



# **NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY**

**3<sup>rd</sup> Session**

**Day 46**

**18<sup>th</sup> Assembly**

## **HANSARD**

**Tuesday, October 30, 2018**

Pages 4571 – 4620

**The Honourable Jackson Lafferty, Speaker**

# Legislative Assembly of the Northwest Territories

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(Monfwi)

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*Minister Responsible for Persons with Disabilities*  
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**YELLOWKNIFE, NORTHWEST TERRITORIES****Tuesday, October 30, 2018****Members Present**

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

The House met at 1:30 p.m.

**Prayer**

---Prayer

**SPEAKER (Hon. Jackson Lafferty):** Good afternoon, Members. Item 2, Ministers' statements. Minister for Industry, Tourism and Investment.

**Ministers' Statements**

MINISTER'S STATEMENT 121-18(3):  
UNLOCKING OUR POTENTIAL

**HON. WALLY SCHUMANN:** Mr. Speaker, the first pillar of our government's mineral development strategy is to improve our territory's competitive edge. It sets the goal that investors in North America and around the globe see the Northwest Territories as an attractive place to invest in mineral development. Under the umbrella of unlocking our potential brand and marketing plan, we continue to invest in this goal.

On behalf of our government and our territory, the Department of Industry, Tourism and Investment acts as a champion of our immense resources potential to investors and resource companies around the world.

We are fostering the partnerships and the trade needed to be competitive in the global marketplace and to transform our extensive mineral and gas resources into exploration, jobs, and economic opportunities for the people and businesses of our territory.

Mr. Speaker, at a time when resource projects and companies must stand up to increased skepticism and stronger scrutiny, we have a good story to tell. Canada's Northwest Territories offers low-risk investment jurisdiction that is setting the bar for Indigenous partnership, and one that contributes to improved outcomes from northern communities and meaningful opportunities for Northerners.

We tell our stories to audiences that have the knowledge and capital to get projects going in our territory at conferences, trade shows and showcases, attracting leaders and experts in the

resources sector. Representatives from Industry, Tourism and Investment were in Toronto earlier this month to attend Mines and Money Americas, an annual event that brings together over 600 delegates, including institutional investors, bankers, brokers, mining, and exploration companies from across the globe.

A two-person delegation has also just returned from China after attending the China Mining Congress and Exhibition, one of the world's largest mining and exploration conferences, where again we pitched investment in both our mining and oil and gas sectors for a rapidly-growing Asian market. The agenda for the mission also included mineral investment forums in both Beijing and Shanghai and meetings with Chinese investors and resource companies along the way.

Mr. Speaker, with markets on the upward trend, now is the time to intensify our efforts to sell the many advantages of doing business in the Northwest Territories.

Next week, Members of Cabinet will be attending the Yellowknife Geoscience Forum, confirmation of our continued whole-of-government approach to supporting exploration and mining in our territory. This is also a reminder that our support for mining and resource development is not limited to the promotion of investment. It is reflected in our approach and financial contribution to training and labour force development, in permitting, public geoscience, taxation, and the management of our legislative and regulatory environment.

Meanwhile, we are preparing once again to attend January's Mineral Exploration Roundup in Vancouver, working with our Indigenous governments and investment organizations to demonstrate to delegates at this major international mining conference that the NWT means business. We will follow that up with a presence in Toronto at the annual gathering of the Prospectors and Developers Association of Canada's International Convention, Trade Show and Investors Exchange in March.

Northern interests will also be represented at the Arctic Oil and Gas Symposium in Calgary that same month, where we will seek partners to help us

realize our petroleum resource strategy's goals of local benefit today and global reach for the future.

Mr. Speaker, our territory is at a crossroads. To sustain our economy into the future, we need to stimulate new interest in the development of our natural gas resources and replace the anticipated closure of our existing diamond mines with new projects.

I would like to assure Members of this Legislative Assembly that the Government of the Northwest Territories, led by Industry, Tourism and Investment, will continue to invest and make the case on the global stage for investment in our territory in defense of the thousands of jobs, millions in investment, and about four billion in economic activity that is at stake. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Ministers' statements. Minister of Health and Social Services.

MINISTER'S STATEMENT 122-18(3):  
CULTURAL SAFETY AND RELATIONSHIP-  
BASED CARE

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. Mr. Speaker, as a government we have committed to putting the principles of reconciliation in action and to transform the way that we deliver programs and services to be more culturally informed and respectful throughout our mandate. Today I would like to update colleagues and the public on efforts that we have been adopting within our Health and Social Services system to put these principles into action to better serve our residents.

Embedding the concept of cultural safety into our Health and Social Services system has been one of our main areas of focus. Cultural safety is an outcome; when organizations adopt the cultural safety approach, the needs of clients and families are the priority, and Indigenous peoples feel safe and respected, free from racism and discrimination.

This means that cultural safety is a key to improving quality and access to care for Indigenous residents, because it addresses some of the difficult truths: that the status of Indigenous health is a direct result of government policies; that the legacies of colonization and residential schools have affected health outcomes and shaped the way services are delivered; and that the Health and Social Services system has too often not been a place of healing for many Indigenous residents. Simply put, our commitment to cultural safety recognizes that Indigenous clients should not have to adapt to our system, but rather, it is the responsibility of the system to change and transform to meet the needs of the clients.

In 2016, I tabled the document "Building a Culturally Respectful Health and Social Services System" that outlined our approach to making sure that cultural safety is incorporated across the Northwest Territories Health and Social Services system. In that document a commitment was made to develop a Cultural Safety Action Plan, in collaboration with Indigenous and northern residents and partners. Based on the principle of "nothing about us without us," the Department of Health and Social Services began a knowledge-sharing process with Indigenous and northern peoples and staff in the fall of 2017 to hear their experiences, concerns, and aspirations for our system.

Mr. Speaker, through this knowledge-sharing process we have heard directly from our residents that they envision a territory where Indigenous peoples, families, and communities enjoy physical, mental, emotional, and spiritual health and wellness. The stories shared in these sessions were powerful reminders that, while our system has many strengths to build upon, there is still much work to do.

A whole system approach is required to embed cultural safety in the Health and Social Services system. We began this shift with system transformation and the creation of the Northwest Territories Health and Social Services Authority in 2016. This has created a foundation for cultural safety and placed us in a stronger position to respond to the needs of Indigenous and northern clients. The department is just beginning the cultural safety journey, but in the long term it is expected to help address the health disparity between Indigenous and non-Indigenous people through increased access and use of health and social services and improved client and community experience.

Mr. Speaker, we know that cultural safety is key to improving quality and access to care for Indigenous residents, but it also provides a framework for better care for all NWT residents. We've heard from residents that relationship-based care is a priority for them, meaning that they want trusting, caring, and ongoing relationships with their healthcare providers. Relationship-based care honours the value that Indigenous peoples have placed on relationships, and improves the quality of care for everyone by putting the needs of the clients and the family first.

The Department of Health and Social Services recognizes that building long-term relationships between clients, practitioners, and staff makes a meaningful difference to achieving improved health outcomes and providing comfortable, safe, and respectful care for all people in the NWT. In August of 2018, the NWT Health and Social Services Leadership Council passed a motion to support the

redesign of our system of care toward a team and relationship-based approach that is driven by community feedback and data and built upon a foundation of trust and shared outcomes. This marks another significant milestone in the ongoing effort to create an operational philosophy, organizational culture, and governance structures that will allow us to achieve our vision of Best Health, Best Care, and a Better Future for all residents of the Northwest Territories.

The next step in this journey will be the release of the Cultural Safety Action Plan, which is going to occur in the coming months. There is much work yet to be done to embed cultural safety and relationship-based care throughout our Health and Social Services system, and an action plan will be an essential guide as we focus our efforts to create a better system for all residents. As we do this work, our department is committed to moving forward with continued collaboration with our partners and guidance from Indigenous as well as northern residents. This is critical work for the health and wellbeing of our people, now and for the future. Thank you to all of those who have supported this work, and we look forward to getting it done. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Ministers' statements. Minister of Environment and Natural Resources.

MINISTER'S STATEMENT 123-18(3):  
ENVIRONMENTAL MONITORING AND  
RESEARCH PROJECTS

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, the Government of the Northwest Territories has a mandate commitment to support the Northwest Territories Cumulative Impact Monitoring Program, or NWT CIMP. This program is a research and monitoring program to help understand environmental trends and the cumulative impacts of both human and natural changes.

Today I am pleased to announce this program is providing \$660,000 this year to initiate 11 new research and monitoring projects. These projects address key cumulative impact monitoring priorities for caribou, water, and fish. Funding recipients include Indigenous governments and organizations, universities, territorial and federal government departments.

Mr. Speaker, these projects include studying the impact of wildfire on boreal caribou, understanding ecosystem processes in our two Great Lakes, and using traditional and local knowledge to monitor environmental change.

Results from the projects will provide valuable scientific and traditional knowledge to support

effective resource management decisions by communities, governments, and co-management boards.

The recommendations on project funding were made by a steering committee of Indigenous, territorial, and federal government representatives.

Mr. Speaker, NWT CIMP provides approximately \$1.7 million in funding for scientific and traditional knowledge projects each year. This year the program is supporting a total of 28 projects. Fourteen projects were completed in 2018, and results are available online. Information on NWT CIMP, including a list of completed projects since 1999, can be found on-line at [www.nwtcimp.ca](http://www.nwtcimp.ca). Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Ministers' statements. Minister of Municipal and Community Affairs.

MINISTER'S STATEMENT 124-18(3):  
2018 NORTHWEST TERRITORIES SPORT HALL  
OF FAME INDUCTIONS

**HON. ALFRED MOSES:** Thank you, Mr. Speaker. Mr. Speaker, today I would like to highlight and celebrate the 2018 inductees into the Northwest Territories Sport Hall of Fame.

The Northwest Territories Sport Hall of Fame was created to honour athletes, coaches, officials, and contributors to sport from all parts of our society. Sponsored by the Sport North Federation, the Hall of Fame shares the history and the impact of our greatest contributors to sport.

Mr. Speaker, I invite Members of this House to join me in congratulating Ms. Robin Mercer-Sproule, Mr. Abe Theil, and the 1970 Fort McPherson Centennial Canoe team, who will be recognized at a special ceremony to be held in Yellowknife on November 23<sup>rd</sup>.

Ms. Mercer-Sproule competed on behalf of the Northwest Territories in figure skating, softball, volleyball, basketball, hockey, and broomball in no less than 12 Arctic Winter Games and numerous other regional and national competitions across Canada. A breakthrough leader in women's hockey, she started in the sport by playing with a boys' team in 1977 as a forward. She later became a top goaltender.

Mr. Theil is being recognized for his lifelong contribution to volleyball, and for the significant role he played in the development of the Sport North Federation. He participated in 10 Arctic Winter Games from 1972 through 1998. His contribution to the sport from the local club level through to the national and international levels has been

significant and remains an important part of the sport's legacy in our country.

The Fort McPherson Canoe Team participated in the historic Northwest Territories Centennial Fort Providence to Inuvik canoe race in 1970. The six-member team finished in first place after a series of races covering the 1,800 kilometre distance, competing against teams from Aklavik, Inuvik, Fort Providence, Fort Good Hope, Yellowknife, Detah, Tsiigehtchic, and from outside the Northwest Territories. Team members were Captain Phillip Blake, Woody Elias, Fred Vittrekwa, Joe Vittrekwa, John Itsi, and Joseph Kaye.

Mr. Speaker, these inductees and those selected in previous years are role models, mentors, and leaders in sport. They have worked tirelessly to develop the North's capacity to pursue active healthy lifestyles through engagement and participation in sports programming.

It is important to recognize and celebrate the past and the present successes of our Northern athletes and sport builders. Applauding their commitment to excellence, as athletes, coaches, or as an entire team helps to set a benchmark for the next generation. On November 23<sup>rd</sup>, we will celebrate these inductees for their accomplishments and for the inspiration they have provided to us all.

Mr. Speaker, I would like to thank our community governments, the Sport North Federation, and all the territorial sport organizations for their efforts to support opportunities for these inductees and all the residents to pursue their dreams through sport.

I would also like to thank the many volunteers who contribute their time, talent, and energy to the sport system. The work you do is important to the well-being of our youth, the growth of the sport system, and our collective efforts to build healthier communities in the Northwest Territories. Mahsi cho, Mr. Speaker.

**MR. SPEAKER:** Masi. Ministers' statements. Colleagues, I would like to draw your attention to the visitors in the gallery. We have with us Wendy Bisaro. She has been a former Member of our 16<sup>th</sup> and 17<sup>th</sup> Legislative Assembly. Welcome to our proceedings.

Members' statements. Member for Mackenzie Delta.

### Members' Statements

#### MEMBER'S STATEMENT ON IMPLEMENTATION OF THE GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT AND THE INUVIALUIT FINAL AGREEMENT

**MR. BLAKE:** Thank you, Mr. Speaker. Mr. Speaker, under its mandate, this government has committed to fostering government-to-government relationships with Aboriginal governments and to implementing land resources and self-government agreements. This has been a top-of-mind issue since we first began to develop our priorities of the 18<sup>th</sup> Legislative Assembly. Although the government has made some important strides, including a pilot project of the Gwich'in Tribal Council, challenges in communication and collaboration mean that the process is in trouble.

Mackenzie Delta residents are coming to me with their questions and concerns. They have asked me about public reporting and public accountability around these mandate commitments. They have asked me about the GNWT's responsibilities to Aboriginal governments under the Gwich'in Comprehensive Land Claim Agreement and Inuvialuit Final Agreement. They have also asked how the GNWT is making its commitment to fulfilling these agreements part of its daily practice. I will have questions for our Premier about the GNWT's role in the implementation of these agreements later today. Thank you, Mr. Speaker.

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

#### MEMBER'S STATEMENT ON BROADBAND CONNECTIVITY

**MR. SIMPSON:** Thank you, Mr. Speaker. Mr. Speaker, I want to talk about connectivity. If the Mackenzie Valley Highway or the road to the Slave Geological Province had been built when they were first proposed or in the decade since, the outlook for our economy would be much different, but because we lack basic transportation infrastructure that has been connecting southern Canada for over a century we are facing a relatively near-term economic crisis. However, Mr. Speaker, that's not the kind of connectivity I want to discuss. I want to talk about high-speed Internet access.

If we don't start to capitalize on the recently completed Mackenzie Fibre Optic Link and begin putting the infrastructure in place to ensure that everyone in the NWT has access to high-speed Internet, we will once again be in a position where our infrastructure deficit is holding back our economy and we are playing catch-up with the rest of the developed world.

In 2016, the CRTC declared that broadband Internet access with unlimited data options and a target download speed of 50 megabits per second is a basic telecommunications service that should be available to all Canadians. Although many communities in the NWT are served by a fibre optic backbone, which is more than capable of achieving



such results, homes and businesses are still connected to the backbone through antiquated infrastructure, resulting in slow and unreliable Internet for which we are forced to pay top dollar.

According to the CRTC, Canadians living in rural areas need high-quality Internet and mobile wireless service to fully participate in the digital economy and access healthcare, education, government, and public safety services. The vast size of our territory makes this especially true for us, Mr. Speaker. That's why we need to put the right infrastructure in place. If we do it, the possibilities are endless. We could have telehealth services, allowing residents to see and speak with medical professionals anywhere in the world without ever leaving their communities; every school could deliver immersive and interactive educational experiences; we could utilize the economies of scale to broaden the range of courses offered to high school and polytechnic university students. Internet service set as an asset and not as a liability could generate new business opportunities for our residents. Municipalities that install their own broadband infrastructure could use it to generate revenue and make their communities a more attractive place to invest. The list of possibilities is endless, and the time to act is now.

Just last month the CRTC announced it will soon be accepting applications for a \$750 million broadband fund which is intended to support infrastructure projects. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

**MR. SIMPSON:** As I stated, just last month the CRTC announced that it will soon begin accepting applications for a \$750 million broadband fund which is intended to support infrastructure projects that will help close the gap in Internet connectivity between rural and urban areas. Last week the federal, provincial, and territorial Ministers for Innovation and Economic Development agreed to making broadband a priority and to develop a long-term strategy to improve access to high-speed Internet services for all Canadians. At the appropriate time, I will have questions for the Minister of Infrastructure to see what he is doing to bring our infrastructure into the 21<sup>st</sup> century. Thank you, Mr. Speaker.

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

#### MEMBER'S STATEMENT ON UNLICENSED TOURISM OPERATORS

**MR. TESTART:** Mr. Speaker, tourism is big business in the Northwest Territories. Last year more than 100,000 visitors travelled to the NWT,

and spending also reached an all-time high at \$200 million. The results are expected to be even higher for this past year. It's unsurprising that many entrepreneurs are building businesses based on the success of our tourism market. Unfortunately, not all these individuals are playing by the same rules.

Mr. Speaker, I have heard several complaints from licensed tourism operators in Kam Lake who raise serious concerns around illegal outfits exploiting tourism opportunities in the NWT. More light has been shed on these illegal businesses in recent days with reporting from the CBC supported by internal government documents obtained through access to information requests.

What these complaints and documents reveal is a business environment with little to no consequences for illegal tourism operators, with fly-in, fly-out operations exploiting a lack of readiness on the part of this government to ensure that all operators are held to the same standard.

Mr. Speaker, under the law, an operator must have a licence issued by the GNWT. An unlicensed operator is not obliged to follow safety rules nor have proper insurance for their activities, putting tourists at risk and legal operators who pay these costs at a disadvantage.

Internal documents reveal that this government is struggling to keep up. An official wrote, "There are so many operators lately, it's hard to keep track of them all." Compare this to public concerns from legal, northern-owned and operated businesses. To quote one of these operators, "These guys are coming in and doing what they want. They're cutting corners."

Mr. Speaker, a licensed operator must pay for proper insurance and renew their licence every year. In addition to these expenses, it costs hundreds of thousands of dollars more for insurance. Illegal operators claim none of these costs, and there is ample evidence that they're not being held to account to the laws of the NWT by its own government.

Since 2013, there have only been nine investigations into illegal tourism operators, with two charges being brought forward under the act, and only a single fine issued, along with six compliance orders that do not level criminal penalties against these illegal businesses.

Despite the concerns raised by northern tourism operators who are paying their dues and operating within the letter of the law with legal licences, the GNWT says this is not a systemic problem. Departmental officials have said, "We will address it as we find out about it," and, "we're doing the best

with the resources we have." Perhaps that's because they do not have the adequate resources to operate.

Mr. Speaker, this is a serious issue, and I will have questions for the Minister of Industry, Tourism and Investment later today to see what he has done to address the issue of illegal tourism operators in the Northwest Territories. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Member's statements. Member for Yellowknife North.

#### MEMBER'S STATEMENT ON CARBON-FREE ENERGY FOR RESOURCE DEVELOPMENT

**MR. VANTHUYNE:** Thank you, Mr. Speaker. Mr. Speaker, as the Minister noted in his statement, we are all aware of the forthcoming slowdown in the NWT's economy from diamond mines winding down, and we're also well aware that it will take several new metal mines to replace the socioeconomic benefits of a single diamond mine.

Mr. Speaker, this summer I had the opportunity to meet with a number of representatives from world-class mining companies considering investing in the NWT. In general, we are seen as a favourable jurisdiction. We have world-class rock and proven resources. Most of the experts agree that our regulatory regime is improving; they agree that the diamond mines proved that development can succeed while working on land rights. As we know, the carbon tax is not a problem because it is, in fact, a rebate.

However, Mr. Speaker, they are concerned about one major barrier to investing, and that is carbon-based energy. That's right: burning diesel. In 2016, almost half of our carbon emissions came from mining, but the world is changing, Mr. Speaker. Today, for global mining companies to maintain their social licence to operate, they must avoid producing greenhouse gas emissions.

Believe it or not, in 2018, investment decisions on mineral development are not driven by economics alone. Issues affecting social and environmental impacts, climate change chief among them, are equally prominent considerations.

As there should be, Mr. Speaker, there's a growing intolerance among financial institutions, investors, mining companies, and the public for projects that have large carbon footprints. It is simply smarter and safer for them to invest in places with competitive carbon-free energy.

If the NWT is to open its world-class Slave Geological Province to exploration and

development, we must bring Taltson hydro power to the region.

Mr. Speaker, the GNWT is undertaking the Great Slave Lake Submarine Cable Concept Study. That will inform us how we can supply competitive-priced, carbon-free hydro power to the Slave Geological Province. Our potential partners in mining are applauding this step, as it holds great promise for growth and for reducing the NWT's greenhouse gas emissions, while providing socioeconomic benefits for our people.

Mr. Speaker, the NWT must address the risks of carbon-based energy if we want to attract major mining interests to develop multi-generational projects.

While I can, Mr. Speaker, I'd just like to let folks know that, in case they're trying to change their plans, the Geoscience Forum is November 20<sup>th</sup> to the 22<sup>nd</sup>, and not next week. At the appropriate time, I'll have questions for the Minister of Infrastructure responsible for energy. Thank you, Mr. Speaker.

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

#### MEMBER'S STATEMENT ON EMERGENCY RESPONSE TO ACCIDENT AT NAHANNI BUTTE AIRPORT

**MR. THOMPSON:** Thank you, Mr. Speaker. As Members in this House heard, we had an accident at the Nahanni Butte airport on August 15, 2018. I'm very happy to say that all the individuals directly involved with the crash are safe and were discharged from the hospital. I'm very happy to hear the collaboration between the community health representative in Nahanni Butte, and the healthcare practitioners in Fort Simpson and Yellowknife work very well together. It is good to hear that telehealth and our telephone systems work well. The community of Nahanni Butte and the GNWT health staff did an amazing job and should be recognized for their help and support throughout the event.

