw the Member's attention to Section 64 where it requires an applicant for an authorization to furnish security in a form satisfactory to the regulator and maintain that security for the term of the authorization. There is a legislated requirement to maintain that security if you want to have an authorization.

MS. BISARO: That's good. Thanks.

CHAIRPERSON (Mrs. Groenewegen): You're good? Okay. General comments.

SOME HON. MEMBERS: Detail.

CHAIRPERSON (Mrs. Groenewegen): Detail. Bill 11, Petroleum Resources Act. We will go through the clauses in groups of 10 again. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Mr. Miltenberger.

COMMITTEE MOTION 40-17(5):
AMENDMENT TO CLAUSE 1 OF BILL 11,
CARRIED

HON. MICHAEL MILTENBERGER: Thank you, Madam Chair. I would like to make a motion. I move that the definition "holder" or "interest holder" in the English version of clause 1 of Bill 11 be amended by striking out "under Part;" and substituting "under Part 8;". Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Miltenberger. The motion is in order. Mr. Miltenberger.

HON. MICHAEL MILTENBERGER: [Microphone turned off] ...correct a typographical error in the definition "holder" or "interest holder" as the number of the part referred to had been omitted.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Miltenberger. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mrs. Groenewegen): Question is being called. The motion is carried.

---Carried

Clause 1, as amended.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clauses 2 to 10.

---Clauses 2 through 10 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 11 to 20.

---Clauses 11 through 20 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 21 to 30.

---Clauses 21 through 30 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 31 to 40.

---Clauses 31 through 40 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 41 to 50.

---Clauses 41 through 50 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 51 to 60.

---Clauses 51 through 60 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 61 to 70.

---Clauses 61 through 70 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 71 to 80.

---Clauses 71 through 80 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 81 to 90.

---Clauses 81 through 90 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 91 to 100.

---Clauses 91 through 100 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 101 to 104.

---Clauses 101 through 104 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Thank you. To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): To the bill as a whole as amended.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Does the committee agree that Bill 11 is ready for third reading as amended?

---Bill 11 as a whole as amended approved for third reading

CHAIRPERSON (Mrs. Groenewegen): Thank you, committee. Moving on to Bill 13, Devolution Measures Act. Opening comments, Premier McLeod.

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 13, Devolution Measures Act. The passage of this legislation is one more step towards implementing the Northwest Territories Lands and Resources Devolution Agreement.

The Devolution Measures Act makes consequential amendments to almost two dozen territorial statutes in order to give effect to the Devolution Agreement and to address ambiguities or gaps that could arise from legislative initiatives required for its implementation.

The Devolution Measures Act amends several territorial statutes to reflect variations between the current Northwest Territories Act and the proposed new version contained in Bill C-15, the Northwest Territories Devolution Act. In particular, the Devolution Measures Act applies the more modern terminology in the proposed Northwest Territories Act, and updates cross-references to that proposed statute in territorial legislation. In addition, the Devolution Measures Act imports a provision from the current Northwest Territories Act respecting the detention of prisoners, and inserts it into the territorial Corrections Act to ensure against a legislative gap.

The Devolution Measures Act also updates cross-references in several existing territorial statutes to federal legislation that is being mirrored in implementing the Devolution Agreement, and the bill modifies the Financial Administration Act to integrate the public bodies continued by the mirroring legislation.

Finally, the Devolution Measures Act makes legislative amendments that have been identified as being legally necessary to implement the Devolution Agreement.

While the Devolution Measures Act focuses only on territorial statutes, similar consequential amendments are required in respect of a variety of territorial regulations, and these amendments are being made by the appropriate regulation-making authorities in the usual manner.

The parties to the Devolution Agreement entered into a Protocol for Review of Devolution Legislation. Under this protocol, all parties have had the opportunity to review and comment on this legislation before it was introduced in the Legislative Assembly.

I would be pleased to answer any questions Members may have. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. I'll ask the Premier if he would like to bring witnesses into the Chamber.

HON. BOB MCLEOD: Yes, I would, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. I'd ask the Sergeant-at-Arms to please escort a new witness to the table.

For the record again, Mr. Premier, could you please introduce your witnesses.

HON. BOB MCLEOD: Thank you, Madam Chair. To my right I have Thomas Druyan, legislative counsel, Department of Justice. To my left I have Jamie Fulford, legal counsel with the Department of Justice. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Bill 13, Devolution Measures Act. General comments. Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair. Just on this and the subsequent bills here today, has the GNWT consulted with the Aboriginal governments regarding the contents of these bills?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. In every instance these bills were shared with our Aboriginal government partners for input and for feedback. Thank you.

MR. BROMLEY: Thank you. I note that Bills 13, 16 and 17 are not mirror legislation. So I'm wondering why we're only seeing these bills now. Could they not have gone through some form of public review and consultation?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Fulford.

MR. FULFORD: Madam Chair, unfortunately, with Canada's legislative process in Bill C-15, many of the changes to the mirror legislation were not known until relatively recently and so we could not know with any certainty what further consequential amendments would be required to the GNWT's suite of legislation. So that's why you saw the first three bills, Bills 1, 2 and 3, we were able to come out of the gate quickly with those because they didn't depend on any of the content of Bill C-15. With everything else, to a greater or lesser extent or just as a precautionary measure, we had to assume that further changes could be required. So everything else had to come later. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Mr. Premier.

HON. BOB MCLEOD: Further to that, Madam Chair, Bills 16 and 17 were not finalized until a couple of weeks ago. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair. And yet we've heard that they've fully consulted with all of our Aboriginal partners. So, for this government not to have consulted with committee on this I regard as a major shirking of the responsibility of this government and I'm very upset about that. These are not mirror legislation. So, obviously, the Premier claims we have a consensus government here and clearly we do not. He has even said in their statement, all parties to the agreement. Clearly, we're not regarded as a party to this agreement and neither is the public. So I just want to very clearly stress how shabby I think that process has been.

Specifically on Bill 13, Section 6 of the bill, somehow changes how legislators dissolve through an election, and if there is some clarity that can be provided to that. It's probably a simple thing, but I don't understand it. And I have a couple other questions. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. Bill 17, the Northwest Territories Resources Revenue Sharing Agreement, was an agreement that was negotiated amongst the Aboriginal governments themselves for their share or their agreement. The second part to his question, I'll ask Mr. Thomas Druyan, through you, Madam Chair, to respond.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Premier. Mr. Druyan.

MR. DRUYAN: Thank you, Madam Chair, and thank you to Member Bromley. There were two major changes to the wording in this. One was to change the references to the Federal Governor or General-in-Counsel to the Commissioner and the other one was to change the references from 9 sub 3 to 11 sub 1 of the proposed federal Northwest Territories Act. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Did you want to just state that last comment if you could put it on the record, please, Mr. Druyan just about the changes? Mr. Druyan.

MR. DRUYAN: Sorry, Madam Chair, you'd like me to repeat that?

CHAIRPERSON (Mrs. Groenewegen): Just the last bit, please.

MR. DRUYAN: The second major change was the section number reference from 9.(3) in the current NWT Act to the new 11.(1) in Bill C-15. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Druyan. Mr. Bromley.

MR. BROMLEY: Thank you. Yes, I do see that. I'm just wondering if I can have a plain language interpretation of what that actually means. I know that I'm speaking to a legal professional here. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Druyan.

MR. DRUYAN: Thank you. It almost seems to speak for itself that basically it is preserving the right of the Commissioner to call an election under the act in accordance with the timing requirements. So the new 11.(1) would be five years. In the old 9.(3) it would be four years, but that would be the other change, but that's based on the change in the federal legislation. I hope that's a plain language explanation. Thank you.

MR. BROMLEY: That was excellent. Thank you very much. Section 8, obviously, is a bit troubling in that anyone who is authorized to do something under GNWT legislation appears to be immune to any action under the Environmental Rights Act. This is not surprising given that we've had a recent inquiry and it was turned down under federal legislation with reference to federal legislation, but it seems pretty slippery. The intent of the Environmental Rights Act was for any citizens, to citizens in the Northwest Territories that have concerns, environmental concerns about a pollutant or a contaminant could bring that forward to the government. Now the government is saying, well, anything they permit, whether or not it's a pollutant or contaminant, we can do it. Am I interpreting that correctly? Is this essentially doing the same thing as what existed before under what was covered under federal legislation and is now covered under GNWT legislation and, therefore, it's impregnable? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Fulford.

MR. FULFORD: Madam Chair, the intention there was with devolution and the mirroring process, there are a number of environmental statutes and other statutes that authorize people to do things. For example, if under the Waters Act someone is legally doing something right now under the Northwest Territories Waters Act, which is federal legislation, we don't want, after April 1st, for that person to be doing something under the mirror Waters Act and all of a sudden they're in violation of the law. So the intention there is to create continuity and to continue to make sure that people who are authorized to do those things under the law aren't now in contravention of the law. Thank you, Madam Chair.

MR. BROMLEY: That's fine for a legal person to say, Madam Chair, but we're talking here in this

House about what's right and what's wrong, I think. How will that be handled if there's an improper contaminant being released legally, that would, I assume in some court of appeal I could argue is a real thing and that's what's meant to be dealt with by the Environmental Rights Act. By now negating the Environmental Rights Act, you're leaving our public hanging when injustices are, in fact, happening. How do we deal with that?

