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Iqaluit

Speaker: The Honourable James Arreak, M.L.A.

Legislative Assembly of Nunavut

Speaker

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(Uqqummiut)

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(Iqaluit East)
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(Tununiq)

Moses Aupaluktuq
(Baker Lake)

Hon. Tagak Curley
(Rankin Inlet North)
Government House Leader; Minister of Health and Social Services; Minister responsible for the Nunavut Housing Corporation; Minister responsible for Homelessness

Ron Elliott
(Quttiktuq)

Adamee Komoartok
(Pangnirtung)

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Johnny Ningeongan
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Deputy Chair, Committee of the Whole

Hon. Keith Peterson
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Allan Rumbolt
(Hudson Bay)

Fred Schell
(South Baffin)
Deputy Chair, Committee of the Whole

Hon. Daniel Shewchuk
(Arviat)
Minister of Environment; Minister of Human Resources; Minister responsible for the Nunavut Arctic College

Hon. Louis Tapardjuk
(Amittuq)
Minister of Culture, Language, Elders and Youth; Minister of Languages; Minister responsible for the Utility Rates Review Council

Hon. Peter Taptuna
(Kugluktuk)
Deputy Premier; Minister of Economic Development and Transportation

Hon. Hunter Tootoo
(Iqaluit Centre)
Minister of Education; Minister responsible for the Workers' Safety and Compensation Commission

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**Iqaluit, Nunavut
Friday, October 29, 2010**

Members Present:

Honourable Eva Aariak, Honourable James Arreak, Mr. Moses Aupaluktuq, Honourable Tagak Curley, Mr. Ron Elliott, Mr. Adamee Komoartok, Honourable Lorne Kusugak, Mr. John Ningark, Mr. Johnny Ningeongan, Mr. Paul Okalik, Honourable Keith Peterson, Mr. Allan Rumbolt, Mr. Fred Schell, Honourable Daniel Shewchuk, Honourable Louis Tapardjuk, Honourable Peter Taptuna, Honourable Hunter Tootoo, Ms. Jeannie Ugyuk.

Item 1: Opening Prayer

Speaker (Hon. James Arreak) (interpretation): Thank you. Before we proceed, I would like to ask Ms. Ugyuk to say the opening prayer.

>>Prayer

Speaker (interpretation): Thank you, Ms. Ugyuk. A wonderful morning, Premier, Ministers, Members of the Legislative Assembly, and all Nunavummiut.

(interpretation ends) Item 2. Ministers' Statements. Hon. Daniel Shewchuk.

Item 2: Ministers' Statements

**Minister's Statement 220 – 3(2):
Northwest Passage Trail
Interpretive Program**

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. I would like to say “good morning” to all of the fine people of Nunavut.

Mr. Speaker, this summer, the community of Gjoa Haven organized a flag-raising ceremony at the Amundsen Centenary Cairn to commemorate a new partnership between the hamlet and the Fram Museum in Oslo, Norway. The event was attended by Jo Sletbak, Norway's Deputy Ambassador to Canada, Geir Klover, Director of the Fram Museum, John Ningark, the Hon. MLA for Nattilik, and Joanni Sallerina, the Mayor of Gjoa Haven. The Department of Environment was pleased to play a role in this celebration.

Our Northwest Passage Trail interpretive signage, the Amundsen Centenary Cairn, and a number of other features at the site tell the story of the visit of Roald Amundsen's ship to the community and surrounding area of Gjoa Haven. Together, they help illustrate the vital role of the local people in making the historic mapping of the Northwest Passage a reality. The Northwest Passage Trail interpretive program is a true example of collaboration and cooperation by all parties.

Mr. Speaker, on behalf of the department, I would like to recognize and thank the elders, hamlet staff, youth, and community members of Gjoa Haven for their instrumental contributions to the Northwest Passage Trail interpretive program since 2005. Thank you, Mr. Speaker.

>>Applause

Speaker: Thank you, Minister. Ministers' Statements. Hon. Eva Aariak.

**Minister's Statement 221 – 3(2):
Nunavut Devolution**

Hon. Eva Aariak (interpretation): Good morning, Mr. Speaker. Good morning, Nunavummiut and Iqalummiut.

Mr. Speaker, I rise today to inform my colleagues and Nunavummiut of my government's renewed commitment for Nunavut devolution.

Devolution is the next major step in Nunavut's development as a territory. As you know, the federal government controls 80 percent of the lands in Nunavut. Devolution entails the transfer of jurisdictional responsibilities for these lands and the resources they contain from the Government of Canada to the Government of Nunavut.

Mr. Speaker, the Government of Nunavut, along with NTI, has been ready to begin devolution negotiations for several years. The Government of Canada, however, has not been ready. In an effort to move the process forward, in late 2008, my government signed a devolution protocol with Canada and NTI setting out all of the subject areas to be negotiated and the process to be followed. Since then, we have worked with Canada and NTI to address Ottawa's remaining concerns about Nunavut's capacity to take on these new responsibilities.

(interpretation ends) Mr. Speaker, I am pleased to inform members that, shortly after this appointment, I made clear to Minister Duncan that devolution is a high priority for Nunavut. I have made the same point to the Prime Minister. The Prime Minister indicated that Canada intends to follow a phased

approach to devolution in Nunavut – the same phased approach it has followed with the Yukon and Northwest Territories.

Under that approach, following completion of a negotiation protocol, the federal government obtains a negotiating mandate and appoints a devolution negotiator. These steps lead to negotiation of an agreement in principle and following that, the negotiation of a final agreement.

Through my communication with the Prime Minister and Minister Duncan, I have called on Canada to appoint its negotiator immediately so that agreement in principle negotiations can finally get started.

Mr. Speaker, devolution is a critical step in Nunavut's pursuit of self-reliance and a priority of this government. It is in Canada's interest as well as Nunavut's.

As you know, earlier this week, it was announced that significant steps have been made towards finalizing an agreement in principle for Northwest Territories' devolution.

Clearly it is Nunavut's turn. That is our message to Canada. Let's get started! (interpretation) Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Premier.
Ministers' Statements. Hon. Peter Taptuna.

**Minister's Statement 222 – 3(2):
Opening of the New Arctic Bay
Airport**

Hon. Peter Taptuna: Thank you, Mr. Speaker. Good morning, colleagues. Good morning, Kuglukturmiut and Nunavummiut.

Mr. Speaker, I rise today to inform my colleagues about the newly constructed airport in Arctic Bay. With the closure of the Breakwater Mine in Nanisivik, the Government of Nunavut was faced with the challenge of constructing a new airport to service the community of Arctic Bay.

Mr. Speaker, the new airport and terminal building were built as a more practical and convenient airport for Arctic Bay residents, and will, in fact, reduce operations and maintenance costs, including in particular those associated with keeping the road open between Arctic Bay and Nanisivik. Mr. Speaker, I am proud to stand in the legislature today to tell my colleagues that this airport is now complete.

Nav Canada has confirmed that the Arctic Bay Airport approaches and aeronautical information will be published in the January editions of the *Canada Flight Supplement* and the *Canada Air Pilot*, thus allowing the airport to open officially for aircraft traffic as of January 13, 2011. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Minister. Ministers' Statements. Hon. Tagak Curley.

**Minister's Statement 223 – 3(2):
Release of Nunavut Housing Needs
Survey**

Hon. Tagak Curley (interpretation): Thank you, Mr. Speaker. I am pleased to announce the release of the Nunavut Housing Needs Survey. This survey was scheduled to be complete before the end of October 2010 and it has come in on time. I will be reading them in English because they are quite hard to say in Inuktitut.

(interpretation ends) Mr. Speaker, commissioned by the Nunavut Housing Corporation and produced in partnership with Statistics Canada and the Nunavut Bureau of Statistics, this survey is our most comprehensive attempt to date to capture the very serious housing needs of Nunavutmiut.

More specifically, Mr. Speaker, this survey will assist the Nunavut Housing Corporation to address in a comprehensive manner the major issues of overcrowding and the hidden homelessness that continue to hinder Nunavut's development.

This is a critical planning tool, Mr. Speaker, one we can depend on given the strict standards of Statistics Canada and which will greatly help the Government of Nunavut reach its *Tamapta* objectives of a long-term housing strategy and a homelessness strategy.

Furthermore, Mr. Speaker, the results of this survey will make more convincing arguments and strengthen our lobbying efforts for additional housing resources. This survey, Mr. Speaker, will be used to

foster greater collaboration with all Nunavut's housing stakeholders.

In closing, Mr. Speaker, I would like to acknowledge the hard work and great collaboration this project represents. I would also like to thank our partners in this project, Statistics Canada and the Nunavut Bureau of Statistics, and the staff at the Nunavut Housing Corporation and our local housing associations throughout Nunavut for seeing this project through to the end.

I invite my colleagues, Mr. Speaker, to access the Nunavut Housing Needs Survey from the Nunavut Housing Corporation's website. Thank you, Mr. Speaker.

>>Applause

Speaker: Thank you, Minister. Ministers' Statements. Hon. Daniel Shewchuk

Hon. Daniel Shewchuk: Thank you, Minister. I just rise to clarify a mistake I made in my statement. I referred to John Ningark as the Hon. MLA for Nattilik when it should have been for Akulliq, and I apologize to the respective members. Thank you, Mr. Speaker.

>>Applause

Speaker: Thank you, Minister. Ministers' Statements. Members' Statements. Mr. Aupaluktuq.

Item 3: Members' Statements

Member's Statement 338 – 3(2): Reflections on the Democratic Rights of Nunavummiut

Mr. Aupaluktuq: Thank you, Mr. Speaker. I rise today to reflect on the democratic rights of Nunavummiut.

Mr. Speaker, we have noted this week that elections for municipal councils, district education authorities, and Nunavut Tunngavik will take place before the end of the year. I also want to take this opportunity to encourage our constituents to consider running for these important offices.

Mr. Speaker, I strongly believe that we should not take our democratic rights for granted. We need to remember that it was not too long ago that Inuit and First Nations could not even vote in national elections. We need to recall the struggles made by those who worked to ensure that all Canadians share the same democratic rights. We need to recall the efforts made by those who made Nunavut a reality, and I want to pay special tribute to leaders like James Arvaluk, Tagak Curley, and Louis Tapardjuk, all of whom sit in this House and continue to inspire us every day.

Mr. Speaker, at the last general election, more than two-thirds of Baker Lake voters went to the polls. I am proud that our voter participation rate in general elections is relatively high, but we can always do better. Mr. Speaker, I firmly believe that if you do not exercise your rights, you are at risk of losing them.

Mr. Speaker, if you look around the world, you will see far too many examples of oppression. You will see far too many examples of people's basic

human, civil, and democratic rights being violated on a daily basis. Although we live in a great nation, rights can be taken for granted and I want to emphasize the fact that, if you do not actively participate in your democratic institutions, those institutions are at risk of being weakened.

Mr. Speaker, we all know that holding public office is not an easy thing. The personal pressures are intense and politics can be an unforgiving business. However, the knowledge that you are doing your best for your constituents and communities provides a satisfaction that cannot be equalled. I want to say to young people who may be considering running for office, “Do not be intimidated. Do not fear change. Do not let your dreams die.”

Mr. Speaker, I ask all members to join me in paying tribute to each and every resident of Nunavut who shows the courage and conviction to stand for office. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Mr. Aupaluktuq. Members’ Statements. Member for South Baffin, Mr. Schell.

**Member’s Statement 339 – 3(2):
Condolences to the Family of
Firefighter Louie Qimirpik**

Mr. Schell: Thank you, Mr. Speaker. I rise today to extend my condolences to the family of Louie Qimirpik on their sudden loss.

Mr. Speaker, Louie Qimirpik became a volunteer firefighter in January of 1988. Since that time, he devoted over two

decades of service to the residents of Kimmirut.

At the time of his passing, Mr. Qimirpik was a captain with the Kimmirut Fire Department.

His skills and leaderships abilities were respected by all those with whom he worked and his passing is a great loss to his family, the Nunavut Fire Service, and the community.

Mr. Speaker, firefighters across Nunavut put themselves at risk every time they respond to a call. Their dedication to protecting the safety of our families and homes is an inspiration.

Mr. Speaker, I ask all members to join me in paying tribute to the late Louie Qimirpik. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Mr. Schell. Members’ Statements. Member for Amittuq, Mr. Tapardjuk.

**Member’s Statement 340 – 3(2):
Resigning from Executive Council,
not as Member of the Legislative
Assembly**

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Speaker. I say “good morning” to my constituents in Hall Beach and Igloolik.

I rise today to speak about a matter. As you noted yesterday, I had an opportunity to speak to my issues. I wanted to clarify a misunderstanding that resulted from my statement. One of my constituents thought I had quit my membership. I want to clarify to my

constituents that I have not left my membership, but I am only resigning from the Executive Council. This ministerial portfolio was the result of the Members of the Regular Caucus selecting me. I will not be leaving my membership and I will continue to represent the people of Igloolik and Hall Beach.

Secondly, Mr. Speaker, with respect to what I spoke about yesterday at the feast for the *Inuit Qaujimagatuqangit* Committee, I am thankful to them and other people who were there. I was presented with a tie which I am proud to wear today. Whenever I am sitting in the House, it will remind me that people still want me to continue to fight for Inuit traditions and customs. Thank you, Mr. Speaker.

>> *Applause*

Speaker (interpretation): Thank you, Mr. Tapardjuk. (interpretation ends) Members' Statements. Member for Iqaluit West, Mr. Okalik.

**Member's Statement 341 – 3(2):
Passing of Former Greenland
Premier Jonathan Motzfeldt**

Mr. Okalik (interpretation): Thank you, Mr. Speaker. I usually tell a story on Funny Friday, but it seems I cannot do that today, especially after seeing the *Nunatsiaq News*. They showed a story about a former Greenland Premier who passed away this weekend.

Jonathan Motzfeldt was a very good friend and he visited Nunavut when it was first created. He gave us a gift that was significant and it is hanging just outside our Assembly. It was to signify

that we are both Inuit and that Greenland would not be the only region of the Inuit governments. He was very hospitable and welcoming. We realized that there would be two governments that Inuit have a strong voice with. I was very proud of the fact that he came. He worked with us and cooperated with us because, at that time, we were a brand new government and he was open to offer assistance in all matters.

I am sorry that Jonathan Motzfeldt passed away. I want to take this opportunity to acknowledge Jonathan Motzfeldt and to urge my colleagues to remember the Greenland Premier. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you. Members' Statements. Member for Quttiktuq, Mr. Elliott.

**Member's Statement 342 – 3(2): Trick
or Treat?**

Mr. Elliott: Thank you, Mr. Speaker. Before I start my Member's Statement, I would like to thank Minister Taptuna for the great news. I know the hamlet council in Arctic Bay actually met last night. That was one of the questions and concerns that they had is wondering when exactly the airport was going to open up. It will be nice to pass this on to everybody this weekend. Thank you.

Mr. Speaker, Halloween is just two days away and gangs of ghouls, goblins, ghosts, and gremlins will soon be visiting our homes in search of snacks and treats. I want to first say that I wish every little monster a safe and enjoyable

Halloween.

Mr. Speaker, I'm sure that we have all seen the news this week that pumpkins are no longer eligible for subsidized airlift under the Food Mail Program, which is in the process of being phased out and replaced by the new federal Nutrition North Canada Program.

An Hon. Member: Shame, shame!