Unfortunately, the smoothness of the response time and the process for medevac is a concern. It is my understanding that at approximately 13:16 the accident occurred. At approximately 13:45, one of the local airline companies contacted the Fort Simpson Health Centre and they said they were willing to take two Fort Simpson firefighters trained in primary care, paramedics who are trained to deal with packaging and transferring of injured people, to Nahanni Butte to assess injuries and to help out the local staff.

Unfortunately, at 14:05 the local company was told that the health centre would not be sending support

staff, and that a plane was going to be dispatched from Yellowknife. At around 15:56, a King Air and two Twin Otters left for Nahanni Butte. Unfortunately, the King Air could not land in Nahanni Butte and had to go to Fort Liard. They needed to use a helicopter to take some of the passengers to Fort Liard to get on the King Air. The whole process took a long time, approximately seven hours, for the medevac to leave for Yellowknife.

One of the injured passengers was horrified that it was going to take more than two hours to get help in the community. Community members tried to be supportive and calm her down, but you can imagine her frustration and fear.

In speaking with the community and people from Fort Simpson, we were confused that there was an islander plane and a helicopter in Nahanni Butte and it was not used. They would also like to know why the support team from Fort Simpson was not dispatched. They were only 30 minutes away. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

**MR. THOMPSON:** Thank you, Mr. Speaker, and thank you, colleagues. The feeling is that policy and procedures outweighed the care of residents. What would happen if a very serious or fatal situation occurred? Would they have to wait at least seven hours to get the necessary transportation out to get help? This would not happen in bigger centres. They feel it is an uneven playing field, and I cannot blame them. I will later have questions for the Minister of Health. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Members' statements. Member for Frame Lake.

#### MEMBER'S STATEMENT ON SOCIO-ECONOMIC AGREEMENTS AND BENEFITS

**MR. O'REILLY:** Merci, Monsieur le President. Yesterday I tabled a 2017 report contracted by the Industry, Tourism and Investment Department called "Policies for Generating Socioeconomic Benefits from Natural Resource Extraction Projects." This report shows how jurisdictions around the world make sure their citizens get a fair share of benefits from non-renewable resources extraction.

Unfortunately, this report received by the ITI 18 months ago was only recently posted deep on the department's website because I forced this government to make it public through an access to information request. Committee was not even informed of the existence of this report until the

Minister disclosed it in an April 17<sup>th</sup> public meeting where he presented on socioeconomic agreements.

The report examines exactly the issues that play in our development of a Mineral Resources Act. Public groups asked for this type of information during the MRA consultations process. Regular MLAs have repeatedly requested the Minister share the extensive cross-jurisdictional research his department claims to have done, but he has refused to provide this information.

The 2017 ITI-commissioned report is packed with detailed information on the types of instruments jurisdictions used to capture social and economic benefits for their citizens. It analyzes the different types of benefits, employment, contracting, capacity development, impact mitigation, new infrastructure, and does a provincial-territorial-international scan of other approaches. Why was this information suppressed?

This report is a good one, and I call on this government to pursue much stronger socio-economic agreements. These improvements should include requirements for binding and enforceable employment in contracting targets with penalties, locating offices and professional support in the Northwest Territories, and investments in research and development, training, and post-secondary education. Other jurisdictions tie the provision of such benefits to security of tenure and approvals for development. We should and must do much better.

The development of a new Mineral Resources Act and the amendments to our oil and gas legislation provide an ideal opportunity to build the framework of improved retention of benefits for our residents.

I'll have questions for the Minister of Industry on what other materials may be outstanding, and how these recommendations will inform our post-devolution resource management moving forward. Mahsi, Mr. Speaker.

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

#### MEMBER'S STATEMENT ON ENERGY EFFICIENCY INITIATIVES IN THE SAHTU REGION

**MR. MCNEELY:** Mr. Speaker, energy initiatives in the Sahtu. As of this morning, Imperial Oil started supplying gas powered electricity to the community.

Mr. Speaker, energy has been on my mind lately, with the reopening of the Enbridge pipeline and the announcement of the new funding by the federal government for energy programs in the Northwest Territories.

I understand that, back in March, the GNWT secured \$570 million from the Investing Canada Plan, and more recently, this government secured the first \$23 million of its \$31 million allocation from the federal Low Carbon Economy Leadership Fund.

Mr. Speaker, these new program dollars have come out around the same time as the GNWT Energy Strategy and Action Plan. The people of the Sahtu are interested in the details, how this money will be spent, and more importantly, how we can be involved in the transition to more efficient and cleaner energy systems in our communities.

Mr. Speaker, in the last few years, we have seen real progress in the Sahtu on the use of biomass heating. Cord wood has been an important source of heating in the Sahtu for generations, and the introduction of wood pellet heating has brought a new source of high-efficiency wood heating to our region.

Mr. Speaker, most of our communities have begun a transition to the lower-cost wood pellet systems and high-efficiency wood stoves. Heating with wood has many benefits, including being carbon neutral. As the supply chain for wood pellet improves, we hope to see it being more used in the Sahtu.

Mr. Speaker, we have also seen the installation of a state-of-the-art solar diesel plant in Colville Lake that has reduced the use of diesel fuel and reduced the emissions. Other efficiency upgrades were also made on the electrical side. Mr. Speaker, I seek unanimous consent to conclude my statement. Mahsi.

---Unanimous consent granted

**MR. MCNEELY:** Thank you, colleagues. Mr. Speaker, the Sahtu itself is a leader in energy efficiency, and we want to continue down this road so that all our residents can benefit from the new federal money. I will have follow-up questions to the Minister of Infrastructure at the appropriate time. Mahsi.

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

#### MEMBER'S STATEMENT ON POVERTY IN THE NORTHWEST TERRITORIES

**MS. GREEN:** Mahsi, Mr. Speaker. Mr. Speaker, at the end of August the Government of Canada introduced its long-awaited and first-ever poverty reduction strategy. After years of telling advocates that poverty reduction was a provincial and territorial responsibility, the federal government has finally stepped up.

In 2015, one in eight Canadians lived in poverty, about 5 million people; a shameful number for a

wealthy country like ours. The federal government has set a goal to reduce that number by 20 percent in the next two years, and the government's long-term goal is to further reduce poverty by half by 2030. This measurement boosts the credibility of the strategy, and it gives hope to those who want to exit from the poverty track.

Mr. Speaker, the federal strategy introduces a poverty measurement. It's called the Market Basket Measure. The MBM puts a dollar figure on a basket of goods and services for a family of four. The MBM for Yellowknife in 2015 was about \$56,000. The problem with the Market Basket Measure as a general measure of poverty is that it isn't calculated for any other NWT communities.

The NWT has had a poverty reduction strategy for five years. Its vision is that Northerners will have access to the supports they need to live in dignity and free from poverty as active participants in community life. This vision still resonates, but the GNWT didn't establish a definition of poverty or a goal for its reduction, so it's difficult to say whether Northerners are less poor than they were five years ago.

A group of non-profits recently published a poverty update to show what poverty in the North looks like. Here are a few of the results. Twenty percent of households earn about \$25,000, one in seven residents faces moderate to severe food insecurity, and there are almost 2,000 people on income assistance in the NWT. It's a grim picture.

Mr. Speaker, it's understood that children who grow up in poverty are likely to live in poverty as adults. This fact underlines the importance of providing resources to families to move them out of the poverty trap. The federal and territorial child benefits are a good start, but income thresholds must be raised, and we need greater investments in housing. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

**MS. GREEN:** Mahsi, Mr. Speaker. The National Poverty Reduction Strategy challenges provinces and territories to do better and provides the opportunity for a partnership to assault poverty in the GNWT. It's time to establish a poverty measurement, set goals for poverty reduction, and make a commitment to tracking results over time. I will have questions for the Minister of Health and Social Services. Mahsi.

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

#### MEMBER'S STATEMENT ON EARLY CHILDHOOD DEVELOPMENT

**MR. BEAULIEU:** Marsi, cho, Mr. Speaker. Mr. Speaker, today I will speak on the need to increase spending in early childhood development. Addressing this issue must be a solid joint effort on the part of our government.

Mr. Speaker, I will begin with the work needed in prenatal care. It is essential that we provide as much support as possible to women who are at risk of consuming alcohol while pregnant, because our territory depends on it. I believe the difference in the government spending between a person with FASD and a person without this disorder is over \$1 million.

Mr. Speaker, we must invest in daycares across the NWT. Early childhood spending for children who are one, two, and three years old have huge returns. I believe the return on social spending is near a ratio of seven to one. In other words, Mr. Speaker, for every dollar spent in this area, the government will save \$7 on things like social housing, income support, and increased graduation rates.

Mr. Speaker, if children are given the right supports, it would make them excel in their earlier years in school. It increases their chances of graduating from high school, which is the first big benchmark in education. Students who achieve grade 12 have a much higher chance of getting a job than a person who does not achieve grade 12. In fact, it's about 25 percent higher. It also gives that student an ability to go onto post-secondary education if they wish, which again is another important benchmark.

Mr. Speaker, students who have post-secondary education in the NWT can almost write their own ticket on the type of job they want. In fact, students with post-secondary education have about a 20 percent better chance of getting a job than a grade 12 graduate.

Mr. Speaker, it has been mentioned in this House many times that a job is the best social program. It reduces social spending on families with jobs, and I believe a salary paid is a return of \$2.50 to every dollar paid to the employee. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Members' statements. Item 4, reports of standing and special committees. Member for Kam Lake.

### **Reports of Standing and Special Committees**

COMMITTEE REPORT 9-18(3):  
REPORT ON THE REVIEW OF BILL 18, AN ACT  
TO AMEND THE CITIES, TOWNS AND VILLAGES  
ACT

**MR. TESTART:** Thank you, Mr. Speaker. Mr. Speaker, your Standing Committee on Government Operations is pleased to provide its Report on the Review of Bill 18, An Act to Amend the Cities, Towns and Villages Act, and commends it to the House.

### **Introduction**

Bill 18, sponsored by the Department of Municipal and Community Affairs (MACA), amends the Cities, Towns and Villages (CTV) Act to provide municipal councils governed under the act with new powers: the authority to impose a tax on tourist accommodations; and the authority to allow property owners to finance energy efficiency or renewable energy works through local improvement charges added to the property owner's municipal tax bill. It is important to note that these new powers are separate from one another and not related, except that they are both dealt with under the Cities, Towns and Villages Act, the legislation that sets out the powers of tax-based municipal governments.

Bill 18 received second reading in the Legislative Assembly on May 29, 2018, and was referred to the Standing Committee on Government Operations ("the committee") for review.

The standing committee is pleased to report on its review of Bill 18: An Act to Amend the Cities, Towns and Villages Act.

### **Background**

The Cities, Towns and Villages Act governs the tax-based municipalities of Yellowknife, Norman Wells, Fort Smith, Inuvik, Hay River, and Fort Simpson in the Northwest Territories. The amendments proposed to the CTV Act under Bill 18 would provide these municipalities with two new areas of authority that municipalities could choose to exercise at their discretion.

### **Tourist Accommodation Tax**

As drafted, Bill 18 provides tax-based municipalities with the authority to pass a bylaw imposing a tourist accommodation tax, not exceeding 4 percent of the daily accommodation rate on anyone who offers accommodation in return for money within the municipal boundaries.

The bill prohibits the tax from being imposed on the following persons and classes of accommodation: accommodation paid for more than 30 continuous days; accommodation where the rate is less than \$20 per night; accommodation where the subject of the tax is the Government of the Northwest Territories or its public boards and agencies; any person or family member being accommodated as a result of medical travel; anyone paying for a stay

at a hospital or healthcare facility; or any other class of persons or bodies set out in the regulations. Collectively, these exemptions are referred to as "exclusions" in the act's marginal notes.

The bill also sets out other matters a municipality may include in its bylaw. This includes further exemptions and rebates from the tax; penalties for failure to comply; interest on outstanding payments; audit and inspection powers; dispute resolution mechanisms; enforcement; and any other matters council considers important. It also provides that municipalities may go to court to attempt to recover unpaid amounts.

The bill authorizes municipal councils to enter into revenue-sharing agreements with not-for-profit organizations for promoting tourism, and with persons and bodies for the collection and administration of tourist accommodation taxes. It also requires that tax revenue be used only for supporting tourism initiatives, such as the provision of visitor services and the promotion of the community and the NWT as a tourism destination.

Finally, Bill 18 proposes to enhance the Minister's regulation-making authority:

- Governing the collection of a tourist accommodation tax;
- Prescribing conditions and limits on that tax;
- Prescribing persons and classes of accommodations that are exempt from the tax;
- Respecting agreements between the municipality and hotel operators regarding the collection of taxes; and
- Respecting the sharing of revenue with not-for-profit organizations.

### **Energy Upgrades and Retrofits through Local Improvement Bylaws**

Currently, the CTV Act allows municipalities to make upgrades or improvements to groups of properties adjacent to one another, and to charge the owners of these properties for the cost of the work on their property tax bills.

These types of upgrades, referred to as "local improvements," tend to be new or replacement construction projects intended to upgrade or improve certain conditions within residential, commercial, and industrial areas of the municipality. Examples include street paving, driveway crossings, sidewalk replacement, lane paving, curb and gutter replacement, boulevards and street lighting, and extending sanitary, storm or water systems. Subject to local bylaws, the participation

of property owners in these types of standard local improvements may be mandatory.

Bill 18 proposes to give tax-based municipalities the authority, by bylaw, to enable individual owners of private property to improve the energy efficiency of their homes or businesses and use the "local improvement charge" mechanism to pay off the cost of the energy installation over time.

This would allow interested private property owners to undertake energy efficiency or renewable energy retrofits or improvements without having to pay the costs upfront. Instead, they could have the municipality add the costs to their property tax bill to be paid off over time.

The most important difference between the standard type of local improvements tax-based municipalities already have the authority to undertake, and this new type of local improvement, is that the latter is completely voluntary on the part of a private property owner. A municipality must have the written consent of the property owner in order to authorize a levy against their property tax bill.

Bill 18 sets out the administrative process for how this new type of local improvement can be put into effect, including rules for how the energy efficiency or renewable energy work must be described, how costs must be determined, the requirement for the passing of bylaws to charge a levy against a private property, and for determining the period over which the costs will be repaid.

In addition, Bill 18 includes provisions:

- Specifying that costs may include reasonable engineering expenses and administrative costs, and interests on borrowing;
- Requiring that a municipality give public notice of its intent to pass a bylaw and sets out the required contents of that notice;
- Requiring that a municipality pass a second bylaw once energy retrofit is completed, to levy a local improvement charge against a property;
- Requiring full cost recovery for each project financed through a local improvement charge;
- Allowing the municipality to streamline the administrative process for passing these bylaws by allowing the bylaw to authorize a specific or series of energy efficiency or renewable energy works or any works that satisfy the requirements of a program of the municipality; and
- Require reporting by municipalities to the Minister.

Mr. Speaker, I will now ask the honourable Member for Hay River North to continue reading of the Report. Thank you, Mr. Speaker.

**MR. SPEAKER:** Member for Hay River North.

**MR. SIMPSON:** Thank you, Mr. Speaker.

### The Public Review of Bill 18

To commence consultation on Bill 18, the standing committee invited input on the bill from 99 local hotel and bed and breakfast (B&B) operators offering tourist accommodations in the six tax-based municipalities. This consultation list was kindly provided by the Department of Municipal and Community Affairs, who used the same list when consulting on the development of the bill. The committee also sent letters seeking input from the six impacted municipal councils.

Committee held a public hearing on Bill 18 in Yellowknife on September 19, 2018. At that hearing, committee heard a presentation from the Yellowknife Chamber of Commerce, provided by Mr. Kyle Thomas, Vice President. Committee also received a presentation from the City of Yellowknife, represented by Mr. Mark Heyck, Mayor; Ms. Sheila Bassi-Kellett, City Administrator; and Ms. Kerry Penney, Director of Policy, Communications and Economic Development. Committee noted that Ms. Shauna Morgan and Mr. Julian Morse, both councillors with the City of Yellowknife, were also in attendance in the audience. Finally, committee received a presentation from Mr. Karl H. Schaefers and Mr. Dan Dupuis, representing Mr. Ed Romanowski, president and chief operating officer of the Explorer Hotel. Committee thanks everyone who appeared before the committee and provided input on Bill 18 that evening.

Because of planned consultation travel on Bills 8 and 20, committee had already made arrangements to travel to three of the six tax-based municipalities. Hence, committee extended invitations to the municipal councils in these communities to discuss Bill 18. A meeting scheduled with the town of Hay River in mid-August was, unfortunately, cancelled due to unforeseen circumstances. However, on October 2, 2018, committee had the opportunity to meet with Mr. Jim McDonald, mayor of Inuvik; Mr. Joe Lavoie, assistant deputy mayor; and Ms. Natasha Kulikowski and Mr. Clarence Wood, both councillors. Committee thanks these Town of Inuvik representatives for their time and input.

Finally, committee received written submissions from the following:

- The Explorer Hotel;
- The Town of Fort Smith;

- The Yellowknife Chamber of Commerce;
- The City of Yellowknife;
- Days Inn and Suites, Yellowknife; and
- Embleton House Bed and Breakfast.

The committee takes this opportunity to thank everyone who provided written submissions. Copies of these submissions are appended to this report.

### What We Heard

Overall, committee heard mixed support for Bill 18. Outside of Yellowknife, it is largely seen as a "Yellowknife" bill. Both Inuvik and Fort Smith expressed the view that, for smaller tax-based municipalities, any revenues the "hotel tax" might yield would be offset by the costs of administration.

Aside from Yellowknife, none of the five remaining tax-based municipalities indicated that they would be interested, at this time, in exercising the new authorities provided by the bill. There was, however, general agreement that the City of Yellowknife should have the right to exercise these new authorities if it chooses.

### Tourist Accommodation Tax

Both the Yellowknife Chamber of Commerce and the City of Yellowknife expressed support for the bill. Mr. Kyle Thomas, vice president of the Yellowknife Chamber of Commerce, noted that the chamber would like to see the tax rate reduced from 4 percent to 3 percent. The City of Yellowknife raised concerns about the lengthy list of exclusions, which would reduce the total amount of revenue collected and make it difficult for front desk staff, who would be required to determine a person's reason for travel and whether or not an exemption applies.

Both the Yellowknife Days Inn and Suites and the Explorer Hotel offered conditional support for the bill. The support of the Explorer Hotel was based on the following conditions:

- A 3 percent levy on the daily room rate;
- Applicability to all accommodation properties;
- No exemptions;
- Industry oversight of fund management; and
- No spending on convention or meeting facilities or on destination or visitor services, events or facilities.

The Yellowknife Days Inn and Suites expressed the view that "the draft as written falls short of the

intended purpose of the levy," noting concerns about the exemptions in the bill and stressing that Section 70.3(1) must clarify that the levy's primary purpose is to promote Yellowknife.

Both the Town of Fort Smith and Embleton House B&B are not supportive of the bill. In correspondence to the committee, Fort Smith Mayor Ms. Lynn Napier-Buckley said that, "When this change was first proposed by MACA, the Town of Fort Smith requested an impact assessment to be performed, which we have not received," noting that, "while the choice to provide this program is the decision of the municipality, it is a concern that this revision will be closely followed by reductions to territorial programs." She also asked, "What will the GNWT provide to ensure equity for the smaller communities in promoting and selling tourism outside of Yellowknife with this change?"

In explaining her lack of support for the bill, Ms. Faith Embleton of Embleton House B&B emphasized that, with the number of unlicensed accommodations popping up online, now is not the time to implement a tourism levy, but to work to ensure that unlicensed operators meet appropriate standards, noting that, "When they arrive, travellers often face substandard accommodation and sometimes no accommodation at all, leaving them out on the street when things get busy."

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

**MR. SPEAKER:** Masi. Member for Deh Cho.

**MR. NADLI:** Thank you, Mr. Speaker.

### **Energy Upgrades and Retrofits through Local Improvement Bylaws**

Committee did not receive a great deal of substantive input on this aspect of the Bill. In Committee's discussion with representatives from the Town of Inuvik, Mayor McDonald noted that it is a good idea in principle but, again, more of a Yellowknife issue given that smaller municipalities are less likely to have the resources to allow them to finance private improvements.

In her letter to the committee, Fort Smith Mayor Ms. Lynn Napier-Buckley said that the "proposed change allowing the local improvement mechanism to be used for energy efficiency upgrades is...unnecessary and detrimental," pointing out that Municipal and Community Affairs had already advised that municipalities can apply the local improvement charge to individuals and further noting that municipalities are not set up as banks or lending institutions.

### **What We Did**

In considering the input received, committee gave a great deal of consideration to the fact that the proposed amendments to the CTV Act do not compel or obligate a tax-based municipality to exercise either of the new authorities. Instead, Bill 18 provides for the new authorities, in law, for any municipality that wishes to exercise either, or both. Just as the Government of the Northwest Territories has argued for greater autonomy from the federal government, committee members believe it is important that municipal governments be given appropriate latitude to respond to local circumstances and needs. For this reason, the committee is generally supportive of Bill 18.

### **Tourist Accommodation Tax**

#### **Tax Rate**

Committee took note of the suggestions from the Yellowknife Chamber of Commerce and the Explorer Hotel that the proposed rate for the tourist accommodation tax be reduced in the bill from 4 percent to 3 percent. Clause 2 of Bill 18 proposes to create a provision in the CTV Act [Section 70.1(4)] which sets the maximum rate of the tourist accommodation tax at 4 percent of the daily accommodation rate.