MR. FULFORD: Madam Chair, if someone is doing something that's in contravention of the law or is not authorized by the law, then the Environmental Rights Act would continue to apply and the process there would continue to apply. Thank you, Madam Chair.

MR. BROMLEY: I note that the bill also amends the Boilers and Pressure Vessels Act so that it doesn't apply to work or activity governed by the Oil and Gas Operations Act. I'm wondering why that is. The reason I ask is our communities now are governed by that, and as a result, they're not able to have biomass boilers that produce electricity, for example. It would be great to get them an exemption if that's in fact what this is, but perhaps it just means that this is covered under a different act. Thank you, Madam Chair.

MR. FULFORD: Madam Chair, the Member is correct; it is something that's dealt with somewhere else. Now, under the Safety Act there's a set of regulations that will be adopted that apply solely to oil and gas occupational safety and health, so they are a complete code to occupational safety and health in the oil and gas industry and they apply to things like boilers and pressure vessels. You will notice that there are two other acts that have also been made inapplicable to those operations. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Mr. Bromley, I will come back to you if need be for general comments. Ms. Bisaro.

MS. BISARO: Thanks, Madam Chair. I have a few questions here. I have to echo Mr. Bromley's comments that without having seen these bills ahead of time, it's difficult for us to understand them in the short period of time that we've seen them. The Premier mentioned that Bills 16 and 17 weren't available until a couple of weeks ago. Well, even two weeks ago it would have been really helpful for us to get them at committee to at least look at them ahead of time.

I did want to ask a question with regards to the Premier's comments on the bottom of page 1, this act "...makes legislative amendments that have been identified as being legally necessary to implement the Devolution Agreement." Can I get an example of what sorts of amendments those are that are legally necessary? That doesn't tell me what kind of amendments we're making. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. What I said was those two agreements were just signed a couple weeks ago; I didn't say that the legislation was prepared two weeks ago.

For the remainder of the question, through you, Madam Chair, I'll ask Mr. Druyan to answer.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Mr. Druyan.

MR. DRUYAN: Thank you, Madam Chair. Obviously, everything in this act is legally necessary: changing the reference numbers, changing the title of acts. One item that was mentioned by the Premier in his opening statements was to avoid a gap regarding the places of detention, which is in the current NWT Act but has not been copied in Bill 15. Other examples are the changes to the Public Service Act and the Human Rights Act. Amendments are being made to those statutes in order to void any conflict between the Devolution Agreement and those statutes. In order to have greater certainty, we've put in those provisions to ensure that there is no possible argument about conflict. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Druyan. Ms. Bisaro.

MS. BISARO: Thanks, Madam Chair. Thanks, Mr. Druyan. So it may be the way that I interpreted this statement. Maybe it means that all of the amendments that we're dealing with here are legally necessary. It says, finally, it makes legislative amendments, so I assumed that there was some more.

I wanted to visit the amendments to both the Human Rights Act and the Public Service Act that Mr. Druyan has already mentioned. From what I understand, it references differences in pay between people who perform the same or substantially similar work, so it sounds to me like we are allowing for differences in pay between two people doing the same work.

Could I get an explanation of what these amendments are doing and why they're necessary? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Bisaro. Mr. Fulford.

MR. FULFORD: Madam Chair, under the Devolution Agreement there are provisions that create something called a devolution allowance, and it is something that is potentially paid to federal employees who are transferring to the employ of the Government of the Northwest Territories. The intention there is when they come over to the GNWT, they don't suffer a loss in pay. So on a temporary basis, it, at least in theory, can result in those transferring employees making more money

than someone in the same job classification. It's exceptional but it is possible. Here, we needed to make sure that that didn't give rise to a potential pay equity complaint or something of that nature. Of course, we had a need and a desire to have as many of the federal employees to come over to the GNWT as possible. Thank you, Madam Chair.

MS. BISARO: Thanks to Mr. Fulford. That makes sense. With regard to that, though, is this a provision that will exist forever, or is it time limited? If it is going to be on the books forever, is it quite restrictive in who it applies to? Thank you.

MR. FULFORD: Madam Chair, the devolution allowance itself is time limited, so its maximum extent is, I believe, five years. After that period of time there will be no devolution allowance for this section to apply to. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Any further general comments?

SOME HON. MEMBERS: Clause by clause.

CHAIRPERSON (Mrs. Groenewegen): Bill 13, Devolution Measures Act. Clauses 1 to 10.

---Clauses 1 through 10 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 11 to 20.

---Clauses 11 through 20 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 21 to 24.

---Clauses 21 through 24 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Does the committee agree that Bill 13, Devolution Measures Act, is ready for third reading?

---Bill 13 as a whole approved for third reading

CHAIRPERSON (Mrs. Groenewegen): I'll ask the Sergeant-at-Arms to please escort our witnesses from the Chamber.

Moving on to Bill 14, Waters Act. I'll ask Premier McLeod if he would like to please read his opening comments. Premier McLeod.

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 14, Waters Act. The passage of this legislation is an important step towards implementing the Northwest Territories Lands and Resources Devolution Agreement.

The Waters Act substantially mirrors the federal Northwest Territories Waters Act, which Canada will make inapplicable on lands and waters not retained by the federal government on April 1, 2014.

Under the Devolution Agreement, the GNWT is committed to “substantially mirror” Canada’s statutes and regulations that are being repealed or made inapplicable to public lands and waters transferring to the GNWT through devolution. The mirroring exercise means that the new GNWT laws will address the same matters, in substantially the same way, as federal laws do now. Mirroring principles limited changes to addressing issues such as correcting outdated language and applying GNWT drafting standards.

Mirrored legislation is a practical first step to ensure a continued delivery of services on April 1, 2014. Mirrored legislation also ensures that there are no legislative gaps or overlaps between the GNWT and Canada.

The parties to the Devolution Agreement entered into a Protocol for Review of Devolution Legislation. Under this protocol, all parties have had the opportunity to review and comment on this legislation before it was introduced in the Legislative Assembly. We have considered these comments carefully in the preparation of the bill before you.

The Waters Act will provide the Government of the Northwest Territories with authority related to waters in the Northwest Territories.

This legislation will form part of an integrated regulatory system of land and water management in the Northwest Territories with Bill 10, the proposed Northwest Territories Lands Act, and the federal Mackenzie Valley Resource Management Act.

The authorities set out in the Waters Act will be the responsibility of the Department of Environment and Natural Resources.

The bill provides the GNWT with authorities relating to the licensing and use of water and the disposal of waste into water. The bill also provides for the continuance of the Inuvialuit Water Board, formerly known as the Northwest Territories Water Board, which is responsible for the conservation, development and use of water in the Inuvialuit Settlement Region.

Regulations made under the Waters Act will also govern the issuance of Type A and B water licences for water under the administration and control of the GNWT in all of the Northwest Territories, including the Mackenzie Valley.

The bill sets out rights and duties of licence holders and others, including a compensation scheme for rights holders, the duties and powers of analysts and inspectors as well as the enforcement scheme for contraventions under the act.

I would be pleased to answer any questions Members may have.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. I’d like to ask Premier McLeod if he’d like to bring witnesses into the Chamber.

HON. BOB MCLEOD: Yes, I would, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Sergeant-at-Arms, please escort the witnesses to the table.

I’d like to welcome Ms. Kelly McLaughlin and Mr. Jamie Fulford back to the table as witnesses. General comments, please, on Bill 14, Waters Act. Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair. I am wondering again why the Inuvialuit have their own water board at the same time the government is doing away with the regional land and water boards in the Mackenzie Valley. I would like to note that members of the board also get to nominate their chair, section 14, I believe it is, unlike the MVRMA where the chair is selected by the Minister. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. The changes that the Member references were brought about by Bill C-15. They actually amend the Northwest Territories Waters Act to rename the board, which is currently called the Northwest Territories Waters Board, and also to make other changes including providing the Inuvialuit Regional Corporation with the ability to nominate members to that board for appointment. So these are changes brought about by Bill C-15 and this goes back to the answer to a previous question about some of the changes we were depending on knowing what was in Bill C-15 to know what we had to put into the mirror legislation. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Mr. Bromley.

MR. BROMLEY: Again, I just think it’s interesting that we’ve supported Inuvialuit keeping their water board and none in the rest of the regional water boards in the Mackenzie Valley. I am wondering why we weren’t successful in getting all of those to remain in place.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Premier McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. That was federal government legislation. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Mr. Bromley.

MR. BROMLEY: Yes, thanks, Madam Chair. Sections 1 and 104 are interesting in that initially the ENR Minister will be providing staff to the Inuvialuit board rather than the board hiring its own staff, then at some point 104 will come into force and they can hire their own staff. I am just wondering why do we have to go through these steps. Can't we just have the board do its own thing right away? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. Fulford.