Mr. Elliott: I was planning to table some photographs from my community of the price tags on pumpkins and other Halloween goodies, but I thought that these might terrify the House and cause disorder.

>> *Laughter*

Mr. Speaker, on a more serious note, this reminds us of the importance of working to ensure that the new federal Nutrition North Canada Program benefits our constituents. We need and want it to be a treat, not a trick.

Mr. Speaker, in August of this year, I wrote a letter to Ms. Elizabeth Copland, who is the Chairperson of the Nutrition North Canada Advisory Board. The mandate of this body is to "Represent the perspectives and interests of northern residents and communities in relation to the management and effectiveness of the Program." Mr. Speaker, over the coming year, I look forward to conveying the concerns of my constituents to this board.

In my letter to the board's chair, I raised a number of matters, including the issue of the program's support for essential non-food items, such as dental care products and infant care products. In my

letter, I noted that "... the health of a community's population depends not only on access to affordable and nutritious food, but the pursuit of a healthy lifestyle, a key element of which is preventative health care. Removing such items as soap and toothpaste from the list of eligible items would not be conducive to community wellness."

Mr. Speaker, I look forward to working with the Members of this House, our Member of Parliament and Senator, and the new Nutrition North Canada Advisory Board to ensure that this important new program works well. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Mr. Elliott. Members' Statements. Member for Nattilik, Ms. Ugyuk.

Member's Statement 343 – 3(2): Child and Youth Advocate Must Be a Priority

Ms. Ugyuk (interpretation): Thank you very much, Mr. Speaker. I say "good morning" to the people of Nattilik and to all Nunavummiut.

I wanted to thank the Minister of Environment for involving me in their work, although the letter contains some mistakes.

What I do want to say is that we heard yesterday, when Mr. Elliott was asking questions to the Premier, about the plans for children and youth and their implementation in 2013. That is what I understood, but in the Kitikmeot, we have wanted these programs for a long time.

We all know that there are many children in Nunavut. From my perspective, the issue has taken on a lot of urgency. We need to build a stable environment for youth and children within the government. This will demonstrate that we're making this a priority because many children are in difficult situations.

If you look at the Inuit custom, we're supposed to be looking after our children. That is a traditional Inuit custom that we have to survive. If we're looking after our children properly, we will survive down the road and then they will look after us when we are no longer able.

As social workers, we see many cases where children are in a very difficult and challenging lifestyle or even a life of abuse. There are sexually disease transmissions and abuse. When are we going to stop this abuse of the children through our government? Thank you, Mr. Speaker.

>> *Applause*

Speaker (interpretation): Thank you. Members' Statements. Member for Pangnirtung, Mr. Komoartok.

Member's Statement 344 – 3(2): Solid Waste Issues in Pangnirtung

Mr. Komoartok (interpretation): Thank you, Mr. Speaker. I say "good morning" to my fellow residents of Pangnirtung. Have a very good day.

(interpretation ends) Mr. Speaker, yesterday, I was pleased to attend a meeting with the Mayor of Pangnirtung and their regional engineers to discuss

the status of the study being done to examine solid waste options for Nunavut communities. This is a very important issue for Pangnirtung and all Nunavut communities. I would like to point out that it's become very clear to Pangnirtung that burning of the municipal dump can no longer be tolerated as the only option for solid waste management in Pangnirtung.

Hamlet research has clearly identified that known cancer-causing and other toxic chemicals get released every time we set fire to the dump. Prevailing winds blow these chemicals and particulate matters over the community. It is not unusual for smoke from the burning dump to linger over our town for many hours. Residents are forced to close their windows and stay inside so as not to breathe the fumes.

One of the most significant health issues facing Inuit is the high incidence of respiratory illness. Exposure to smoke particles can reduce the ability to breathe and reduce resistance to disease. Existing respiratory conditions are also aggravated. Those with greater pulmonary sensitivity, for example, asthmatics, may also show a greater reduction in lung function more than others.

The hamlet council is responsible for enhancing the health of residents, yet they have been put in a situation that forces them to endanger their health every time the dump is burned. Mr. Speaker, after a meeting yesterday, I am optimistic that we got on the right track to solve the problem and to have a solution for my community in place by the fall of 2011. Thank you, Mr. Speaker.

>> *Applause*

Speaker: Thank you, Mr. Komoartok. Members' Statements. Moving on, Item 4. Returns to Oral Questions. Hon. Louis Tapardjuk.

Item 4: Returns to Oral Questions

Return to Oral Question 476 – 3(2): Equality in Sport

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Speaker. Ron Elliott, Member for Quttiktuq, asked Question No. 476 – 3(2) with regard to Sports Nunavut and funding assistance for athletes and the rights for different communities. I would like to have the return entered into the record as read, if that is okay with you, Mr. Speaker, and I would like to provide a copy, Mr. Speaker.

Question:

On March 12, 2010, the minister submitted a return to Oral Question 223 – 3(2), which addressed support for our athletes. In his response, the minister stated, and I quote, “The Nunavut Soccer Association piloted an all-inclusive fee structure for regional tournaments in 2009-2010. In this format, all travel costs not accommodated through travel assistance grants were shared evenly by all participants regardless of community of origin. This pilot will be reviewed with participants prior to consideration for 2010-11 events.” Can the minister update this House on the success of the all-inclusive fee structure which was piloted in 2009-2010?

Response:

The Sport and Recreation Division has evaluated a variety of funding formats in

consultation with community stakeholders and territorial sport organizations, including a “flat rate” tournament funding format, wherein all participating teams paid the same fee to participate in the event, regardless of point of origin.

The “flat rate” funding format implemented during the 2009-2010 soccer events was particularly well received by communities that have traditionally faced the highest travel costs under the percentage allocation system. However, communities closest to the host site(s) noted significant increases in participation costs for their teams.

The “flat rate” funding format is a viable tournament funding format, particularly for events where participating teams have similar base transportation costs and the sport organization/host group has the capacity to plan and administer the program. Hockey Nunavut is considering a similar format for the 2012 Arctic Winter Games selection events occurring this season.

The Sport and Recreation Division will continue to work with community recreation leaders and the territorial sport organizations to identify funding formats that provide fair and equitable access to intercommunity sport events, including the “flat rate” format where appropriate.

Speaker (interpretation): Thank you, Minister. Your return to oral question will be entered into the record as read in the House. (interpretation ends) Returns to Oral Questions. Hon. Louis Tapardjuk.

**Return to Oral Question 484 – 3(2):
The Fate of Axel Heiberg Forest**

Hon. Louis Tapardjuk (interpretation): Thank you, Mr. Speaker. On October 27, MLA Ron Elliott asked Question No. 484 – 3(2) with regard to musk ox and the Petrified Forest. His question was in regard to the fossil forest and he had two questions. The first question was, “Does his department travel with cruise ships to ensure that these things are not happening?” The second question was, “What is being done to make sure that these places are not being disturbed?”

Mr. Speaker, I would like to submit my response and have it entered into the record as read.

Response 1:

Employees of the Department of Culture, Language, Elders and Youth (CLEY) do not travel with or on cruise ships to monitor their activities.

Response 2:

Protection for the tree remains is legislated under the *Wildlife Act*, (Nunavut) administered by Department of Environment as well as under the federal *Nunavut Archaeological and Palaeontological Sites Regulations* (Canada) administered by CLEY.

Economic Development and Transportation regulates cruise ships under the *Travel and Tourism Act* (Nunavut) and provides information to cruise ship operators on the various Acts and regulations that relate to cruise ship activities.

EDT is currently developing a comprehensive tourism strategy and, as part of this process, will be looking at

the current legislation and regulations. The regulation of cruise ship activity under the *Travel and Tourism Act* will be part of that work.

Government will investigate the accuracy of the information in the referenced media article.

Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Minister. The return to oral question will be entered as read. Returns to Oral Questions. (interpretation ends) Hon. Lorne Kusugak.

**Return to Oral Question 478 – 3(2):
Update on Projects**

**Return to Oral Question 490 – 3(2):
General Rate Application**

Hon. Lorne Kusugak (interpretation): Thank you, Mr. Speaker. I say “good morning” to the people of Rankin Inlet. Karlik is probably watching the proceedings, so I say “good morning” to him and the people of Whale Cove.

(interpretation ends) I would like to supply the supplementary information that I had told my colleagues from South Baffin and the MLA for Quttiktuq regarding the Qulliq Energy Corporation building and the residual heat.

Based on my commitment to provide the additional information to my colleagues for South Baffin and Quttiktuq, the new Iqaluit office building and the residual heat project in Iqaluit are not the reason for the recently filed GRA.

The total estimated office building project costs us around \$5,048,647.

Centralizing the various leased office space will result in savings of about \$5.6 million over the financing period. In addition, the new office will be a rent-free space once the repayment period's ending and resulting in additional future savings.

Residual heat project costs are not part of the GRA and have no effect on rates for customers. The residual heat assets are excluded from the calculation of QEC's base rate. The total cost for the residual heat project that you asked about in Iqaluit was \$9.2 million. QEC obtained \$4.1 million of that investment from the federal government. The main purpose was to reduce the consumption of fossil fuels, reduce emissions, and help reduce customer costs. To date, QEC has earned \$2.8 million in revenue from residual heat in Iqaluit.

I hope that is the information that my colleagues were seeking. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Returns to Oral Questions. Item 5. Recognition of Visitors in the Gallery. Item 6. Oral Questions. (interpretation) If there are none... Mr. Ningark.

Item 6: Oral Questions

Question 504 – 3(2): Polar Bear Populations

Mr. Ningark: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Environment, the Hon. Daniel Shewchuk.

Mr. Speaker, yesterday, I tabled a copy of a resolution made by the Kitikmeot Regional Wildlife Board at its most

recent annual general meeting. Mr. Speaker, this resolution was in response to the concerns and issues that the hunters and trappers organizations and the communities have regarding the management of the polar bear populations in the McClintock Channel and the Viscount Melville zones.

I have difficulty with nouns like Viscount, characterized by a southern character, Mr. Speaker, however noble it may sound.

The board has requested that his departmental officials travel to the affected communities to consult with the communities and HTOs in regard to the matters pertaining to polar bears in Viscount Melville and McClintock Channel areas. My question, Mr. Speaker, is: can the minister commit to directing his staff to meeting with the board and local HTOs on this issue? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Ningark. Minister of Environment, Hon. Daniel Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. I would like to thank the member for the question and concern. At present, as the member states, we have McClintock Channel and Viscount Melville polar bear populations in the areas that he is referring to.

I will and I can commit that we are, we have, and we will continue meeting with the communities in consultation with these two populations. Viscount Melville is a shared population with the Northwest Territories, so we also have interests there to consult with them.

But I saw in his document that was provided, the resolution, the regional wildlife organization is to provide me a letter with their concerns. I have not received that letter as of yet, but as soon as I do, I will respond to them and I will commit that we will consult with them. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your first supplementary, Mr. Ningark.

Mr. Ningark: Thank you, Mr. Speaker. First supplementary: I would like to quote from the Department of Environment's Wildlife Management Division website. It states that "One of the primary goals of the Division is to achieve a balanced approach to wildlife management that meets legislative requirements, uses both science and Inuit Qaujimagatuqangit and reflects the values and needs of Nunavummiut." Technically it was saying the people of Nunavut.

Can the minister explain how his department is applying these principles to the management of the polar bear populations in the McClintock Channel and Viscount Melville zones? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Ningark. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. As outlined in last winter's sitting, at that time, I informed the House of a wildlife symposium that was held in Rankin Inlet that involved all HTOs across the territory. At that point in time, that symposium was to create a working ethic of cooperation in wildlife management and, since then, that has happened. Now we do research not only

in polar bears but in all wildlife management.

Communities are heavily involved, their interests and the information they give us are involved, and they are actually involved in the processes that we come up to do proper surveys and in our research methods. I can assure the member that Inuit are involved along all steps of the way and more so than ever before. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your second supplementary, Mr. Ningark.

Mr. Ningark: Thank you. I thank the hon. minister for his answer and I understand that he talks about the process. My second supplementary, I suppose, is on the process. Can the minister indicate what the process is to increase the total allowable harvest in these zones? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Ningark. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. In regard to setting a total allowable harvest for the zones that the member has referred to, the process includes, again, consultation with the communities, the HTOs involved, updated research work so that we can have updated and current population estimates, and the process also involves all interest groups through the regional wildlife boards and through the NWMB making recommendations for proper decisions to be made. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your final supplementary, Mr. Ningark.

Mr. Ningark: Thank you, Mr. Speaker. On the final supplementary, the minister has indicated that he will direct his officials to visit the communities affected by the management issues. When will the minister get his officials to visit the Kitikmeot region? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Ningark. Minister Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. As I advised the member before, I am waiting for the letter that he has referred to and the resolution that was provided to me. I commit to meet with the communities as soon as possible, not over polar bear issues but all wildlife management issues. Once that letter is received, I will instruct my staff to be in contact with the affected HTOs to set up meeting dates. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Oral Questions. Member for Hudson Bay, Mr. Rumbolt.

Question 505 – 3(2): Economic Development in Smaller Communities

Mr. Rumbolt: Thank you, Mr. Speaker. I would like to direct my questions to the Minister of Economic Development and Transportation.

Mr. Speaker, a couple of days ago, I spoke about addressing poverty in this House. I urged the government to be creative in reviewing and developing the resources to fight poverty in Nunavut.

Mr. Speaker, I also spoke about how important the traditional economy is in smaller, non-decentralized communities.

Mr. Speaker, earlier this week, the minister tabled the Nunavut Development Corporation's 2009-2010 annual report in the House. I want to assure the minister that we do read those reports.

Can the minister explain what process the Nunavut Development Corporation has in place for establishing new subsidiaries in Nunavut communities? Thank you, Mr. Speaker.

Speaker: Thank you. Minister of Economic Development and Transportation, Hon. Peter Taptuna.

Hon. Peter Taptuna: Thank you, Mr. Speaker. I thank the member for that question, a very important question for the smaller non-decentralized communities of Nunavut.

NDC, in its Act, is obligated to assist smaller, non-decentralized communities, and that's exactly what it has been doing. For Sanikiluaq and the smaller, non-decentralized communities, NDC does pay particular attention to these smaller communities in trying to provide any assistance for any kind of economic development. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your first supplementary, Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Speaker. As the minister stated, the Nunavut Development Corporation is required by law to focus its efforts on creating "employment and income for residents of Nunavut, primarily in small

communities.” One section I was particularly interested in while going through NDC’s annual report was the “Job Creation” section.

A test fishery was conducted in 1985 for scallops and other seafood in Sanikiluaq. A similar study was done in the late ‘90s. It’s my understanding that the study concluded that a small specialty market could be developed.

As subsidiaries become profitable and no longer require assistance from the Nunavut Development Corporation, funds would be available for new subsidiaries to be established, for example, to harvest scallops and other seafood in Sanikiluaq.

Will the minister commit to asking the Nunavut Development Corporation to consider establishing a new subsidiary in Sanikiluaq? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Rumbolt. Minister Taptuna.

Hon. Peter Taptuna: Thank you, Mr. Speaker. There are always efforts being made by the Nunavut Development Corporation in establishing economic activity in these smaller communities.

What we found in the past is that the communities do have to initiate some of the activities that they want to do within the community. Not only that, there has to be capacity to have a viable business plan to make sure it’s feasible and is sustainable within the smaller community.