Committee feels that this appropriately allows municipalities the discretion to set a rate lower than 4 percent if that is the wish of the municipality. Committee finds that this is in line with the hotel tax rate in other Canadian jurisdictions, noting that travellers to the NWT do not pay a provincial sales tax in addition to the accommodation tax. Committee encourages the City of Yellowknife to give consideration to the wishes of the Chamber of Commerce and Yellowknife hoteliers in setting a final accommodation tax rate.

Mr. Speaker, I would like to now pass the floor to my colleague, Mr. McNeely, the Member for Sahtu. Mahsi.

**MR. SPEAKER:** Masi. Member for Sahtu.

#### **MR. MCNEELY:**

#### **Exclusions**

The most significant issue that committee heard feedback on was the manner in which exclusions are addressed in Bill 18. Concerns about the exclusions were twofold: that the breadth of exclusions would have a negative impact on potential revenues and that it would be left to the hotel front desk staff to determine who qualifies for exclusions under the act. The following summarizes the feedback received on the subject of exclusions.

Town of Inuvik: The Mayor noted that hotels have issues with how they'll manage the tax, especially



exclusions. One of the town councillors disagrees with the governments being exempted.

Days Inn and Suites Yellowknife: "Exclusions will have the effect of diluting the amount collected to the point where it is doubtful that the total amount collected on an annual basis less expenses will be an amount that would be effective in fulfilling the purpose for which the levy will be enacted in the first place."

City of Yellowknife: "The city would prefer that the Bill 18 did not contain such an exhaustive list of exclusions. Each exemption affects the overall amount to be collected. The city's second concern related to the administrative burden that the current draft of the legislation places on accommodation providers. As written, the legislation requires front desk staff to make a determination about a person's reason for travel and whether an exemption applies."

The Explorer Hotel: "The accommodation levy must be charged on all guest types (leisure, business, government, and personal). It would be difficult for a front desk worker or reservations agent to challenge a government official as to the purpose of their trip."

Committee agreed that the bill, as drafted, has the potential to place an unfair burden on hotel operators to determine if and when the exclusions set out in Bill 18 apply to a customer paying for tourist accommodation. Committee is also of the view that the potential revenue yield for a municipality should be significant enough that it makes administration of the tax financially viable.

Committee considered two options to amend Bill 18 to address these concerns: the elimination of exclusions entirely; or the creation of an exemption only for NWT residents.

I will now pass it on to my colleague, the Member for Hay River North.

**MR. SPEAKER:** Masi. Member for Hay River North.

**MR. SIMPSON:** Thank you, Mr. Speaker.

### **Energy Upgrades and Retrofits through Local Improvement Bylaws**

While committee appreciates that support for this proposed amendment to the CTV Act is not universally supported, committee did not hear any substantive input that caused it to consider any amendments to this part of Bill 18. Committee recognizes that there do not appear to be any tax-based municipalities, other than Yellowknife, who are interested in exercising this authority at this time. Committee is comfortable that Bill 18, as

written, does not compel participation where a municipality does not desire it.

As fuel costs continue to rise and people look for other ways to do their part to reduce their carbon footprint, innovative approaches to achieving greater energy efficiency will be increasingly in demand. The committee applauds the City of Yellowknife for demonstrating leadership in this area and hopes that other tax-based municipalities can learn from the City of Yellowknife's experience with financing private energy upgrades using local improvement charges.

### **Clause-by-Clause Review of the Bill**

The clause-by-clause review of the bill was held on October 25, 2018. At this review, the committee moved the following motion:

**Motion 1:** To amend clause 2 of Bill 18 by deleting the proposed subclause 70.1(5), which contained the list of exclusions, and replace it with a single exclusion for residents of the Northwest Territories.

Committee feels that this exemption, which would require only that a person paying for accommodations show any proof of residence or government-issued identification card, would simplify administration and ensure that the tax was truly targeting the tourist market as intended.

The Minister did not concur and the motion was defeated.

I would now like to pass the reading on to the Member for Kam Lake. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Member for Kam Lake.

**MR. TESTART:** Thank you, Mr. Speaker.

### **Conclusion**

During the course of this review, the Honourable Alfred Moses, Minister of Municipal and Community Affairs, twice advised the committee that he would not consider amendments that committee was proposing to the bill because the department had not consulted with their partner organizations on the committee's proposals.

While acknowledging that it is the Minister's prerogative to concur with committee's amendments or not, committee reminds the Minister that standing committees have the authority to carry out their own consultation on a given bill and to propose amendments to that bill. Committee encourages the Minister to ensure that MACA's partner organizations understand that, when the department is consulting on the development of the bill, that consultation is only one of at least two consultations that will take place, with the second being the consultation done by the

standing committee. Committee welcomes input when it is consulting on bills and is always happy to hear from the GNWT's partner organizations on legislation that is before committee.

The committee thanks the public for their participation in the review process and everyone involved in the review of this bill for their assistance and input.

Following the clause-by-clause review, a motion was carried to report Bill 18: An Act to Amend the Cities, Towns and Villages Act, as ready for consideration in Committee of the Whole. This concludes the standing committee's review.

**MR. SPEAKER:** Masi. Member for Kam Lake.

MOTION TO RECEIVE COMMITTEE REPORT 9-18(3) AND MOVE INTO COMMITTEE OF THE WHOLE,  
CARRIED

**MR. TESTART:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Hay River North, that Committee Report 9-18(3) be received by the Assembly and moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The motion is on the floor. To the motion.

**SOME HON. MEMBERS:** Question.

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

---Carried

Member for Kam Lake.

**MR. TESTART:** Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to waive Rule 100(4) and move Committee Report 9-18(3) into Committee of the Whole for consideration later today. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The Member is seeking unanimous consent to waive the rule to allow the bill to move to Committee of the Whole.

---Unanimous consent granted

Bill 18, An Act to Amend the Cities, Towns, and Villages Act, is now referred to Committee of the Whole for further consideration. The report of the review of Bill 18 is now referred to Committee of the Whole. Masi. Reports of standing and special committees. Member for Kam Lake.

COMMITTEE REPORT 10-18(3):  
REPORT ON THE REVIEW OF BILL 20:  
OMBUDSPERSON ACT

**MR. TESTART:** Thank you, Mr. Speaker. Here we go again.

Mr. Speaker, your Standing Committee on Government Operations is pleased to provide its Report on the Review of Bill 20: Ombudsperson Act and commends it to the House.

**Introduction**

Bill 20, sponsored by the Minister responsible for Public Engagement and Transparency, provides for the appointment of an Ombudsperson as an officer of the Legislative Assembly of the Northwest Territories. The bill establishes the mandate of the Ombudsperson to investigate complaints about the administrative fairness of Government of the Northwest Territories' practices, in order to promote fair, reasonable and equitable government administration.

Some of the key matters addressed by the Bill include:

- Requiring that the Commissioner, on the recommendation of the Legislative Assembly, appoint an Ombudsperson;
- Conferring powers and duties on the Ombudsperson for the purpose of fulfilling their mandate;
- Setting out which GNWT departments, boards and agencies, collectively referred to in the bill as "authorities," will be subject to the Ombudsperson's jurisdiction;
- Setting out how members of the public may make complaints to the Ombudsperson; and
- Setting out how investigations are to be conducted by the Ombudsperson.

Bill 20 received second reading in the Legislative Assembly on June 1, 2018, and was referred to the Standing Committee on Government Operations ("the committee") for review. The committee is pleased to report on its review of Bill 20: Ombudsperson Act.

**A Note About the Title "Ombudsperson"**

For many years, the word "Ombudsman" has been commonly used in English-speaking countries to describe the role of the person who oversees the administrative fairness of government practices. However, because the term is not gender neutral, its use has become increasingly less acceptable. In an effort to arrive at the most appropriate and workable title for the Northwest Territories'

Ombudsperson, committee considered titles used in other Canadian jurisdictions.

Six of 10 provinces and territories still use the term "Ombudsman." Each of the remaining four jurisdictions use a different title. In Newfoundland and Labrador, the person is called the "Citizen's Representative," and in Quebec, the "Public Protector." Only one Canadian jurisdiction, British Columbia, uses the term "Ombudsperson," as proposed in Bill 20.

Committee supports the use of a gender neutral title, but Members find the term "Ombudsperson" awkward and difficult to pronounce. For that reason, committee decided to follow the lead of New Brunswick which, in 2017, changed their legislation so that the title of their Ombudsman is now, simply, the "Ombud."

Committee proposed this change during the clause by clause review of Bill 20, covered in more detail later in this report. The Minister responsible for Public Engagement and Transparency concurred with the committee's motion to amend the title of the bill. While Bill 20 has not yet received assent, we anticipate this change will be adopted. For this reason, we have opted to use the term Ombud for the remainder of this report, except where another term is used in a direct quote.

### Background

Together with Nunavut and Prince Edward Island, the Northwest Territories is one of only three Canadian jurisdictions without an Office of the Ombud to which members of the public may direct complaints about the fairness of their treatment by government.

The idea of creating an Ombud office in the Northwest Territories has been raised from time to time in the Legislative Assembly dating, at least, as far back as the 12<sup>th</sup> Assembly. In March 2013, a motion was passed in the Legislative Assembly, referring the proposal to establish an Ombud office in the Northwest Territories to the Standing Committee on Government Operations for research, analysis and review. That direction from the House culminated in a Report on Establishing an Office of the Ombudsman for the Northwest Territories, which was tabled in the Assembly just over a year later, in June 2014.

Building on the foundation set by this report, some Members of the 18<sup>th</sup> Legislative Assembly advocated to include Ombud legislation in the Government of the Northwest Territories mandate. As a result, the mandate contains commitment 5.3.11 to "develop legislation within two years to establish an independent parliamentary office of the Ombudsman."

The introduction of Bill 20 in the House, albeit a little behind schedule, fulfills the GNWT's commitment to bring forward this legislation. Committee thanks the Minister responsible for Public Engagement and his Cabinet colleagues for fulfilling this important promise.

### The Public Review of Bill 20

To commence its consultation on Bill 20, the committee wrote to invite input from a broad array of over eighty stakeholders, potential interest groups and organizations in the Northwest Territories such as municipal governments, Chambers of Commerce, non-governmental organizations and professional societies. Committee also wrote to Indigenous governments in the Northwest Territories to seek their input and, in particular, to canvass their interest in accessing the services of the Ombud on a cost-sharing basis, in a manner similar to that provided for in the Yukon Ombudsman Act. This proposal is discussed in greater detail later in this report and with respect to Motion 7.

The committee held seven public hearings on Bill 20 in Inuvik, Norman Wells, Fort Resolution, Hay River, Behchoko, Ndilo, and Yellowknife. As well, committee received eight written submissions, from the Yellowknife Chamber of Commerce, the Tlicho Government, the K'atodeeche First Nation, former Member of the Legislative Assembly Ms. Wendy Bisaro, Mr. Colin Baile, the NWT Seniors' Society, the NWT branch of the Canadian Bar Association, and the City of Yellowknife. All submissions received by the committee are appended to this report.

The committee would like to thank the communities who welcomed us on our travels and everyone who provided input on Bill 20.

Mr. Speaker, I will now ask that the honourable Member for Hay River North continue the reading of this report. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Member for Hay River North.

**MR. SIMPSON:** Thank you, Mr. Speaker.

### What We Heard

#### Support for a Northwest Territories Ombud

The committee heard a great deal of support for the establishment of an Ombud in the Northwest Territories. Many people commented that this is something they have long waited for.

- Mr. Colin Baile said, "It was in the early 1990s I first addressed, before a committee of this house, the need for then Ombudsman

legislation. As this committee is aware, we are one or only two jurisdictions without such legislation. Ombudsperson legislation, at its core, is not intended to reprimand government, but rather to assist individuals with resolving disputes they may have with government and how they have been treated during that interaction. By using a restorative approach, individuals can have their faith restored in the public sector and government can be assisted in providing and promoting fair, accountable, and transparent services."

- The Northwest Territories Branch of the Canadian Bar Association said, "The establishment of an Ombudsperson for the Northwest Territories is a welcome development. The Office will provide residents of the Northwest Territories with an important means of having concerns with government fairly investigated and addressed."
- Ms. Wendy Bisaro, a former MLA and advocate for the establishment of an Ombudsperson in the Northwest Territories, told the committee, "It has long been a belief of mine that the NWT needs an Ombudsman. That legislation has finally come forward suggests that the benefits of an Ombudsman for our Territory have been recognized, thankfully."
- Ms. Georgina Franki of Behchoko said, "It has been a long time coming. As a Northerner and Indigenous woman, we need help with someone to speak on behalf of some who can't speak."
- Mr. Todd McCauley of Norman Wells said this: "is a major step forward and needed in the NWT."

This does not mean to suggest that committee did not hear dissenting voices. However, they were in a very small minority.

- Ms. Jane Groenewegen, also a former MLA, expressed the view that the NWT is highly governed and there is easy access to Members of the Legislative Assembly, Ministers, plus a Conflict of Interest Commissioner, a Languages Commissioner, a Human Rights Commissioner, a Rental Officer, and an Employment Standards Officer. She said that the Legislative Assembly's library is full of statutory officers' reports with recommendations that have not been acted on.

### Questions on the Role of the Ombud

Committee encountered a lot of curiosity about how the Ombud's Office works and heard a lot of

questions. The following is an example of some of the questions raised during the public consultation meetings on Bill 20:

- How long will it take for the Ombud to Act on complaints?
- Where will the Ombud be based?
- Will there just be one person, or will the Ombud have staff?
- How will we ensure good "bang for the buck" in establishing an Ombud?
- Will the Ombud visit each community quarterly?
- Who establishes the Ombud's priorities?
- Will the Ombud deal with issues like nepotism?
- Who pays the Ombud's salary and does the performance reviews?
- Can the Ombud make recommendations to change legislation?
- How does this proposed legislation compare with Ombud legislation in other provinces and territories?
- What is the role of the Ombud with respect to Indigenous governments?

The level of interest and the very insightful questions from residents across the Northwest Territories suggest that a well-developed and targeted public awareness campaign must accompany the opening of the Ombud's office in the Northwest Territories, so that people are aware of the Ombud's role and purpose and the assistance they can expect to receive when they contact the Ombud.

Accordingly, the committee makes the following recommendation:

### Recommendation 1

The Standing Committee on Government Operations recommends that the Minister responsible for Public Engagement and Transparency work closely with the Office of the Clerk of the Legislative Assembly and the newly appointed Ombud, to ensure the timely development and launch of a robust public awareness campaign to support the opening of the Office of the Ombud and increase residents' understanding of services the office provides, and how to access them.

### The Ombud and MLAs – Distinguishing Between Their Roles

In his presentation at the Yellowknife public hearing, Mr. David Wasylciw talked about giving more consideration to the distinction between MLAs and the Ombud.

As well, in response to the committee's public hearing in Hay River on Bill 20, the Hay River Hub published an October 9, 2018 editorial titled, "GNWT doesn't need an Ombudsperson." The writer argues that, "one of the main reasons there's an Ombudsperson in other jurisdictions is the size and complexity of their governments and the remoteness of their politicians from the people." The article suggests that, because of our small population, NWT residents have greater access to territorial politicians and can "take their complaint right to the top of the territorial government."

It is true that the NWT residents do benefit from having political representatives who are accessible and approachable. It is also true that both MLAs and the Ombud can assist people who are having difficulty dealing with the territorial government. However, the tools at their disposal to provide this assistance are very different.

As Regular MLAs, we can rely on our access to and relationship with our Cabinet colleagues to raise issues of concern. We must also, however, rely on the political will of our colleagues to provide assistance with constituency complaints. MLAs have found that it may take months, even years, to get some resolution for their constituents. MLAs also frequently encounter "confidentiality" as a reason why a Minister cannot discuss a constituent's concern in sufficient detail for an MLA to broker a resolution.

The key distinction between an Ombud and an MLA, and one of the main reasons that other jurisdictions, including Yukon, have them, is that Ombuds have broad powers of investigation that MLAs do not. Upon receiving a complaint that the Ombud believes has merit, the Ombud may conduct an investigation. The tools at the Ombud's disposal to do such an investigation are quite powerful.

Clause 26 of Bill 20 gives the Ombud the power to make inquiries, receive confidential information and to hold hearings. The Ombud has the authority to enter any premises occupied by a government authority, talk in private with anyone there; require a person to provide information and produce documents, whether or not that person is still a member or employee of the authority; and to take possession of documents or things and produce copies of them. The Ombud also has the power to summon people and require them to give evidence under oath, if the Ombud believes they have information relevant to an investigation. These powers allow the Ombud to investigate and attempt

to resolve matters even where there is no political will to do so.

As well, because the Ombud has the power to undertake investigations on his or her own initiative, the Ombud is uniquely positioned to look into systemic problems where administrative fairness may need improvement. This type of analysis and investigation goes well beyond the mandate, and authority, of an MLA.

Mr. Speaker, I would now like to turn the reading to the Member for Deh Cho.

**MR. SPEAKER:** Masi. Member for Deh Cho.

**MR. NADLI:** Mahsi, Mr. Speaker.

### **The Independence of the Ombud's Office**

In order to carry out such powers free from political influence, it is important that the Office of the Ombud be independent from the executive branch of government.

- The NWT Seniors' Society noted that, "the Act supports a term of five years for the Ombudsperson that exceeds the mandate of any Legislative Assembly. This helps to ensure the work of the Office is not unduly influenced by the Legislative Assembly once appointed." They further stressed that the provisions relating to suspension or removal of the Ombud should show that a substantive majority was in favour and not a simple majority. "This is to assure that the Ombudsperson is independent and cannot be removed at the whim of a few due to a decision that may be unpopular."
- The NWT Branch of the Canadian Bar Association also noted that, "the Ombudsperson should have independence through security of tenure."
- Mr. Colin Baile objected to clause 17, which specifies that the Ombud's jurisdiction does not extend to the Legislative Assembly and its standing committees. He argues that, "To exclude the entire legislative branch of government, including Members, management, and staff, is disrespectful of the act's intention and sends the message that the Legislative Assembly and its staff are above such investigation."

The committee respectfully disagrees with this view. In Canadian jurisdictions, the Ombud functions as a statutory officer of the legislative branch of government, so that the office may have independence from the executive branch. While not all jurisdictions have a provision similar to clause 17, which is also found in Manitoba's Ombudsman

Act, this does not mean that the Legislative Assembly, its committees, and staff in other jurisdictions are within the scope of their respective Ombuds. One must look to the definitions, schedules and provisions in each province or territory's Ombud legislation to determine which departments, agencies, and organizations of the public sector are subject to the Ombud's oversight. Committee is aware of no Canadian province or territory that permits Ombud oversight of the legislative branch of government.

### **The Importance of Hiring the Right Person for the Job**

Committee heard from a number of people that, in order for the Northwest Territories' first Ombud to be effective, it is important that the right person be hired for the job.

- Mr. Colin Baile noted that, "The Ombudsperson is most often the only or last means of resolving disputes with government agencies. The trust placed in the Ombudsperson by the public, and the statutory authority given that individual by the Legislative Assembly carries great responsibility and expectation."
- Former MLA Ms. Jane Groenewegen said that the new Ombud should have a good understanding of the government and its processes and urged committee, "Don't set the standard too low."
- Mr. Eric Braathen expressed the view that the appointee should be a long-time Northerner with extensive knowledge of the Government of the Northwest Territories.

### **Conditions of Employment for the Ombud**

Clause 9 of Bill 20 provides that the Ombud is entitled to pay and benefits. Ms. Bisaro questioned what is meant by "benefits" and asked whether it included access to a pension plan. Mr. David Wasylciw expressed the opinion that the Ombud's salary should be tied to the GNWT's pay structure and made public in the Act.

The Office of the Clerk advised the committee that none of the legislation establishing statutory officers makes any reference to employee benefits. This is intentional, so as not to create an employee-employer relationship with these independent offices. Committee further heard that not specifying the nature of the salary or benefits allows greater flexibility for the Speaker in tailoring a contract that best meets the needs of the incumbent. Committee is comfortable with this approach and, therefore, does not propose any amendments to Clause 9 of Bill 20.

Clause 10 provides that, with the approval of the Speaker, the Ombudsman or Ombud may engage in outside employment. Both Mr. Baile and the Northwest Territories Chapter of the Canadian Bar Association questioned why the act would allow the Ombud to do so when this is not allowed in other jurisdictions, and suggested that, if outside employment is to be permitted, it should be done with the endorsement of the Conflict of Interest Commissioner.

Allowing one individual to potentially hold one or more offices with Ombud-like powers provides the Legislative Assembly's Board of Management and/or the Office of the Speaker, with the greatest flexibility in how its statutory appointments are filled, and recognizes that in a remote jurisdiction, such as ours, it might not be advisable to exclude potentially qualified candidates by being overly restrictive.

Committee received input from the Office of the Clerk of the Legislative Assembly, advising that the Conflict Commissioner has jurisdiction over current and former Members of the Legislative Assembly only and that none of the other legislation for statutory officers requires the approval or endorsement of the Conflict Commissioner. Committee is satisfied that the matter of potential conflicts of interest can be adequately handled by the Speaker, acting on the advice of the clerk and law clerk. As a result, committee is not seeking any amendments to this provision in Bill 20.

Mr. Speaker, I now pass the floor onto my colleague from the Sahtu, Mr. McNeely. Mahsi.