MR. FULFORD: Thank you, Madam Chair. The provision for the board to actually employ its own employees was another feature of Bill C-15. So we're actually mirroring the coming into force of that, although the Northwest Territories Waters Act will actually be repealed as of April 1st. The concern there was if the board, as of April 1st, was employing its own employees, there would have been no ability for the GNWT to make job offers to those employees. Essentially, we would have been operating in limbo as to where those employees would sit. So we have the different coming into force, so the future the board will employ its own employees but in the interim they will continue to be employees of the government. Thank you, Madam Chair.

MR. BROMLEY: I think I followed that. So what's the time frame for that? Is that set anywhere?

MR. FULFORD: I believe it comes into force on the day to be fixed on order of the Commissioner. So there is no fixed date, but it's whenever is appropriate after the transfer date. Thank you.

MR. BROMLEY: Does this act, the Waters Act, offer any guidance or direction for the development of regulations with respect to fees for the use of water? Thank you.

MR. FULFORD: Yes, I can advise that it does and the ability to set fees for all areas, both in the Mackenzie Valley and the Inuvialuit Settlement Region. So in the Mackenzie Valley, outside of federal areas, all of that will be governed by the waters regulations made under this act, and that will be fully in the purview of the government. Thank you.

MR. BROMLEY: Could I know generally just what sections, if that's handy? I will just go on with my next question while you're looking that up.

Sections 27 and 35, although they speak a little bit to financial security, it's not mandatory. I'm wondering why, when this was an opportunity to make this mandatory. It's "may require" and so on, so doesn't offer the certainty that residents of the Northwest Territories are looking for, and in fact, it does make us liable to take on significant liabilities in their absence. Thank you.

MR. FULFORD: The model that the act establishes just mirrors the existing act. Also, the way that the Mackenzie Valley Resource Management Act works is that the board determines the requirement for security then the security is held by the appropriate Minister. In that process, the GNWT would have the ability to advocate in that process, but it's the board that's ultimately responsible in determining the need for the security. Thank you.

MR. BROMLEY: Alternatives North raised a question about Section 53(2) where it gives Cabinet the power to prescribe fees for access to public registry. I have to agree that it sounds like a real oddity and I think that's the way they phrased it. Essentially, public access should always be free and not requiring payments or fees. Why in the world was this in there? Thank you.

MR. FULFORD: I can advise that we are mirroring the existing federal legislation. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Fulford. Mr. McLeod.

HON. BOB MCLEOD: Thank you, Madam Chair. I think we found the applicable section, so through you, if I can get Ms. McLaughlin to provide it.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Ms. McLaughlin.

MS. MCLAUGHLIN: Thank you, Madam Chair. The regulation-making authority at Section 63.1(k) references the ability to prescribe fees to be paid for the right to use water or deposit of water, filing of application and for inspections. If I could add another note respecting the public register in addition to Mr. Fulford's, I believe the section that was referenced is 53(3), and in that section it speaks to making copies of the contents available on payment of a fee, which might be of assistance in answering the question.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. McLaughlin. Mr. Bromley.

MR. BROMLEY: Thank you, Madam Chair. Hopefully, these will be electronically available and we won't have to worry about that.

Finally, I don't see any provisions for participant funding or for applicants to cover some or all of the costs of those who wish to intervene such as is the case, for example, with the Public Utilities Board, and I suspect I could tell myself the answer: We're mirroring legislation. I guess that's all the questions I have. I just hope that that's all we're mirroring. The evidence is quite to the contrary of that, unfortunately, that we're also mirroring a lack of transparency and other things, but that's something we'll continue to work on. That's all I have. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bromley. Mr. McLeod.

HON. BOB MCLEOD: I think we've come to a good place when the Member is answering his own questions.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. General comments on Bill 14, Waters Act.

SOME HON. MEMBERS: Detail.

CHAIRPERSON (Mrs. Groenewegen): Detail. Thank you. Clause 1 to 10.

---Clauses 1 through 10 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 11 to 20.

---Clauses 11 through 20 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 21 to 30.

---Clauses 21 through 30 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 31 to 40.

---Clauses 31 through 40 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 41 to 50.

---Clauses 41 through 50 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 51 to 60.

---Clauses 51 through 60 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 61 to 70.

---Clauses 61 through 70 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 71 to 80.

---Clauses 71 through 80 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 81 to 90.

---Clauses 81 through 90 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 91 to 100.

---Clauses 91 through 100 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Clauses 101 to 105.

---Clauses 101 through 105 inclusive approved

CHAIRPERSON (Mrs. Groenewegen): Thank you. The bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Does the committee agree that Bill 14 is ready for third reading?

---Bill 14 as a whole approved for third reading

CHAIRPERSON (Mrs. Groenewegen): Thank you, Premier McLeod. Thank you, witnesses. I'll

ask the Sergeant-at-Arms to escort the witnesses from the Chamber.

Premier McLeod, are you ready to proceed with your opening comments on Bill 15, the Oil and Gas Operations Act? Premier McLeod.

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 15, Oil and Gas Operations Act. The passage of this legislation will be another step towards implementing the Northwest Territories Lands and Resources Devolution Agreement.

The Department of Industry, Tourism and Investment will administer the Government of the Northwest Territories' new authorities under the Oil and Gas Operations Act.

Under the Devolution Agreement, the GNWT is obligated to substantially mirror Canada's statutes and regulations that are being repealed or made inapplicable to lands transferring to the GNWT through devolution.

The mirroring exercise means that the new GNWT laws will address the same matters in substantially the same way as federal laws do now.

Mirroring principles limited changes to addressing issues such as outdated language and applying GNWT drafting standards.

Mirrored legislation is a practical first step to ensure a continued delivery of services on April 1, 2014. Mirrored legislation also ensures that there are no gaps or overlaps between GNWT and federal legislation.

The parties to the Devolution Agreement entered into a Protocol for Review of Devolution Legislation. Under this protocol, all parties have had the opportunity to review and comment on this legislation before it was introduced in the Legislative Assembly. We have considered these comments carefully in the preparation of the bill before you. The Oil and Gas Operations Act governs the exploration, production, processing and transportation of oil and gas in the onshore of the Northwest Territories. It does not apply to operations on lands that will be retained by Canada, such as waste sites and the Norman Wells Proven Area. Further, it does not apply to the Enbridge pipeline, which is a transboundary pipeline that will continue to be regulated by the National Energy Board under the National Energy Board Act.

The purpose of the Oil and Gas Operations Act is to promote safety, protection of the environment, the conservation of oil and gas resources, and joint production agreements.

The Oil and Gas Operations Act also empowers the Minister to approve a benefits plan or waive the requirement for such approval.

I would be pleased to answer any questions Members may have. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. Do you have witnesses to bring into the House?

HON. BOB MCLEOD: Yes, I do, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Thank you, Premier. Could you please re-introduce your witnesses.

HON. BOB MCLEOD: Thank you, Mr. Chair. To my right I have Thomas Druyan, legislative council with the Department of Justice. To my left I have Jamie Fulford, legal counsel with the Department of Justice.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Premier. We'll open general comments to Bill 15. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. My first question has to do with the Premier's opening remarks. In the very last paragraph he says, "The Oil and Gas Operations Act also empowers the Minister to approve a benefits plan or waive the requirement for such approval." I have no idea what a benefits plan is. Can I get an explanation please?

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

MR. FULFORD: Thank you, Mr. Chair. I can draw the attention of the Member to Section 17 of the Oil and Gas Operations Act, and a benefits plan is a plan for the employment of Canadians and for providing Canadian manufacturers, consultants, contractors and service companies with a full and fair opportunity to participate on a competitive basis in the supply of goods and services used in any proposed work or activity referred to in the benefits plan.

There is a requirement before the issuance of any authorization for a benefits plan to be approved by the Minister and the act also provides the ability of the Minister to establish guidelines as to the content of a benefits plan.

MS. BISARO: Maybe I could ask Mr. Fulford to give me that in plain English. I kind of got half of it, but I don't really understand what he said. Thank you.

MR. FULFORD: I'd be happy to try and give you a plain language version. It's basically contracting opportunities and job opportunities associated with work in an area. For example, in the Sahtu with the current activity going on there, the companies there need to have these benefits plans approved to ensure that they're employing local people in their operations.

MS. BISARO: Thanks to Mr. Fulford. That was much easier. I'm just looking at Section 17 here and it seems to me that under Section 17(2), the Minister can waive the requirement for the approval in respect of work or activity. I think that's the one. Under what circumstances would the Minister waive authorization of work, I guess?

MR. FULFORD: I can speculate that in one instance where maybe the requirement would be waived is if there was an overarching benefits plan that applied to a full scope of operations and then there wouldn't be a need on an individual authorization basis for a separate benefits plan in each case.

MS. BISARO: Thanks, Mr. Fulford. I'm still struggling to understand this benefits plan. If you say it applies to everybody, so there's no need for an authorization. Is this benefits plan specific to the NWT or it's bigger than that? I'm not really understanding what we're talking about here. Thank you.

MR. FULFORD: The provision, Section 17 speaks to the employment of Canadians and providing opportunities for Canadians, but what this really means and even the current guidelines of the federal Minister Valcourt really focus on the local benefit, in particular the benefit to local Aboriginal businesses so the way it's been interpreted is the closer that you are to the operation, the more the benefits plan should focus on giving you opportunity. Thank you, Mr. Chair.