NDC does provide assistance to any individual or group in the smaller communities to assist in coming up with

business plans that are sustainable for the smaller communities. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Thank you, Mr. Rumbolt. Oral Questions. Member for Quttiktuq, Mr. Elliott.

Question 506 – 3(2): Public Health Strategy

Mr. Elliott: Thank you, Mr. Speaker. My questions are directed towards the Minister of Health and Social Services, the Hon. Tagak Curley.

Mr. Speaker, yesterday, I asked questions to the minister about the *Mental Health Act*. In his reply, he mentioned the *Public Health Act* and how it was being reviewed. He further went on to say that the review of this Act would not be completed in the life of the Third Legislative Assembly of Nunavut.

Mr. Speaker, my question is in regard to the Public Health Strategy. Mr. Speaker, I ask for confirmation if the *Public Health Act* is different from the Public Health Strategy. Thank you.

Speaker: Thank you, Mr. Elliott. Minister of Health and Social Services, Hon. Tagak Curley.

Hon. Tagak Curley: Thank you, Mr. Speaker. It may be a word game as far as I’m concerned. I don’t know whether or not a substantial... .

But certainly, with respect to the various reviews, what I can assure the member is that the *Public Health Act* of Nunavut is an ongoing review and the consultations continue with the various groups. It is one that is looked at as a long-term

review in view of the mandate of this Assembly, but whether or not it is actually in the same component, I would have to confirm that after checking with my officials. Thank you.

Speaker: Thank you, Minister. Your first supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. Thank you for that response. In terms of the Public Health Strategy, which my understanding is the strategy is complete, I was wondering if the minister could outline what the key points are in the strategy. Thank you.

Speaker: Thank you. Minister Curley.

Hon. Tagak Curley: Thank you, Mr. Speaker. Once I have that information, I will be prepared to table it with this Assembly probably on Monday. Thank you.

Speaker: Thank you, Minister. Your second supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. I guess that confirms that the Public Health Strategy is complete. My understanding of the Public Health Strategy is that, through the strategy, public health nurses are supposed to be hired in all of the Nunavut communities. Is this true, yes or no? Thank you.

Speaker: Thank you, Mr. Elliott. Minister Curley.

Hon. Tagak Curley: Mr. Speaker, certainly our health centres in Nunavut have base funding for personnel. Where recruitment strategies are completed, they are funded and there should be, if at all possible, positions filled, but it is a

continuing challenge to have all positions filled. The department continues to work and recruit, and that process continues to be underway. Thank you.

Speaker: Thank you, Minister. Your final supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. These public health nurses are a vital part to having a healthy community. They provide education and preventative measures within the community. Could the minister update the House as to how many public health nurses are hired in the territory? Thank you.

Speaker: Thank you. Minister Curley.

Hon. Tagak Curley: Mr. Speaker, I certainly will be pleased to table the information once I have it. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Oral Questions. Member for Iqaluit West, Mr. Okalik.

Question 507 – 3(2): Polar Bear Sport Hunts – Baffin Bay

Mr. Okalik (interpretation): Thank you, Mr. Speaker. As we are approaching winter here in Nunavut, there will be many hunters wanting to go polar bear hunting over the winter. Many communities are preparing for the winter polar bear hunts, especially here in your community and in Pond Inlet.

It will be almost two years since sport hunting has been banned in the Baffin Bay population. I wrote in my letter to the federal minister that they are stopping the economic opportunities of

this region. Their response was that they would not open this region for sport hunters.

So I would like to ask this question to the Minister of Intergovernmental Affairs: what have you undertaken to try and deal with economic disadvantage that has been foisted on the Baffin Bay polar bear population communities? What have you done to try and alleviate some of these issues faced by our communities in this region? Thank you, Mr. Speaker.

Speaker: Thank you. Minister of Executive and Intergovernmental Affairs, Hon. Eva Aariak.

Hon. Eva Aariak (interpretation): My apologies. I thank the member for expressing his concern to the federal government and that he regularly writes to the federal ministers.

With regard to this issue, I am really in support of the Minister of Environment when he is dealing with these issues. The department is dealing with this matter and he can respond to this question properly. I can state that we are continually exploring options on how we can best deal with that. I believe the Minister of Environment can respond more clearly on that. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Premier. (interpretation ends) Minister of Environment, Hon. Daniel Shewchuk.

Hon. Daniel Shewchuk: Thank you, Mr. Speaker. I thank the member for the documents he tabled yesterday and I read through them. He voices his opinion and the opinions of the

representatives and the people of the affected communities.

As he recalls, I also wrote a letter to the federal minister, Minister Prentice, asking if a non-detriment finding of the polar bears of the Baffin Bay populations could be lifted. As the member has indicated, the federal minister is not willing to do that at this time. However, we are working on means and ways of doing that as quickly as we can.

We have set up a joint commission, as I had advised everyone before, with Greenland working with the shared population. They have met twice now. They are in the final stages of coming up with a common agreement on the survey methods and means and the involvement of all communities involved on doing a survey of the Baffin Bay polar bears to find out the updated population.

As soon as this is completed, it will provide us with information so that we can move forward to have this non-detrimental finding lifted and the Baffin Bay polar bears exportable again to Europe. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your first supplementary, Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Speaker. With respect to the Minister of Environment, I am fully in support of these initiatives, but my question was what the Minister of Intergovernmental Affairs was doing in this aspect. The Minister of Environment seems to be unilaterally working towards dealing with this significant issue via correspondence and meetings. If the minister had more support from

executive colleagues, specifically the Premier, then we would be able to move forward on this file prior to the end of the calendar year. That is why I asked about what activities EIA had undertaken, especially in trying to reopen that area for exports.

Yes, our government did slash some of the polar bear quotas for the communities in the Baffin Bay area and that is what this government has moved. However, the federal government has not moved at all, even with these changes. That is why I wanted to ask the Premier: what exactly have you done to support this Baffin Bay initiative? Thank you, Mr. Speaker.

Speaker: Thank you. Hon. Eva Aariak.

Hon. Eva Aariak (interpretation): Thank you, Mr. Speaker. We ministers are united in this government. In all of their duties, I continue to provide them with support since these are government initiatives. Furthermore, when a minister requires more support, I provide that support as needed. When I have the opportunity to meet with our federal counterparts, I continue to voice our concerns. I am working together with my ministers because we have to work as a team. We collaborate on issues and I want everyone to know that these projects undertaken by the department are supported by the Executive Council. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you. Your second supplementary, Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Speaker. As an example, I have tabled correspondence outlining my efforts to assist this initiative. However,

we have no concrete evidence of how the Premier is supporting her minister.

I would like to know when you met with your counterparts. What other processes will you undertake? Winter is fast approaching and many of our communities will have to look at alternatives with relation to providing economic opportunities with the ban in place. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Mr. Okalik. Premier Aariak.

Hon. Eva Aariak (interpretation): Thank you, Mr. Speaker. The Minister of Environment and his department are working really hard to resolve these issues. I'm not trying to take that away from them and I'm not sure what other activities I could undertake to support him, but they are very busy trying to deal with that challenge. I know that they are working to the utmost of their abilities to deal with this issue, especially in trying to benefit Nunavummiut.

Do we have to explore options? Maybe dealing with the minister or perhaps I can discuss with my colleague what options we may have. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Premier. Your final supplementary, Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Speaker. When I heard about this matter, I was quite shocked. One of our government's mandated duties to manage their wildlife was annexed by the federal government. Our government has the jurisdiction over polar bears, but

the federal government overrode this mandate when they imposed the polar bear export ban, which affects hunters and sport hunting guides. They have usurped the power of the Nunavut government to deal with that issue.

If they were to do that in Alberta, such as occurred during the oil spill in the Gulf of Mexico, where the federal government would expropriate the provincial government mandate, then there would be a tremendous public backlash. That is how I view this episode, where our government's powers have been eroded by the federal government. That is why I wish to see a stronger government that can face the federal government when they attempt to take away our jurisdiction and that this will not be accepted by us. Again, we are imposing hardships on our constituents in that manner.

I again ask the Premier: we have a Member of Parliament representing the North and perhaps the Premier can utilize our MP to reopen this management zone. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Mr. Okalik. (interpretation ends) Madam Premier.

Hon. Eva Aariak (interpretation): Thank you, Mr. Speaker. The federal government uses the principles of conservation to make that decision.

We, as a government, have continued to voice our position and this process is still ongoing. Whatever the government has attempted, whenever there is anything being done by the government, it's never a fast process. You have to

continue to remind them, continue to state your position, and continue to express your concerns. We are doing that in protecting our Nunavut residents. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Premier. Oral Questions. Member for Pangnirtung, Mr. Komoartok.

Question 508 – 3(2): Staff of Medical Travel Office

Mr. Komoartok (interpretation): Thank you, Mr. Speaker. I would like to direct my question to the Hon. Tagak Curley, the Minister of Health and Social Services.

This past winter, the minister indicated that the medical travel coordinator's office in Pangnirtung would be moved to Iqaluit. I believe he advised us that this would occur in April in the new fiscal year. This news was understandable in its reasoning. Now, with respect to the three positions in that office, they had options to move to Iqaluit or to stay in Pangnirtung and work at the regional office. They were told not to be concerned since they would not lose their jobs.

Over the course of several months, it became apparent that the move would proceed after June because of logistical issues, such as their children's school year ending date. One person did move to Iqaluit with their family, with their spouse and four children. One found another position in the regional centre, but the final person who did not want to move to Iqaluit has been placed in limbo. They received a letter from the deputy minister in late June stating that since they could not find a position for

that person, they would lose their position. After that correspondence was sent, that person is no longer working for the government.

It seems what the minister assured would occur did not get implemented as per his remarks. It seems that it slipped from the original intent. My question to the minister is: with respect to this individual who seems to have slipped through the cracks, can his department search harder for a proper position that that person can fill in Pangnirtung? That person does not want to move. My question to the minister is if he can task his officials to search for a position. The minister has received the correspondence requesting that this person be provided with a position. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Mr. Komoartok. Minister of Health and Social Services, (interpretation ends) Hon. Tagak Curley.

Hon. Tagak Curley (interpretation): Thank you, Mr. Speaker. Yes, I am aware of circumstances and that these employees could not move to Iqaluit. I understand that one employee did move to Iqaluit. However, based on what I was led to understand, one person wanted to resign but wanted to return later on. The fact that this person resigned caused a problem, as per my understanding.

With regard to employment, there are a couple of issues that we have to resolve. Once I get more background information on this matter, including your information, I can deal with that person's situation. However, I do recall that one person wanted to resign, which has created barriers and hurdles, and then the person later recanted their

resignation request. Once I find out the background, I will try to deal with. Perhaps if the Member for Pangnirtung can visit my office after our session and identify the person, we can deal with it. Thank you.

Speaker (interpretation): Thank you, Minister. Your first supplementary, Mr. Komoartok.

Mr. Komoartok (interpretation): Thank you, Mr. Speaker. I thank the minister for his response. I will ensure I give you that information and part of the story you were given was not entirely correct. It was slightly different and I will impart the correct information later on.

One thing I considered urgent was the fact that they received a letter in June from the deputy minister stating that they could not find a position and it appeared to be a hurried effort. It stated in the Auditor General's report that sometimes it takes an entire year to fill a position for the government. When they tried to stop this person, it only took a few months. From my perspective, it seemed like they moved too rapidly and did not wait long enough for an appropriate position for this person. The one thing I observed is that it took a very quick time before that person got laid off, so I will speak to the minister about it. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Mr. Komoartok. Although I didn't hear a question, if you would like to respond, Mr. Curley, I give you the opportunity.

Hon. Tagak Curley (interpretation): Thank you. Yes, all of the policies and procedures for human resources are adhered to when dealing with

employees. As an example, if I, as the minister, wanted to resign, then I would write a letter of resignation to the Premier. The Premier has to either accept our resignation or state that the position has been terminated. If they do not do that, then the person would remain as a financial liability as they would still be on payroll. These types of correspondence are required to be responded to.

When the person submitted their resignation letter, the process had to be followed as per that request. However, the employee stated afterwards that they wanted to return to the government. This original request for resigning was what caused the problems in this situation. As I stated earlier, once I get a better understanding of this matter, I will be able to deal with this matter. Thank you.

Speaker (interpretation): Thank you, Minister. Your second supplementary, Mr. Komoartok.

Mr. Komoartok (interpretation): Thank you, Mr. Speaker. I thank the minister for his response. The response indicates slightly different details from what I was led to understand. From what I was led to understand, that person was slated to move to Iqaluit but changed their mind. That person only changed their mind on moving to Iqaluit and did not state that they were going to resign if they did not move to Iqaluit. At least that is what I was led to understand. That person wanted to move to Iqaluit but then decided not to move and that was the only decision they made. I will meet with the minister and clarify the details of this story. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Mr. Komoartok. That was just a comment and I am sure the minister will look into your question. Oral Questions. (interpretation ends) Member for South Baffin, Mr. Schell.

Question 509 – 3(2): Personal Use of Government Vehicles

Mr. Schell: Thank you, Mr. Speaker. My question is for the Minister of CG&S. I am going back to the question I asked him earlier this week in regard to personal use of vehicles. Because hamlets receive the majority of funds from the GN, they have to abide by all the GN policies. Is this true? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Schell. Minister of Community and Government Services, Hon. Lorne Kusugak.

Hon. Lorne Kusugak: Mr. Speaker, I thank the hon. member for that question. Mr. Speaker, no, that is not true. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your first supplementary, Mr. Schell.

Mr. Schell: Thank you, Mr. Speaker. My understanding was that if there is a government policy and because they receive the majority of the money from the government, they have to at least follow that policy. If they want to add additional restrictions to that policy, they can do that through a by-law. So he is trying to tell me that that is not true. Thank you.

Speaker: Thank you, Mr. Schell. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. I am not trying to tell him anything; I am telling him that that is not the case and it is not true.

Municipalities have their own authorities, they have their own government, they have their own policies and by-laws, and that is their responsibility, Mr. Speaker. Now, if they choose to adapt some of ours or take a look at them and see how they can apply it to them, it is their prerogative, Mr. Speaker, and they create their own policies.

In this case, I assume that we are talking about the Motor Vehicle Policy. They draft and create their own policies, Mr. Speaker. If they follow our guidelines, all the better for them, but it is up to each municipality. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your second supplementary, Mr. Schell.

Mr. Schell: Thank you, Mr. Speaker. Personal use of vehicles includes driving back and forth to home, even if the person is on call, according to CRA. This is still personal use. Picking up family at breaks, lunch, and supper, going to the store or elsewhere, going to the beach to stock the boat or tow the boat, or even that Sunday drive to the park, this is against policy. After all, it is also a taxable benefit. How will the minister deal with this issue? Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Schell. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. The policy is very

straightforward, that government vehicles should be used for government purposes only. If all of those are being done, if they are gone to pick up their boats, or cruise in town, or go berry picking, or whatever they may be doing with the government vehicle, if it is not for the use of government business, it is not following government policy, Mr. Speaker. He is right; they should be using it for government business only. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your final supplementary, Mr. Schell.