**MR. SPEAKER:** Masi. Member for Sahtu.

**MR. MCNEELY:**

### **Calls for the Inclusion of Municipalities**

The committee heard a number of calls for municipalities to be included under the Ombud's jurisdiction.

- The City of Yellowknife submitted that the Ombud's jurisdiction should be expanded to include municipalities, noting that "Our Council strongly supports accountability and transparency in local government and having municipalities bound by the Ombudsperson Act provides an impartial and independent review process to ensure the fairness of municipal processes, decisions and actions."
- The Yellowknife Chamber of Commerce noted, "We are excited to see Bill 20: the Ombudsperson Act moving forward. However, the act is missing a key component. It fails to provide the Ombudsperson with jurisdiction over municipalities, something that exists in

most other Canadian provinces/territories, including Nova Scotia, New Brunswick, Ontario, Saskatchewan, Manitoba, British Columbia, Alberta, and Yukon."

- The NWT Branch of the Canadian Bar Association stated, "The purposes of the Ombudsperson Act would be more fully served if the Office's jurisdiction extended to the acts or omissions of professional organizations and municipalities created under territorial legislation."

Committee considered two different approaches to this objective. The first option would be to include municipalities as "authorities" under the schedule to the Act.

This would give the Ombud the same jurisdiction over municipalities as over GNWT departments, boards, and agencies.

- Mr. Colin Baile expressed support for this approach, noting that "municipalities should be added as an authority in the schedule," and acting that if this was not possible on the coming into force date of the Act, then it should be "on a set schedule of one year hence."

Committee considered the potential workload for the Ombud under this approach. Committee also considered that there have long been calls for municipalities to be brought under the Access to Information and Protection of Privacy (ATIPP) Act and the concerns municipalities have raised about their capacity to manage this change.

Committee ultimately determined that fully including municipalities under the Ombud's jurisdiction at this time had too much potential to overwhelm the resources of the new Ombud's office and could place onerous obligations on municipalities that already have limited capacity and will be dealing with upcoming changes to ATIPP legislation.

Committee opted for an approach that would allow municipalities to contract the services of the Ombud on a cost recovery basis. This is reflected in Motion 7 below. Committee notes, for the record, that the full inclusion of municipalities under the Ombud's oversight is a logical next step and something that should be more fully considered once municipalities are included under ATIPP legislation.

### **The "Yukon Provision"**

When the 17<sup>th</sup> Legislative Assembly's Standing Committee on Government Operations produced its June 2014 report on Establishing an Office of the Ombudsman for the Northwest Territories, the report indicated that Yukon's Ombudsman has the authority, on a cost recovery basis, to investigate and report back to the Yukon First Nation

Government on any matter referred by that government. Committee wrote to Indigenous Governments in the Northwest Territories to canvass their interest in having access to the NWT Ombud under similar conditions.

Committee received correspondence from Mr. Peter Redvers, director of Lands, Resources, and Negotiations with the K'atłodeeche First Nation, indicating their support for this proposal.

Committee also received a letter from Grand Chief George Mackenzie, Tlicho Government. Grand Chief Mackenzie noted, as committee was aware, that the Tlicho Community Services Agency is listed in the schedule to Bill 20 and, hence, already under the jurisdiction of the Ombud. However, the Grand Chief pointed out, "the TCSA can have additional roles assigned or delegated to it by Tlicho government. As such, it would be of advantage to know about any issues concerning how clients are being treated in their dealings with the TCSA." Therefore, the Grand Chief noted, "Tlicho Government asks that consideration be given to formal notice to Tlicho Government of any investigations of TCSA by the Ombudsperson and the sharing of the Ombudsperson's report coming out of an investigation of the TCSA."

Clause 42 of Bill 20 provides that the Legislative Assembly may make general rules to guide the Ombud in the exercise of the duties of the Office. It further provides that the Ombud must establish certain policies and procedures and may establish others. Committee feels that the request by Tlicho government is best addressed thorough the establishment of rules and procedures guiding the Ombud's Office. Accordingly, committee makes the following recommendation.

### **Recommendation 2**

The Standing Committee on Government Operations recommends that the Minister of Responsible for Public Engagement and Transparency work closely with the Office of the Clerk of the Legislative Assembly and the newly appointed Ombud, to ensure that appropriate procedures are established to advise Tlicho Government of any investigations by the Ombud of the Tlicho Community Services Agency and for the provision of the Ombud's report to Tlicho Government.

Motion 7, which amends Bill 20 to allow municipalities to refer matters to the Ombud for consideration on a cost-recovery basis, also allows for Indigenous governments in the Northwest Territories to do the same. The motion further provides that, in such instances, the provisions in Bill 20 requiring the Ombud to report to the GNWT and setting out how the GNWT must respond, do

not apply. Instead, the Ombud's report will go directly and only to the government or municipality that first referred the matter.

I pass on to continue the report to the Member for Hay River North.

**MR. SPEAKER:** Member for Hay River North.

**MR. SIMPSON:** Thank you, Mr. Speaker.

### Call for a Mandatory Review Provision

Some Northwest Territories statutes contain provisions requiring a mandatory review of the legislation at set intervals of time, usually every five or ten years.

- Ms. Wendy Bisaro suggested that Bill 20 "is missing a clause requiring a review of the Act every 10 years."

The merit of including such a provision in legislation is that it sends a public message about the importance of keeping the legislation up to date and suitable for current circumstances. Unfortunately, such provisions can tie an Assembly to an expensive and time-consuming review, when one may not be necessary and there are other, more pressing, legislative priorities. Given that the Legislative Assembly has the prerogative, at any time, to review and amend its legislation, such a provision is not strictly necessary. For these reasons, committee did not adopt this suggestion.

### What We Did

In addition to the general themes identified above, the committee was fortunate to receive detailed input on a number of specific clauses contained in Bill 20. Committee addressed many of these issues raised by stakeholders in motions to amend Bill 20.

### Clause by Clause Review

The clause-by-clause review of Bill 20 was held on was held on October 25, 2018. The committee thanks the honourable Louis Sebert, Minister responsible for Public Engagement and Transparency, and members of his staff for their appearance before the committee.

At this meeting, the committee moved 19 separate motions to amend Bill 20. These motions, and the purpose of each, are identified below.

Minister Sebert concurred with all but three of the committee's motions. The motions for which there was no concurrence are also identified below.

Motion 1: To amend the English version of Bill 20 to change the word "Ombudsperson" to "Ombud" wherever it appears in the bill.

This makes "Ombud" the official title of the position.

Motion 2: To amend clause 6(3) of Bill 20 specify that any suspension of the Ombud occurring when the Legislative Assembly is not in session will only remain in effect until the conclusion of the next sitting of the Legislative Assembly.

As pointed out by the NWT Branch of the Canadian Bar Association, "the Commissioner, on recommendation of the Board of Management, should not be able to suspend the Ombudsperson without accountability to the Legislative Assembly." This amendment allows the Assembly to deal with the suspension at the next sitting, and is consistent with Ombud legislation in other jurisdictions such as Manitoba and Ontario.

Motion 3: To amend subclause 7(3) to change "Speaker" to "Board of Management."

Clause 7(3) provides for the appointment of an Acting Ombud, due to the resignation or absence of the incumbent Ombud. Committee received input from Ms. Bisaro suggesting that any appointments should be done only by the Legislative Assembly, and by the NWT Seniors' Society suggesting that any decision be made by way of a "supermajority" of votes, meaning a majority that is larger than fifty percent plus one.

The Legislative Assembly votes on appointments, such as the Ombud, Acting Ombud or Special Ombud, according to the Rules of the Legislative Assembly, which require a simple majority. Consequently, it would be outside the scope of Bill 20 for the committee to seek an amendment requiring a supermajority vote. Committee feels, however, that appointment by the Board of Management, rather than the Speaker alone, would require consideration of a number of viewpoints, rather than just one. That is the rationale for this amendment to the bill.

Committee notes that input on this provision was received from the Office of the Clerk of the Legislative Assembly, which has an interest in this legislation because it is responsible for the management of the Legislative Assembly's statutory officers. The Office of the Clerk indicated a preference for subclause 7(3), as originally drafted, for consistency with other statutory officer legislation and to allow the Speaker alone to appoint an acting Ombud when it is a matter of urgency. Given that acting and special appointments for the Languages Commissioner and Equal Pay Commissioner are made on the recommendation of the Board of Management, while others like the Information and Privacy Commissioner are made by the Speaker, and to be responsive to public concerns about the



independence of the Ombud, committee decided to proceed with Motion 3.

Motion 4: To amend subclause 8(1) to change "Speaker" to "Board of Management."

Subclause 8(1) provides for the appointment of a Special Ombud. The rationale for this motion is the same as for Motion 3.

Motion 5: To amend subclause 15(1), which sets out the mandate of the Ombud.

Committee found this important clause densely worded and difficult to understand. Almost all Ombud legislation across Canada has a similar clause, and committee had seen examples in which the Ombud's mandate was more clearly communicated. Committee proposed a motion to improve the readability of the clause. Committee also wanted the mandate clause to contain a specific reference to policy. Committee holds the view that it is fully within the Ombud's mandate to consider and make recommendations on the application of GNWT policy. The reference was meant to add clarity by making this explicit.

Minister Sebert did not concur and the motion was defeated.

Motion 6: To amend Bill 20 by deleting subclause 16(2).

Subclause 16(2) provides for the Executive Council (Cabinet) to refer matters relating to the administration of an authority to the Ombud for investigation and report. Committee propose to delete this provision. In doing so, committee's intention is not to be mean-spirited. Cabinet has considerable resources at its disposal for investigating administrative concerns within government, including the Internal Audit Bureau in the Department of Finance. Given that the resources of the Ombud will not be unlimited, committee feels that those resources are, as a first priority, best used assisting people of the Northwest Territories with their concerns. Committee also notes that under Clause 16(1), the Legislative Assembly may refer a matter to the Ombud, which means that any Member, including Ministers, may move a motion asking the Assembly to refer a matter to the Ombud.

Motion 7: To amend Bill 20 by adding two new provisions after subclause 16(2).

This motion introduces a provision that allows municipalities or Indigenous governments to refer matters to the Ombud on a cost-recovery basis and to receive the Ombud's report directly.

Motion 8: To amend subclause 17(2).

Paragraph 17(1)(d) provides that the Ombud may not investigate a matter where the complainant has an existing right of appeal, until after that appeal has been exercised. Subclause 17(2) provides for an exception to this rule where the Ombud determines that it would be unreasonable to expect the complainant to pursue the avenue of appeal. The amendment proposed by committee gives the Ombud broader discretion in making this determination with respect to past actions by the complainant.

Motion 9: To amend subclause 17(3) which provides that the Ombud cannot investigate conduct occurring before the coming into force date of the Act.

Committee feels strongly that this temporal restriction on the Ombud's jurisdiction is overly restrictive and inconsistent with public expectation. Committee is concerned that, if the Ombud cannot investigate any conduct occurring prior to the start of the office, then they are unlikely to address many complaints during their first year of operation. This would likely frustrate both potential complainants and the Ombud, and set the wrong tone for this new service.

Committee discussed with the Minister the possibility of making the Ombud's jurisdiction retroactive to a specific date, but the Minister was not in a position to make such a determination without Cabinet approval.

Committee thus moved a motion to delete this subclause entirely. The Minister did not concur and the motion was defeated.

I would like to hand the reading over to the Member for Kam Lake. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Member for Kam Lake.

**MR. TESTART:** Thank you, Mr. Speaker. Thank you, colleagues.

Motion 10: To amend subclause 22(1) to allow the Ombud to discontinue acting on a matter where the complainant has abandoned the complaint.

Motion 11: To amend Bill 20 by deleting clause 23 and substituting new language.

Clause 23 provides that the Ombud cannot investigate any matter that falls under the jurisdiction of another statutory officer with Ombud-like powers. The amendment was proposed for clarity, to identify precisely which statutory officers are referred to.

Motion 12: To amend clause 24 by adding a new provision after subclause 24(5).

Subclause 24(5) provides that, if the Ombud finds evidence of any breach of duty or misconduct on the part of any officer or employee of an authority, the Ombud must refer the matter to the administrative head of the authority. As drafted, the bill did not specify to whom the Ombud must refer the matter if the administrative head of the authority is the subject of the misconduct or breach of duty. The amendment proposed by committee authorizes the Ombud to refer the matter further up the chain of command.

Motion 13: To amend clause 32 to specify that the Ombud must notify the complainant and the authority of the Ombud's decision and reasons for it in writing.

Motion 14: To amend subclause 33(1) to require the Ombud to report the findings of an investigation to the Minister as well as the head of the authority.

Motion 15: To amend subclause 37(1).

Subclause 37(1) provides that, where an authority fails to take appropriate action in response to a recommendation of the Ombud, the Ombud may submit a report to the Premier and subsequently to the Legislative Assembly. The amendment proposed by committee would have changed the provision to require that, where the Ombud reports to the Premier, a report must also be submitted to the Legislative Assembly, which is the body that the Ombud ultimately reports to.

The Minister did not concur with this amendment and the motion was defeated.

Motion 16: To amend subclause 39(3).

This subclause specifies that the Ombud cannot be compelled to give evidence in proceedings of a judicial nature. The committee's motion proposed, for clarity, that this prohibition on compellability be extended to include proceedings of an administrative or quasi-judicial nature, as well.

Motion 17: To amend the schedule to Bill 20 by deleting item 5.

This motion corrects a drafting oversight which included another statutory office, the Human Rights Commission, under the Ombud's jurisdiction. The Human Rights Commission is deleted from the schedule.

Motion 18: To amend the English version of the title of Bill 20 from "Ombudsperson Act" to "Ombud Act."

## CONCLUSION

The Review of Bill 20 is the culmination of work by the Standing Committee on Government Operations spanning two Assemblies. The standing

committee wishes to again thank the Government of the Northwest Territories for fulfilling their mandate commitment to bring this legislation forward. The committee also thanks everyone involved in the review of this bill for their assistance and input.

Following the clause-by-clause review, a motion was carried to report Bill 20: Ombud Act, as amended and reprinted, as ready for consideration in Committee of the Whole.

This concludes the standing committee's review.

**MR. SPEAKER:** Masi. Member for Kam Lake.

MOTION TO RECEIVE COMMITTEE REPORT 10-18(3) AND MOVE INTO COMMITTEE OF THE WHOLE,  
CARRIED

**MR. TESTART:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Hay River North, that Committee Report 10-18(3) be received by the Assembly and moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The motion is in order. To the motion.

**SOME HON. MEMBERS:** Question.

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

---Carried

Member for Kam Lake.

**MR. TESTART:** Thank you, Mr. Speaker. I seek unanimous consent to waive Rule 100(4) and move Committee Report 10-18(3) into Committee of the Whole for further consideration later today. Thank you, Mr. Speaker.

**MR. SPEAKER:** The Member is seeking unanimous consent to waive Rule 100(4) and move Committee Report 10-18(3) into Committee of the Whole for consideration later today.

---Unanimous consent granted

The committee report is now referred to Committee of the Whole for further consideration later today. Masi. Reports of standing and special committees. Item 5, returns to oral questions. Item 6, recognition of visitors in the gallery. Member for Range Lake.

## Recognition of Visitors in the Gallery

**HON. CAROLINE COCHRANE:** Mr. Speaker, I'd like to recognize Ms. Arlene Hache, who is a good

friend of mine and a mentor for many years, a lot of respect; and Ms. Katherine Underwood, who is here from Ryerson University. Welcome to the Leg.

**MR. SPEAKER:** Masi. Recognition of visitors in the gallery. Member for Yellowknife North.

**MR. VANTHUYNE:** Thank you, Mr. Speaker. I, too, would like to take this opportunity to recognize Arlene Hache, a resident of the riding of Yellowknife North, and I would also like to recognize Ms. Wendy Bisaro, former MLA, thank her for her work and her previous efforts on the Ombuds legislation. Welcome and thank you to everybody for being here. Thank you.

**MR. SPEAKER:** Masi. Recognition of visitors in the gallery. Item 7, acknowledgements. Member for Nahendeh.

### Acknowledgements

ACKNOWLEDGEMENT 16-18(3):  
FORT LIARD RESIDENTS AMAND BERTRAND,  
85, AND FRANK LOMAN, 90

**MR. THOMPSON:** Thank you, Mr. Speaker. Mr. Speaker, I would like to acknowledge two of my constituents from Fort Liard, Mr. Armand Bertrand and Mr. Frank Lomen.

Mr. Bertrand will be 85 years young on November 2<sup>nd</sup>, and Mr. Lomen will be 90 years young on January 1, 2019. I would like to extend my best wishes to Mr. Bertrand and Mr. Lomen as they celebrate their birthdays. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Acknowledgements. Colleagues, at this point in time I call for a short break. Masi.

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**MR. SPEAKER:** Members, we left off on acknowledgements. Item 8, oral questions. Member for Hay River North.

### Oral Questions

QUESTION 471-18(3):  
HIGH-SPEED INTERNET ACCESSIBILITY

**MR. SIMPSON:** Thank you, Mr. Speaker. I know it seems like an eternity ago, but it was just earlier today that I had a Member's statement about increasing high-speed Internet accessibility in the Northwest Territories. I have some questions to that for the Minister of Infrastructure.

Recently there was a federal, provincial, and territorial gathering of Ministers for Innovation and Economic Development, and out of this came an

agreement to make broadband a priority and to develop a long-term strategy to improve access to high-speed Internet services for all Canadians.

Now, I understand the Minister was in Calgary last week, but this conference took place in Vancouver. Was the Minister there, and are we a party to this announcement? Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Minister of Infrastructure.

**HON. WALLY SCHUMANN:** Thank you, Mr. Speaker. Yes, this was an FPT in Vancouver. That is where I was last week with Minister Bains and all of my colleagues from across the country, and yes, we discussed the exact topic that the Member brought up. Thank you, Mr. Speaker.

**MR. SIMPSON:** That is good to hear. I spoke earlier, we need to start investing in this infrastructure for a variety of reasons; economic, social, and so on. I would like to know: will the Minister fully commit to engaging in this strategy so that the North's voice is heard, and so that when this national strategy comes out, the territory is well-represented, and we can begin moving ahead with connecting all of our residents?

**HON. WALLY SCHUMANN:** I can tell this House that we are fully committed to all of our FPT tables, and we are fully engaged with all the topics that are brought up at these tables. I can provide the Member with updates as we move along on this important file.

**MR. SIMPSON:** I look forward to him providing updates, and if he needs, I can also provide advice. I also spoke about the CRTC Broadband Fund, \$750 million to narrow the gap between Internet access in rural and urban communities. What are we doing, what is this government doing, to prepare our submissions? They will start looking at submissions in 2019. What are we doing do get ready for that?

**HON. WALLY SCHUMANN:** This is a new broadband fund that will provide \$750 million across Canada for the first five years to support projects to build or upgrade infrastructure to provide fixed or mobile wireless broadband Internet service to unserved Canadians. This new program is still in development, and the CRTC has noted that resources for applicants will be made available in the coming months, including application guide, application forms, and maps, and it is expected to have this funding start to roll out in 2019.

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

**MR. SIMPSON:** Thank you, Mr. Speaker. It sounds like pretty soon they are going to start getting the criteria and start developing their applications, and I

encourage the Minister to come to committee for some ideas on how we would like to see that application roll out.

I would also like to ask: all across North America now, communities are installing their own fibre optic infrastructure so that they can own the infrastructure and sell access to the Internet. It is being done where it doesn't make sense for a company, economically, to invest that type of money, yet it turns out that it is often a money-generating proposal for communities.

Will the Minister commit to working with MACA, working with the municipalities, when he is making the submission so that we can get all of our communities connected? Thank you, Mr. Speaker.

**HON. WALLY SCHUMANN:** I can fully commit to doing that, plus I also fully commit to working with any individual entrepreneur that wants to look at doing this.

At the same time, I want to talk about what Northwestel has already done lately. They have recently gone to the same department I said, got an application together, and did the Connect to Innovate fund. They got some money out of that. They are working on that right now, and that funding is going to be actually to help build a fibre optic backbone to the community of Jean Marie, which is what they are working on. They are also working to extend satellite connections in the following nine remote communities, beginning in April 2019; Colville, Gameti, Lutselk'e, Paulatuk, Sachs, Trout, Ulukhaktok, Wekweeti, and Old Crow.

We will work with everybody who wants to take this opportunity to build connected communities. I think this is very important for us, as we all know that the previous government invested in the fibre optic line, which we had the opportunity to open. We spent \$90 million on that. This is going to help bring communities together and bring them access out to the world and businesses and, also, broaden our knowledge economy in the Northwest Territories. Thank you, Mr. Speaker.

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

QUESTION 472-18(3):  
IMPLEMENTATION OF THE GWICH'IN  
COMPREHENSIVE LAND CLAIM AGREEMENT  
AND THE INUVIALUIT FINAL AGREEMENT

**MR. BLAKE:** Thank you, Mr. Speaker. Mr. Speaker, in follow-up to my Member's statement, I have a few questions for the Premier.

Can the Premier start by giving us a brief update on his government's work to fulfill its commitment to advance, finalize, and implement land resources and self-government agreements, particularly with the Gwich'in Comprehensive Land Claim Agreement and the Inuvialuit Final Agreement? Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The Honourable Premier.

**HON. BOB MCLEOD:** Mr. Speaker, the Government of the Northwest Territories is engaged in self-government negotiations with the Gwich'in and the Inuvialuit.