MS. BISARO: Thanks to Mr. Fulford. I think I kind of get it.

The other thing I wanted to ask about is again related to security and deposits and funds that are required. I believe it's in Section 10. Section 10 allows for deposits for liability related to loss and damage, but deposits are not mandatory. I suspect I know the answer, but I'm going to ask the Premier or Mr. Fulford anyway. Why are we not making these deposits mandatory? It goes to the whole issue again of financial security and the need to have closure and regulation plans and just the whole protection of our environment issue. Thank you.

MR. FULFORD: Of course, we are mirroring the existing federal legislation. But as I pointed out before in the discussions on the Petroleum Resources Act, the other section that's related to Section 10 is Section 64, which talks about that requirement, provides proof of financial responsibility. I can't think of a situation where you'd want to waive that completely, but that's merely speculation on my part. Thank you, Mr. Chair.

MS. BISARO: Again, it's just one more thing that I think we need to add to the list of potential amendments to the act. I think, as legislators, we

need to make sure that NWT residents are protected against potential financial liabilities, and we have to make sure that any legislation that we put in place around developments and so on ensures our people are going to be protected, that this government is going to be protected in having to pick up liabilities, whether it be through closure or whether it be through spills or whether it be through just bad practices as an industry.

I wanted to ask a question with regards to a spill. I think it's in Section 65. Section 65(5) seems to require an inquiry for a bigger spill or event, but it sounds as though the Minister has some discretion in making the inquiry publicly available. Is this again mirroring or is this something where the Minister will have discretion and if he or she doesn't really think this big spill needs to be released to the public or the report on this spill doesn't need to be released, that he or she doesn't have to release it. It kind of, again, goes to why is it not mandatory, that reporting on a major spill is not mandatory? Thank you.

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

MR. DRUYAN: Thank you, Mr. Chair. Actually, 65(5), if I may correct the Member, is actually mandatory. The Minister has no discretion not to report. The discretion is in the manner of reporting so whether it's newspapers or on the website or things like that, but it has to be made publicly available. Hopefully that answers the question. Thank you, Mr. Chair.

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

MS. BISARO: Thank you, Mr. Druyan. Yes, that's clear. I'm laughing because the manner in which it's released could be one page as opposed to 20 pages, and I understand that's not what you said, so my question then goes to what is going to identify the manner in which it's released; refers to electronic versus paper versus something else as opposed to you can release it in a manner of, you know, a one-page summary or a 300-page detailed document? Thanks.

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

HON. BOB MCLEOD: Thank you, Mr. Chair. It would be in an appropriate manner. Thank you.

MS. BISARO: I didn't quite hear the answer, but if it was "in the appropriate manner" what does that mean?

HON. BOB MCLEOD: In this Chamber we hear many times that if we advertise for jobs and some people don't have computers, they have to do it in print. On that basis, I'm saying it would be done in an appropriate manner. Thank you, Mr. Chair.

MS. BISARO: Thanks to the Premier for the explanation, but it doesn't give me any warm and fuzzy feeling that the public is going to get the report. I understand the intent of this clause is that the public will get the full report, but it can be interpreted a number of different ways, so is it going to be covered in regulations or is it simply going to be left to the Minister of the day who will decide, yeah, no, today I'm going to do one page and maybe next week I'll do 300? Thank you.

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

MR. DRUYAN: Thank you, Mr. Chair. I think one has to read the words in the context of the overall statute and in the spirit of the statute. It says that the Minister shall make it publicly available. That is to say the report, not a summary of the report, not an excerpt of the report, the report has to be made publicly available. Then the discretion is in what format that is done. Hopefully that does answer your question.

Hopefully the Minister, if he is doing something that you may suspect him of doing, will speak to his legal advisors who will advise him of how to the meaning of this provision and the breadth of his discretion. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Druyan. Ms. Bisaro, your time is up. General comments.

SOME HON. MEMBERS: Detail.

CHAIRMAN (Mr. Bouchard): Is committee ready to go to detail? Oh, Mr. Bromley. Sorry. Go ahead, Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. I believe Ms. Bisaro does have more, but I'll ask a few here, if I may. The first comment, Section 9 allows contracting to assist with the administration of the act, but obviously there should be some requirement for disclosure of that information. I'm wondering if there is any provision for that in regulations. Obviously, many of these will have to go for discussion after April 1st, but is that provided for in regulations, that there will be some transparency here? Thank you.

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

MR. FULFORD: Mr. Chair, there's no express requirement that the contract be made public, but it would be subject to the Access to Information Act. Thank you, Mr. Chair.

MR. BROMLEY: Thank you. I suppose most stuff is, but we're looking for transparency here, so again, I hope we work towards that.

Section 10(4) allows for deposits for liability related to loss damage, et cetera. Again, in reference to Mr. Fulford's earlier comment, deposits are not mandatory. This is, again, unfortunate. I would just

like to give the Premier an opportunity to say I'm wrong here and, in fact, somewhere in the act it is made mandatory. Thank you.

MR. FULFORD: Mr. Chair, I guess I will again draw the attention of the Member to Section 64. While Section 10 refers to any deposits that may be required, I don't think that that is speaking permissibly. Section 64 seems, to me at least, to be stating a requirement to provide proof of financial responsibility. I haven't yet been called on to interpret this act in practice, but I think that's the way that I would interpret it and advise my client. Thank you, Mr. Chair.

MR. BROMLEY: I'll go with Mr. Fulford's word and interpretation there. However, unfortunately, Section 64 allows the regulator to accept any form of security. Obviously, I think with the Deh Cho Bridge and so on, we should be wiser and smarter now and know that that's not good enough to protect the public. The security, obviously, needs to be totally liquid and guaranteed by the bank for insurance. I'm hoping that that will be dealt with in regulations. I'm open to any comments on that, or assurances there.

Section 19 does not require the regulator to hold public hearings on any matter. There should be a requirement, obviously, especially on the closure and reclamation of any larger facility like a pipeline, production field and so on. Again, maybe I can get a comment on that. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Mr. Fulford. Sorry, Mr. Druyan.

MR. DRUYAN: Thank you, Mr. Chair, and thank you, Mr. Bromley. Actually, Section 17 is not setting out the regulator's responsibilities but rather their powers. So it's permissive and intended to be very permissive and very broad powers. There are other provisions in this act which actually set out duties, but you just have to, again, read the act in its full context where certain provisions deal with powers and certain other ones set out the duties, so it would not be appropriate to put any direction regarding what they have to inquire into. If they want to, they can inquire into a very, very broad range of issues. Thank you, Mr. Chair.

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

MR. BROMLEY: Mr. Chair, thanks for that response. I think it was Section 19 we were talking about. He said 17, but I'm sure he meant 19. In fact, the point I'm raising is that that's not good enough. They should be required to hold public hearings on any matter. Again, I'm not surprised at mirroring federal legislation but I'm trying to raise a point that we can talk about later, but that's my view on that.

Section 27 allows the Minister to set up an oil and gas committee under his or her direction. Five-

members-only criteria for appointment seems to be two members have to know something about oil and gas. The other three I think are government members. Appointees can't have an interest of more than 5 percent in any oil and gas property. Wouldn't that be something? The committee seems to hear appeals, may hold hearings.

Again, maybe I can just ask that. It wasn't clear in their jurisdiction, which is in later clauses. If I can just get some examples of what sorts of appeals and other inquiries are being contemplated here. Thank you, Mr. Chair.

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

MR. FULFORD: Thank you, Mr. Chair. I can think of one, off the top of my head, where there's unitization where different interest owners are basically forced to work together to maximize the production from appeal and to conserve the resource that appeals in relation to that go to the committee. Thank you, Mr. Chair.

MR. BROMLEY: Thank you. That's a good example. It helps me see the purpose of this committee right away.

Section 61(4) seems to provide GNWT with an immunity, once again, for any damages or liability associated with regulations they may make even if they are bad regulations or cause problems. We've heard about this earlier today. Again, this seems typical for our federal government, but does this sort of subscription to a lack of degree of accountability apply to this government? Is that something that we might see considered in the review if there are no options now? Thank you.

MR. FULFORD: Mr. Chair, I see this provision as just a reflection of the polluter pays principle and that the government shouldn't take on responsibility for something that was caused by a company that was exercising a privilege granted to it by the government. Thank you, Mr. Chair.

MR. BROMLEY: I certainly wouldn't disagree with that intent. There seems to be some other interpretation of this. Maybe I can just ask. Is there any granting of immunity to the GNWT here for regulations good or bad? Maybe a response to both of those. Thank you.

MR. FULFORD: The Member is correct that this provision insulates the government from liability for and a lawful authorization that is granted from any liability that might arise out of that authorization caused by any discharge, emission or escape of oil and gas. Thank you, Mr. Chair.

MR. BROMLEY: The Section 65(5) requires an inquiry for a bigger spill or event, but the requirement for public disclosure, the report is not as strong as it should be, as I think we have heard about earlier. In fact, I think typically in federal

regulatory processes that I have participated in, there's a clear, well-laid-out process and predictable process for distributing information and reports. Can we assume that that sort of thing will be developed in the regulations so that the uncertainty I think Ms. Bisaro was referencing could be resolved? Thank you.