Mr. Schell: Thank you, Mr. Speaker. In regard to the policies that were originally described, he said the hamlets can follow whatever they want. So when it comes to NNI policy, the hamlet doesn't have to follow it. I would like to ask how the government is going to deal with the possibility of tax liabilities that the government could be taxed with due to personal use of vehicles. Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Schell. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. The NNI Policy, as I understand it, is a policy of NTI and we try to adhere to it. As for the use of the government vehicle, if the municipality has by-laws, Acts, and policies, they write their own policies up and we can't tell them what policies they can or can't have, Mr. Speaker. So I'll leave it at that. I hope that clears the matter that the municipality chooses how they want to administer their motor vehicle policy and, in this case, it's totally up to them.

In ours, it's very clear. It says that the vehicle must be used for government purposes only. Now, in cases where the government vehicle is used by, let's say, emergency measures, they are on call 24/7 and they need the emergency vehicle to be parked at their house, so be it. For those cases, they need to do that. There will be cases in some communities where the vehicle has to be taken home by an employee because there may be a) no parking space or no place to plug it in at night. So there are those things.

The rules for each department in control of the vehicle are that the head of that department is responsible for ensuring that the staff of that department are adhering to the GN policy. I hope that clears it up for my colleague. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Oral Questions. Member for Nattilik, Ms. Ugyuk.

Question 510 – 3(2): Application of Inuit Qaujimagatuqangit in Nunavut Courts

Ms. Ugyuk (interpretation): Thank you, Mr. Speaker. I would like to direct my question to the Hon. Keith Peterson.

We were informed that the *Inuit Qaujimagatuqangit* Committee met this week. They stated that they were unhappy with the court system and that they felt they weren't involved properly in the justice system.

Is the minister working with the Department of CLEY to see how they can include or incorporate more elders in the court system? I know that sometimes there are elders in the courts and I would

like to find out about that. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you. (interpretation ends) Minister of Justice, Hon. Keith Peterson.

Hon. Keith Peterson: Thank you, Mr. Speaker. I thank the member for asking the question. It's the first time I have heard that the elders are concerned; it has never been brought to my attention, but there is that concern and I will look into it and I will speak to my colleague from Culture, Language, Elders and Youth. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. (interpretation) Is that all? (interpretation ends) Oral Questions. Member for Quttiktuq, Mr. Elliott.

Question 511 – 3(2): PPD Contracts in Nunavut Communities

Mr. Elliott: Thank you, Mr. Speaker. My questions are directed towards the Minister of Community and Government Services, the Hon. Lorne Kusugak.

How often are PPD contracts negotiated and renewed with organizations and individuals in our communities? Thank you.

Speaker: Thank you, Mr. Elliott. Minister of Community and Government Services, Hon. Lorne Kusugak.

Hon. Lorne Kusugak: Excuse me, Mr. Speaker.

Thank you, Mr. Speaker. I don't know the exact length of time that they expire of each contract with PPD off the top of my head, Mr. Speaker, but there are

contracts with every municipality in Nunavut for the PPD delivery. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your first supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. My second question is: once the contract is received, how often does PPD or your department check up on the contractor to ensure they are living up to their obligations? Thank you.

Speaker: Thank you, Mr. Elliott. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. Our department of petroleum products within CGS is in regular contact with the contractor to ensure that the services that are supposed to be provided in that contract are adhered to, so it's on a regular basis. They are definitely in touch with them at least once a month and, in some instances, more often. There is regular communication from our staff with each contractor in the municipalities to ensure the delivery of services to that standard of CGS or to the government. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your second supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. There have been concerns brought to me by constituents in Arctic Bay repeatedly in terms of the contractor that is currently holding the PPD contract. They have been having difficulty in maintaining their fuel truck. It has resulted in planes being missed on a regular basis. It extends the flight times

to the community because the planes are landing in Hall Beach to refuel there.

Who is responsible for maintaining the fuel trucks and ensuring delivery of the fuel? Thank you.

Speaker: Thank you, Mr. Elliott. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. The responsibility of the equipment is that of the contractor, but there have been instances where they were not able to maintain their vehicles. They have been in contact with our department and we've had to go in and try to help them. It's happened in a few other communities where proper maintenance and upkeep of vehicles wasn't done. It's actually not a joking matter, but it's held within the contractor. Where they can't pull through, we have often stepped in and tried to help them resolve the problem. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Your final supplementary, Mr. Elliott.

Mr. Elliott: Thank you, Mr. Speaker. I thank the minister for that. More recently, in terms of discussions I've had with some constituents, it is not really a laughing matter in terms of medevacs and emergency situations when a plane has to be called out right away to evacuate someone.

Last Sunday was an example in terms of bad weather in different communities and landing situations in the alternate communities. It not only puts the individual who is being medevaced in a situation that is not safe, it also puts the pilots and flight crew in a situation that

is not very safe. If situations like this continue, what procedures are in place, I guess as an MLA, to ensure that this doesn't continue? Thank you.

Speaker: Thank you, Mr. Elliott. Minister Kusugak.

Hon. Lorne Kusugak: Thank you, Mr. Speaker. I believe, in Arctic Bay, our department is working with the contractor to ensure that vehicle maintenance is caught up. The vehicle was in with the local mechanic. The wear and tear on that vehicle has been extensive because it's had to go such a long distance. Our department will be working with the individual to ensure that the vehicle is able to operate efficiently and sufficiently.

The good thing about this is that my colleague just announced that in mid-January, there will be a new airport right in the municipality. That will take a lot of strain off of that vehicle. So we will ensure that the vehicle is in good working order as soon as possible. By January, the wear and tear on it will decrease dramatically. Hopefully that will ensure that it's operable at least until the next sealift arrives in the municipality, where we are hoping that they will be a new vehicle to be able to deliver fuel to that community. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Oral Questions. I have no more names on my list. Item 7. Written Questions. Item 8. Returns to Written Questions. Item 9. Replies to Opening Address. Item 10. Petitions. Item 11. Reports of Standing and Special Committees. Mr. Schell.

Item 11: Reports of Standing and Special Committees*

Committee Report 006 – 3(2): Report on the Review of the 2009-2010 Annual Report of the Information and Privacy Commissioner of Nunavut

Mr. Schell: Thank you, Mr. Speaker. I rise today to present the report of the Standing Committee on Oversight of Government Operations and Public Accounts on its review of the 2009-2010 Annual Report of the Information and Privacy Commissioner of Nunavut to the Legislative Assembly.

The Information and Privacy Commissioner of Nunavut appeared before the standing committee on October 1, 2010. As members will recall, the committee held hearings on her 2007-08 and 2008-09 annual reports on October 1 of last year.

This year's appearance was again held in the Chamber of the Legislative Assembly and was open to the public and news media to observe. Transcripts from the appearance have been posted on the Legislative Assembly's website and I encourage all members to review these with care.

The timing of the standing committee's hearings were very appropriate given that they took place during the fifth annual Canadian celebration of Right to Know Week, which reflects an international effort to raise awareness of people's right to access government information.

*See Appendix for full text of Committee Report 6 – 3(2).

The Information and Privacy Commissioner has submitted a total of 11 annual reports to the Legislative Assembly of Nunavut since her initial appointment in 1999. In each annual report, she has presented a number of recommendations.

Following our hearings of last October, the standing committee presented its own report to the Legislative Assembly on December 2, 2009. This report contained 10 formal recommendations. The government's response to the standing committee's report and recommendations was tabled in the Legislative Assembly on March 22 of this year. Both the standing committee's report and the government's response to it are available to the public on the Legislative Assembly's website.

Mr. Speaker, members engaged in a productive dialogue with the Information and Privacy Commissioner during her appearance before the standing committee earlier this month. The hearings provided an opportunity to review the progress made by the government over the past year in addressing the recommendations made by the Information and Privacy Commissioner and the standing committee.

While the government has made progress on some issues, the standing committee notes that more action is required in other areas, such as amending the legislation to provide the Information and Privacy Commissioner with clear authority to investigate privacy breaches, moving towards establishing an access to information and protection of privacy regime for

municipalities, and addressing the issue of health-specific privacy legislation.

The standing committee's report provides a number of observations concerning the issues and themes that have emerged during the committee's recent hearings on the Information and Privacy Commissioner's annual reports.

Mr. Speaker, the standing committee's report presents eight formal recommendations. A number of these follow up on issues that we brought to the attention of the House last year. I would like to take a moment to highlight the thematic areas that the committee has addressed in its report:

- Access to information in relation to disclosure of Crown agency contracting, procurement and leasing activities;
- The disclosure of information in relation to communicable diseases;
- Communication practices of community health centres;
- The application of access to information and protection of privacy legislation to municipalities;
- Amendments to the *Access to Information and Protection of Privacy Act* in relation to privacy reviews;
- Amendments to the *Access to Information and Protection of Privacy Act* in relation to the Information and Privacy Commissioner's discretion to extend the time for requesting a review;
- The development of health-specific privacy legislation; and
- The provision of information to Members of the Legislative Assembly pursuant to subsection

48(v) of the *Access to Information and Protection of Privacy Act*.

Mr. Speaker, I would like to take this opportunity to thank my colleagues for their thoughtful interventions and questions during the standing committee's deliberations. The increasingly complex world in which we live requires governments to ensure that their practices in the areas of access to information and protection of privacy are up to date. In Nunavut, we must also ensure that Inuit societal values are respected in our approach to these challenging but critical issues.

Mr. Speaker, I would also like to take this opportunity to pay tribute to the work that our Information and Privacy Commissioner, Ms. Elaine Keenan Bengts, has performed on behalf of Nunavummiut during the tenure of her appointment. The standing committee appreciated her candid replies to our questions and suggestions.

The standing committee also appreciated her taking the initiative to invite the federal assistant information commissioner of Canada to accompany her on the occasion of her trip to Iqaluit earlier this month, which included a meeting with the Iqaluit City Council to discuss access to information and protection of privacy at the municipal level.

Mr. Speaker, I would also take this opportunity to revisit an issue that was raised during last year's hearings on the Information and Privacy Commissioner's annual report. At that time, members discussed the issue of the Information and Privacy Commissioner's role and mandate.

Members raised the idea of the government being open to expanding her office's role to also address such matters as whistle-blower protection.

The standing committee notes that the government's most recently tabled public service annual report indicates that "work is continuing on the development of a Code of Values and Ethics for Nunavut's public service" and that "a comprehensive developmental plan has been launched for the revitalization of the *Public Service Act*." The standing committee also notes that in a recent response to a question asked in this House, the Minister of Human Resources indicated that the issue of whistle-blower protection would be addressed as part of this process.

Mr. Speaker, I would note for the record that the standing committee is requesting that the government provide a comprehensive response to this report, pursuant to Rule 91(5) of the *Rules of the Legislative Assembly of Nunavut*.

With that, I move that the report be received by the House and that it be entered into the record as read. Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Schell. Do members agree that the report of the standing committee be received by the House and that it be entered into the record as read?

Some Members: Agreed.

Speaker: Thank you. Reports of Standing of Special Committees. Item 12. Reports of Committees on the Review of Bills. Item 13. Tabling of Documents. Hon. Lorne Kusugak.

Item 13: Tabling of Documents**Tabled Document 249 – 3(2): Lease Activity Report 2009-2010****Tabled Document 250 – 3(2): FPT Ministers responsible for Local Government****Tabled Document 251 – 3(2): 2009-2010 Procurement Activity Report**

Hon. Lorne Kusugak (interpretation): Thank you, Mr. Speaker. (interpretation ends) I would like to take this opportunity and I am pleased to table three documents. The following documents, Mr. Speaker: the Lease Activity Report for Fiscal Year 2009-2010 for the Department of Community and Government Services; I would also like to table the FPT Report for Provincial/Territorial Ministers responsible for Local Government; I would also like to table the Procurement Activity Report for Fiscal Year 2009-2010 for the Community and Government Services. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Tabling of Documents. Hon. Eva Aariak.

Tabled Document 252 – 3(2): Nunavut Status of Women Council Annual Report 2009-2010

Hon. Eva Aariak (interpretation): Thank you, Mr. Speaker. I am pleased to table the Qullit Nunavut Status of Women Council's Annual Report for 2009-2010. Thank you, Mr. Speaker.

Speaker (interpretation): Thank you, Premier. (interpretation ends) Tabling of Documents. Hon. Keith Peterson.

Tabled Document 253 – 3(2): 2010-2011 Letters of Expectation for Public Agencies

Hon. Keith Peterson: Thank you, Mr. Speaker. I am pleased to table the 2010-2011 Letters of Expectation for Public Agencies. Thank you, Mr. Speaker.

Speaker: Thank you, Minister. Tabling of Documents.

Tabled Document 254 – 3(2): 2009-2010 Annual Contracting Report for the Office of the Legislative Assembly

Thank you, Members. I am pleased to table the 2009-2010 Annual Contracting Report for the Office of the Legislative Assembly. Thank you.

Tabling of Documents. Item 14. Notices of Motions. Item 15. Notices of Motions for First Reading of Bills. Item 16. Motions. Item 17. First Reading of Bills. Item 18. Second Reading of Bills. Item 19. Consideration in Committee of the Whole of Bills and Other Matters. Tabled Documents 207 – 3(2), 209 – 3(2), 210 – 3(2), and 212 – 3(2) with Mr. Ningeongan in the Chair.

I ask members to remain at their desks so that we can immediately proceed to the Committee of the Whole.

(interpretation) Sergeant-at-Arms.

Item 19: Consideration in Committee of the Whole of Bills and Other Matters

Chairman (Mr. Ningeongan) (interpretation): Thank you. (interpretation ends) I would like to call

the committee meeting to order. In Committee of the Whole, we have the following items to deal with: Tabled Documents 207 – 3(2), 209 – 3(2), 210 – 3(2), and 212 – 3(2). What is the wish of the committee? Mr. Aupaluktuq.

Mr. Aupaluktuq: Thank you, Mr. Chairman. We would like to commence with the concurrent review of the following tabled documents: 207 – 3(2), 209 – 3(2), 210 – 3(2), and 212 – 3(2). Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Aupaluktuq. Are we in agreement to deal with Tabled Documents 207 – 3(2), 209 – 3(2), 210 – 3(2), and 212 – 3(2)?

Some Members: Agreed.

Tabled Document 207 – 3(2): Nunavut Housing Corporation Contracting Report for the Year Ended March 31, 2009 – Consideration in Committee

Tabled Document 209 – 3(2): Statement of Expenditures for Nunavut Housing Trust as of April 1, 2006 to February 28, 2010 – Consideration in Committee

Tabled Document 210 – 3(2): Nunavut Housing Corporation Review of Nunavut Housing Trust – Consideration in Committee

Tabled Document 212 – 3(2): Nunavut Housing Trust Project Status Summary, September 30, 2010 – Consideration in Committee

Chairman (interpretation): Thank you. (interpretation ends) I would now like to ask the Minister responsible for the

Nunavut Housing Corporation to make his opening remarks.

Hon. Tagak Curley: Thank you, Mr. Chairman. I don't have opening remarks. We will answer questions and maybe the officials would be permitted to enter the witness chair with me. Thank you.

Chairman: Thank you, Minister Curley. Does the committee agree to bring in the witnesses?

Some Members: Agreed.

Chairman (interpretation): Sergeant-at-Arms, please escort Minister Curley's officials to the witness table.

Thank you. Minister Curley, please introduce your witnesses.

Hon. Tagak Curley (interpretation): Thank you. On my right is Alain Barriault, (interpretation ends) President of the Nunavut Housing Corporation, (interpretation) and on my left is Lori Kimball, (interpretation ends) Chief Financial Officer for the Nunavut Housing Corporation. (interpretation) Thank you.