Inuvialuit self-government negotiations concluded an agreement in principle in 2015. Negotiations to conclude an Inuvialuit final self-government agreement are under way. Gwich'in self-government negotiations are presently set to restart following recent decisions by the Gwich'in on how they wish to move forward.

The Government of the Northwest Territories conditions to fulfill its obligations under both the Gwich'in Comprehensive Land Claim Agreement and the Inuvialuit Final Agreement. Obligations to both are either complete, ongoing in nature, or being addressed by the parties through tripartite implementation committees.

The Gwich'in Implementation Committee meets three times per year to discuss, plan, and initiate activities that support the implementation of the land claim. The GNWT meets two times per year with the Inuvialuit Regional Corporation, the Inuvialuit Game Council, Canada, and the Yukon Government to discuss activities related to the implementation of the Inuvialuit Final Agreement. Thank you, Mr. Speaker.

**MR. BLAKE:** What direction has the Premier given his Cabinet to foster government-to-government relationships in the department's regular business?

**HON. BOB MCLEOD:** Through respect, responsibility, and recognition of the Government of the Northwest Territories' commitment to collaborative and cooperative relationships with Indigenous governments, this government has worked to advance positive working relationships at all levels. Ministers are active partners in the bilateral meetings between the Government of the Northwest Territories and Indigenous governments. They are fundamental to our government-to-government relationships.

**MR. BLAKE:** Can the Premier commit to providing me with a written briefing on the status of the implementation of both the Gwich'in Comprehensive Land Claim Agreement and the Inuvialuit Final Agreement?

**HON. BOB MCLEOD:** I would be pleased to provide the Member with a written briefing on the implementation of both the Gwich'in Comprehensive Land Claim Agreement and the Inuvialuit Final Agreement.

**MR. SPEAKER:** Masi. Oral questions. Member for Tu Nedhe-Wiilideh.

QUESTION 473-18(3):  
DAYCARE PROGRAMS

**MR. BEAULIEU:** Thank you, Mr. Speaker. Mr. Speaker, part of my Member's statement was talking about daycares. I have questions for the Minister of Education, Culture and Employment.

In April 2018, the federal government announced \$7 million dedicated to childcare in the NWT. I'm wondering if there are any plans yet for where some of that money will go and if any of that money would be allocated to communities in Tu Nedhe-Wiilideh. Thank you.

**MR. SPEAKER:** Masi. Minister of Education, Culture and Employment.

**HON. CAROLINE COCHRANE:** Thank you, Mr. Speaker. Yes, the Canada and Northwest Territories Early Learning and Childcare Bilateral Agreement was signed. Within that agreement, it's not really designated for communities as much, but within the terms of early childhood development where they have extra money to top up our money, we will be using that for providing things like we are doing ECD, or early childhood development. There used to be a certificate program. We are now doing a diploma program with Aurora College. We have increased our scholarships for people trying to get into early childhood development. It used to be 10 with the territorial funding. Now it is 30 with the federal funding. We have improved our training, as well. We have allocated the monies to areas in early childhood development, but we haven't actually allocated per community. Thank you, Mr. Speaker.

**MR. BEAULIEU:** I would like to ask the Minister if there are any plans toward creating a universal daycare program in the NWT?

**HON. CAROLINE COCHRANE:** At this time, no, we are not looking at a universal daycare program. I want to say that we actually have really subsidized, and I need to actually do some more work on the breakdown of how that looks like. We give money to the daycares directly to subsidize for it, so that they can have lower costs for children. That's based on if they are infants, or the age of the children. The younger the child, the more money daycare providers actually get. We give money to parents. If parents can't afford the daycare or

subsidies or the daycare costs, they can come in if they are lower-income and actually get subsidies on top of that from the Education, Culture and Employment. We give money to the workers on a quarterly basis. They provide their attendance sheets. They provide their work, and actually we provide the daycare workers with a subsidy as well to top up their wages.

We are subsidizing both the daycares, the parents, and the workers. I'm not sure, Mr. Speaker, but I think we are doing a lot.

**MR. BEAULIEU:** I would like to ask the Minister if the department has a group or groups of people who are working for the department who will assist community groups in establishing daycares for it where daycares don't currently exist.

**HON. CAROLINE COCHRANE:** Yes, absolutely. Actually, getting daycares into the communities is a priority. It's a mandate within this government, the 18<sup>th</sup> Legislative Assembly. We have 11 communities that don't have daycares, although we are working with a couple of them. Some of them aren't in the Member's ridings. Yes, we have regional coordinators who will go in and support anyone in the communities who is looking up to open up a daycare. We have start-up money. We have health and safety money.

Like I have said, we provide subsidies for the daycares directly. There's a lot of support. We need daycares. There's a lot of research that says that, if we can provide early intervention, we have better success for children, so we will do whatever we can to support communities that don't have daycares to get them into their communities. Yes, ask, and we shall help.

**MR. SPEAKER:** Oral questions. Member for Tu Nedhe-Wiilideh.

**MR. BEAULIEU:** Thank you, Mr. Speaker. That's good news. Mr. Speaker, within that specific area where we have individuals working for the department who can establish daycares, we have a daycare and we also have some other programs for individuals where children go to, similar to daycares. I'm wondering if that money could also be used where those people could also be to assist daycares that currently exist to enhance the programs that the current daycares are offering. Thank you.

**HON. CAROLINE COCHRANE:** At this time, no, we are not supporting extra money for people to come in. I think it would be huge. It's a great idea. However, in honesty, it would be huge on daycares. That's based on my background with running daycares. It's that they use volunteers from all over the communities. It's powerful. The centre that I ran,

they had speech pathologists coming in and, you know, people from Health and Social Services. We had elders coming in. We have parents coming in. If we started to support, it would be a matter of picking and choosing which ones get money and which ones don't. At this time, we are not doing that. There are other programs that actually support those kinds of endeavours. Thank you, Mr. Speaker.

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

QUESTION 474-18(3):

POVERTY IN THE NORTHWEST TERRITORIES

**MS. GREEN:** Thank you, Mr. Speaker. Mr. Speaker, my questions are for the Minister of Health and Social Services. Can he tell us how the Federal Poverty Reduction Strategy will impact poverty in the NWT? Can he estimate how many people will move out of poverty by 2020? Thank you.

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

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. Mr. Speaker, it is a federal government strategy, so I can't say exactly how many people the federal government strategy might move out of poverty, but I can talk a little bit about the work that we are doing with the federal government.

As the Member has already indicated, the federal government's poverty reduction strategy sets out an official measure of poverty for Canada using the market basket measure. They are actually going to change it and call it "Canada's official poverty line." The market basket measure is a measure, as the Member, I'm certain, is aware, through the Canadian Income Survey, which has traditionally excluded the Northwest Territories.

I was happy to see that the new strategy actually commits to extending the Canada Income Survey so that the poverty line can be measured and reported in the Northwest Territories, the Yukon, and Nunavut. I'm happy to say that Statistics Canada has already initiated a review of the market basket measure which will be completed by the end of the 2018-2019 fiscal review. Their review will include consideration of the unique cost of living in the northern territories, with the possibility that the market basket measure will be tailored, hopefully tailored, to reflect northern realities.

I'm happy to say that the Bureau of Statistics; Education, Culture, and Employment; and Health and Social Services are participating in that review. In fact, we have staff in Ottawa this week participating in some workshops around this.

We are hoping, Mr. Speaker, or we are intending that, in next week's anti-poverty roundtable, there will be a presentation on the Canada Poverty Reduction Strategy delivered by representatives from Employment and Social Development Canada. There is a session on the development of the northern market basket measures that will also be held. I think this is going to be an important discussion. It's going to be led by the Bureau of Statistics with input from Statistics Canada.

Mr. Speaker, we are hopeful that the northern basket will be implemented following the review. If it is not, it is still going to be a benefit for the Northwest Territories to be included in the Canadian Income Survey and the national reporting on the official poverty line. This will allow us in the Northwest Territories to measure progress in reducing poverty against other jurisdictions, as well as national results. The NWT has established, as the Member knows, 23 of our own indicators that we are using to assess poverty here in the Northwest Territories. Thank you, Mr. Speaker.

**MS. GREEN:** I appreciate that response. The Minister said there is a presentation next week at the anti-poverty roundtable on the Federal Poverty Reduction Strategy. Can he not tell us what impact this strategy will have on the NWT, as apparently the analysis has been done?

**HON. GLEN ABERNETHY:** In the strategy, the federal government is encouraging provinces and territories to live up to the principles of their plan by doing different actions and activities in the Northwest Territories. These actually, I think, in many ways are similar to the territorial Anti-Poverty Action Plan, as it summarizes existing programs and funding commitments across the government, as well as with our partners throughout the Northwest Territories.

Once again, I am not the right person to talk about the federal plan. I am looking forward to seeing the presentation and working with our partners from across the Northwest Territories to continue addressing poverty here in the Northwest Territories.

**MS. GREEN:** Indicators are not measurements of poverty. They are indicators. It is something different. The indicators for food security shows that we have a pretty significant level of people who describe themselves as having moderate to severe food insecurity. Can the Minister tell us how the anti-poverty initiatives and funding in the NWT are made? Any improvement in this area?

**HON. GLEN ABERNETHY:** The Government of the Northwest Territories is taking a whole-of-government approach when it comes to addressing poverty. Housing is doing an important thing.

Income support is doing important things, as the Member highlighted within her Member's statement. ITI is doing important things. ENR. The government is working to create and support community gardens in every community in the Northwest Territories. The anti-poverty fund has also put money into different food programs throughout the Northwest Territories.

The federal government, obviously, has a role to play. We're hoping to see some positive results from the review of the food mail program. These are things that will help control costs, bring fresh produce, fresh products, to the Northwest Territories.

In the agricultural strategy, the Department of Health and Social Services is working to remove barriers so that individuals who are growing their own produce can sell it. That's our first step under that strategy. Our second step is to allow the sale of locally harvested foods and farm foods, so that these foods can be made available at a local level, and in a safe way.

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

**MS. GREEN:** Thank you, Mr. Speaker. Mr. Speaker, for somebody who is hungry today, I'm not sure they're going to be thrilled that there's a whole-of-government response. That isn't going to meet any of their immediate needs. Not only that, many of the people who are hungry today have parents who are hungry, and grandparents who are hungry. There is a poverty trap where people are unable to exit to have enough to meet their needs to actually make a chance in their circumstances. Is the Minister aware of this problem, and what is he doing about it? Thank you.

**HON. GLEN ABERNETHY:** I hate to inform the Member that I'm not new to this file, and I have been working on addressing poverty here in the Northwest Territories with partners from across the territory for a number of years. We did bring forward an NWT framework for addressing poverty in the Northwest Territories where there are multiple partners working to address these problems. The GNWT has also taken action, and I highlighted some of the things we're doing around food security here already.

On top of that, we also have the Anti-Poverty Fund, which is an application-based program. We have \$1 million in that fund. A number of those recipients were organizations putting together kitchens and food programs so that they could get food into the mouths of those most at need. We are doing work in that area, but it's not just the Government of the Northwest Territories. We've really got to applaud the communities that are stepping up and doing

work. The federal government, we are really interested to see how they move with food mail. We've got community gardens that are growing food, making produce. There are things that are happening. We're not saying it's perfect, Mr. Speaker. I would never be so naive to suggest we've got this one figured out and solved, but we are working with our partners to get it done. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Member for Sahtu.

QUESTION 475-18(3):  
RENEWABLE SOLAR ENERGY

**MR. MCNEELY:** Thank you, Mr. Speaker. My questions following up on my statement are directed to the Minister of Infrastructure. My first question, Mr. Speaker: the Government of Canada's Low Carbon Economy Leadership Fund has provided \$23 million for our new energy programs in the Northwest Territories. Can the Minister provide a breakdown of the types of projects that funding will be used for and how the department plans to roll out the program? Mahsi.

**MR. SPEAKER:** Minister of Infrastructure.

**HON. WALLY SCHUMANN:** Thank you, Mr. Speaker. The Low Carbon Economy Leadership Fund is intended to support provinces and territories that take action on climate change and reduce energy use and increase clean economic growth. Now, the federal government in our announcement that we did here a couple of weeks ago was they gave us \$23 million, and we're complementing it with \$7.4 million from the GNWT coffers. This investment will help enhance the existing Arctic Energy Alliance programs and services and the creation of new programs within that umbrella, including making energy upgrades more accessible to low-income-owner-occupied homes. Funding will also be used to retrofit Marine Transportation Service vessels and ferries to make them more efficient, and to support reforestation in the NWT to help in our quest for carbon neutrality.

Lastly, the funding will be used to support our new government greenhouse gas grant program for the development of community-based emissions reduction projects. I will note that, under this allocation, our allocation is \$31 million, and the Government of Canada is currently considering our proposal for \$8 million to set up a grant to target larger buildings and industrial greenhouse emissions. Thank you, Mr. Speaker.

**MR. MCNEELY:** Thanks for the response. My next question: can the Minister tell us how residents and businesses in the Sahtu can access this new funding to continue their work on energy efficiency and renewable energy?

**HON. WALLY SCHUMANN:** As I mentioned, the Arctic Energy Alliance is expanding their programs and services, and residents and businesses and communities in the Sahtu and in the Member's riding can access these things. The programs will help residents and businesses in the Sahtu pay for switching to efficient wood stoves and pellet stoves along with renewable energy, solar systems. There's an Arctic Energy regional office in Norman Wells, and I encourage the residents of the Sahtu region and the communities in his riding to reach out and find out what programs are available to them.

The Low Carbon Economy Leadership Fund is also supporting the Government Greenhouse Gas Grant which is an application grant program designed to support greenhouse gas emissions, reduction projects, and initiatives. NWT community governments, municipalities, and GNWT and Indigenous governments can apply, and there's a total of \$1.8 million available annually over the next four years ending fiscal March 31, 2022.

**MR. MCNEELY:** I thank the Minister for that information. My last question, and I mentioned in my statement that Colville Lake solar project has been a relative success in demonstrating the use of renewable on a small diesel system. What are the next steps for other communities who want to advance their solar energy in the use in their communities?

**HON. WALLY SCHUMANN:** The Department of Infrastructure also recently helped flow some federal dollars to the Tulita Land Corporation to build a 45 kilowatt solar farm. Under this arrangement, the community-owned land corporation will operate the system and sell clean power back to the Northwest Territories Power Corporation, and into the local grid. That's a great initiative taken on by the Tulita Land Corporation.

As I've spoken in this House before, in the Member's riding we're installing a wind monitoring station in Norman Wells this year to help us understand the feasibility and install renewable wind power to displace diesel fuel in those communities. We are also meeting with Wrigley and Fort Good Hope in the near future to discuss opportunities that integrate renewable energy into the communities. Thank you, Mr. Chair.

**MR. SPEAKER:** Masi. Oral questions. Member for Yellowknife North.

QUESTION 476-18(3):  
CARBON-FREE ENERGY FOR RESOURCE  
DEVELOPMENT

**MR. VANTHUYNE:** Thank you, Mr. Speaker. Mr. Speaker, today, my questions are also for the

Minister of Infrastructure, and I appreciate the discussion that he and my honourable colleague from the Sahtu just had. Let's talk about transformational change on reducing gas emissions. Given that our territory's major economic growth potential hinges on new sources of carbon-free power, Mr. Speaker, does the Minister agree that Taltson expansion is critical for not only just our economy, but also for meeting our goals with regard to climate change? Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Minister of Infrastructure.

**HON. WALLY SCHUMANN:** Thank you, Mr. Speaker. As we talk about Taltson, we know it represents an excellent opportunity to develop clean, renewable energy and power, current and future industry in the Northwest Territories. Some Members may disagree with that, but that's my position that I take. As the Member knows, industry is currently responsible for 50 percent of our greenhouse gas emissions in the Northwest Territories. Clean power from the Taltson will allow us to fully meet our Climate Change Strategic Framework target and reduce emissions by 517 kilotonnes by 2030, and meet our Pan-Canadian Framework that we've signed onto. Thank you, Mr. Speaker.

**MR. VANTHUYNE:** Thank you to the Minister for that reply. I really appreciate that he described the urgency, in fact, behind having to invest in Taltson. Can the Minister then indicate whether developing the business case for Taltson expansion, is it his and the department's number one priority?

**HON. WALLY SCHUMANN:** As I previously said, developing a Taltson expansion is a priority of this government. Yes, finance is important for this project to go forward, but we are also undertaking the feasibility and development work to understand this project, and the project's economics; that is stuff that we're working on. Equally important to that, to develop this type of project we have to have the right Indigenous governments on side and stakeholders to be with to us help us support this project. The federal government, I believe, is fully supportive of Taltson moving forward, as they've had other legacy projects in the Northwest Territories that helped supplement development in the NWT.

**MR. VANTHUYNE:** Earlier in his other role, the Minister spoke about how we have a strong story to tell and we're going around the globe pitching the story about the Northwest Territories being a great place to invest, and he just acknowledged that the federal government may very well be interested in investing in Taltson. So it would be nice if the Minister would clarify a little bit more if the Taltson expansion is, in fact, a federal priority, and will they



invest in building and constructing this hydro project?

**HON. WALLY SCHUMANN:** Yes, I believe supporting the hydro development is a priority to the federal government. The party under the pan-Canadian framework is to support clean technology including hydro and transmission development. In fact, if you look at the NWT appendix of the framework, you'll see that the federal government committed a collaboration with the Northwest Territories to the Taltson expansion.

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

QUESTION 477-18(3):  
AIRPLANE CRASH MEDEVAC

**MR. THOMPSON:** Thank you, Mr. Speaker. Mr. Speaker, earlier today I was talking about a situation that happened in Nahanni Butte, and my questions will be for the Minister of Health and Social Services. Mr. Speaker, can the Minister explain why the local airline wasn't able to bring the firefighters who are trained in extraction and so on to go into Nahanni Butte to deal with the crash? Thank you, Mr. Speaker.

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

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. Mr. Speaker, with respect to the incident in Nahanni Butte, the med response clinical lead and emergency physician performed secondary assessments and spoke with all of the patients over the phone and was able to get a sense of their injuries, their mobility, the details of the crash, as well as their medical histories. Med response was aware that there were pilots and other aircraft on the ground in Nahanni Butte, and that they were ready and willing to fly patients to Fort Simpson, but advised against the load-and-go scenario, if you wish, suggesting that a medevac would be more appropriate.

Physicians and nurses, firefighters, even, are not typically trained in pre-hospital care. In particular, they're not properly equipped and trained for providing services in an airplane that will be transporting patients from one location to the other. Often, they don't have the aero-medical trauma training, and as a result, even though they might be trained in first aid, it would be unsafe for both the patients as well as the professionals to do so.

It is critical to have properly trained medical professionals to care for patients in the air, particularly with trauma being a mechanism of the injury. Thank you, Mr. Speaker.

**MR. THOMPSON:** I thank the Minister for the answer. I kind of disagree with some of the stats. The Fort Simpson fire department are trained to package and transport people; they're trained in it. The Minister may shake his head. We actually had a first care paramedic trained who was in Fort Simpson who was on call at that time. So why aren't we looking at using this? Is the medevac opportunity out of Yellowknife all we're going to be using, and is this how we're going to deal with all matters in the future?

**HON. GLEN ABERNETHY:** I appreciate the desire of the community to help, I appreciate the desire of the paramedic to help, and had we been doing ground transportation, it would have been absolutely reasonable to do that, but we weren't doing ground transportation, Mr. Speaker. This was an air evacuation, and as a result, you need individuals who understand the implications of transporting a patient in the air. There are significant additional risks for putting someone in an airplane and transporting them.

The med response was engaged. They were aware of who was available, but for the safety of the clients, the safety of the professionals, it was deemed appropriate to use the medevac team who was properly trained and certified in medical aviation transportation.

**MR. THOMPSON:** The Minister talks about the medevac and how they're trained and all that. Seven hours from the time the plane took off out of Yellowknife to the time the plane took the patients out of Nahanni Butte and Fort Liard. So he talks about ground transportation and these people are trained, Fort Simpson staff, hired staff, could have gotten moved in from Fort Simpson, brought in to Nahanni Butte, gone quickly across the river, and driven to Fort Liard or to Fort Simpson in a more timely manner. So can the Minister explain why it took seven hours for this process to proceed?

**HON. GLEN ABERNETHY:** Once again, the med response clinical lead and the emergency physician were in contact with the patients and knew the status of the patients and were working with the patients to ensure that they were safe. As a note, and to be clear, med response was activated at 1:20 p.m. to determine the safest way to get the patients out of Nahanni Butte to appropriate medical care. At approximately 3:30 p.m., the med response provided an update regarding the ETA and flight plans. Four medics were dispatched using two different planes; one to Fort Liard with helicopter assistance over to Nahanni Butte, and one to Nahanni Butte. A Twin Otter, in fact, was the plane that was being used, because it's the largest one that can land on the runway. Med response landed in Nahanni Butte at 5:57, which, in my math, works out to about four and a half hours. During the

entire time, Fort Simpson staff remained on telehealth services with staff as well as with the patients for monitoring and assistance. Our analysis shows that the timeframe to mobilize staff from one of the NTHSSA facilities to another facility for support would have been around a similar time of arrival as one done through med response.

However, we want to learn from these experiences, Mr. Speaker. A review of the incident occurred. A quality assurance team is reviewing the final report, and it will be submitted to the executive director of Clinic Integration by the end of the month. The report will inform future health authority practice when responding to similar emergencies.

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

**MR. THOMPSON:** I appreciate the Minister's response. Again, I'm concerned, but it's great we're learning from it. Will the Minister make a commitment to provide that report back to social development? Thank you, Mr. Speaker.