MR. FULFORD: Mr. Chair, Section 65(5) doesn't speak to that being spelled out in regulation, but in theory that is something that could be addressed in future amendments to the act and regulations made under the act. Thank you, Mr. Chair.

MR. BROMLEY: That would, I think, be appropriate and add some transparency and predictability that would support the public in its oversight role.

My last point here is there doesn't again seem to be mandatory requirements for closure and reclamation plans. Could I get a comment on that? Thank you.

MR. FULFORD: Mr. Chair, I guess I would again reiterate my response to a question raised in respect to the Petroleum Resources Act that there is a variety of different instruments under the mirror legislation that provide for that type of thing. Thinking again of the Waters Act and the water licence requirements or the land use permitting, the standard terms of leases, they all work together to ensure that there is some plan for reclamation and getting the land to the way that it was before the activity occurred. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Fulford. Committee, we are on Bill 15, general comments. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. Just a quick follow-up to that. Do any of the other acts that Mr. Fulford referenced provide for mandatory requirements? I've only seen recommendations or that sort of thing, but I am very interested in pinning down mandatory requirements. Thank you.

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

MR. FULFORD: Mr. Chair, my understanding is that it is a mandatory requirement under the Waters Act and the water regulations. I can endeavour to confirm that in the next few minutes if the Member desires that. Thank you, Mr. Chair.

MR. BROMLEY: The next few days would be great. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): General comments.

SOME HON. MEMBERS: Detail.

CHAIRMAN (Mr. Bouchard): Thank you. Does committee agree that we will go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Does committee agree that we will go in lots of 10?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Clauses 1 to 10.

---Clauses 1 through 10 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 11 to 20.

---Clauses 11 through 20 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 21 to 30.

---Clauses 21 through 30 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 31 to 40.

---Clauses 31 through 40 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 41 to 50.

---Clauses 41 through 50 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 51 to 60.

---Clauses 51 through 60 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 61 to 70.

---Clauses 61 through 70 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 71 to 80.

---Clauses 71 through 80 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 81 to 90.

---Clauses 81 through 90 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 91 to 100.

---Clauses 91 through 100 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 101 to 110.

---Clauses 101 through 110 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 111 to 120.

---Clauses 111 through 120 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 121 to 125.

---Clauses 121 through 125 inclusive approved

CHAIRMAN (Mr. Bouchard): Bill as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Does committee agree that Bill 15 is ready for third reading?

---Bill 15 as a whole approved for third reading

CHAIRMAN (Mr. Bouchard): Thank you. Sergeant-at-Arms, please escort the witnesses out of the Chamber.

Next we have Bill 16. Premier McLeod, please proceed with your opening comments.

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 16, Northwest Territories Intergovernmental Agreement on Lands and Resources Management Act. The introduction of this bill is an important step towards implementing the Northwest Territories Lands and Resources Devolution Agreement, and fulfilling the commitment made to reflect our Intergovernmental

Agreement on Lands and Resources Management in legislation.

The Northwest Territories Intergovernmental Agreement on Lands and Resources Management is described in Chapter 4 of the Devolution Agreement, as an agreement that “sets out a government-to-government relationship and provides for mechanisms for coordination and cooperation with respect to the management of public lands and settlement lands and rights in respect of waters.” The Government of the Northwest Territories and our Aboriginal government partners in devolution worked hard to reach an agreement that reflects our shared commitment to work together. This legislation will again solemnize that commitment.

The goal of the NWT Intergovernmental Agreement on Lands and Resources Management is to provide opportunity for the GNWT and Aboriginal governments to work collaboratively and cooperatively in areas related to land and resource management. The agreement commits all parties to work to an intergovernmental council to explore means of improving our respective land and resource management regimes. It will provide opportunity to harmonize practices, policies, laws and regulations that without cooperation and collaboration might create inefficiencies and frustrate our efforts to maximize the benefits of resource development for the people of the NWT.

Bill 16 fulfills a commitment made by the GNWT in the NWT Intergovernmental Agreement on Lands and Resources Management to recommend legislation for enactment by the Legislative Assembly providing for the implementation of that agreement and, in effect, will fulfill the pledge made by the GNWT to implement the NWT Intergovernmental Agreement on Lands and Resources Management. This is something that this government supports, and reflects our Assembly’s goal of a strong and independent North built on partnerships.

This legislation is not mirrored legislation. It reflects a “made-in-the-NWT” approach, and there is nothing similar in existing federal legislation. We have shared the draft of this legislation with the Aboriginal government parties to the Intergovernmental Agreement.

I’m also happy to report that the Tlicho Government, one of our partners in this undertaking, passed its own law on February 20th that will implement the agreement on behalf of the Tlicho Government.

I would be pleased to answer any questions Members may have. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. Do you have witnesses to bring into the Chamber?

HON. BOB MCLEOD: Yes, I do, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Committee agreed?

SOME HON. MEMBERS: Agreed.

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

Premier McLeod, could you please introduce your witnesses?

HON. BOB MCLEOD: Thank you, Mr. Chair. To my immediate right is Martin Goldney, deputy minister, Department of Aboriginal Affairs and Intergovernmental Relations; to my far right I have Thomas Druyan, legislative counsel, Department of Justice; and to my left is Jamie Fulford, legal counsel, Department of Justice. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. We are on general comments of Bill 16. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. A number of questions here. I’m trying to understand this bill. I realize it’s based upon an agreement which was negotiated between devolution negotiations and so on. I guess, considering that we have an agreement that has been signed by all parties, why do we need legislation to implement the agreement? Why can’t we just use the agreement as the document that governs what’s going on? Thank you.

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

MR. GOLDNEY: Thank you, Mr. Chair. The reason for the legislation was really just to fulfil a commitment to our devolution partners who requested that we further solemnize the agreement by reflecting it in this legislation to elevate the contract status to not just a contractual arrangement but one that is also set out in legislation. Thank you, Mr. Chair.

MS. BISARO: Thanks to Mr. Goldney. The act established or the agreement, either one, but there is a secretariat that is established. There are costs associated with that secretariat. Clause 4 says each member is responsible for their own cost of participation on the council. But then Section 9 says money required to be expended for the purpose of carrying out, et cetera, shall be paid out of the Consolidated Revenue Fund. So my question goes to the cost to GNWT.

What are the costs that are referred to in Section 4 and, ultimately, what are the costs to GNWT, since I gather that we are going to be providing support for the secretariat in terms of staff support. Thank you.

MR. GOLDNEY: The cost for all of the parties are intended to cover things like the meetings themselves, the organization of the meetings, the participation in the meetings and any participation

that's undertaken as a result of that council that might request that any of the parties undertake cooperative work. So we do expect that there will be some cost related to these efforts.

Aboriginal parties themselves are receiving ongoing funding as a result of the devolution totalling \$3 million a year, divided among them depending on how many Aboriginal parties are there. So we do expect that they will be afforded some capacity to participate in the Intergovernmental Council.

Similarly, from the GNWT's A-base and the funding that was provided to the Devolution Agreement, there is added capacity to the Government of the Northwest Territories to participate in this council as well.

MS. BISARO: Thanks to Mr. Goldney. I didn't really hear in there if the costs are shared equally by all the parties. Everybody has their own money, but if the costs for the annual costs are \$100, is that \$100 divided equally among the six or seven or eight parties that are party to the agreement? Thank you.

MR. GOLDNEY: The agreement provides that each party will bear its own costs, so it's not intended that the cost will be split up equally, rather what each party puts into this council will depend on the efforts that they bring. We do expect that there will be perhaps greater costs for the Government of the Northwest Territories because we will be involved on virtually all subjects that are brought before the council, whereas certain members from the Aboriginal government side to that council may perhaps participate less in some areas and have less costs. The intent really is for each party to bear its own cost of participation. Thank you, Mr. Chair.

MS. BISARO: Okay, that's kind of getting to where I needed to go. My next question goes to, I presume there is funding in the 2014-15 budget if that's when this agreement is going to be implemented. So how much is in the 2014-15 budget for this Intergovernmental Council and where would I find it in the budget? Under what department? Thank you.

Mr. GOLDNEY: I'm going from memory here, but within the Department of Aboriginal Affairs and Intergovernmental Relations, there was money identified for a coordinator position where much of the administrative side we expect to fall to that coordinator position. There is money there.

For other departments, it will be part of their ongoing responsibilities to lend support to the council and participate as subject matter experts, so I don't think there are specific line items that specifically identify support for the Intergovernmental Council, but we would anticipate as subject matter expertise is required and departmental participation is required that it's funded from within their budgets.

MS. BISARO: One last question here. There is no reference, I don't think, that I can see or that I have found, to any kind of reporting. Does this legislation or does the agreement require any kind of reporting by the council or by the GNWT to the public on the activities of the Intergovernmental Council?

MR. GOLDNEY: One of the roles of the council, and perhaps one of the primary roles of the council, is to provide recommendations to the parties, so there is an expectation that the recommendations will be provided to the parties. There is a requirement, also, that if recommendations aren't accepted, we provide written reasons to all of the parties of why those recommendations are not accepted, so there is some reporting required through those recommendations.