Chairman (interpretation): Thank you, Minister Curley. (interpretation ends) By now, members are aware of Rules 77(1) and 77(2). Are there any general comments? Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I just want to get some answers, if you don't mind.

First, there is a reference to SIP designs in one of the tabled documents and I would like to know where the eventual

contract was awarded. That's my first question. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The contract for the SIP design was awarded to Kott Lumber. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik: Yes, I want to ask: where is the corporation located? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Kott Lumber is located just on the outskirts of Ottawa. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik: I would like to know where outside of Ottawa, what community, so that I can ask further questions on this matter. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. I'm not the most familiar with the geography outside of Ottawa. If I recall correctly, I believe it is Nepean that it's called. It's just on the western edge of Ottawa and it's about a 20-minute drive from downtown Ottawa. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'm getting mixed messages here because there was a reference to Merrickville, if memory serves, or Morrisburg. One of those communities, I think, was awarded the SIP contract. I just want that clear before I proceed. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Morrisburg is actually about an hour's drive due south of Ottawa and that is not where Kott is located. Kott has their manufacturing plant, I believe it's still within the confines of Ottawa proper, if I recall correctly. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'm just trying to get a picture here. We have first the award for the marshalling in Morrisburg, then we have an award for farming equipment in Winchester, all within the vicinity of the Ottawa area, and then we've got an award for Kott, the larger one, for the structural insulated panels just outside of Ottawa as well.

We seem to be quite focused on awarding contracts for housing to this one vicinity in our entire country. So is there some connection to these locations for housing specialists for everybody else? Why are they so close together in this vicinity? Is there something going

on there? (interpretation) Thank you, Mr. Speaker.

Chairman: Thank you, Mr. Okalik. Minister Curley.

Hon. Tagak Curley: I think it should be pointed out before we respond to the detail or attempt to provide detail for the reasons for having all of these various companies closely to the vicinity one city or one major city, let us be clear right from the outset that the decision to establish marshalling services at that time were really, for instance, out of our current mandate. They were done in the previous administration and a decision made by the previous administration. As to why they did that, I cannot respond to that.

I just wanted to caution you, Mr. Chairman, that they we may not be able to satisfy with those reasons why they chose to contract that particular Illamar contract. I believe it was about 2007 or 2008, which was beyond this current minister's mandate as well as the corporation's mandate, the current executive, but we will try to do our best to respond to them. Having introduced that, I'll let Mr. Barriault explain possible reasons. Thank you.

Chairman (interpretation): Thank you, Minister Curley. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. As I can understand it, there is a lot of manufacturing and retail sales, and so on, that have developed probably in that general area because of the closeness or proximity to the St. Lawrence Seaway as being a major shipping means. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'm not questioning when these contracts may have taken place. Regardless of either government, whether the past or the present, these contracts appear to have been signed to the Housing Corporation and they are all in the vicinity of the Ottawa region, so that's why I was getting curious. Is there a special connection with the Housing Corporation to this area? That was my question.

My next question is in relation to the SIPs that are referenced as designs in these tabled documents. When was this decision made to go with the structural insulated panels? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. From my understanding, the decision would have been made around the time that the announcement of Canada's Economic Action Plan funding would have come out, which I believe would have been in possibly spring of 2009, if not before. That predates me, so I'm not quite sure as to the exact dates. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) From what I understand, this is a practice of doing the labour somewhere in Ontario, where the president can't

locate the actual place where they do this work. Somewhere in Ottawa they do this work. Was it a way to try to reduce costs? It's transferring the labour from Nunavut to Ontario. So can the Housing Corporation explain what the rationale was? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The SIP panels, or structural insulated panels, are a fairly common building component. Now it's becoming a less of a new technology. The assembly and production of those components is something that should be done in a specialized plant. The labour component for the assembly of those components is still being tendered separately. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) From what I understand, a lot of labour was taking place for the actual construction and building of those units in Nunavut before in the former trust. Now it has shifted that type of labour to Ontario. I just want to find out how they arrived at that. Was it a cost-cutting measure that was used as a rationale to take away jobs from Nunavut and transfer them to Ontario in this situation? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. As I noted before, I was not part of the decision-making process at the time. However, the main reason that SIP panel technology has become popular as a construction method is energy efficiency and it can result in much lowered heating costs. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I am not an expert in that area, so I will defer that opinion to another expert who can attest to that.

From my examination of the actual costs, the housing trust's per unit cost out of 725 units was about \$360,000 per unit and with these structural insulated panels, the average cost per unit is now \$525,000. Can the corporation explain why there is such a price difference on a per unit cost basis with the latest overruns in this case? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The average cost, which I believe the member is referring to, would include all of the Nunavut Housing Trust construction, which included five-plexes and other multi-plexes, which are cheaper on a per unit cost to build. Definitely single family detached houses are the most expensive type of houses to build. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) We are trying to build houses, and I cannot get an explanation as to why a single family unit has to be \$525,000. That's over half a million dollars. My own house doesn't even come close to that. So why is the amount so high under the latest cost overruns? (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The cost estimates are based on what the market labour costs are that we have been receiving as a result of public tenders. Those are things that are beyond our control, but it is effectively reflecting what the market is showing us. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) From what I understand, these structural insulated panels are already pre-constructed; it's pretty much a matter of putting those structures together. I am puzzled as to why the price became so high when you are trying to put these pieces together. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. We had, in fact, expected to get somewhat lower costs on labour. However, as a result of public tenders once again, the market did not reflect

what our expectations had been on that. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Okalik.

Mr. Okalik (interpretation): Thank you, Mr. Chairman. (interpretation ends) I'm at a loss at this point and I'll defer to my colleagues on any further questions for the time being. (interpretation) Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Okalik. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. In terms of general comments, when I brought forward the motion, to me, one of the things is I know, probably, a lot of the answers we are going to receive, similar to what Mr. Okalik was just getting in terms of "We are under new management and we don't know the answer to that."

So I'm hoping that we will get some concrete answers as we continue over the next couple of days asking questions. I know again, as MLAs, we do have certain tools to bring the individuals who, in the past, were involved in the hiring and tendering of contracts and things, to bring them here to maybe answer questions if these are referred to a committee.

Some of the concerns I have and hopefully we will get answers to is not necessarily who is at fault or to blame but to make sure that different mechanisms are in place now to make sure that overspending doesn't continue and make sure that the houses are actually built. I know, when Minister Curley was speaking to the motion, that

was one of the things he was mentioning is the fact... I don't think any of the regular members are saying that we don't feel housing is one of the number one issues and one of the priorities for what we want to see happen in terms of getting more of our Nunavut residents out of overcrowded houses.

But, to me, the reality is, if I'm doing the math correctly, we had \$200 million originally given to us for 725 houses and then another \$100 million given to us for 286 houses. From that, we were told that these houses were supposed to be delivered. Now there is another \$110 million that we've had to find within the departments of the government. Obviously the 3 percent that has already been given by different departments is hard to take in terms of budgets that are already tight to begin with.

Now with the other \$110 million on top of the \$300 million, that's \$410 million that we are spending on these houses. Again, we want to see these houses built, we want to see Nunavummiut living in these houses and get rid of overcrowding. As I mentioned in my comments, it's sad that it doesn't actually scratch the surface in terms of the overcrowding that we do have in our houses.

But at the end of the day, that \$110 million, and the minister did allude to us trying to forget about it, it's hard to forget \$110 million when, initially, the Nunavut Housing Corporation was telling us that they were going to be able to build 286 houses for \$100 million. So, in my way of thinking, if things were managed properly, if proper ordering was done, if everything was done in the way that we were told as regular

members was being done properly, we should actually, in essence, have an extra 286 housing units constructed to provide to Nunavummiut and have those people living in those houses now.

To me, that is what is upsetting regular members and that is what is upsetting us on our side in terms of being told that everything is fine and then finding out afterwards that it's not. To me, it's not a witch hunt, which some people are saying, it's not laying blame, it's making sure that we can finish the houses that we already have.

Some of the houses, we are being told, I think it was 60, if my memory is correct, that are going to be completed and finished, and then there are going to be 110 that are going to be framed in and then, obviously in stages, we will complete those and eventually put people in the houses. That leaves another 115 that are sitting empty where they're in crates. As the report points out, theft is one of the things that they mentioned as a big concern, which I don't think and, as I ask questions when we're doing the questions, I don't see that as being the issue. I think it's just the way it's presented.

To me, Mr. Chairman, those are the issues, I think, of what we're trying to find out today. One of my questions to either the minister or the current president is it seems to go back to, as Mr. Okalik was asking a couple questions there, the idea that we are under new management, but I don't know. To me, if I was the president or if I was a minister, I would want answers and I would be concerned.

It seems like no one, even within this report that we received, picked up the phone. The auditing firm that was hired from the south had no problem with picking up the phone and calling Nunavut and incurring long distance phone calls to ask questions of people. I don't know why they couldn't have picked up the phone and made almost a local call to the former president and just say, "Could you clear up some of these questions for us?"

If the former president's office was anything like my office, maybe those initial prices for what it was going to cost to build these houses are hiding underneath a pile of paper or something. I'm not sure where they ended up, but again, no one has asked where they are.

My first question is: what is it going to take to raise the concern level of the corporation to have it raised high enough to have them check into these matters? Thank you.

Chairman: Thank you, Mr. Elliott. Minister Curley.

Hon. Tagak Curley: Thank you. As I indicated the other day, to be frank with all of you, even my colleagues, we will answer the question, but it doesn't guarantee that you're going to be satisfied because that's for you to determine, not me. You have made a lot of many... what would you call that? You say questions need answers. Some of them have been answered.

I told you and I stated the choices of the previous administration and the corporation three or four years ago made wrong investments, and they did not accurately provide the information

necessary to the government of the day. They walked on top of it and they never saw it coming. I did when I was sitting on your chair on that side.

During 2006, the tenders for marshalling were all over the place, and one failed and had to be moved during the middle of the winter, which resulted with the Illamar set up being structured. I indicated to them that if the corporation at that time were in the private sector, they would have been fired. Mr. Okalik certainly remembers that; he alluded to that to me personally the other day. Indeed, I saw them coming.

The costs were eventually going to skyrocket. Eventually they are going to come out one day and we're going to suffer from it. When did we start actually seeing the figures? Not from the previous corporation, previous Crown officials who are no longer employed, by the way, but the blame goes directly to the current administration. The morale of them currently right now is suffering because of the statements that are continuing to be made in this very powerful institution to undermine the work being carried out to complete the units.

There are two reasons that I want to indicate here. One is that the trust, by and large, had a deficit that is difficult to explain, obviously. I think we should reflect for a minute that the rules for tendering and awarding contracts were based on the contracting procedures that were used and continue to be used in some cases, not so much by the Nunavut Housing Corporation now, that allow for a tremendous amount of import labour.

When you have a huge import labour, the cost is greater because the accommodation costs are huge. They were obligated to use hotels, and these are not cheap these days. So the labour cost provision sector has been a tremendous reason for the costs, plus some of the wrong investment that I alluded to earlier, which we cannot explain. We can try to explain, but no one nor me will be satisfied with the choices that the previous administration and the Crown corporation made at that time.

So what we have done so far is have been granted permission by the FMB that when evaluating contract tenders and RFPs or negotiated contracts, that provision is one area be considered to use either existing housing or, by all means, cheaper accommodations for import labour. Also, we have been granted the maximum local employment.

In terms of the budgeting issues, I just want to indicate to you that there are approval requirements that we are obligated to carry out under the *Financial Administration Act* as well as the Auditor General's continuing direction that we have the approval of the funds first before we spend. I don't believe today that we have received approval for extra costs that we have identified to spend them.

So you may be wondering, "Why aren't they being carried out beyond December 15?" Have you granted us permission to spend the money or allocate the funds? The question will be, "Have we submitted it?" I alluded to that the other day. It's the scheduling issues at the cabinet and we have been under pressure to handle all of this. There are processes

involved which we can't just walk all over.

So we will try to respond, but let's be fair. The comments that are being made by very powerful individuals or this Assembly undermine continually the good work that the Nunavut Housing Corporation and the district offices supervising projects. They are feeling the impact. They too are human beings. They too have feelings. They too feel when tabled documents with names on them are being splashed around all over.

Their privacy rights may have been impacted. If I have done that, I would apologize for them. I will now apologize for some of my colleagues tabling the documents without having to explain it outside of the House. I see too and wonder why they were not included in the discussion document, which would have given us an opportunity to respond to them. We must be careful. We will explain, but let me say that this is a conflict issue.

Are we taking measures to resolve some of them? Yes. It's this current executive from the Nunavut Housing Corporation that has provided the details and had them confirmed by the auditor. There are problems, and they want to address them. Steps have been taken to better control financing and budgeting, and the project management has to sharpen up so that they carry out projects. Will it satisfy my colleagues? I cannot guarantee that, as I said a couple of days ago.

So I'll let Mr. Barriault, Mr. Chairman, explain some of the detailed questions on that. Thank you.

Chairman: Thank you, Minister Curley. As the Chair, I wish to comment before we break for lunch.

The standing committee is simply trying to get information as to what was incurred by the Nunavut Housing Corporation when it came to an over-expenditure of money rendered through the Nunavut Housing Trust. If the local housing organization over-expended, I am sure the Nunavut Housing Corporation would be quite curious as to where the over-expenditure occurred and would be asking questions. We are simply trying to do that here.

As to the good work that the minister keeps referring to by the past Nunavut Housing Corporation, I am sure there were good workers. Minister Curley.

Hon. Tagak Curley: Mr. Chairman, I responded to some of the general statements that were made. I am not at all questioning your role as the Chair. I think, in my view, you should be doing exactly that.

I was given an opportunity to respond and I had to because there was a reference to the members on this side maybe doing a witch hunt or something. No one has ever alluded to that. I try to refrain from it. In fact, I'm trying to lay out a history of how the cost escalators that should have been known were ignored.

I promised during my statement that we will respond to questions. I think, in my view, to try and indicate to the House that we are not prepared to respond is really out of question. Thank you.

Chairman: Thank you, Minister Curley. Before we break for lunch, we will continue on at one o'clock, but I would also like to state for the record that although there has been expression on good work done, I also would like to publicly state that there was a \$110 million blunder. So we will break for lunch and come back at one o'clock. Food is being served upstairs. (interpretation) Thank you.

>>Committee recessed at 12:08 and resumed at 13:01

Chairman (interpretation): Thank you. We can now resume our meeting. Thank you. We now have a quorum. Mr. Elliott was making some comments and we will continue from there. Minister Curley.

Hon. Tagak Curley (interpretation): Thank you, Mr. Chairman. Just before we left for lunch, you had touched up on the \$110 million cost overrun. We can respond to that question and we wish to provide responses. That is why we have appeared before the committee. There were some ongoing questions about the circumstances prior to this government taking on its mandate and many of the questions revolved around these decisions made beforehand.

We will be responding to the issues you voiced. We are not trying to hide anything nor are we camouflaging any issue, neither at the cabinet level nor at the FMB. We have agreed that we need to provide explanations on this matter and that is why we are in front of you. Furthermore, we are here to also talk about the auditors' report and that is the reason why we are appearing before your committee. Thank you.

Chairman (interpretation): Thank you, Minister Curley. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Thank you, Mr. Curley. Mr. Curley has made a mention to the previous administration and it was the previous administration that put the current president in place. Since he has taken over his position as president, has Mr. Barriault been in contact with the previous president of the Nunavut Housing Corporation? Thank you.