**HON. GLEN ABERNETHY:** I'm happy to share the finding. I would have to look at the report to make sure that there is no compromising information with respect to identifying individuals. We want to make sure that we're protecting our patients' rights as well our staff's rights to privacy, but I want the information out there; I want everybody to know it as far as what we learned and what we can improve. However, it may not include specific details as to who, what, when, and why. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Oral questions. Member for Kam Lake.

QUESTION 478-18(3):  
UNLICENSED TOURISM OPERATORS

**MR. TESTART:** Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement I talked about the issue of unlicensed tourism operators in the Northwest Territories. I'd like to ask the Minister of Industry Tourism and Investment if he can speak to these issues. Internal documents reveal a significant number of complaints concerning illegal tour operators in the NWT. When was the Minister first made aware of these illegal operations? Thank you.

**MR. SPEAKER:** Masi. Minister of Industry, Tourism and Investment.

**HON. WALLY SCHUMANN:** Thank you, Mr. Speaker. As the Member knows, there's immense growth in the Northwest Territories, but with all that, we don't believe there's an unlicensed tourism situation that's rampant with unlicensed operators.

The first thing that came to light to me, this is on its second day of its story on CBC, and we take these comments by the news outlet seriously, but I can reassure the Member that this situation is not as diehard as it is projected to be. Thank you, Mr. Speaker

**MR. TESTART:** Some of my constituents who are tourism operators have been complaining for quite some time, and I am very surprised to hear that this information has not made its way to the Minister's desk, considering we have operators who are not following our laws and regulations. Since the Minister became aware of it yesterday, what has he done to ensure that all of our operators are compliant with our own laws and regulations?

**HON. WALLY SCHUMANN:** First of all, for the record, I want to put it on the record that the Northwest Territories is one of few jurisdictions in Canada that asks for operators to have a licence. I want that on the record.

Since this story has come to light, of course, I have been briefed up, because it has been in the news for two days and may be even coming out for a third day. This is something that the news outlet has latched onto. As I have said, I don't think this is a rampant thing happening in the Northwest Territories. Sure, there are problems that come along with success, and success in the tourism industry is huge within the Northwest Territories, and particularly Yellowknife, but I don't believe this is a rampant situation.

Our department has done a ton of work around what we are trying to do to alleviate concerns about this. Some of the complaints that have come forward have not been very substantive, and the accusations that people are providing are hearsay, and they don't want to go much farther than that. We do follow up on complaints. I can tell that, the majority of the time, they turn to be compliant, licensed operators.

What we have done as a department, we have moved to how we are going to set up to improve enforcement, particularly in the North Slave region, because that is where most of this issue is happening right now. We have staffed our regional office to facilitate, manage, and police expanded use of our parks of aurora tourism. We have now a dedicated manager of tourism in the North Slave. We are completing weekly tours and inspections of the aurora touring operators.

For enforcement purposes, we have given enforcement authorities to our tourist development officers, as well as our full-time and part-time parks officers. We have changed the deadlines. This is one of the big ones that we have done lately. We have changed the deadlines of our tourism operator

licence renewals so that the tourism development officers can better balance the renewals with enforcement duties.

All tourism operators in the NWT are required to carry a card confirming they are registered and compliant under the Tourism Act, and as a pilot project this winter, I can inform this House that we are introducing a new vehicle identification sticker for aurora operators in the North Slave so that they can be easily confirmed as compliant tourism licence holders.

**MR. TESTART:** I was going to say comments about fake news, but it appears the Minister has actually got some substantive replies, and I appreciate that.

One of the concerns that has been raised by, again, the internal correspondence that has been revealed through some of this reporting is that tourism officers don't feel that they have the resources to properly track the growth of these businesses and properly maintain enforcement.

The Minister talked about staffing positions that are currently in place, but based on what we are seeing, and based on these issues, is the Minister going to bring forward additional resources to support the staff who are having trouble keeping up with the growth of the industry?

**HON. WALLY SCHUMANN:** I have clearly laid out what we are doing to improve enforcement in the North Slave. We are just rolling some of this stuff out, and once we get some more data and feedback, if this problem becomes more rampant, then we can certainly have a look at it.

It is no different than the discussion that we had in this House a couple of weeks ago, asking me to put more resources to tourism. There is only so much money to go around, but at this point, right now, we will track this concern and keep a close eye on it. I know that tourism is a very important part of diversification of our economy, and this type of news that gets out there like this does not certainly help to attract people to come to the Northwest Territories.

**MR. SPEAKER:** Masi. Oral questions. Member for Kam Lake.

**MR. TESTART:** Thank you, Mr. Speaker. I disagree with the Minister. I don't think this is a deterrent to tourists coming; I think it might be a deterrent for people who might be wanting to operate unlicensed operations.

The Minister said that we are the only jurisdiction in Canada that requires licences. What is the specific policy rationale for that, if no one else deems this necessary and it is not an industry standard in

Canada? Why are we requiring additional red tape for something that the Minister says isn't a problem? Thank you.

**HON. WALLY SCHUMANN:** For the record, I didn't say we are the only jurisdiction; we are one of very few.

One of the reasons that I believe that we need to keep track of the operators is, first of all, we have had some safety concerns, and that has been raised by other Members in Yellowknife, and particularly around the Ingraham Trail. Safety plans have to be incorporated. This is a whole new industry for the people of the Northwest Territories. This is an evolving business situation where it is growing so large and so fast that the city can barely keep up with it. We can't even get a hotel room in this city half of the time.

One of the reasons we need to track this stuff is to make our operators compliant, particularly around safety issues, how they operate in the Northwest Territories. Winter and summer tourism are two different things, but there is safety that needs to be in place, and we need to make sure that our operators are operating within the laws and follow procurement with how we follow it in the Northwest Territories through our BIP and our procurement programs as well. There are many things that we need to do, and that is why we track these sorts of things.

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

QUESTION 479-18(3):  
OPENNESS AND TRANSPARENCY - ATIPP  
REQUEST

**MR. O'REILLY:** Merci, Monsieur le President. My questions are for the Minister of Industry, Tourism and Investment. I outlined my efforts to pry the contracted publicly funded report, Policies for Generating Socioeconomic Benefits From Natural Resource Extraction Projects, from his department. First, I was refused the report. Then, because I wanted to make it public, I insisted upon an ATIPP request, and the report was posted deep on the ITI website without public notice.

Can the Minister explain how a government purportedly committed to openness and transparency would only make such a report publicly available after an ATIPP request from an MLA? Mahsi, Mr. Speaker.

**MR. SPEAKER:** Masi. Minister of Industry, Tourism and Investment.

**HON. WALLY SCHUMANN:** Thank you, Mr. Speaker. For the record, the report was made

public. It was not accessed through ATIPP. I want that on the record as well.

We had not originally anticipated releasing this report publicly. It was commissioned for research purposes. The Member is well aware of that. When you have a look at it, it clearly states that is what it was for. We shared it once in confidence with the Member. In the interest of transparency, and the response to a request from both the MLA and SCEDI, we then released it publicly.

There was a delay in us doing that because we had to go back to the appropriate author and get permission and give due notice to individuals and companies whose businesses and comments were specified. Thank you, Mr. Speaker.

**MR. O'REILLY:** I would like to thank the Minister for that, but it is very clear this report was only made public after I filed an access to information request, and he publicly promised to provide it.

The government publicly launched consultations on the Mineral Resources Act on August 2, 2017, four months after this report was received. The news release announcing the consultations quotes the Minister saying, "It is our duty to maximize the benefits of responsible resource development."

With this stated objective and the requests of public stakeholders and Regular MLAs for this type of information, why was this report withheld from use in the consultations for the development of the Mineral Resources Act, and why did I have to use an ATIPP request to force its public disclosure?

**HON. WALLY SCHUMANN:** The research was not commissioned solely for the work of the MRA. It was commissioned in support of the review of the socioeconomic agreements being undertaken by the Program Review Office. That work is ongoing.

In relevance to our work with the Mineral Resource Act, it was clear, and the research was also incorporated to inform an ongoing drafting of a new Mineral Resource Act. As the report itself states, it was a limited-in-scope project designed to spark a discussion about socioeconomic benefits, and we are using it just to do that.

**MR. O'REILLY:** I would like to thank the Minister for that, but he didn't tell me why the report was withheld as part of the public consultations for the development of the act.

One of the major findings of the report is that there "may be potential for a comprehensive NWT strategy for resource-led development" and that "a consultative process could get a consistent approach to tackling the hard questions that might otherwise divide the NWT's various constituents." Does the Minister intend to act on this

recommendation, and how will this be included in the development of the Mineral Resources Act?

**HON. WALLY SCHUMANN:** Everything this government does is centered around the consultative process. We have used it in developing the resource legislation. ENR is using it for their climate change. We use it in the development of the energy plan, the Petroleum Resource Strategy. As a matter of course, we have engaged Indigenous governments and our fellow departments and stakeholders to find best solutions. We will continue to do so.

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

**MR. O'REILLY:** Merci, Monsieur le President. I would like to thank the Minister for that, his emphasis on consultative processes, but when important information is not made available, it's withheld, it doesn't help those processes.

The report contains a lot of very helpful comparisons and lessons learned about benefit retention and other jurisdictions. This work may have played, should have played, a major role in the development of the Mineral Resources Act. In fact, it was within the scope of the discussion paper that was released. Given my difficulties in prying this report from his department, can the Minister assure me that there is no further cross-jurisdictional research that was conducted during the development of the Mineral Resources Act that his department has not yet disclosed to MLAs and the public? Mahsi, Mr. Speaker.

**HON. WALLY SCHUMANN:** There has been a great deal of research and consultation completed in the development of our MRA. Our job as government is to synthesize this work and release it publicly and the discussion papers in "what we heard" reports that we have developed. This is a formal thing for government to do. Governments do not just post research on the web and ask for the public to do their work. We have offered the Member and standing committee a review of our work on the MRA. I will reiterate that I offer, if you have questions, let us have those discussions in a forum designed for that purpose. I don't mind sitting down with committee. Thank you, Mr. Speaker.

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

QUESTION 480-18(3):  
AIRPLANE CRASH MEDEVAC

**MR. THOMPSON:** Thank you, Mr. Speaker. Mr. Speaker, I was asking questions to the Minister of Health and Social Services about the accident that happened in Nahanni Butte. He told us that it was

four and a half hours by the time medevac were there. Can the Minister advise us: how long did it take before the planes left there? Thank you, Mr. Speaker.

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

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. Mr. Speaker, as I said, med response was activated at 1:20 and the plane landed at 5:57 p.m. I don't actually remember the time where the plane actually crashed, but there was time on the ground before med response was actually engaged. I think that might have been an hour or two, which would take it to the seven hours. As far as the amount of time it took the plane to get in once engaged, it was four for a half hours. Thank you, Mr. Speaker.

**MR. THOMPSON:** I appreciate the Minister's answer. I guess my question was: what time did medevac take off from Nahanni Butte and Fort Liard? That's the time I'm looking at.

**HON. GLEN ABERNETHY:** The plane landed in Nahanni Butte at 5:57 p.m., at which point they would have had to assess patients, make sure that they were stable for air transport, make sure that it was safe to do so. That can, depending on the severity of the injuries, take a little bit of time. They would also have to transport the individuals from the health centre where they are being treated to the airplane.

I don't know the exact number of minutes or seconds it took for them to get from there to taking off, wheels up, but I will ask the department to get me that information. I will certainly share it with the Member.

**MR. THOMPSON:** I appreciate the Minister bringing forth that information to me later on when he gets it. I'm not asking minutes or seconds. I'm asking how long, you know, what time. What time did it take off?

In speaking with the residents in Nahanni Butte, they were hoping that a debriefing team would be coming into the community for this type of incident. As a lot of residents were doing their best to pull together and ensuring everybody that was involved, the injured people were taken care to their best ability; some residents felt very stressed over the whole incident. Did this happen?

**HON. GLEN ABERNETHY:** Following the incident in Nahanni Butte, the community counselling team based in Fort Liard were in regular and constant contact with the community of Nahanni Butte. They were also in contact with the affected staff and available for questions and support as needed. The territorial mental health and addictions program had an additional counsellor in Fort Simpson from

August 18<sup>th</sup> to 21<sup>st</sup>. They provided on-call support as needed to the region in person, as well as via telephone and telehealth. That was in the region.

The community counsel team also travelled to Nahanni Butte the week of August 20<sup>th</sup> to provide some extra services and help extend visits to the week of August 20<sup>th</sup>. Some people did go in, but the results were more people in the region could do stuff by phone.

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

**MR. THOMPSON:** Thank you. I thank the Minister and department for doing that. That was a big concern when I was there actually the day after the accident happened. That was a big concern. I commend the department and the Minister for getting people in there. That made a big difference there.

Mr. Speaker, when I was in there, the health staff, you know, that was a lot of stress put on that person. Then they had an individual who was former staff helping out there. Did the department actually reach out to those individuals to work with them, to debrief with them, and help them move forward? Thank you, Mr. Speaker.

**HON. GLEN ABERNETHY:** On August 22<sup>nd</sup>, a counsellor with the GNWT Family Assistance Program, the FAP, travelled to the community of Fort Simpson and provided additional counselling services to the region. She was available to meet with staff through the region, including Nahanni Butte via phone, via telehealth, and in person for those individuals who were in the community as needed. If community members still required counselling supports, they were encouraged to reach out to the Fort Liard counselling team as well.

The GNWT staff are also eligible for the Employee Family Assistance Program services for additional counselling support, and if they are interested in continuing counselling services, we are happy to make that available for our staff who were there and had to live through that event. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Oral questions. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to Commissioner's opening address. Item 11, petitions. Item 12, reports of committee on the review of bills. Item 13, tabling of documents. Member for Yellowknife Centre.

### Tabling of Documents

TABLED DOCUMENT 276-18(3):  
NWT POVERTY UPDATE

TABLED DOCUMENT 277-18(3):  
TERMS OF REFERENCE – SPECIAL  
COMMITTEE ON TRANSITION MATTERS

TABLED DOCUMENT 278-18(3):  
TERMS OF REFERENCE - SPECIAL  
COMMITTEE TO INCREASE THE  
REPRESENTATION OF WOMEN IN THE  
LEGISLATIVE ASSEMBLY

**MS. GREEN:** Mahsi, Mr. Speaker. I have three documents to table today. The first is, "No place for poverty – NWT Poverty Update." Thank you. Continuing on, I wish to table a document entitled "Terms of Reference for a Special Committee on Transition Matters." Further, I wish to table a document entitled "Terms of Reference for a Special Committee to Increase the Representation of Women in the Legislative Assembly." Thank you.

**MR. SPEAKER:** Masi. Tabling of documents. Minister of Industry, Tourism and Investment.

TABLED DOCUMENT 279-18(3):  
UPDATES TO NWT PETROLEUM LEGISLATION:  
WHAT WE HEARD

TABLED DOCUMENT 280-18(3):  
NORTHWEST TERRITORIES BUSINESS  
DEVELOPMENT AND INVESTMENT  
CORPORATION 2017-2018 ANNUAL REPORT

**HON. WALLY SCHUMANN:** Mr. Speaker, I wish to table the following two documents entitled "Updates to Northwest Territories Petroleum Legislation: What We Heard" report, and pursuant to Section 32(2) of the Financial Administrative Act, I wish to table the NWT Business Development and Investment Corporation 2017-2018 Annual Report. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Tabling of documents. Item 14, notices of motion. Member for Mackenzie Delta.

### Notices of Motion

MOTION 25-18(3):  
APPOINTMENT OF CHAIR TO THE NORTHWEST  
TERRITORIES HONOURS ADVISORY COUNCIL

**MR. BLAKE:** Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following motion: Now therefore I move, seconded by the honourable Member of Hay River South, that Mr. Danny Gaudet of Deline be appointed as Chair of the Northwest Territories Honours Advisory Council. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Member for Yellowknife North.

MOTION 26-18(3):  
APPOINTMENT TO THE SPECIAL COMMITTEE  
ON TRANSITION MATTERS

**MR. VANTHUYNE:** Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following the motion: Now therefore I move, seconded by the honourable Member for Thebacha, that pursuant to rule 92(1), the Legislative Assembly hereby establish a Special Committee on Transition Matters; and further, that the following Members be named to this special committee: the Member for Hay River North, Mr. R.J. Simpson, Chair; the Member for Frame Lake, Mr. Kevin O'Reilly; the Member for Great Slave, Mr. Glen Abernethy; the Member for Hay River South, Mr. Wally Schumann; the Member for Kam Lake, Mr. Keiron Testart; and the Member for Nahendeh, Mr. Shane Thompson, and furthermore, that the Special Committee on Transition Matters be established by the terms of reference, identified as Tabled Document 277-18(3). Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Member for Yellowknife North.

MOTION 27-18(3):  
APPOINTMENT TO THE HUMAN RIGHTS  
ADJUDICATION PANEL

**MR. VANTHUYNE:** Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following motion: Now therefore I move, seconded by the honourable Member for Hay River South, that Mr. Colin Baile of Yellowknife be recommended to the Commissioner of the Northwest Territories for reappointment as a member of the Human Rights Adjudication Panel, effective immediately for a term of four years. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Member for Inuvik Twin Lakes.

MOTION 28-18(3):  
ESTABLISHMENT OF A SPECIAL COMMITTEE  
TO INCREASE THE REPRESENTATION OF  
WOMEN IN THE LEGISLATIVE ASSEMBLY

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following motion: Now therefore I move, seconded by the honourable Member for Nahendeh, that pursuant to rule 92(1), the Legislative Assembly hereby establish a Special Committee to Increase the Representation of Women in the Legislative Assembly; and further, that the following Members be named to that special committee: the Member for Yellowknife Centre, Ms. Julie Green, Chair; the Member for Deh Cho, Mr. Mike Nadli; the Member

for Nunakput, Mr. Herbert Nakimayak; the Member for Range Lake, Ms. Caroline Cochrane; the Member for Thebacha, Mr. Louis Sebert; and the Member for Tu Nedhe-Wiilideh, Mr. Tom Beaulieu; and furthermore, that the Special Committee to Increase the Representation of Women in the Legislative Assembly be established by the terms of reference, identified in Tabled Document 278-18(3). Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Member for Mackenzie Delta.

MOTION 29-18(3):  
APPOINTMENT OF HUMAN RIGHTS  
COMMISSION MEMBERS

**MR. MCNEELY:** Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following motion: Now therefore I move, seconded by the honourable Member for Hay River South, that Mr. Yacub Adam of Yellowknife be recommended to the Commissioner of the Northwest Territories for reappointment as a member of the Northwest Territories Human Rights Commission, effective immediately for a term of four years; and further, that Ms. Gerri Sharpe of Yellowknife be recommended to the Commissioner of the Northwest Territories for reappointment as a member of the Northwest Territories Human Rights Commission, effective immediately for a term of four years. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Member for Yellowknife Centre.

MOTION 30-18(3):  
EXTENDED ADJOURNMENT OF THE HOUSE TO  
FEBRUARY 5, 2019

**MS. GREEN:** Mr. Speaker, I give notice that on Thursday, November 1, 2018, I will move the following motion: I move, seconded by the honourable Member for Great Slave, that, notwithstanding rule 4, when this House adjourns on November 1, 2018, it shall be adjourned until Tuesday, February 5, 2019; and further, that any time prior to February 5, 2019, 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. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. Notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Minister of Justice.

### First Reading of Bills

BILL 30:

AN ACT TO AMEND THE HUMAN RIGHTS ACT

**HON. LOUIS SEBERT:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Hay River South, that Bill 30, An Act to Amend the Human Rights Act, be read for the first time. Thank you, Mr. Speaker.

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

---Carried

Bill 30 has had its first reading. First reading of bills. Minister of Finance.

BILL 33:

APPROPRIATION ACT (INFRASTRUCTURE  
EXPENDITURES), 2019-2020

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Hay River South, that Bill 33, Appropriation Act (Infrastructure Expenditures), 2019-2020, be read for the first time. Thank you, Mr. Speaker.

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

---Carried

Bill 33 has had its first reading. First reading of bills. Item 19, second reading of bills. Minister of Justice.

### Second Reading of Bills

BILL 29:

AN ACT TO AMEND THE ACCESS TO  
INFORMATION AND PROTECTION OF PRIVACY  
ACT

**HON. LOUIS SEBERT:** Mr. Speaker, I move, seconded by the honourable Member for Hay River South, that Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act, be read for the second time.

This bill amends the Access to Information and Protection of Privacy Act to:

- provide for the application of the act to municipalities that are designated in regulations;
- clarify the types of records that are exempted from disclosure because the records would reveal confidences of the Executive Council or

the Financial Management Board and provide for a similar exemption for records of municipalities;

- allow for a compelling public interest to override particular statutory grounds for exemption from disclosure;
- clarify timelines throughout the act so they are calculated using business days;
- set out a process for the Information and Privacy Commissioner to consider requests from heads of public bodies to extend time limits for responding to requests for access;
- address documents relating to human resources matters, including employee evaluation documents and workplace investigation documents;
- clarify exemptions relating to business interests;
- permit disclosure of information for delivery of a common or integrated program or service;
- update the general powers of the Information and Privacy Commissioner;
- provide for a review of the act every seven years; and
- make other adjustments to the act to improve the language and enhance clarity.

Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The motion is in order. To the principle of the bill.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Question has been called. All those in favour? All those opposed?

---Carried

Bill 29 has had its second reading and is now referred to standing committee. Member for Nahendeh.

