

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
5TH COUNCIL, 30TH SESSION**

**REFERENCE FOR ADVICE
NO. 1-30**

TABLED ON JANUARY 17, 1965



9 June, 1965.

NORTHWEST TERRITORIES

REFERENCE FOR ADVICE NO. 2
(Second Session, 1965)

CHILD WELFARE ORDINANCE

DISPOSITION

Accepted as Read.....

Amended..... See Text.

Rejected..... See Text.

Deferred..... See Text.

Not considered.

CHILD WELFARE ORDINANCE

Mr. Justice J. H. Sissons of the Territorial Court has written to me giving his views of and experience with Part IV of the Child Welfare Ordinance which relates to adoption. The learned Judge has a lifetime of experience in the practice of law and on the Bench. As the first Judge of the Territorial Court he has been assiduous in studying the needs of northern people. He has travelled to and held Her Majesty's Court in places large and small, near and far, including many that are very remote. He has approached his tasks with a keenness of interest that could not be surpassed. He has rendered judgements in a wide variety of matters and has often accompanied them by observations from the Bench characteristically candid and pointed. Some of these obiter dicta I have read with approbation. For one or two I have felt gratitude to the Judge for ruling with clarity on a matter of importance to people of the Northwest Territories and to this legislative body. On the other hand, there have been occasions when the Judge has stated views with which I could not agree, notwithstanding the research and study that have been evident in the material that has accompanied the statement of view.

In his letter about adoptions in the Northwest Territories, the Judge favoured me with a long letter giving the result of much study and thought on his part. I have personally examined the subject with care. As a result I am persuaded of the correctness of the main points the Judge has to make about the Adoptions Legislation of the Northwest Territories. As I see it, these main points are two in number:

1. The requirements spelled out in the legislation are unnecessarily and undesirably complicated.
2. It is repugnant to the proper concept of the role of the judiciary for the Judge to be constrained as he is by the provisions of our legislation to issue an adoption order only provided he has a recommendation so to do from the Superintendent of Child Welfare, a government employee.

It is, therefore, my intention to lay before Council a Bill to amend the Child Welfare Ordinance in order to remedy the two defects mentioned above and accomplish certain other changes that seem to be desirable.

I had hoped to have this Bill ready for the June session but members know how limited are my resources in the matter of having legislation prepared. I wish to place all important Bills in your hands a full two months before the session. This one especially for the action I propose is controversial in that some key advisers hold a view in this matter different from mine. I will be glad to know whether Council approves in principle.

P. G. Sivertz,
Commissioner

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

5TH COUNCIL, 31ST SESSION

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