MS. BISARO: Thanks to Mr. Goldney. I guess I'm looking for reporting to the public. The public is funding this to a certain extent. The public is interested in the management of lands and resources. Is there any provision in the act or in the agreement for reporting to the public on some annual or bi-annual basis?

MR. GOLDNEY: There is no express provision for reporting to the public, recognizing that the role of the council is to provide recommendations to each participating government, and then, as governments respond to those recommendations, often that will require a public process if the recommendation is to sort of look at amending legislation, for example, or may require further public input if it is a recommendation that requests the party look at its policies or practices. There is an expectation that the work of the council will be public in that regard.

MS. BISARO: Thanks to Mr. Goldney. I guess I just have to reiterate that expectations can be ignored, and albeit this is an agreement between governments, but these governments are making decisions on behalf of residents of the Northwest Territories and they certainly can affect residents of the NWT in terms of the way that lands and resources are managed. I think that it should be a requirement of the council to do some sort of a report. I appreciate recommendations maybe to each other within the council, but those recommendations are going to have an impact on us as residents, and I would recommend that if and when this act is revisited that it includes some sort of a reporting to the public, some sort of mechanism for reporting to the public. That's just a comment.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Next on my list, I have Mr. Yakeleya for general comments.

MR. YAKELEYA: Thank you, Mr. Chair. I have a few things to say. First of all, it's quite the achievement to have the governments working. We've come a long way from the '60 and the '70s to

where we are today through the many forms of consultation with the parties on this bill. Even in the '70s this would never be heard of, even the '80s, until recently. I think this is a good thing, a new partnership in our governments. Through the years of people who worked towards this type of vision of working with governments, we're still, from our small communities, looking for bigger, giant steps and, hopefully, that will be one that will be taken in the next couple of days in the Sahtu region.

My question to the Minister is: Are there forums where a new government will be part of this, or is that being discussed as to how these new governments can be entering into this type of partnership with this type of legislation?

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

HON. BOB MCLEOD: Thank you, Mr. Chair. Our objective is to get 100 percent of the Aboriginal governments in the Northwest Territories to become our partners. There are some specific provisions in this legislation as to how would that work, and through you, Mr. Chair, I'll ask Mr. Goldney to go into more detail. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. Mr. Goldney.

MR. GOLDNEY: Thank you, Mr. Chair. Section 7.1 of the agreement itself recognizes that there can be additional parties added to the agreement, so the expectation is future Aboriginal governments might decide to sign on to this agreement, as well, and become full parties and participants in this agreement.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Goldney. Mr. Yakeleya.

MR. YAKELEYA: Thank you. That's good news for us and I appreciate that. Certainly, I know that will be welcome news to people in the communities who are negotiating their own form of government. It's a big thing and that's good for this type of provision. Again, I wanted just to say congratulations and nothing is easy that's really good for us. Negotiations of putting this type or form of government partnership together enacted into legislation, we never think this would happen. We're moving forward and we're moving in a way that is new. It's new for us. I just wanted to make that comment. That's all I have to say.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Yakeleya. Minister McLeod.

HON. BOB MCLEOD: Thank you, Mr. Chair. I just want to thank the Member for his comments. It is something new and we think it's going to work very well and benefit all of the people that we all represent.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. General comments to Bill 16. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair. This is, although a very brief bill, this seems a very large bill in other ways. If I'm right in reading this, this bill is meant to, really, broadly coordinate the management of lands and waters across regions and between public and land claim settlement lands, which we know is a big job. I think there's a good chance that it could play a very important role for a sober second thought perspective on things for some accountability to be brought by our Aboriginal partners, for example. I think they have a better record, in many ways, than government. I'm somewhat hopeful that this bill will play an important role in the future, and it is certainly consistent with co-management.

But – and there's always a but – it has been developed behind closed doors. It seems to be the modus operandi characteristic of this government. Again, very irresponsible, in my mind, that committee has been left out of this. The public has been left out of it. It's murky still. A long-term commitment to significant public dollars, I suspect. Again, no public discussion, and it's incredible. This is not mirrored legislation or anything, and I think it is a big bill, and it's just incredible to me that we're going forward without public discussion and, again, no formal committee review. Again, I believe it does make a commitment for review of suggestions and legislation by Aboriginal partners, but I think, as Ms. Bisaro has brought out, where is the mechanism for going to the public, all of our public, for their input and critique? Maybe I'll just ask that question.

Where's the mechanism for public input into this fairly important structure that we're developing here with no consultation from the public?

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

HON. BOB MCLEOD: Thank you, Mr. Chair. This is something that has been negotiated for some time. The framework was provided for in the agreement-in-principle, which is public information. This involves Aboriginal governments, so this is an agreement that was negotiated on that basis. The Aboriginal governments have also indicated that they want to be involved in a review and participate in a review of all the legislation. Thank you, Mr. Chair.

MR. BROMLEY: Not surprisingly at all, I think I'm interested. I know a lot of people who are interested but they seem to be being left out, along with myself, from this. So I'm asking for the public that's not represented by Aboriginal governments. I'm very happy Aboriginal governments are there, like I said. I think they could play an important role in accountability here and decision-making.

I don't know if the Premier didn't understand my question, but I'll ask it again. Thank you.

HON. BOB MCLEOD: I understand where the Member is coming from; he's being very consistent with his comments. The Legislative Assembly will be an integral part of any review that's undertaken. Thank you, Mr. Chair.

MR. BROMLEY: I do agree that this structure could play a very important role as a perpetual review of our suggestion in terms of legislation and management of our land and resources and water, and especially so if the full public is involved, if it's transparent and if it's inclusive of all people and all perspectives. I don't think that's too much to ask when the public is, indeed, funding it.

Again, the Premier says it's been out there. In fact, it's been very hard to find. For some reason it's been pulled out of my copy of the Devolution Agreement, and most Members' copies. It hasn't been very available electronically and even our research people have had a tough time finding it. So, so much for that. Again, consistent with what we're seeing from this government.

Given that these meetings that are proposed in this legislation can affect how everybody's public land and water and resources are managed, is there any reason why these meetings can't be public? Thank you.

HON. BOB MCLEOD: This body can only make recommendations, so any recommendations that they make have to come back to this body and public input will come through these Members that are here, and they can get input in whatever fashion they want. Thank you, Mr. Chair.

MR. BROMLEY: Could the Minister point out where that is in the legislation?

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Bromley. Mr. Goldney. Mr. Fulford.

MR. FULFORD: Thank you, Mr. Chair. The act, at Section 7, states the decisions of the council are not binding and are subject to authorization or ratification by the members – and GNWT is one of the members – where required. Where, for example, a recommendation recommends legislative change, then it would be this body that would have to decide whether it's appropriate to make that change. Thank you, Mr. Chair.

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

MR. BROMLEY: Thank you for that information, Mr. Chair. I'll repeat my question again. Given that these meetings can affect how our public land, water and resources are managed, planned – and resources and water that belong to all of our public – is there any reason why these meetings cannot be public and made so through regulations?

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

MR. GOLDNEY: Thank you, Mr. Chair. Again, I don't think it's correct to suggest that this council can affect the rights and the administration of land. Again, it makes recommendations. Those recommendations are subject to the approval of each party, whether it's an Aboriginal government or the public government, where public interests are represented here. The agreement itself provides that observers may be invited to its proceedings and that may include representative boards, councils, co-management boards, regulatory bodies. There isn't a lot of prescription in this agreement as to who may participate and how those meetings are conducted. It really is up to the Intergovernmental Council members themselves to determine their process and their procedures. Consistent with other intergovernmental arrangements that we have and other intergovernmental meetings, there might be a desire for free and frank discussions among council members that are open to the public, not unlike our other intergovernmental arrangements that we have.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Goldney. Premier McLeod.

HON. BOB MCLEOD: Thank you, Mr. Chair. Section 5 in this legislation, it's not prescriptive, but I'm sure our Aboriginal government partners would be willing... They'll be setting their own rules and I'm sure that part of that will be looking at having open public meetings. Thank you, Mr. Chair.

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

MR. BROMLEY: Thank you, Mr. Chair. That would go a long ways, I think. I don't expect I'll be getting an invitation myself. Why would I, as an elected representative of my people? But I wonder if the Premier would attend and make that request and develop it as one of the rules of the council referred to in the clause made mention of here.

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

HON. BOB MCLEOD: Thank you, Mr. Chair. I believe I've already committed to that in previous reviews, so I'll commit to that again and I'll make sure the Member is invited if he wishes. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. Committee, we're on Bill 16. General comments. Mr. Bromley.

MR. BROMLEY: Thank you, Mr. Chair, just about there. I just wanted to express appreciation for the possibility of an invite there. I don't recall his previous commitment, so I again appreciate him repeating it here.

My last question is: Given that there are many discussions that will influence decision-making on

how we manage our public land and resources, is there any reason why we can't develop regulations or rules? Perhaps the Premier could bring this up as a possible rule that requires the publication of minutes, decisions, costs, that sort of thing, accountability from these meetings so that the public has a mechanism of being informed. Thank you.