**MR. THOMPSON:** Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to waive rule 89(3) and have Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act, referred to the Standing Committee of Government Operations. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The Member is seeking unanimous consent to waive rule 89(3) to have Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act, referred to a Standing Committee on Government Operations.

---Unanimous consent granted

Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act, is now referred to the Standing Committee on Government Operations. Masi. Second reading of bills. Minister of Finance.

BILL 33:  
APPROPRIATION ACT (INFRASTRUCTURE  
EXPENDITURES), 2019-2020

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Yellowknife South, that Bill 33, Appropriation Act (Infrastructure Expenditures), 2019-2020, be read for the second time.

Mr. Speaker, this bill authorizes the Government of the Northwest Territories to make appropriations for infrastructure investments for the 2019-2020 fiscal year. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The motion is in order. To the principle of the bill.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Question has been called. All those in favour? All those opposed?

---Carried

Bill 33 has had its second reading. Second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 18, An Act to Amend the Cities, Towns and Villages Act; Bill 20, Ombud Act; Minister's Statement 19-18(3), Aurora College Foundational Review Process; and Minister's Statement 103-18(3), Marine Transportation Services, with the Member for Hay River North in the chair.

**Consideration in Committee of the Whole  
of Bills and Other Matters**

**CHAIRPERSON (Mr. Simpson):** What is the wish of committee? Mr. Beaulieu.

**MR. BEAULIEU:** Thank you, Mr. Chairman. Mr. Chairman, committee would like to consider Committee Report 9-18(3), A Report on the Review of Bill 18, An Act to Amend the Cities, Towns and Villages Act; and Bill 18, An Act to Amend the Cities, Towns and Villages Act. Thank you, Mr. Chair.

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

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. We'll get right into it. Committee, we



have first agreed to consider Committee Report 9-18(3), keeping in mind that we will then consider Bill 18. I understand that there are no opening comments from the chair of the committee, so I will open the floor to general comments on the report, itself, keeping in mind that the actual bill will be debated right after this.

So do I have general comments on the Report on the Review of Bill 18 from committee? Seeing none. Does committee agree that this concludes our consideration of Committee Report 9-18(3), Report on the Review to Bill 18, An Act to Amend the Cities, Towns and Villages Act?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. Let's move right into the bill which we have agreed to consider. I will go to the Minister responsible for the bill to introduce it. Minister Moses.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Mr. Chair, I'm here to introduce Bill 18, An Act to Amend the Cities, Towns and Villages Act. I would like to thank the Standing Committee on Government Operations for their review of this bill. In addition to the two suites of amendments I will present, this bill makes three housekeeping amendments that have been suggested by the Legislative Division of the Department of Justice.

Mr. Chair, tourist accommodation taxes exist in some form in all provinces in Canada, whether in the form of a tax on hotel rooms collected by the province or municipality, or a destination marketing fee charged by hotel and accommodation associations. After consideration of each of these options, and in consultation with community governments and stakeholders, the Department of Community and Municipal Affairs proposed amendments to the Cities, Towns and Villages Act to give communities the authority to choose to impose a tourist accommodation tax.

The second suite of amendments included in this bill fulfills a mandate commitment of the 18<sup>th</sup> Legislative Assembly. The proposed amendments will enable the municipal corporation to use local improvement charges to assist residents in making retrofits or implementing renewable energy technologies to private homes.

The types of projects that could be supported through these could include the installation of energy efficient furnaces or pellet boilers or the installation of solar panels. These long-awaited amendments respond to direct requests from community governments, meet MACA's stated goal of supporting governments in carrying out municipal

responsibilities, and fulfill a mandate commitment for this Assembly.

In proposing these amendments, MACA has consulted with community governments and other stakeholders and has worked closely with the Departments of Finance and Industry, Tourism and Investment.

Although not all tax-based communities intend to pursue these opportunities immediately, all agreed that in supporting the option being available to their community government should they choose to use it. Should these amendments gain the approval of the Legislative Assembly, they will come into force upon assent.

This concludes my opening remarks, and I would be pleased to answer any questions that Members may have regarding Bill 18. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. I will now turn to the Chair of the Standing Committee on Government Operations which considered the bill for opening comments. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. Bill 18 received second reading in the Legislative Assembly on May 29, 2018 and was referred to the Standing Committee on Government Operations for a review. To commence consultation on Bill 18, the standing committee invited input on the bill from 99 hotel and bed and breakfast operators offering tourist accommodations in the six tax-based municipalities. This consultation list was kindly provided by the Department of Community and Municipal Affairs, who used to same list when consulting on the development of the bill. On behalf of the committee, I want to thank the honourable Minister for his willingness to collaborate on this work.

The committee held a public hearing on Bill 18 in Yellowknife on September 19 of this year, where we received presentations from the City of Yellowknife, the Yellowknife Chamber of Commerce, and the Explorer Hotel. The committee also met with the mayor of Inuvik and the representatives of the town council in Inuvik on October 2<sup>nd</sup>. Finally, the committee received written submissions from those who presented at the Yellowknife meeting, as well as the Town of Fort Smith, the Yellowknife Days Inn and Suites, and Embleton House Bed and Breakfast.

The committee thanks everyone who provided input on Bill 18.

Individual Members, in addition to these comments, earlier today, we read our complete report into the record, and I encourage anyone who'd like to be informed of the committee's work on this bill to read

that report, as it is quite substantive and clearly outlines the work we did in reviewing the bill.

That concludes my opening comments, Mr. Chair. Individual Members may have additional questions, concerns, or comments as we proceed with consideration of this bill. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. Would the Minister like to bring witnesses into the Chamber?

**HON. ALFRED MOSES:** Thank you, Mr. Speaker. Yes, I do.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Sergeant-at-Arms, please escort the witnesses into the Chamber. Minister, please introduce your witnesses for the record.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. On my far right is my deputy minister of MACA, Ms. Eleanor Young; sitting on my right is Mr. Ian Rennie, legislative counsel, Department of Justice; and on my immediate left is Ms. Grace Lau-a, director of Community Operations from Municipal and Community Affairs. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Welcome to the witnesses. I will now open the floor to general comments on this bill before we get into a clause-by-clause. General comments from committee. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. Committee wrestled with this bill, and the biggest issue, as we mentioned in the report, was the exemptions. So I'm wondering if the Department of Municipal and Community Affairs has done a calculation on the prospective revenues that will be generated by this tax, specifically in the City of Yellowknife, which is the only municipality planning on bringing it in; if they have done just a rough estimate of what the total tax revenue will be? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister Moses.

**HON. ALFRED MOSES:** Thank you, Mr. Chair, and as stated before, we don't have that current data. If you break it down by the exceptions such as medical travel, GNWT exempt, we don't have that type of information right now. I know that, should this bill get assent, that's the type of data we will be sure to be collecting as we move forward with this bill. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. Some of the evidence committee collected in its hearings included a finance estimate produced by the Days

Inn and Suites based on industry information, and their estimate was around \$1.1 million of revenue. Further, the list of exemptions currently contained in this bill would consume around 30 to 40 percent of total revenues. Does the Minister agree with that estimation? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. In terms of the collecting of that type of data, there is not a consistent method at this time to see what kind of data is being collected, and I do understand that committee did get some information from one of our local hotels, but that's something that we will be taking a look at and monitoring should this bill come to assent. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart.

**MR. TESTART:** Again, this was a difficult matter for committee because we wanted to ensure that the administrative burden of these exemptions was not overly, we wanted to make sure there wasn't additional red tape created with the creation of these bylaws for the hotel industry, or for the City of Yellowknife or any municipality that wants to implement these taxes. Further, we wanted to ensure that the tax revenue wasn't unduly impacted by revenues.

Can the Minister commit to doing that analysis of tax revenues and reporting back to a committee as soon as those numbers are available so we can see how this tax is performing in terms of its intended goals to support tourism services in municipalities in the Northwest Territories? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair, and definitely, we will be reporting back to committee on how this is unfolding. In terms of working with the municipality, we will be making sure that we have good communication with the City of Yellowknife, which is the only municipality right now that has shown any type of interest, and we will work with them to ensure that this rolls out in the smoothest manner possible. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart.

**MR. TESTART:** Further to that, in the future, when developing tax proposals such as these, can the Minister commit to providing more financial details to allow committee to properly assess things like this when it's made available? Because it would

greatly improve our ability to assess the viability of these potential tax initiatives. Thank you.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. If that information is available, then, for sure, we will let committee be apprised of that information and data should it be available.

**CHAIRPERSON (Mr. Simpson):** Thank you. Nothing further. Next, I have Mr. McNeely.

**MR. MCNEELY:** Thank you, Mr. Chair. I, too, had some concerns on the exemption portion of this bill, but overall analyzing the benefits created from this bill as we all said is really beneficial to the City of Yellowknife. In the context of defining "benefits" when statements were saying that if the levy is going to be directed to the incoming tourism community.

When you look back at the Department of ITI survey showing the traffic in the neighbourhood of annual tourists coming into the territories, right from the Arctic Ocean to the 60<sup>th</sup> parallel at 108,000 visitors, being conservative and saying, even if half of that was directed to the traffic going into the city for Aurora viewing, et cetera, and calculating a formula of assumptions on an average per charge for the hotel room, and assuming that you're going to charge a levy of 3 percent, one could figure out the sales generated by this levy. I've got no concerns with that. I think it's not an innovative idea, it's done elsewhere in other jurisdictions, but it's going to create benefits that would be directed to this city.

Also on top of that, I, from a small community, look at the benefits and I outweigh the benefits and say, okay, why should we place additional levy charges to our own people who view Yellowknife as a destination to go for additional meetings? The local governments come here and make it worthwhile to meet with this government, as well as doing their own regular business in the city of Yellowknife. It might be a small amount at the end of the day on a charge-per-night basis, but it's the principle of burdening the small communities with a 3 percent charge if it is, in fact, 3 percent. That might come out to \$6 per night.

When I look at that, I say to myself, let's analyze the options so we can provide options to our leadership in the communities, or even if they, in fact, want to say, well, that's just the extra costs of doing business in Yellowknife, and we're willing to accept that. That's their prerogative. For me, it's the principle of charging our own people to benefit our own people in the Northwest Territories. There's a difference between our own people in the Northwest Territories when you look at the jurisdictions of the city, the regions, and the small communities.

I thought about it for a while, talked to my colleagues, and got some clarity and some options to present to the leadership of any region outside of Yellowknife that's going to be charged this levy outside of the exemption lists. More particularly, our regional land claim governments and local governments would be charged this levy. There is other options available to negotiate something between the city and the regions or the community organizations. I just mention that for the record. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. McNeely. Next, I have Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I just have a few thank yous at the beginning. I want to thank the Standing Committee on Government Operations on the thorough review they did on the bill. I sat in on some of the work and appreciated that opportunity.

The City of Yellowknife has done a lot of work on these two issues of the accommodation tax and local improvement charges for energy retrofits. These were live issues when I served on city council from 1997 to 2006. These have been a very, very long time coming.

This will provide some funding for tourism, promotion, and investment, and I just wish that our Department of Industry, Tourism and Investment would step up and increase the amount that they would put into tourism in Yellowknife. We still don't have a Yellowknife visitors' centre, an adequate one. We need a territorial one, perhaps. We need more investment from our friends at ITI, as well.

The biggest issue with the bill as it has come forward is this issue of exclusions, and we want to minimize the confusion for hoteliers. I want to ask a couple of questions of the department if I can: how widespread is it that provincial governments exempt themselves from paying a hotel tax in jurisdictions in southern Canada? How common is that practice? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Minister Moses.

**HON. ALFRED MOSES:** From my understanding, there is no other jurisdiction or no other governments that exempt themselves. Thank you.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister Moses. Mr. O'Reilly.

**MR. O'REILLY:** Thank you. Thanks, Mr. Chair. I appreciate that. Why did the department include GNWT, then, in the exclusions here? Did they actually calculate how much this tourism accommodation tax would cost the government? Let's start with: why did the government exempt

themselves from this tax in the bill that has come forward? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Ms. Lau-a.

**MS. LAU-A:** Thank you, Mr. Chair. The GNWT does have some initial information on how much we spend in terms of government travel and in terms of medical expenses. Part of the reason why we don't have any analysis to table is that every hotelier in the GNWT, we all collect our data as does Industry and Tourism in different ways. It's not comparable in many instances.

While we have done some initial impact on excluding the GNWT, it's not a number that we want to report or rely on. We know that the City of Yellowknife, who has done their research, feel that, even with the exclusion, they should still have some ability to collect enough levies to promote tourism.

**CHAIRPERSON (Mr. McNeely):** Thank you, Ms. Lau-a. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Okay, that sounds like that there were some sort of, at least preliminary calculations done. Does the department have any kind of analysis that, even a rough estimate, of what the cost to GNWT would be without this exclusion? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Minister Moses.

**HON. ALFRED MOSES:** Ms. Lau-a.

**CHAIRPERSON (Mr. McNeely):** Ms. Lau-a.

**MS. LAU-A:** Thank you, Mr. Chair. When we collected the information in 2016, the GNWT estimates that we had about 5,000 room nights in terms of business travel, which equated to around \$260,000.

**CHAIRPERSON (Mr. McNeely):** Thank you, Ms. Lau-a. Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Yes, I guess committee heard other information from, and I believe my colleague from Kam Lake, the chair of the committee, talked about how one hotel chain put together information based on industry-wide standards. It had indicated that there would be about a little more than \$1.1 million with the existing exclusions. By my rough calculations, GNWT excluding itself, that would immediately reduce the revenue stream by about 25 percent. That's okay.

You know, my position, I think, is that there should be no exclusions. That's familiar treatment, that everybody pays the airport improvement fee on their tickets. Some folks felt that that should be transitioned in over a period of time, but everybody

pays that. There's no exclusion for government employees or government travel from airport improvement fees. My preference would have been to have no exclusions whatsoever, but I can live with the exclusions that are in there. I wouldn't want them reduced any further, because I think then it will start to limit the revenues that are made available to our tax-based municipalities, should they wish to pursue this.

I want to thank the department for the information they have provided here today. Some of that's new to me. I do support the bill. I commend again the committee and the City of Yellowknife and the other individuals who did present on this legislation. I look forward to its passage. Thanks, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. O'Reilly. Minister Moses, did you want to comment?

**HON. ALFRED MOSES:** No, I'll take it as commented, I think, for the good comments from the Member. Thank you.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister Moses. Mr. Simpson.

**MR. SIMPSON:** Thank you, Mr. Chair. As we all know, the primary issue in this bill is giving municipalities the authority to implement a hotel levy. From our discussions, it sounds like Yellowknife is the only one considering this. Every other municipality seems to think that administering this fee would cost more than it would ever bring in. I mean, in Hay River, I think we are lucky if we have 50 percent occupancy. It's much higher in Yellowknife. I think the territorial average is 70 percent, but I think Yellowknife's occupancy is probably being brought down by the rest of the territory. Because if anyone comes to Yellowknife at this time of the year, you see Aurora viewers everywhere. If I wake up in the middle of the night and I look at my window at two in the morning, there are four buses lined up in front of the Quality Inn of tourists coming to this town.

You know, Yellowknife has indicated that they would like this, and no one else has indicated that they have any interest in this. For the foreseeable future, that's essentially what seems to be the plan.

This bill is purely for the benefit of Yellowknife. I have no problem with tourists coming to Yellowknife. You know, a rising tide lifts all ships, and I think that anything that is good for the Yellowknife is also good for the territory in many respects, not all respects.

My issue is that a lot of people in the territory come to Yellowknife because this is where services are centralized. I have no issue with charging this fee to tourists, but when people have to come here because this is where sporting events are held and

you have these youth hockey teams stay, doing bottle drives and raising money so they can come to Yellowknife and play hockey, now we are going to hit them with a hotel tax on top of that, they are going to need to raise more money.

Businesses have to come here often because this is where the government is, or this is where a lot of businesses are centered. We are taking it out again on small business. When I'm speaking of small business, if you look at this list of exemptions, I mean, it's pretty complicated. There's nothing in this legislation that says the hotel can pass off the administration of this to the municipality. If the City of Yellowknife wants to implement this and say, "Okay, hoteliers, you have to determine who is eligible for this and who is not," it's going to be an administrative nightmare for the hotels. It's going to cost them money, you know. We have enough red tape and enough small business issues in this territory that we don't need to be adding one more.

What I would like to see is that this particular provision does not apply to any NWT residents. It will make it easier for everyone involved, you know. Admittedly, it will decrease the tax revenue, but perhaps they will save it on the back end when it comes to administration. We don't know, because no one has provided this committee with any numbers, despite us asking.

I had another point here. I was just pausing to bring it back up. Well, I think I said most of it. I'll let it slide, and maybe I'll get back to it in the clause-by-clause review. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Simpson. Minister Moses, do you want to provide a comment to that?

**HON. ALFRED MOSES:** Thank you, Mr. Chair. As you go through the provisions, there are provisions in here that allow for further exemptions to be prescribed through regulations, and then as the bylaws have been under the bylaw, it also gives the council discretion to provide for exemptions from the tax, in addition to those required through the regulations.

In terms of looking at all GNWT residents, as the Member knows, we did look into that. We got legal advice. It did create a possibility for a challenge under the Charter of Rights and Freedoms. That was a big concern. I did have a chat with the Member about that on a couple of occasions, but I think what we have in the bill right here can adjust some of the issues. We will work with the city in terms of the concerns that are raised here in the House and any other concerns that we do hear as we roll out this legislation. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister Moses. Mr. Simpson.

**MR. SIMPSON:** Thank you, Mr. Chair. In terms of a charter challenge, I have heard different views. I have my own views on this. I think the government is being overly cautious, overly risk-averse, as it usually is. Anyone can bring a Charter challenge for anything. It doesn't mean it's going anywhere, so I think the government is taking that concern a little too seriously.

The other issue that I was trying to remember was destination marketing. Right now, we give NWT Tourism, I think, around \$4 million a year to go out and market the NWT. Well, that is exactly what the City of Yellowknife said that they want to use this money for. If the City of Yellowknife now raises another million dollars a year -- I am making numbers up, but if they raise a million dollars a year, and they put that towards destination marketing, are they then getting the benefit of this tax, coming out of the pockets of residents to a great extent, as well as the benefit of the NWT Tourism money that is appropriated through this legislature?

I would like the Department of ITI, which appropriates NWT Tourism with that money, to work with NWT Tourism if this, in fact, passes and perhaps spread the money out a little more evenly so that this tax doesn't just benefit Yellowknife. Perhaps that \$4 million, if it is a million raised here, that million can be displaced from NWT Tourism elsewhere in the territory to help the tourist markets in the rest of our regions. Nothing further. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Simpson. Minister Moses.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. I will talk to my Cabinet colleague from ITI with the suggestion that was raised by the Member, and as I said, the revenues that do come out of this, it is going to be our first year, so we are going to see what those final numbers are and see what the City of Yellowknife gets.

Then we also have the other opportunity for the energy retrofits that the city can use. All of this money might not go into tourism. Some of it might go into energy retrofits with some private homes, possibly.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister Moses.

**HON. ALFRED MOSES:** Sorry, Mr. Chair, I'm making a correction here. My mistake, sorry. I stand corrected.

**CHAIRPERSON (Mr. Simpson):** Thank you for that correction, Minister. Next, I have Ms. Green.

**MS. GREEN:** Thank you. Mr. Chair, one of the challenges of this job, as a Yellowknife MLA, is that Yellowknife is usually considered in this legislature as just one of 33 communities, and of course, it is, but on the other hand, half of the population lives here, and it is the major economic driver of the entire territory.

Along comes the City of Yellowknife, and they want some independence to raise money, to market tourism, to grow that sector of our economy, and they do not get a lot of love from this government. Independence is to be frowned on. Being a chattel is the way of the future. They are completely hobbled by this ridiculous list of exemptions.

This list is not like the Alberta list. The Alberta list takes into account things like rental accommodation, nursing homes, hospitals, staff housing, and other things which are obviously not rented to tourists, but it doesn't try to exempt every person or activity in the province of Alberta. My first question for the Minister is: how was this list of exemptions created? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Ms. Green. Ms. Young.

**MS. YOUNG:** Thank you, Mr. Chair. As the Minister has already noted, we did a series of engagements with stakeholders from municipalities, from tourist accommodation locations, as well as the Chamber of Commerce, the Tourism Association.

We received input from all of them on what types of consideration should go into the bill, as well as looking at what other jurisdictions have put in the bill in terms of exemptions, and we tried to strike a balance of that across all of the different feedback that we received. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you. Ms. Green.

**MS. GREEN:** Thank you, Mr. Chair. Can the Minister tell us which of the list that the deputy just provided recommended that GNWT be exempt? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you. Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. As my deputy minister had mentioned, there was a very long consultation process that we had with a lot of stakeholders.

In terms of the GNWT exempt, that came from the GNWT. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you. Ms. Green.

**MS. GREEN:** Mr. Chair, I am really hoping third time lucky with this question. Yes, they did consultation. Who among those consulted said, "You should exempt the GNWT," in any form or fashion? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Ms. Green. Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. None of the stakeholders said it. It came from us, the GNWT. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Ms. Green.

**MS. GREEN:** I think the term for that is "self-interest."

The next thing I want to ask about is why the Government of Canada wasn't exempted. In Alberta, the Government of Canada is exempted from hotel levies. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Ms. Green. I have stopped the clock while the Minister and his team gather the information. We might have an answer. Ms. Young.