Chairman: Thank you, Mr. Elliott. Minister Curley.

Hon. Tagak Curley: Thank you, Mr. Chairman. He alluded to my statement. I don't recall actually saying that the current president was appointed by the previous administration. I never alluded to that. If he wants to clarify the question, I can try and answer it. Thank you.

Chairman: Thank you, Minister Curley. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. Yes, I can clarify the question. My question is to Mr. Barriault. Has he been in contact with the previous president of the Nunavut Housing Corporation? Thank you.

Chairman: Thank you, Mr. Elliott. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Yes, we spoke and the last time, I believe, would have been in December, shortly after I had been hired in this capacity. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. During those discussions, was the Nunavut Housing Trust discussed? Thank you.

Chairman: Thank you, Mr. Elliott. Mr. Barriault.

Mr. Barriault: I can't recall the exact details of the discussion. This is something that would have occurred nine or ten months ago, I guess, now. In general, I was assuming a new position and we just spoke in general about the operations of the Housing Corporation. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. So at that time, the former president gave no indications of any concerns or problems, things to look into possible overspending? That never came up in the discussions. Thank you.

Chairman: Thank you, Mr. Elliott. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. No, that was not brought up specifically. There was no indication at that point that there was a large budget problem as we later found out. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. So, as of last December when you last spoke to him, there was no passing on of

the reigns in terms of “Maybe this is a concern in terms of ordering. This is the way we are doing business within the Housing Corporation for the housing trust. This is the person in charge of different aspects in terms of hiring people, hiring contractors, doing tendering,” it was just, “I’m out of here. Have a good day and good luck.” I am just curious. I don’t know.

It is a \$200 million project, and you start a new job. When we became regular members and started with the Nunavut Leadership Forum, we came down and were given an orientation as to what our roles and responsibilities were as regular members. We were given different workshops on how to handle press and media, and different things like that. Were you not given that type of an advantage to be able to do your job? Thank you.

Chairman: Thank you, Mr. Elliott. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. I did not go through any formal orientation as such to the nature that the member has mentioned. There were quite a number of Housing Corporation staff in place at the time who informed me as to the status of various projects and ongoing operational issues. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Elliott.

Mr. Elliott: Thank you, Mr. Chairman. So as of December of last year, as things have started to unfold, questions have come up and issues are being brought forward in terms of how things were done, and as the minister had said in

terms of previous administration doing things in certain ways, you never felt inclined to pick up the phone and ask for some guidance from someone who had experience from the past. Thank you.

Chairman: Thank you, Mr. Elliott. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. As the issues were uncovered, it was fairly clear or apparent to us as to what the problems were. We know there were budgeting issues, we knew there were financial tracking issues, and those are the things that we knew how to solve and bring forward. It’s a process that we are going through currently. Thank you.

Chairman: Thank you, Mr. Barriault. We are still at general comments, Mr. Elliott. Questions pertaining to the tabled documents before us can be asked. Perhaps, Mr. Elliott, do you wish to further comment?

Mr. Elliott: Thank you, Mr. Chairman. In terms of the tabled documents, I’m sure that they are being tabled with the minister. Before we get into detailed questions about specifics within them, could the minister comment on what he feels in terms of the validity of these, whether more work needs to be done on them, whether there will be follow-ups on them and possibly in communication with the Auditor General? What will be done in terms of next steps? Thank you.

Chairman: Thank you, Mr. Elliott. Minister Curley.

Hon. Tagak Curley: Thank you. If the member is alluding to the finance controls, personally as a minister, I’m

really not involved in the operation or aspects of the corporation.

I am satisfied that the corporation currently has a number of work plans that they have prepared, as well as responding to the audit report, which is a tabled document. These are very specific recommendations that are being made. I believe if the questions are raised with respect to the operational issues, including finance and projects, the corporation and staff are ready.

As a political, responsible minister, my role is to coordinate anything that requires policy issues, particularly with respect to FMB and the cabinet. That is where my role comes in. Thank you.

Chairman: Thank you, Minister Curley. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Earlier this week, the minister basically was hoping that we wouldn't bring up the report anymore. This morning, he was kind of alluding too that we shouldn't be on a witch hunt. Well, we're not a witch hunt, but we would like to find out what went wrong, who was involved with in when it went wrong, why did it go wrong, and how is it going to get fixed.

Basically, going back to the SIP units, my understanding is that it was going to take about 300 man-hours away from northern labour if the SIP units were built in Ottawa. That should have made it a lot cheaper because you don't have southern employees coming up north, staying in hotels, and that.

Also, when we were mentioning that it costs \$525,000 per unit, you were stating

that single units are more expensive than multi-units, but I have to let the minister know that only half of these were SIP units, the other half were multiplexes, and this is the average figure if you take all that into account.

My question is: why is it so expensive? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Minister Curley.

Hon. Tagak Curley: Thank you. I appreciate the member reminding me. I have not remembered whether I had suggested that the members forget about it. The members are not prepared to sometimes take on the sense of humour that we should be exercising a bit more occasionally. Maybe we should have an indicator of some sort to say, "This is a joke," or something, then maybe we would understand it. Honestly I would never do such a thing. A member has integrity, so do I, and I respect that.

In terms of the details, we certainly will want to get to the bottom of it and members have indicated already that they may not get a satisfactory response. That part is not my responsibility to suggest, so I'll have the president respond to the details. Thank you.

Chairman: Thank you, Minister Curley. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. As we had noted when we first brought forward the costing issues with the Nunavut Housing Trust, there were a number of factors that had not been considered or adjusted for in the delivery of the housing trust. That

included escalating costs, basically inflation from year to year.

Another strong factor within all of this is what the market demands in terms of pricing. We can think that it should cost less to build a SIP house, for example, as Mr. Schell has noted, because of reduced labour content. However, we cannot control what the tender prices are. So our revised estimate on the affordable housing units is based on trying to reflect more closely what the market is demanding. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. There were only 12 five-plexes that were completed and the price on those 12 five-plexes was a reasonable price, and that's why they were awarded. The rest weren't awarded. My question is: what did they use for a figure to completing them? Did they use the same figure as they awarded those 12 or were they double the price when they estimated how much was the cost to finish them? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you. In looking forward on the estimating, we have used what are reasonable figures for the different types of buildings and we have taken into consideration other factors that have impacted our costs as well, such as land development costs. So there have been a number of factors that have impacted on the costs.

As I mentioned land development, in many communities now, lots are no

longer available within the developed part of the community and lot development costs are being brought forward and passed on to whoever is building. So we may have gone from \$150 a year, for example, land lease on an existing lot to suddenly being faced with a \$75,000 lot purchase. These kinds of costs do impact the overall figures. Thank you.

Chairman: Thank you, Mr. Barriault. Did you want to expand, Minister Curley?

Hon. Tagak Curley: Mr. Chairman, I would like Ms. Kimball to actually respond in detail in terms of figures. Thank you.

Chairman: Thank you, Minister Curley. Ms. Kimball.

Ms. Kimball: Thank you, Mr. Chairman. In terms of preparing the \$150 million estimate for the whole, we have revised the estimate for the SIP project. We actually looked at the historical costs in each community. Some communities have more costs, the airfare to get there can be more, there are varying costs at the hotels, etcetera, plus there are different historical costs in terms of the cost of the contractors in each area. So these costs reflect more on what we expect we can get in each community. We looked at it individually, per dwelling type and also per community basis, and there is a detailed schedule provided. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Kimball. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. In regard to saying that, there was a regular lease at \$150 a year and then they went to these equity leases for \$75,000. These equity leases have been around for ten years, so I just don't quite understand. When you are building new units, you should have been aware that there were equity leases and they have prices in all of the communities. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Ms. Kimball.

Ms. Kimball: From what I can see in the original budget that was prepared for this, it was an average used across all communities and it was significantly lower than what we are now seeing as equity leases. Again, the revised forecast does have the details per community. So it ranges from some communities where it's a \$250 annual lease up to I think the maximum we are seeing is about \$67,000 in a given community per land lease. So it's a wide range. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Kimball. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Earlier on when Paul had asked a question or maybe it was Elliott, I can't remember, you had mentioned that part of the extra cost, of course, is you have to bring southern employees down and they have to stay in hotels. Now, half of the projects were completed by LHOs and, as far as I see in most of the communities, the LHOs or the Housing Corporation put southern employees in houses. They did not stay at a hotel. I would like to know how many actually stayed at the hotels from

LHOs and how many were actually in houses because my understanding is that most of them were in houses, actually. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. If we look back over the life of the Nunavut Housing Trust, there were a number of different methods of delivery of the construction in different communities, so they were not always the same from year to year. In some years, they were LHO delivery, as Mr. Schell has indicated. In following years in some communities, things were tendered publicly for contractors. There is quite a variety.

In order to try to determine how many hotel night stays, that would be a very intensive and detailed exercise over about a five-year delivery period. There was definitely a variety of delivery methods and some included putting workers into staff housing of some sort, others through commercial accommodations. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. My other question is on the methodology that was used when this so-called audit was done on the housing trust. My understanding is that they couldn't find any documentation on the original budget process and different things there that could contribute to the shortfall.

I would just like to know what reference was made, as far as to the auditing firm, as to which NHC staff members they

were supposed interview. At any time, did the cabinet give instructions to try to question the previous NHC staff, which would be including the former president of the Housing Corporation? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Ms. Kimball.

Ms. Kimball: In terms of the audit, what we did is we met with the Auditor General's office with some staff there as well as the Department of Finance and developed terms of reference in terms of what we wanted to achieve in this audit. All of that was based on the ministerial directive that we received to do the audit. We didn't give specific guidelines as to who they should speak to. We kind of let the audit firm take the lead as to who they felt they needed to speak to. As far as I can recall, talking to the former employees of the organization was never discussed. Thank you, Mr. Chairman.

Chairman: Thank you, Ms. Kimball. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Going back to the SIP units, can the minister let the House know who actually designed the SIP panels in order to go out for proposals? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. It's my understanding that it was not actually a design so much as a performance specification. So what was put out in the request for proposals was what the Housing Corporation wished to

see as a product performance. So designs, as far as the proposal process, were submitted and evaluated in terms of meeting that performance, as well as the ability to deliver on time, and a number of other factors, including cost. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Originally I brought up the question in the House if these SIP units were CSA approved. Apparently they weren't, but they said that they were in the works of getting them CSA approved. So my question is: were they ever CSA approved? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. To my knowledge, they are not CSA approved nor are they required to be CSA approved. They are an engineered product and they have been certified and stamped by engineers, and therefore, satisfy the requirements in that manner. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Originally, a couple years ago, there was supposed to have been a SIP unit and a stick built unit shipped to Arviat. The purpose of this was to erect both of them side by side to see what the difference is in timing for completing them. My understanding is that those units were shipped over there but they're not built. Why weren't they built? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The main reason they haven't been built so far has been a capacity issue. There have been a number of staff changeovers both in the head office and in the district office. My understanding is that they are currently out for tender.

In terms of the timing, when that project was initiated and designed and the house material ordered, that timing occurred around the same time that the \$100 million announcement for Canada's Economic Action Plan came out. So that's when the decision was made back in the spring of 2009 or so to proceed on a larger scale with the SIP houses. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. My understanding was that this was going to be an experiment to see what the difference is in timing for these two different methods. Once they did that, then they were going to determine if they were going to go with more SIP units. So if there was going to be an experimental process to see what the timing is, why wasn't that done? They waited and then they set up the first SIP unit in Morrisburg there, but they never, ever completed these and that was the whole purpose of these two units being shipped to Arviat. Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The main reason that the decision was made to go forward, in my understanding on the SIP houses, had to do with energy efficiency and speed of construction. It was not a new technology, but the intent, as Mr. Schell has noted, was to do a comparison of two basically identical houses to have a more detailed measurement and comparison. However, this is not brand new technology and it is a decision that was made at the time, but this was proven as energy efficient and quick to build. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. It doesn't seem like it is going to be all that quick right now because we are short of money, but that is not the issue with the SIP units. My question is: was Kott Lumber the lowest bid? How did you determine which was the best company to do these SIP units? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Through a request for proposals, the cost is one of the factors that are looked at but there are also a number of others as well. Some have to do with quality control that has to do with satisfying the performance specifications that were identified. There are quite a number of things included.

As part of the process, the Housing Corporation, when they put out the request for proposals, actually received 12 proposals and of those, they were

reviewed and short-listed down to five. A technical team then did an assessment by doing site visits to the top five rated proposals and that added to the assessment. It was quite a lengthy, in-depth process that resulted in the selection of Kott Lumber Supply. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. The Nunavut Housing Corporation's 2007-08 annual contracting report indicates that the corporation awarded a \$3,309,000 contract to Illamar Marshalling of Ontario for marshalling. This contract was awarded through a public tender. As of today, what is the status of the NHC's contract with Illamar Marshalling, and has it been renewed for 2010-11 and 2011-12? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The Illamar Marshalling contract had been given a one-year extension as part of the provisions of the contract for the 2010-11 fiscal year and, as such, is expiring in December of this year. The contract does have allowances for an additional one-year extension. However, as the corporation has no additional funding to be bringing more material to the North, there is no reason at this point to extend that contract. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. In June of this year, members asked questions about the NHC's policy concerning conflict of interest. Has the Nunavut Housing Corporation's new management been able to determine if there is any form of family relationship about the past president of NHC and the president of Illamar Marshalling? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Through the only means that we do have available, we have verified that after those suggestions have been made. To the best of our knowledge, there is no relation. We have been told outright by those parties that there is none, so we can only take them at their word. Other than that, we have done a legal search in terms of ownership. As a private incorporated company, there is a limit as to what a legal search will disclose.

So we have taken the steps that are available to us. Moving forward, all of our contracts for the last few months have included a disclosure clause whereby we do not award to any contractors unless they sign a disclosure clause first stating if they have any relations whatsoever with former and current NHC employees. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. Does the corporation, at the present time, have any engineers, or architectural engineers, or any employees in place, or

is it all contracted out? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. We have a combination of things that we do in terms of design. We have an architectural technologist who is working for the corporation at the moment as an employee. Structural design is done by contract. We have as well a number of employees and contracted staff who have extensive northern construction experience. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Schell.

Mr. Schell: Thank you, Mr. Chairman. In regard to the NNI bonuses that are paid out for units being constructed for exceeding the Inuit content that is required, what do you use for a method to determine that actually extra money has been spent on the contract? Thank you, Mr. Chairman.

Chairman: Thank you, Mr. Schell. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. We follow the NNI Policy as well as general conditions that are included in all of the GN contracts. Following those provisions, we require, and that's part of the progress claims as well, employee verification forms. We can also request as needed payroll sheets and even T4 slips, if need be, to determine the payroll. Part of the process is we do ensure that we get the required documentation. Thank you.

Chairman: Thank you, Mr. Barriault. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. I want to go back to maybe 2006 when this Nunavut Housing Trust began. There was a lot of emphasis on training aspect towards this program. I wonder if the minister or officials can explain why there's no mention of the training aspect of this program mentioned in the reports. Thank you, Mr. Chairman.

Chairman (Mr. Schell): Thank you. Minister Curley.

Hon. Tagak Curley: Thank you. Mr. Chairman, maybe the member could perhaps clarify exactly which report that he's alluding to because I think there are a number of departments involved. Certainly the Department of Education is responsible for certifying certifications and all that, and the minimum hours required by our apprentices. But if he's alluding to the audit, is that what you're talking about? Thank you.