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

HON. BOB MCLEOD: Thank you, Mr. Chair. We'll make sure that those issues are raised when we work together to establish rules of procedure. Thank you, Mr. Chair.

MR. BROMLEY: I just want to express my appreciation of the Premier again. Thank you, Mr. Chair. That's all I had.

CHAIRMAN (Mr. Bouchard): Thank you. Committee, we're on Bill 16, Northwest Territories Intergovernmental Agreement on Lands and Resources Management Act. General comments.

SOME HON. MEMBERS: Detail.

CHAIRMAN (Mr. Bouchard): Committee, do you agree to go to detail?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): We'll go clause by clause. Clause 1.

---Clauses 1 through 11 inclusive approved

CHAIRMAN (Mr. Bouchard): Bill as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Does committee agree that Bill 16, Northwest Territories Intergovernmental Agreement on Lands and Resources Management Act, is ready for third reading?

---Bill 16 as a whole approved for third reading

CHAIRMAN (Mr. Bouchard): We will now move to Bill 17, Northwest Territories Intergovernmental Resources Revenue Sharing Agreement Act. Premier McLeod, do you have opening comments?

HON. BOB MCLEOD: Thank you for the opportunity to speak to Bill 17, Northwest Territories Intergovernmental Resources Revenue Sharing Agreement Act. The introduction of this bill is an important step towards implementing the Northwest Territories Lands and Resources Devolution Agreement and fulfilling the commitment made to reflect our Resources Revenue Sharing Agreement in legislation.

The Northwest Territories Intergovernmental Resources Revenue Sharing Agreement stands as a testament to the Government of the Northwest Territories' commitment to working with our Aboriginal government partners. Through devolution, the Government of the Northwest

Territories will collect resource revenues from public lands under its administration and control. From the resource revenues retained by our government, a share will be provided to participating Aboriginal governments. This Resources Revenue Sharing Agreement will provide direct benefits to Aboriginal governments for resource development activities throughout the onshore.

The goal, of course, is to help Aboriginal governments succeed because our Aboriginal government partners serve the Aboriginal people of the NWT, just as the Government of the Northwest Territories does. Helping Aboriginal governments succeed is sound investment because the successful governance of our partners benefits all of us.

The bill before us is short and sweet. It fulfills a commitment made in the NWT Intergovernmental Resources Revenue Sharing Agreement that requires the GNWT to recommend legislation providing for the sharing of the net fiscal benefit.

This bill fulfills that commitment and, in effect, will solemnize the pledge made by the GNWT to share resource revenue pursuant to the Intergovernmental Resources Revenue Sharing Agreement. This is something that this government supports, and reflects our vision of communities sharing in benefits of a prosperous NWT, and our goal of a strong and independent North built on partnerships.

Bill 17 is not mirrored legislation. The Resource Revenues Sharing Agreement reflects a "made-in-the-NWT" approach, and there is nothing similar in existing federal legislation. We have shared a draft of this legislation with the parties to the Resources Revenue Sharing Agreement.

I'm also happy to report that the Tlicho Government, one of our partners in this undertaking, passed its own law on February 20th that will implement the agreement on behalf of the Tlicho Government.

I would be pleased to answer any questions Members may have. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Premier McLeod. Do you have witnesses to bring into the House?

HON. BOB MCLEOD: Yes, I do.

CHAIRMAN (Mr. Bouchard): Committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Premier McLeod, please reintroduce your witnesses.

HON. BOB MCLEOD: Thank you, Mr. Chair. To my immediate right is Martin Goldney, deputy minister of Aboriginal Affairs and Intergovernmental Relations; to my far right is Thomas Druyan,

legislative counsel for the Department of Justice; and to my left is Jamie Fulford, legal counsel, Department of Justice. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Committee, we are reviewing Bill 17, Northwest Territories Intergovernmental Resources Revenue Sharing Agreement Act. General comments?

SOME HON. MEMBERS: Detail.

CHAIRMAN (Mr. Bouchard): Committee has agreed to go to detail. Clause 1.

---Clauses 1 through 6 inclusive approved

CHAIRMAN (Mr. Bouchard): Bill as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Does committee agree that Bill 17, Northwest Territories Intergovernmental Resources Revenue Sharing Agreement Act is ready for third reading?

---Bill 17 as a whole approved for third reading

CHAIRMAN (Mr. Bouchard): Thank you, witnesses. Thank you, Premier McLeod. I will ask the Sergeant-at-Arms to please escort the witnesses out of the Chamber.

Next we have Bill 4, Health Information Act. I will ask Minister Abernethy if he has opening comments.

HON. GLEN ABERNETHY: I am pleased to be here today to discuss Bill 4, Health Information Act. This bill is detailed and complex. It deals with highly sensitive content – the personal health information of patients – and is fundamental to enabling the health system to provide better care to residents of the Northwest Territories.

The Information and Privacy Commissioner has repeatedly called on this government to move forward with health-specific privacy legislation. The Information and Privacy Commissioner has supported the Health Information Act as a way to ensure that patients' information is properly protected, and that there is transparency and clear limits on how the health system can use and share patients' personal health information.

Through the Health Information Act, I believe we successfully created a comprehensive and balanced approach to health privacy in the Northwest Territories. Patient information will be protected appropriately with specific safeguard requirements that reflect today's electronic health environment.

The necessary health professionals within a patient's circle of care will have access to the information they need to provide better care, but they will not be allowed access to patient information beyond what they need. The government lead on privacy currently rests with the Department of Justice. However, with the Health

Information Act, the Department of Health and Social Services will lead on health privacy.

On that note, delivering a public awareness campaign has always been an essential part of the department's implementation plans for the HIA. We recognize the importance of ensuring that the public, staff and other stakeholders understand what this significant piece of legislation means for patient and practitioner rights and obligations.

We currently have posted on our website frequently asked questions about the bill and a plain language summary of the safeguard measures the Health Information Act would include. Before bringing the Health Information Act into force we would carry out more substantial public awareness activities. The department's implementation plans also include the development and ongoing update of a user-friendly staff manual as well as the ongoing delivery of easily accessible on-line and in-person training and workshops for staff across the Northwest Territories.

I am pleased to say that during the drafting of the bill, the department undertook extensive consultations with a range of stakeholders, including:

- the Information and Privacy Commissioner;
- the NWT Medical Association;
- the NWT Pharmaceutical Association;
- the Registered Nurses Association of the NWT and Nunavut;
- the Canadian Medical Protective Association; and
- Canada Health Infoway.

During standing committee's review of the bill, I was happy to be able to share numerous resource documents with the committee and to answer all of the Members' questions on this detailed, complex piece of legislation.

I would be pleased to answer any questions Members may have today. Thank you.

CHAIRMAN (Mr. Bouchard): Thank you, Minister Abernethy. I will turn to the chair of the Standing Committee on Social Programs, the committee that considered the bill, for opening comments. Mr. Moses.

MR. MOSES: Thank you, Mr. Chair. Earlier today the Standing Committee on Social Programs tabled its report on Bill 4, Health Information Act. Bill 4 is the product of work undertaken over the better part of a decade to develop health-specific privacy legislation for the Northwest Territories.

The Standing Committee on Social Programs commends the Minister for developing the bill. With its passing, the Northwest Territories will join a

growing number of Canadian jurisdictions that have enacted legislation of this kind.

During the review, written and oral comments were provided by numerous stakeholders and private citizens. Comments prepared by the Information and Privacy Commissioner were especially insightful.

The committee would like to thank all stakeholders and citizens who helped to strengthen the committee's review of the bill.

The committee conducted a public hearing on the bill on February 20, 2014. A clause-by-clause review was conducted on March 10, 2014, during which the committee proposed and adopted two amendments with the concurrence of the Minister. A motion was then carried to report Bill 4 as amended and reprinted to the Assembly.

This concludes the committee's opening comments on Bill 4. Individual Members may have questions or comments as we proceed. Thank you, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Mr. Minister, would you like to bring witnesses into the House?

HON. GLEN ABERNETHY: Yes, please, Mr. Chair.

CHAIRMAN (Mr. Bouchard): Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Thank you, committee. I will ask the Sergeant-at-Arms to escort the witnesses into the Chamber.

Minister, please introduce your witnesses.

HON. GLEN ABERNETHY: Thank you, Mr. Chair. With me today are Ian Rennie, legislative counsel with the Department of Justice, and Natasha Brotherston, the manager of policy and legislation with the Department of Health and Social Services.

CHAIRMAN (Mr. Bouchard): Thank you, Minister. Committee, we'll now open the floor to general comments on Bill 4. Mr. Moses.

MR. MOSES: Thank you, Mr. Chair. As I mentioned in the opening comments, committee did put a lot of work into the report and working with the Minister and his staff, and I just, at this time, want to thank the Minister and his staff for all the hard work that has gone into getting to us to this point of the clause-by-clause review of the bill in Committee of the Whole and all the work that has been going into this. I would also like to take the opportunity to thank all the stakeholders and all those that came and did written and oral presentations, and although we couldn't get everything into the amendments, we did make a lot of, I won't call them recommendations, but courses of actions, as we worded them in the report we read into the House earlier today. There were 18 of them, and I think a

lot of them really represented some of the views and concerns of the general public.