**MS. YOUNG:** Thank you, Mr. Chair. It is unfortunately not in my notes, but my recollection on this one is that we did look at this issue with the Department of Justice and the Department of Finance with regards to the ability to tax a higher level of government and whether it needed to be included in the bill.

If I recall correctly, and I would need to go back and just confirm this, but I believe the understanding we were left with was that we did not need to specifically exclude Government of Canada in the bill, that they could opt out because they are a higher level of government, but I would want to go back and confirm that and send that back.

**CHAIRPERSON (Mr. Simpson):** Thank you for that. Ms. Green.

**MS. GREEN:** Thank you, Mr. Chair. I appreciate the answer to that. It is interesting that this government took that approach, and the Alberta government decided that Canada needed to be specifically excluded from paying the tax. From the small amount of information that we have received, what the GNWT wants to do is save \$250,000 a year by not paying the hotel tax in Yellowknife. Is that a correct summary? Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you. Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Even with the preliminary numbers that we do have, the initial work that was done, we don't have a concrete set of numbers right now. However, that is funding that can go into other areas as we do program services within the government.

In short, we just wanted to look at ways that, as the GNWT, there would be some savings.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Ms. Green.

**MS. GREEN:** Thank you, Mr. Chair. Mr. Chair, I don't find saving \$250,000 on a \$1.8 billion budget a very compelling reason to exempt the GNWT from paying this hotel tax, whereas it could provide a valuable economic driver for the City of Yellowknife to bring more tourists here, and as you, yourself, have pointed out, when Yellowknife is thriving, it tends to float more boats than just the City of Yellowknife. My next question is about the levy at the airport. I don't recall that there was any discussion about having exemptions there. So why are there no exemptions at the airport, but there is this list of exemptions for the hotel tax? Thank you.

**CHAIRPERSON (Mr. McNeely):** Thank you, Ms. Green. That's beyond the scope of this review. Ms. Green.

**MS. GREEN:** Okay. Those are all my questions on this section. Thank you.

**CHAIRPERSON (Mr. McNeely):** Thank you, Ms. Green. Next, I have Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair. I guess my first question is: when we talk about a charter challenge, has the department obtained a legal opinion in writing that this going to happen? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Thompson. Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Mr. Chair, as I mentioned to committee, we did get a legal opinion, and with that legal opinion it says that it does create the possibility for a challenge. As we've heard from Members, the interpretation that other Members have, it differs from person to person or even possibly lawyer to lawyer. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you. Perhaps for some more detail we could go to our law clerk. Madam Clerk.

**LAW CLERK (Ms. Holland):** Thank you, Mr. Chair. Simply to provide some perspective on the questions of a constitutional challenge, obviously, any legislation could be challenged by any

individual in court, the subject of a constitutional challenge. In my review, I have seen there's a lot of case law dealing with whether or not place of residence is a ground for making out discrimination under section 15 of the Charter. Section 15 is what guarantees the equal benefit and protection of the law.

What I have seen the courts consistently find is that place of residence in and of itself is not an analogous ground, so it's not a protected ground from discrimination under the Charter of Rights and Freedoms. The exception is where it's tied to something that is immutable about oneself. So, for example, residence on an Aboriginal reserve is different from residence in Alberta or British Columbia or the Northwest Territories.

I have not seen any case law that suggests there's any significant risk of a charter challenge in drawing a distinction in legislation between residents of the Northwest Territories and residents of another jurisdiction. What's important there is that the case law makes it clear that where this distinction that's drawn in any legislation takes into account the actual situation of the people being designated, so there's a basis for it that is based on the actual circumstances of those caught by it, that tends to argue against a finding of discriminatory effect, and thus, against a Charter violation. That's what I found in my review of the case law.

**CHAIRPERSON (Mr. McNeely):** Thank you very much for that information. Mr. Thompson.

**MR. THOMPSON:** I thank our law clerk for that information. I greatly appreciate that. One of my big concerns, though, is that this is going to be a tax on residents of the Northwest Territories. It's another tax on the residents of the Northwest Territories. It's no different than the airport improvement fee tax; people have to pay that. The smaller communities, it doesn't sound like a lot of money, but you look at it, you stay here for five days, that's \$15; you fly in here, that could be X amount of dollars. So all of a sudden, you're looking at an additional \$50, \$60, \$80, added to their cost of living. That is a challenge.

The bigger challenge, though, I guess, is sports teams. I've heard this from the Minister and from people saying that you can get a good deal at the hotels. Well, depending on the time of year, hotels could be booked up, and hotels are going to be doing what they need to do, and sometimes during other events, they don't have the big tourism push, so they're able to give the deal, but sometimes they can't. That's a huge impact on the smaller communities. I know so much that every dollar we fundraise, it's fundraised to go to an event per year; sometimes if we're lucky we can do two. So has the

Minister looked at that as part of the exemption? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. As you've heard here already, when we did do the consulting of the stakeholders, the department did attempt to strike a balance with the various exemptions scenarios that were offered. This is what we came up with, what's in the bill here. There are a couple provisions in here that also allow for further exemptions to be prescribed under regulation, but also under the bylaw exemption from the tax, the council is given discretion to provide for exemption from the tax in addition to those required under subsection 5. When we go to clause-by-clause review, you will see it in there. So there are some areas in there that allow for it, and it would be up to the municipality. Thank you.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister. Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair, and I appreciate that information from the Minister. I guess my biggest challenge is that we're exempting the GNWT. We don't exempt them on the airport improvement fee. We don't do that, but now the taxpayers, the people of the Northwest Territories, now they have to pay this, and we're sitting here talking about making cost of living not have an impact on people, have the cost of living be better, and now we're sitting here doing that. So to me, what's the difference between the residents of the Northwest Territories and government of NWT? What is the difference? Why can the government get this exemption and the residents cannot? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Mr. Thompson. Minister.

**HON. ALFRED MOSES:** Thank you. I appreciate the comparison. I know the airport improvement tax is GNWT revenue. In terms of this tax, it would be revenue to the municipalities, and the government decided early on that it would not choose in this specific bill to tax itself when it's not collecting revenue to offset those costs. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you. Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair. I guess I'm just disappointed. It's either or all. If you're going to exempt the GNWT, then we could be exempting all residents of the Northwest Territories. It's a tourism tax; that's what I am reading. It says tourism accommodation tax; that's what it is. So you mean that, for our sporting teams, they're now considered tourists coming into the capital to

participate? Can the Minister please elaborate on that? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. As I mentioned, we did do the consulting and met with all our stakeholders, and we did try to strike a balance with the various exemption scenarios. This what we came up with. This is a tourism tax that would be for Yellowknife municipalities, for the City of Yellowknife and not for the GNWT. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister. Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair. Ms. Green talked about consulting and you went out and talked to the groups and came up with this recommendation, but it was the GNWT that made that recommendation; it wasn't the group of people you were talking to. So why did the GNWT make that recommendation? They didn't hear it from any of the people out there. They heard it from the Government of the Northwest Territories. So can you please explain why the Government of the Northwest Territories was able to be part of this without telling people they were going to be consulted? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair, and I did mention just early on in the questioning here from the Member that GNWT decided early on that it will not choose to tax itself when it's not collecting revenue to offset those costs. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. McNeely):** Thank you. Less than a minute. Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair, and I apologize. I took the whole 10 minutes. I was hoping not to.

The GNWT decided that they are not going to tax themselves, but we are going to tax the residents of the Northwest Territories with this fee. Is that what you are telling me? Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. The bill allows for a municipality to choose to implement this tax. GNWT is not putting the tax on people. It is up to the municipality. As you have heard before, we have five other tax-based communities that decided not to do this, and we have one municipality that has decided to put this through, should this bill get assent. Thank you, Mr. Chair.



**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Mr. Thompson, your time has expired. I have no one further on my list, so we will move to a clause-by-clause review of the bill.

Committee, we will defer the bill number and title until after consideration of the clauses. Please turn to page 1 of the bill. I will call out the clauses. After I call out the clause, if committee agrees, please respond accordingly. Are we ready?

**MR. TESTART:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. Clause 1.

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you. Clause 2. Mr. Thompson.

COMMITTEE MOTION 81-18(3):  
AMENDMENT TO CLAUSE 2, BILL 18: AN ACT  
TO AMEND THE CITIES, TOWNS AND VILLAGES  
ACT,  
DEFEATED

**MR. THOMPSON:** Thank you, Mr. Chair. A motion to Amend the Cities, Towns and Villages Act, that clause 2 of Bill 18 be amended by deleting proposal subclause 70.1(5) and substitute the following: (5) tourism accommodations tax must not be imposed under this section if the subject of the tax is a resident of the Northwest Territories. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Thompson. A motion has been made. It is being distributed. It has been distributed. The motion is in order. To the motion, Mr. Thompson.

**MR. THOMPSON:** Mr. Chair, clause 2 of Bill 18 adds a new section to the Cities, Towns and Villages Act that allows tax-based municipalities to levy a tax on tourism accommodations. Under clause 2, the new section 70.1(5) provides a list of exemptions, that is, a list of types of accommodations or classes for the persons and organizations who may be exempt from paying the tax. These include accommodations rented for more than 30 days, accommodations costing less than \$20 per night, the Government of the Northwest Territories and its public boards and agencies, a person and his or her family being accommodated on medical travel, a person paying out of pocket for a stay at the hospital or health care facilities, or any other exemptions provided that are in the regulations.

During review, the standing committee heard from the majority of the public that the list of exclusions is too long. The City of Yellowknife, who is the primary proponent of the bill, said the City would

prefer that Bill 18 not contain such an exhaustive list of exclusions. The Explorer Hotel expressed concern about the burden that the exclusions would place on front-line staff to determine eligibility for exclusions. This is important because the bill contemplates the designation of a hotel operator as a tax agent for the municipality. The Explorer Hotel said it will be difficult for a front desk worker or reservation agent to challenge a government official as to the purpose of their trip.

Mr. Chair, during the clause-by-clause review of the bill, committee moved a motion to amend this provision by deleting the list of exclusions and replacing it with a single exclusion for all NWT residents. Unfortunately, the Minister did not concur, and the motion was defeated. I bring forward this motion again, and I support it for two reasons.

First, it simplifies administration of the tax for hotel operators. Anyone who pays for accommodations and can show proof of NWT residence using any government-issued ID card would be exempt.

Secondly, this is meant to be a tax on tourists travelling to the Northwest Territories. The NWT is already an expensive place to live and work, and I do not feel that it is fair to tax NWT residents in this way to support a municipal tourism objective. I am worried about the impact of adding this additional cost on local governments travelling to Yellowknife for meetings and training. These local governments are already underfunded annually by the GNWT to the tune of more than \$30 million per year. I am also especially worried about the potential negative impact of this levy on amateur sport teams, who scrimp and fundraise for every dollar that they can get in order to travel to sporting events.

For these reasons, I support this motion today and ask for the support of my colleagues in the south. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Thompson. To the motion. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. Mr. Chair, I appreciate where the Member is coming from. I know many Northerners are constantly concerned about the ever-increasing cost of living, especially those in small communities.

However, what these amendments were designed to do is to empower cities, towns, and villages to implement taxes to support tourism opportunities in their communities. When the standing committee consulted with all of the six cities, towns, and villages that would be subject to these new bylaw provisions, the vast majority of them spoke in favour of the City of Yellowknife being allowed to do this.

My concern is, if we bring forward this kind of blanket exemption, we already know that the current list of exemptions is going to eat up 30 to 40 percent of the current taxes. An all-NWT exemption is going to further erode the tax revenues and potentially make this amendment pointless in terms of its design, which is to provide the City of Yellowknife with much-needed resources to support tourism operations and a thriving tourism economy.

Again, I appreciate where the Member is coming from. The municipalities are able to offer their own list of exemptions. This is something that a sports organization or a financial organization with limited resources could potentially negotiate with the City of Yellowknife. My understanding, as well, is that the hoteliers often provide discounted room rates to sports teams or other charity organizations.

I think there is goodwill in the community to support people with limited resources, and I don't think that we need to put this broad an exemption in place, because, again, I think it will defeat the purpose of the motion, make it a moot point, and send the City of Yellowknife, who has worked very hard bringing this forward, worked very hard with their colleagues in the NWTAC, and bring them back to square one in finding new revenues for tourism.

I can't support this amendment, and I encourage my colleagues who have looked over our reports to do the same. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. To the motion. Minister Moses.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Mr. Chair, I cannot support the motion. Currently, Bill 18 provides an exemption for the Government of the Northwest Territories and individuals on medical travel. It also provides an exemption for persons staying in accommodation for more than 30 days in a row for less than \$20 night. The substantial amendment proposed by SCOGO would eliminate these exemptions and instead include an exemption for all residents of the Northwest Territories.

The exemptions included in Bill 18 were researched and analyzed prior to including them in the legislative proposal and formed a key component of our department's consultation with the community governments for which these amendments will apply. The exemptions included in the bill strike a balance of the input received through our stakeholder consultation and reflects an approach that all stakeholders can support.

Through our market analysis, we found that reliable data on the different types of hotel stays was not available. I therefore cannot support changes to the legislation without fully understanding the intended

and unintended consequences of the changes to the exemptions.

Finally, but most importantly, MACA has worked very closely with community governments throughout the development of this legislative initiative. To change the provisions of the bill in this manner at this late stage without their involvement does not support our process on partner engagements. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you. To the motion, recognizing that we have six and a half minutes here. Mr. McNeely.

**MR. MCNEELY:** Thank you. That provides me seven minutes here to finish. No, excuse me.

Based on the survey numbers, we are targeting 108,000 visitors and excluding everybody else. For that simple reason, and as I mentioned earlier, I will support this amendment. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you. Ms. Green.

**MS. GREEN:** Thank you, Mr. Chair. Mr. Chair, Yellowknife is a tax-based community that is trying to enhance its own economy. This tourism levy is one of the means to do that, and to create its own revenue stream separate from the GNWT.

The City of Yellowknife is not generously funded by the GNWT. There is a substantial underfunding situation there. They need the ability to raise tourism levies for their own tourism marketing and economic sustainability. I do not support the motion.

**CHAIRPERSON (Mr. Simpson):** Thank you, Ms. Green. To the motion. Mr. Testart.

**MR. TESTART:** Thank you, Mr. Chair. I move, pursuant to Rule 6(2) of the Rules of the Legislative Assembly, that the Committee of the Whole continue to sit beyond the daily hour of adjournment for the purpose of continuing consideration of Bill 18, An Act to Amend the Cities, Towns and Villages Act. Thank you, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Testart. There is a motion on the floor. The motion is in order and non-debatable. All those in favour? All those opposed?

---Carried

We will sit beyond 6:00 p.m. to conclude this item. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mr. Simpson):** Question has been called. Mr. Thompson, after the mic was off, I

believe I heard you ask for a recorded vote. Could you please say that on the record? Mr. Thompson.

**MR. THOMPSON:** Thank you, Mr. Chair. Yes, I would ask for a recorded vote. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. Thompson. Question has been called. The Member has requested a recorded vote. All those in favour, please rise.

#### RECORDED VOTE

**DEPUTY CLERK OF THE HOUSE (Mr. Ball):** The Member for Nahendeh and the Member for Sahtu.

**CHAIRPERSON (Mr. Simpson):** All those opposed, please rise.

**DEPUTY CLERK OF THE HOUSE (Mr. Ball):** The Member for Frame Lake, the Member for Yellowknife Center, the Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Yellowknife North, the Member for Kam Lake.

**CHAIRPERSON (Mr. Simpson):** All those abstaining, please rise. The results of the recorded vote: two in favour, 13 opposed, zero abstentions. The motion is defeated.

---Defeated

**CHAIRPERSON (Mr. Simpson):** Clause 2. Does committee agree?

**SOME HON. MEMBERS:** Agreed.

---Clauses 1 through 6 inclusive approved

**CHAIRPERSON (Mr. Simpson):** Clause 7.

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. I do have a couple of questions I want to ask on clause 7 about the regulation-making authority. I want to know whether it's the intention of the Minister to bring forward any regulations with regard to expanding the exclusions as set out under the Act. Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Yes, if you go back to subparagraph, subsection (5), CV, clause 2, it allows for further exemptions to

be prescribed by regulation. The regulation making authority is given to Cabinet. Thank you.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly.

**MR. O'REILLY:** Thanks, Mr. Chair. Is there any intention then on the part of Cabinet to broaden the exclusions that are set out in the Act using regulations? Is there any intention to do that at this time? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. My apologies to the Member. Currently, we have no intention of prescribing any additional requirements at this time.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Mr. O'Reilly.

**MR. O'REILLY:** I guess one last thing. I would like to see the commitment that if there were an interest in pursuing additional exclusions, can the Minister commit that he would consult with interested stakeholders, including the City of Yellowknife and Regular MLAs before expanding that exclusion list by regulation? Thanks, Mr. Chair.

**CHAIRPERSON (Mr. Simpson):** Thank you, Mr. O'Reilly. Minister.

**HON. ALFRED MOSES:** Thank you, Mr. Chair. Yes, I would commit to that for sure.

**CHAIRPERSON (Mr. Simpson):** Thank you, Minister. Clause 7.

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. I will now call the bill and title. Bill 18, An Act to Amend the Cities, Towns and Villages Act. Does committee agree?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. To the bill as a whole. Does committee agree that Bill 18, An Act to Amend the Cities, Towns and Villages Act, is now ready for a third reading?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. Bill 18 is now ready for a third reading. Does committee agree this concludes our consideration of the bill?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mr. Simpson):** Thank you, committee. Thank you to the Minister. Thank you to our witnesses. Sergeant-at-Arms, you may escort the witnesses from the Chamber. As we have concluded our business, I will rise and report progress.

**MR. SPEAKER:** May I have the report, Member Hay River North?

### Report of Committee of the Whole

**MR. SIMPSON:** Mr. Speaker, your committee has been considering Committee Report 9-18(3), Report on the Review of Bill 18, An Act to Amend the Cities, Towns and Villages Act, and Bill 18, An Act to Amend the Cities, Towns and Villages Act, and would like to report that consideration of Committee Report 9-18(3) has concluded and that Bill 18, An Act to Amend the Cities, Towns and Villages Act, is ready for a third reading. Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

**MR. SPEAKER:** Masi. Do we have a seconder? Member for Inuvik Boot Lake. The motion is in order. All those in favour? All those opposed? Motion carried.

---Carried

Masi. Item 22, third reading of bills. Member for Frame Lake.

### Third Reading of Bills

BILL 24:  
AN ACT TO AMEND THE ELECTIONS AND  
PLEBISCITES ACT

**MR. O'REILLY:** Merci, Monsieur le President. I move, seconded by the honourable Member for Thebacha, that Bill 24, An Act to Amend the Elections and Plebiscites Act, be read for a third time. Mr. Speaker, I request a recorded vote. Mahsi, Mr. Speaker.

**MR. SPEAKER:** The Member is requesting a recorded vote. The motion is in order. To the motion.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Question has been called. All those in favour, please stand.

### RECORDED VOTE

**CLERK OF THE HOUSE (Mr. Mercer):** The Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot

Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Hay River North, the Member for Sahtu, the Member for Yellowknife North, the Member for Kam Lake, the Member for Nahendeh.

**MR. SPEAKER:** Masi. All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 16 in favour, zero opposed, zero abstentions. The motion is carried.

---Carried

Bill 24 has had a third reading. Third reading of bills. Minister of Finance.

BILL 33:  
APPROPRIATION ACT (INFRASTRUCTURE  
EXPENDITURES), 2019-2020

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Hay River South, that Bill 33: Appropriation Act (Infrastructure Expenditures), 2019-2020, be read for the third time; and, Mr. Speaker, I would request a recorded vote. Thank you, Mr. Speaker.

**MR. SPEAKER:** Masi. The Member has requested a recorded vote. The motion is in order. To the motion. Question has been called. All those in favour, please stand.

### RECORDED VOTE

**CLERK OF THE HOUSE (Mr. Mercer):** The Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Hay River North, the Member for Sahtu, the Member for Yellowknife North, the Member for Kam Lake, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South.

**MR. SPEAKER:** All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 16 in favour, zero opposed, zero abstentions. The motion is carried.

---Carried

Bill 33 has had third reading. Third reading of bills. Mr. Clerk, item 23, Orders of the day.

### Orders of the Day

**CLERK OF THE HOUSE (Mr. Mercer):** Orders of the day for Wednesday, October 31, 2018, 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. Acknowledgments
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to the Commissioner's 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
  - Motion 22-18(3), Coordinated Cannabis Taxation Agreement
  - Motion 23-18(3), Revocation of Appointment of the Honourable Member for Hay River South to the Executive Council
  - Motion 24-18(3), Revocation of Appointment of the Honourable Member for Great Slave to the Executive Council
18. First Reading of Bills
  - Bill 31, Northwest Territories 9-1-1 Act
  - Bill 32, Naturopathic Profession Statutes Amendment Act
19. Second Reading of Bills

- Bill 30, An Act to Amend the Human Rights Act
20. Consideration in Committee of the Whole of Bills and Other Matters
    - Bill 20, Ombud Act
    - Committee Report 10-18(3), Standing Committee on Government Operations Report on the Review of Bill 20: Ombudsperson Act
    - Minister's Statement 19-18(3), Aurora College Foundational Review Process
    - Minister's Statement 103-18(3), Marine Transportation Services
  21. Report of Committee of the Whole
  22. Third Reading of Bills
  23. Orders of the Day

**MR. SPEAKER:** Masi, Mr. Clerk. This House stands adjourned until Wednesday, October 31, 2018, 1:30 p.m.

---ADJOURNMENT

The House adjourned at 6:08 p.m.