Chairman: Thank you, Minister Curley. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. When the Nunavut Housing Trust was first announced, the minister of the day announced there was going to be a joint venture with the Department of Education to train apprentices during the building of these houses. I'm assuming there would be costs associated with that, but there's no mention in any of these reports of anything to do with the training program that was initiated back in 2006. That's what I'm getting to. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The audit report, I believe, includes all costs related to apprenticeship under the labour component of this. Possibly Ms. Kimball, I don't know if you have anything additional to add to that, but in general, my understanding is that all costs are rolled into the labour analysis. Thank you.

Chairman: Thank you. Ms. Kimball.

Ms. Kimball: There are actually some funds that were paid to Nunavut Arctic College and those were treated as O&M, so they are a part of the expenses recorded in the year. The cost of the labourers who were putting in their hours is associated with the labour cost of the house. So, just to clarify, there are kind of two streams across. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: With regard to funds that went to the Arctic College, how many dollars do we know that went to the Arctic College for this fund? Thank you.

Chairman: Thank you. Ms. Kimball.

Ms. Kimball: Thank you, Mr. Chairman. Off hand, I don't have that figure. I know that in the final year of the trust, it was between \$600,000 and \$700,000. I'm not sure about the prior years, but those are the figures I saw. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. Does the Nunavut Housing Corporation or the Department of Education have any kind of records on the success of this program? Thank you.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. I believe we have reported on a number of occasions and actually I'm just looking up a more current number for you.

As of January 26, 2010, there had been a total number of 54 apprentices registered through the housing trust program. As to where they are within their apprenticeships, that would be a question that would have to be deferred to the Department of Education. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. If you could ask the Minister of Education if he has these figures. Thank you.

Chairman: Thank you. Mr. Tootoo.

Hon. Hunter Tootoo: Thank you, Mr. Chairman. The Department of Education, as the officials have pointed out, does track the apprentices. As far as finding out exactly, I need to know the exact names of those 54 people and go through the registry that they keep at the trades component of it that would be able to identify exactly what level each one of those individuals are at. That's not something that I carry around with me on a regular basis, but if that's what the member is looking for, we could probably provide that.

The only thing, Mr. Chairman, is that I don't know if we would be allowed to put names to it. We would say, "Apprentice 1 is at third level." I mean, there would be various levels of, you know, between first and fourth year apprenticeships and exactly what trade. There are different trades too. But if that is what the member wishes, we could provide that information to him. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. I guess one of my questions would have been, yes, what stages are people at in their training under this program. The main point I'm trying to find out is how many people have actually completed the apprenticeship program under the Nunavut Housing Corporation trust program. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Again I don't have the specifics as to the 54 separate apprentices. I am aware, though, of at least one journeyman who has completed his training. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. I think that during the initial stages when they announced the training program, there was a much bigger number than one who would complete this program by the time it was done. So I was just wondering what specific reasons why there was only one so far who has completed this program. Thank you.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. I can't really comment on individuals. People would have their own reasons and different circumstances as to why they are at different stages in their apprenticeship.

I do know that the Housing Corporation did try to work with the Department of Education in terms of scheduling to allow apprentices to get their required hours to attend the courses. From there, there may have been some scheduling issues in terms of timeliness of courses based on when apprentices received their hours, but again I can only be guessing at this point. So there would be a number of reasons as to why people are progressing at different rates. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. Just to change the question a little bit, in the Deloitte report, they mentioned that theft is one of the reasons for over-cost, but the report does not mention anything about excess material or leftover materials. Are you finding that you have too much of certain kinds of materials in the communities? Thank you.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. There have been instances of insufficient materials supplied and there have also been instances of having material remaining at the end of the job. Each year, the material take-offs are attempted to be more fine-tuned, but sometimes the construction methods

used by whoever is building it will result in more or less wastage or better usage of materials, so that is a factor as well.

Yes, there have been instances of material remaining after the work and we have been attempting to identify that to use it in work going forward or to make it available for LHOs for their use. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. I have noticed that there are some materials that there's an abundance of leftovers and I'm talking crates of plywood in some cases. You mentioned it's turned over to the LHO for their use and sometimes the amount of material is beyond what they need.

Rather than overburden the LHO with materials that they may never use, has the Nunavut Housing Corporation considered trying to resell this material that's in the communities, whether through a public tender or through some sort of auction within the communities so the material can be put to use rather than rotting away? Thank you.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. We're currently trying to get a handle on what is out there right now. There have been five years of construction with material supplied, so there's quite a bit out there. A lot of it is in sea containers and some of them are in LHO yards. That is definitely a possibility that we will consider once we get a better handle as to what is required and what can be used, but that is very

much an option that we will consider. Thank you.

Chairman: Thank you. Mr. Rumbolt.

Mr. Rumbolt: Thank you, Mr. Chairman. Just a comment, I guess. At this point in time, every piece of lumber you can sell and make a dollar might come in handy towards this \$110 million. At that, I'll end my questioning. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Was that just a comment or was there a question attached to that? My apologies. Generally, yes, any dollars we can get back and reinvest is definitely a dollar needed and that can be used. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: He had his hand up first.

Chairman: Well, normally, we have to go through the minister if he wants, but I'll let you go ahead, Mr. Tootoo.

Hon. Hunter Tootoo: Thank you, Mr. Chairman. That's something you learn, the discretion of the Chair. You're the boss.

>> *Laughter*

Mr. Chairman, just going back to Mr. Rumbolt's question, they don't have a breakdown of specifically Nunavut Housing Trust apprentices by level, but I do have overall. Right now, there are 191 apprentices in all of the different trades. In carpentry, there are 88; 47 of

those are at level 1, there are 21 at level 2, 13 at level 3, 4 at level 4, and then there are two NEAT ones, whatever “NEAT” means. I’ve got to look it up. Oh, early apprenticeship training, there are two in that. For electricians, there are a total of 20. We have ten in level 1, four in level 2, three in level 3, and three in level 4. Oil burner mechanics could be involved in there. We have a total of 10; six in level 1... I’ll say a total of 11. Six in level 1, four in level 2, and one in level 3. We have one painter in level 1. We have, I think, 18 plumbers. No, there are more than 18; 20. There are ten in level 1, five in level 2, two in level 3, and three in level 4. That is what I have for the current breakdown of levels of which apprentices are at. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. It is important that the government’s RFP and tender documents are written in a technically accurate manner that is appropriate for professional contractors and construction companies. Can Mr. Barriault explain how the Nunavut Housing Corporation and the Department of Community and Government Services work together to develop requests for proposals and tender documents? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. The Nunavut Housing Corporation uses the GN contracting manual and the CGS-developed terms and conditions for RFPs and for contracts, so we do use the same forms

that have been developed by CGS. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. What technical qualifications are required for staff to be able to develop requests for proposals and tender documents for construction projects? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. There are standard documents that we use, which are the front ends, and there are standard technical specifications for different building components as well and those are standardized throughout the industry.

In terms of assembling the documents and preparing contracts, usually the technical expertise required is one that is achieved through experience. As such, we have people who have experience acquired through northern building experience as well as working in contract administration. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. Thank you for that response. Who signed off on the requests for proposals and tender documents for projects undertaken through the Nunavut Housing Trust? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. Some tender documents and requests for proposals were issued through the directorate office of the Nunavut Housing Corporation, while some labour and tender documents were issued through the district offices of the Nunavut Housing Corporation. As such, those who would have signed off on the documents would have been based on their signing authority levels. Typically district directors and technical managers would have signed off on district-awarded contracts, unless their signing authorities were exceeded, at which point they would have been signed off in the directorate office. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. Were any RFP or tender documents for projects undertaken through the Nunavut Housing Trust modified by the Nunavut Housing Corporation against the advice of the Department of Community and Government Services? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. That's something that I really can't comment on; I have no knowledge of that having occurred. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. Is the Nunavut Housing Corporation currently involving any litigation concerning projects undertaken

through the Nunavut Housing Trust? Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Barriault.

Mr. Barriault: Thank you, Mr. Chairman. There is no litigation at this point that I am aware of, so I believe the answer to that is no. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. The accounting firm's report states that "NHC's decentralized organizational structure may not be appropriate to enable the achievement of its objectives. NHC's processes and responsibilities are currently decentralized among its different office locations, all of which are geographically separated."

I think it was some time last week that the minister alluded to the fact that there were going to be some positions moved from Arviat to Iqaluit. Have there been any other options discussed, for example, perhaps moving the positions or people from Iqaluit into Arviat instead? Thank you, Mr. Chairman.

Chairman: Thank you. Minister Curley.

Hon. Tagak Curley: Thank you, Mr. Chairman. Have we considered responding to the audit report that creates capacity issues that continue to be problems with the current arrangement? The short answer is yes, there have been a number of discussions on that. Certainly discussions will continue with the Financial Management Board on whether or not we respond quickly to that.

In my view, as the minister, it would alleviate some of the continuing accounting challenges at the directorate, where they should belong because that's where many of the budget formulation for all district offices is normally shaped in terms of the number of projects as well.

These are ongoing options we're looking at. Currently we have not considered whether or not the directorate should move back to Arviat because that's the decision that has already been made by, I think, the last two mandates of the Assembly. Thank you.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. I wish to also ask that... . Since the auditing firm has indicated that there are several changes that have to be made in order to be able to look after a magnitude of this kind of housing construction, any idea as to how long it's going to take the Nunavut Housing Corporation to finally get to the point where you have full capacity?

I am just curious, Mr. Chairman, because it indicated that if there was nothing done in the next little while, then we could potentially go for another round of possible over-expenditures and so forth, if we didn't attempt to correct the situation now. That's partially why I am asking the question. What sort of timeframe are we looking at in order to finally get to full capacity that would then be able to enhance programs accordingly? Thank you, Mr. Chairman.

Chairman: Thank you. Minister Curley.

Hon. Tagak Curley: Yes, I think the member's questions are very important. The corporation and certainly the cabinet have felt the magnitude of the problem.

Without having an adequate financial team, there is a possibility of some of the problems that we have recurring. The challenges are real. I think the sooner we allow the directorate to have full access to the financial expertise required, in my view, it will solve more than 50 percent of the current problems that we see, at least historically, particularly with the housing trust experience.

If I may use the word in terms of suggestion, the ideal time to have changes put into effect within the government is normally the fiscal year. We look at April 1 as the target date. In my view, that would be the best arrangement because it would allow for all of the other consultation requirements as well as the decisions that have to be made done within that day. Certainly the construction companies operate that way. There is sealift time that is a good time. When you work backwards, you pretty well know that you have to make the decision today.

But in terms of the challenges with respect to financial positions, I think it's important to hear from our financial officer exactly what we are facing right now. Thank you.

Chairman: Thank you. Ms. Kimball.

Ms. Kimball: Thank you, Mr. Chairman. Since I arrived at directorate, it was interested to me that all of the financial positions are in Arviat. As a CFO in directorate, I have one AP clerk basically at my disposal in the org

structure, so I have no resources in the office for budgeting and preparing reports, etcetera.

With the current IT structure of the GN, the files cannot be shared if they are more than 2 Megs. The database that I'm working with for the tracking of these projects is 170 Megs. So I can't share it with Arviat, other than to put it on a stick and mail it to them. Trying to coordinate financial reporting that way is just not working, so we need some reporting tools.

Right now, the tools that I'm using is Access database and Excel. We have no software. Free Balance cannot handle multi-year projects; you can only pull reporting on a one-year-at-a-time basis. So if you have a three-year-long project, you have to pull three separate reports and then merge them manually.

It also cannot handle, the way it has been configured currently, tracking the budget for the projects at more than an overall budget level. So I can't have a separate budget for the land, for the lot prep, for the materials, for the shipping, so all of those budgets are now manually outside in Excel, not in the software tool itself.

So there are definitely some opportunities here where we can definitely streamline the process and make it more efficient, but it's going to require some planning and some supports to acquire the software and the tools that we need and to get the infrastructure issues resolved between ourselves and Arviat or relocate the positions. Thank you, Mr. Chairman.

Chairman: Thank you. Mr. Ningeongan.

Mr. Ningeongan: Thank you, Mr. Chairman. I'm getting a bit nervous here. It was actually going to be my next question; you are starting to read my mind now.

>> *Laughter*

That's all I have for now, Mr. Chairman.

Chairman: Thank you. I'm going to recognize the clock. It's pretty well two o'clock. What is the wish of the committee? Mr. Ningark.

Mr. Ningark: I recognize the clock. Thank you.

Chairman: Thank you. I rise now to report progress. And actually, yes, I guess we need a... . There is a motion on the floor and it can't be debated. Is everybody in favour? All those opposed. The motion is carried. I will now rise to report progress. We will get the Sergeant-at-Arms to escort the minister and the witnesses out from the witness table.

Speaker: Thank you. Going back to the orders of the day. Item 20. Report of the Committee of the Whole. Mr. Schell.

Item 20: Report of the Committee of the Whole

Mr. Schell: Thank you, Mr. Speaker. Your committee has been considering Tabled Documents 207 – 3(2), 209 – 3(2), 210 – 3(2), and 212 – 3(2), and would like to report progress. And, Mr. Speaker, I move that the Report of the Committee of the Whole be agreed to. Thank you, Mr. Speaker.

Speaker: Thank you, Mr. Schell. There is a motion on the floor. Is there a seconder? Ms. Ugyuk. Thank you. The motion is in order. All those in favour, raise your hand. Opposed. The motion is carried.

Item 21. Third Reading of Bills. Item 22. *Orders of the Day*. Mr. Clerk.

Item 22: Orders of the Day

Clerk (Mr. Quirke): Thank you, Mr. Speaker. Just a reminder, there is a meeting of the Standing Committee on Legislation at nine o'clock on Monday.

Orders of the Day for November 1:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motions

15. Notices of Motions for First Reading of Bills

16. Motions

17. First Reading of Bills

18. Second Reading of Bills

19. Consideration in Committee of the Whole of Bills and Other Matters

- Tabled Document 207 – 3(2)
- Tabled Document 209 – 3(2)
- Tabled Document 210 – 3(2)
- Tabled Document 212 – 3(2)

20. Report of the Committee of the Whole

21. Third Reading of Bills

22. Orders of the Day

Thank you.

Speaker (interpretation): Thank you. This House stands adjourned until November 1 at 1:30 p.m.

Sergeant-at-Arms.

>>*House adjourned at 14:02*

Appendix – October 29, 2010



Standing Committee on Oversight of Government Operations and Public Accounts

Report on the Review of the 2009-2010 Annual Report of the Information and Privacy Commissioner of Nunavut

**Second Session
Third Legislative Assembly
Legislative Assembly of Nunavut**

October 2010

**James Arvaluk, Chair
Fred Schell, Co-Chair
Moses Aupaluktuk, MLA
Ron Elliott, MLA
Adamee Komoartok, MLA
John Ningark, MLA
Johnny Ningeongan, MLA
Paul Okalik, MLA
Allan Rumbolt, MLA
Jeannie Uguyk, MLA**

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Introduction

The Information and Privacy Commissioner of Nunavut is an independent officer of the Legislative Assembly who is required under section 68 of the *Access to Information and Protection of Privacy Act* to prepare and submit an annual report to the Legislative Assembly on her office's activities.