Other things to note with the bill in particular was the complexity and the focus to get a plain language document as well as the training for the health information custodians and the health care providers in terms of the awareness campaign and getting something out there to the public. You'll hear it from some Members today that might want to speak to it, but the concern with regulations, and hopefully, committee can look at those regulations before this comes into effect. Not only us but some of the stakeholders and the general public and the circle of care, in terms of how this information can be provided to other professionals that are not in the health care system but do deal with clients in that circle of care and how do we perceive that.

More or less, it has been a lot of work, and some Members have mentioned that it's not only this government that has done a lot of work. There are governments in the past and other stakeholders that for the past 10 years have really put a lot of hard work and input and effort into getting this bill to where it is today, so I just want to thank everybody for their efforts. I'm glad to see it's here and, hopefully, get it passed and go into third reading.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Moses. Committee, general comments. Ms. Bisaro.

MS. BISARO: Thank you, Mr. Chair. I wanted to make a couple of comments on this bill. This is a huge bill, and when we first got a copy of the bill it was rather daunting. It's about an inch and a half, two inches thick. We don't get very many bills that are that large. It's appreciated, I think, by Members certainly, the amount of work that the department first and the Minister second has put into this bill. It's been a number of Ministers, I think, that have put time into this bill. It's been some seven or 10 years in the making. It needs to be appreciated that this is a bill that has been needed for a very long time but it has been thoroughly vetted, I think, over a great deal of time. I think the work that has been done on this bill has been really good. Over the years I think things have changed a little bit here, and there and over the years as our technology has improved, I think the bill has changed to adapt to our technology as well.

I did have a number of concerns. They have been raised all along and I just want to mention them. I think that they certainly reflect my concerns but also the concerns of some of the public, but I think that they have been answered to the satisfaction of most people by the explanations from the Minister and from his staff as we discussed the bill and as we did a clause-by-clause review.

I do want to thank the Minister and staff for coming before committee more than once. Generally, we only sort of see Minister and staff once when we're dealing with a bill, but it was a couple of times that

we went through this and it really helped us with our understanding and in getting through the technical aspect of this particular bill.

One of the things for me that partly is still a concern is implied consent, and whenever anyone goes to visit a health professional, just the fact that you're going there suggests that you are giving consent for your health information to be used. I think there is a lot of training that is going to be required for health professionals. There's also going to be a lot of learning on the part of the general public. I, as a patient, have to learn what it is I'm giving consent to and I have to understand what expressed consent means and when I can give it, why I might want to give it. There's going to be a very long period, and I think it's going to be at least a year, maybe longer for some people, depending upon how often they access the health system, for them to understand this new situation and when consent is being given or when you should expressly withhold your consent. Like I say, I think that's generally been answered in our conversations with the Minister and staff, but it is going to be a learning process over time.

The term "circle of care" is one that stresses people out a little bit, I think, because it's not totally understood. Over the course of our conversations, I think Members did come to understand that circle of care means the people that need to know your health information in order to treat you, and in some cases it will be a large group of people, and in some cases it will be small group of people, but that again is something which residents are going to have to learn.

Another concern that came up from the public was the security of data. With so much data and so much technology now, we have to be really careful that our data is very secure. It was also a concern about data being secure when it leaves our jurisdiction and goes to another one. We have a lot of agreements with health care in Alberta, and our data, therefore, is going to have to go from the NWT to Alberta. That was a concern, but again I think that's something that the Minister and the department is aware of and I think it will be dealt with when we get to the point where we're actually dealing with those sorts of things.

Lastly, there was a concern about fees, and the way the act reads it suggests that I would have to pay for my own health information, my own file. I think we were comforted with the fact that personal information, the fees would be waived for me to access my own personal file, but were I to request it once a week for three years, I certainly would end up paying for it, or if I were to request a huge amount of documents I would end up paying a fee for it. I feel comfortable that although the act reads that a fee would be charged, that the regulations

will probably indicate that, no, fees are not charged if you're just accessing your own health information.

I want to mention that there were two amendments that were requested by committee. We put them before the Minister and the Minister did agree, and I think committee needs to indicate their appreciation for that. I also want to point out the recommendations that are in the committee report that was tabled today, I hope that the Minister looks at those carefully. Looks at those and considers those and will attempt to implement as many of those recommendations or suggestions, whatever you want to call them, as many as possible.

This has been a tough act to work our way through. I think we're all kind of glad that we're at the end of it because it's such a big act and it's so very technical, but it's great to have this piece of legislation here and done and ready to be put into place because it's badly needed. Thank you, Mr. Chair. That's it.

CHAIRMAN (Mr. Bouchard): Thank you, Ms. Bisaro. Committee, we're taking general comments on Bill 4. Mr. Yakeleya.

MR. YAKELEYA: I just wanted to let the Minister know that, as Ms. Bisaro said, this is a really huge, complex information act and, like I've said to the Minister sometimes, it's communication, communication, communication in our languages in our small communities and make sure that people like grannie from Nahanni can understand. When they walk into the health centre that they know that they're not just still going there for aspirins but they're also going to be bringing other information for them that she needs to know what it's all about. The legislation is not coming into effect for a while, but that gives you a lot of heads-up there.

Thank you for the work of the staff and for the people that came before us in our public hearings. We're now entering into a new era of health care and a lot of communication is coming to us. The good old days of going to the health centre and getting an aspirin or a bandage are long gone. It's now more complex and technical, so good luck with it. Thanks, Minister, for your hard work and the staff.

CHAIRMAN (Mr. Bouchard): Thank you, Mr. Yakeleya. General comments.

SOME HON. MEMBERS: Detail.

CHAIRMAN (Mr. Bouchard): Does committee agree we go into detail?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): We'll go in groups of 25 clauses, if committee agrees.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Clauses 1 to 25.

---Clauses 1 through 25 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 26 to 50.

---Clauses 26 through 50 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 51 to 75.

---Clauses 51 through 75 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 76 to 100.

---Clauses 76 through 100 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 101 to 125.

---Clauses 101 through 125 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 126 to 150.

---Clauses 126 through 150 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 151 to 175.

---Clauses 151 through 175 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 176 to 200.

---Clauses 176 through 200 inclusive approved

CHAIRMAN (Mr. Bouchard): Clauses 201 to 208.

---Clauses 201 through 208 inclusive approved

CHAIRMAN (Mr. Bouchard): Bill as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Bouchard): Does committee agree that Bill 4, Health Information Act, is now ready for third reading?

---Bill 4 as a whole approved for third reading

CHAIRMAN (Mr. Bouchard): Thank you, Minister. Thank you, witnesses. Sergeant-at-Arms, please escort the witnesses out of the Chamber. Thank you.

What is the wish of committee? Ms. Bisaro.

MS. BISARO: Mr. Chair, I move that we report progress.

---Carried

CHAIRMAN (Mr. Bouchard): I will now rise and report progress.

Report of Committee of the Whole

MR. SPEAKER: Good evening, colleagues. Can I have the report of Committee of the Whole, Mr. Bouchard.

MR. BOUCHARD: Thank you, Mr. Speaker. Your committee has been considering Bill 10, Northwest Territories Lands Act; Bill 11, Petroleum Resources Act; Bill 13, Devolution Measures Act; Bill 14, Waters Act; Bill 15, Oil and Gas Operations Act; Bill 16, Northwest Territories Intergovernmental Agreement on Lands and Resources Management Act; Bill 17, Northwest Territories Intergovernmental Resources Revenue Sharing Agreement Act; and Bill 4, Health Information Act, and I would like to report progress with one motion being adopted and that Bills 10, 13, 14, 15, 16, 17 and 4 are ready for third reading and that Bill 11 is ready for third

reading as amended. Mr. Speaker, I move that the report of Committee of the Whole be concurred with. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Bouchard. Do we have a seconder to the motion? Mr. McLeod.

---Carried

Item 22, third reading of bills. Mr. Clerk, orders of the day.

Orders of the Day

DEPUTY CLERK OF THE HOUSE (Mr. Schauerte): Mr. Speaker, orders of the day for Wednesday, March 12, 2014, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
18. First Reading of Bills
 - Bill 24, An Act to Amend the Student Financial Assistance Act
 - Bill 25, An Act to Amend the Education Act
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Tabled Document 4-17(5), Northwest Territories Electoral Boundaries Commission 2013 Final Report
 - Bill 18, An Act to Amend the Legislative Assembly and Executive Council Act
21. Report of Committee of the Whole
22. Third Reading of Bills
 - Bill 4, Health Information Act
 - Bill 10, Northwest Territories Lands Act
 - Bill 11, Petroleum Resources Act

- Bill 13, Devolution Measures Act
- Bill 14, Waters Act
- Bill 15, Oil and Gas Operations Act
- Bill 16, NWT Intergovernmental Agreement on Lands and Resources Management Act
- Bill 17, NWT Intergovernmental Resources Revenue Sharing Agreement Act

23. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Wednesday, March 12th, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 6:50 p.m.