The *Access to Information and Protection of Privacy Act* provides for the Commissioner of Nunavut to appoint, on the recommendation of the Legislative Assembly, the Information and Privacy Commissioner for a five-year term of office.

The appointment of Nunavut's first Information and Privacy Commissioner, Elaine Keenan Bengts, was recommended by way of motion in the Legislative Assembly on November 2, 1999. On November 25, 2004, her reappointment was recommended by way of motion to a second five-year term of office. The Information and Privacy Commissioner of Nunavut also serves as the Information and Privacy Commissioner of the Northwest Territories.

The Legislative Assembly of the Northwest Territories enacted the *Access to Information and Protection of Privacy Act* in 1996. As the Information and Privacy Commissioner has noted:

“The *Access to Information and Protection of Privacy Act* was created to promote, uphold and protect access to the information that government creates and receives and to protect the privacy rights of individuals.”

The *Access to Information and Protection of Privacy Act* and regulations were inherited from the NWT on April 1, 1999. While the Act has been amended on a number of occasions since the creation of the new territory, there have been no fundamental changes to it. The minor changes that have been made to the Act consist of amendments to address conflicts with other territorial Acts. The changes that have been made to the regulations have been housekeeping in nature.

As the Information and Privacy Commissioner has noted, her office is mandated to:

“...conduct reviews of decisions of public bodies and to make recommendations to the Minister involved (...) the Commissioner has the obligation to promote the principles of the Act through public education. She is also mandated to provide the government with comments and suggestions with respect to legislative and other government initiatives which affect access to information or the distribution of private personal information in the possession of a government agency.”

Standing Committee hearings on such annual reports as those presented by the Information and Privacy Commissioner, the Languages Commissioner and the Auditor General provide an opportunity for the issues raised in each report to be discussed in a transparent manner.

Government accountability is fostered through the requirement in the *Rules of the Legislative Assembly* that the government table a comprehensive response to the Standing Committee's report and recommendations within 120 days of its presentation to the House.

Since her initial appointment in 1999, the Information and Privacy Commissioner has submitted a total of eleven annual reports to the Legislative Assembly of Nunavut. In each annual report, she has presented a number of recommendations.

Since 2005, the Government has tabled an annual report on the administration of the *Access to Information and Protection of Privacy Act*. The government's most recent annual report on the administration of the Act was tabled in the Legislative Assembly on June 11, 2009.

The Standing Committee on Government Operations and Accountability held hearings on the 2007-2008 and 2008-2009 annual reports of the Information and Privacy Commissioner on October 1, 2009. The Information and Privacy Commissioner of Nunavut's most recent appearance before the Standing Committee took place on October 1, 2010.

Following its 2009 hearings, the Standing Committee presented its own report to the Legislative Assembly on December 2, 2009. This report contained ten formal recommendations. The government's response to the Standing Committee's report and recommendations was tabled in the Legislative Assembly on March 22, 2010. Both the Standing Committee's report and the government's response to it are available to the public on the Legislative Assembly's website.

This year's appearance of the Information and Privacy Commissioner before the Standing Committee was again held in the Chamber of the Legislative Assembly and was open to the public and media to observe. Transcripts from the appearance have been posted on the Legislative Assembly's website.

Recommendations

The Information and Privacy Commissioner's annual reports to the Legislative Assembly have provided a number of formal recommendations. The Standing Committee's October 1, 2010, hearing on the 2009-2010 annual report of the Information and Privacy Commissioner provided an opportunity to review the progress made by the government over the past year in addressing the recommendations made by the Information and Privacy Commissioner and the Standing Committee.

Issue: Disclosure of Crown Agency Contracting, Procurement and Leasing Activities

Last year, the Standing Committee recommended that the Government of Nunavut table annual reports in the Legislative Assembly on the contracting, procurement and leasing activities for all of its Crown corporations and agencies.

The government's response to the Standing Committee's recommendation stated that:

"The GN agrees. The Public Agencies Council will work closely with the Ministers responsible for our territorial corporations with respect to reporting of their contracting activities to ensure the timelines of reporting, transparency and accountability to Nunavummiut."

However, the NHC has been the only Crown agency for which an annual contracting, procurement and leasing report has been tabled in the Legislative Assembly.

Standing Committee Recommendation #1:

The Standing Committee reiterates its recommendation that the Government of Nunavut table annual reports in the Legislative Assembly on the contracting, procurement and leasing activities for all of its Crown corporations and agencies, including the:

- Nunavut Business Credit Corporation;
- Nunavut Development Corporation;
- Nunavut Housing Corporation;
- Qulliq Energy Corporation; and
- Nunavut Arctic College.

Issue: Disclosure of Information in Relation to Communicable Diseases

Last year, the Standing Committee recommended that the Government of Nunavut review its practices in the area of disclosure of information concerning the H1N1 virus.

The government's response to the Standing Committee's recommendation stated that:

“The Department of Health and Social Services, through the office of the Chief Medical Officer of Health, is currently reviewing its disclosure and reporting protocols concerning reportable communicable diseases, with a particular focus on disclosure of community names and community-specific numbers of cases. As part of this review, the department will be developing a protocol for real time reporting of communicable disease outbreaks.”

However, this protocol has not been tabled in the Legislative Assembly.

Standing Committee Recommendation #2:

The Standing Committee recommends that the Government of Nunavut table in the Legislative Assembly its disclosure and reporting protocols concerning reportable communicable diseases.

Issue: Communication Practices of Community Health Centres

During the Information and Privacy Commissioner's appearance before the Standing Committee, the issue of communication practices of community health centres was raised in relation to the broadcasting on local radio of the names of residents who are being requested to attend their local health centre.

In her testimony to the Standing Committee, the Information and Privacy Commissioner stated that:

“In fact, the manager of ATIPP and I are currently talking about it in terms of discussion back and forth. I have been asked to provide my written opinion to her and I am in the process of doing that. It's not an issue... if you were to ask one of my counterparts in southern Canada whether that was a good practice, they would all cringe and they would say “no” hands down ... but I don't think it's as straightforward as that in a place like Nunavut where, sometimes, that may be the only way to get people who need medical health attention into the health centres. So we are talking about it, we are working on it, and hopefully we will be coming up with some sort of policy direction together so that we can protect the privacy of the individuals involved in Nunavut while, at the same time, making sure that these people have access to the medical health care that they need when they need it.”

Standing Committee Recommendation #3:

The Standing Committee recommends that the Government of Nunavut table in the Legislative Assembly a policy on communication practices to be followed by community health centres.

Issue: Application of Access to Information and Protection of Privacy Legislation to Municipalities

Last year, the Standing Committee recommended that the Government of Nunavut, in cooperation with the Nunavut Association of Municipalities (NAM) and the Office of the Information and Privacy Commissioner, review the issue of access to information and protection of privacy at the municipal level.

The government's response to the Standing Committee's recommendation stated that:

"The GN agrees that municipalities should, in some way, be accountable under access to information and privacy protection legislation. Further consultation regarding their inclusion under the *Access to Information and Protection of Privacy Act* is required and the GN intends to include all stakeholders who may be affected by these changes, including the NAM."

The Standing Committee appreciated the initiative taken by the Information and Privacy Commissioner to invite the federal Assistant Information Commissioner of Canada to accompany her on the occasion of her trip to Iqaluit in October 2010, which included a meeting with the Iqaluit City Council to discuss access to information and protection of privacy at the municipal level.

The Standing Committee strongly encourages the Information and Privacy Commissioner to share, in writing, the results of this meeting with the Government of Nunavut and the Nunavut Association of Municipalities.

Standing Committee Recommendation #4:

The Standing Committee reconfirms its support for ensuring that all levels of government have appropriate systems of access to information and protection of privacy in place. The Standing Committee recommends that the Government of Nunavut's next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Nunavut Association of Municipalities and the Office of the Information and Privacy Commissioner to review the issue of access to information and protection of privacy at the municipal level.

Issue: Amendments to the *Access to Information and Protection of Privacy Act* to Include Privacy Reviews

Last year, the Standing Committee recommended that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop amendments to the *Access to Information and Protection of Privacy Act* to provide clear authority for the Information and Privacy Commissioner to conduct privacy reviews and investigate alleged breaches of the legislation.

The government's response to the Standing Committee's recommendation stated that:

"The GN agrees that our legislation is lacking in that it does not currently include a provision mandating privacy reviews by the Information and Privacy Commissioner. This problem has been identified and will be raised during the next review of the *Access to Information and Protection of Privacy Act*."

The 2009-2010 Annual Report of the Information and Privacy Commissioner notes that:

"The Information and Privacy Commissioner has no formal legislated authority to receive a complaint about a breach of privacy, or to do an investigation or make recommendations. Notwithstanding the lack of a formal mandate in this regard, this office routinely accepts complaints and undertakes investigations and provides reports and recommendations when a member of the public complains that their personal information has been improperly collected, used or disclosed by a public body. There is no requirement that a public body respond to such recommendations or even that they co-operate with the Information and Privacy Commissioner in her investigation of such complaints."

Standing Committee Recommendation #5:

The Standing Committee recommends that the Government of Nunavut's next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Office of the Information and Privacy Commissioner to develop amendments to the *Access to Information and Protection of Privacy Act* to provide clear authority for the Information and Privacy Commissioner to conduct privacy reviews and investigate alleged breaches of the legislation.

As an interim measure, the Standing Committee further recommends that the Government of Nunavut formally commit, as a matter of policy, to cooperating with the Office of the Information and Privacy Commissioner in privacy-related investigations until such time as the legislation is amended.

Issue: Information and Privacy Commissioner’s Discretion to Extend the Time for Requesting a Review

Last year, the Standing Committee recommended that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop amendments to the *Access to Information and Protection of Privacy Act* to provide the Information and Privacy Commissioner with the discretion to extend the time for requesting a review in appropriate circumstances.

The government’s response to the Standing Committee’s recommendation stated that:

“The GN agrees that the 30-day time limit, specified in the *Access to Information and Protection of Privacy Act*, to request a review by the Information and Privacy Commissioner, can be limiting to some individuals. We agree that it could be beneficial to amend the Act to provide the Information and Privacy Commissioner with the discretion to extend the time for requesting a review in appropriate circumstances, except where the issue involves a third party objection to the disclosure of information. The GN is committed to reviewing this issue during the next review of the *Access to Information and Protection of Privacy Act*.”

The 2009-2010 Annual Report of the Information and Privacy Commissioner notes that:

“In order to correct this problem, it would be my recommendation that the Information and Privacy Commissioner be given discretion to extend the time for requesting a review in appropriate circumstances, except in the case where the issue involves a third party objection to the disclosure of information. It may also be appropriate to consider extending the time for asking for a review from 30 days to 45 or 60 days.”

Standing Committee Recommendation #6:

The Standing Committee recommends that the Government of Nunavut’s next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in working with the Office of the Information and Privacy Commissioner to develop amendments to the *Access to Information and Protection of Privacy Act* to provide the Information and Privacy Commissioner with the discretion to extend the time for requesting a review in appropriate circumstances.

Issue: Development of Health-Specific Privacy Legislation

Last year, the Standing Committee recommended that the Government of Nunavut move forward towards introducing health-specific privacy legislation.

The government's response to the Standing Committee's recommendation stated that:

“The GN understands the sensitivity surrounding personal health information and is committed to ensuring the protection of all personal health information. The GN acknowledges the importance of privacy legislation, particularly as the Department of Health and Social Services moves toward an interoperable Electronic Health (iEHR) Record system. The iEHR system will initially be governed by a comprehensive privacy framework and supporting privacy policies. Once the iEHR system is operational, the GN will be in a better position to develop functional and effective health-specific privacy legislation that would apply to both paper and electronic records. The GN will be looking at the legislation enacted in and under development by other jurisdictions, particularly the other two territories, for guidance. Until such time, a combination of ATIPP Act and internal departmental policies will continue to be the legislative and regulatory authority for health information.”

The 2009-2010 Annual Report of the Information and Privacy Commissioner notes that:

“Nunavut needs to begin the process of creating separate legislation to deal with privacy of health records. The country is charging into the era of electronic health records and electronic medical records. Every jurisdiction in Canada, other than Nunavut, has now either passed health specific privacy legislation or is developing such legislation to address the very real privacy concerns raised by electronic records. The issues are significant and complicated. All Canadian jurisdictions are talking about an integrated electronic health record system to allow any person in Canada to be able to access their electronic medical records, no matter where they happen to be in the country. The challenges of such a system are enormous, but there seems to be the will in most of the country to make it happen, even if it is still many years away ... this is an issue that Nunavut needs to address, sooner rather than later.”

Standing Committee Recommendation #7:

The Standing Committee recommends that the Government of Nunavut's next annual report on the administration of the *Access to Information and Protection of Privacy Act* account for its progress to date in developing health-specific privacy legislation.

Issue: Provision of Information to Members of the Legislative Assembly Pursuant to Subsection 48(v) of the *Access to Information and Protection of Privacy Act*

Subsection 48(v) of the *Access to Information and Protection of Privacy Act* provides that:

“A public body may disclose personal information to a Member of the Legislative Assembly who has been requested by the individual to whom the information relates to assist in resolving a problem.”

In 2005, the Office of the Information and Privacy Commissioner assisted in the development of a form for the use of residents wishing to provide consent for their personal information to be released to the appropriate Member of the Legislative Assembly under this provision of the legislation.

However, the precise extent to which the government is obliged to comply with this provision is unclear, especially in relation to matters concerning health and social services and the ability of departmental employees and other parties to communicate directly with MLAs.

While Members of the Standing Committee fully recognize the necessity of protecting the privacy rights of Nunavummiut, it is also important that the government respect the wishes of constituents who have provided informed consent to have their personal information disclosed to their elected Member under this provision of the legislation. Members of the Standing Committee also recognize that in circumstances where the information requested could impact the privacy rights of a third party or a minor, the government’s priority must be the protection of privacy rights.

Standing Committee Recommendation #8:

The Standing Committee recommends that the Government of Nunavut, in cooperation with the Office of the Information and Privacy Commissioner, develop operational guidelines for the use of public bodies in relation to the disclosure of information pursuant to the provisions of subsection 48(v) of the *Access to Information and Protection of Privacy Act*.

**Tabling Dates of Information and Privacy Commissioner's Annual Reports,
GN Responses and GN Annual Reports**

	Information and Privacy Commissioner's Annual Reports	GN responses to Standing Committee Reviews of the Information and Privacy Commissioner's Annual Reports	GN responses to the Information and Privacy Commissioner's Annual Reports	GN Annual Reports on the Administration of the ATIPP Act
1999-2000	October 27, 2000	December 4, 2001	-	-
2000-2001	November 14, 2001	March 4, 2003	-	-
2001-2002	November 27, 2002	December 2, 2003	-	-
2002-2003	December 4, 2003	(June 2004)*	-	-
2003-2004	November 25, 2004	-	-	(May 31, 2004)*
2004-2005	November 15, 2005	-	March 1, 2006	November 18, 2005
2005-2006	November 30, 2006	-	March 13, 2007	November 22, 2006
2006-2007	October 26, 2007	-	February 19, 2008	June 1, 2007
2007-2008	September 15, 2008	-	January 26, 2009	May 26, 2008
2008-2009	June 8, 2009	March 22, 2010	Not yet tabled	June 11, 2009
2009-2010	Backdoor tabled with the Office of the Clerk on July 27, 2010, and tabled in the House on October 22, 2010	-	-	Not yet tabled

* Not tabled, but available