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Speaker: The Hon. Red Pedersen, M.L.A.

# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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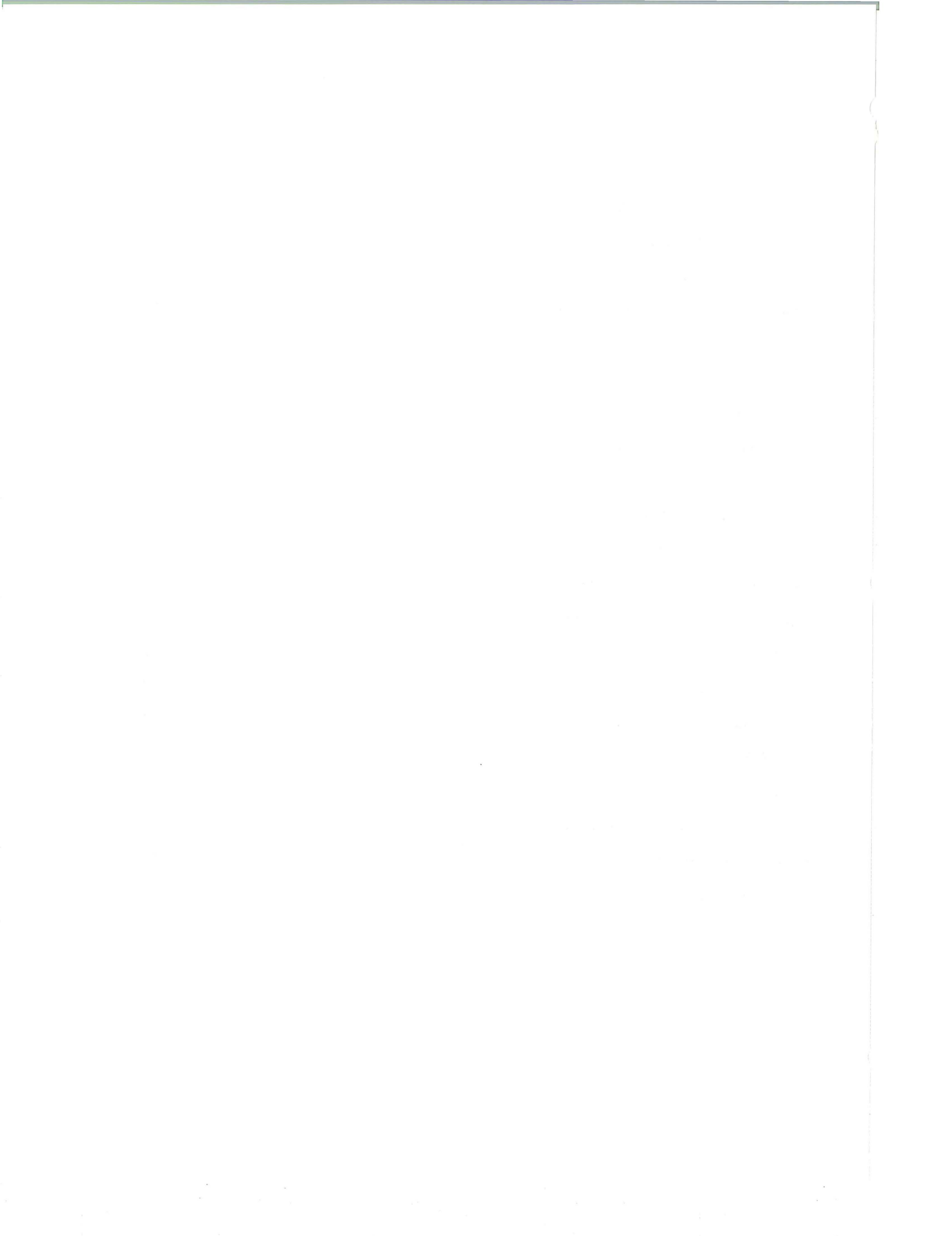
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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, OCTOBER 17, 1988

MEMBERS PRESENT

Mr. Arlooktoo, Hon. Michael Ballantyne, Mr. Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. Lewis, Hon. Jeannie Marie-Jewell, Mr. McLaughlin, Mr. Morin, Mr. Nerysoo, Mr. Pollard, Hon. Red Pedersen, Mr. Pudluk, Mr. Sibbeston, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Red Pedersen): Orders of the day for Monday, October 17th. Item 2, Ministers' statements. Ms Cournoyea.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 11-88(2): Medivac Air Tragedy

HON. NELLIE COURNOYEA: Mr. Speaker, honourable colleagues, today I wish to relate to you the facts as we know them about an air crash near Fort Simpson in the early hours of Sunday morning.

It is always tragic when there is an air crash, but more so when it relates to individuals involved in a mission of mercy. In the early hours of Sunday, October 16, the Health staff of Fort Simpson responded to a medical emergency by arranging the evacuation of a patient to Yellowknife. On the return flight to Simpson, again in the early hours of Sunday morning, the plane, piloted by Brent Crosby with co-pilot George Jolly of Simpson, and accompanied by nurse Sandra Desrochers, also of Fort Simpson, unfortunately crashed. There were no survivors. An investigation of the accident is currently being undertaken by the accident investigation branch of Transport Canada.

It is sad that it takes an incident of this nature to bring home to us the dedication of the nurses and pilots of the North and their commitment to the preservation of life and the practice of their profession within our health system.

I know you will join me in an expression of sympathy to the families and relatives of the pilots and the nurse. It is also a severe blow for the close-knit community of Fort Simpson and our sympathy extends to them as well. I am also confident that you will join with me in extending support to those doctors, nurses, escorts and pilots who continue today and in the future to make mercy flights for the medical evacuations necessary to ensure residents of our communities receive proper care.

I conveyed my sympathies on behalf of my colleagues and Members of the Assembly to the spouses of the nurse and the pilot.

Mr. Speaker, once the investigation is complete, I will be able to respond further to questions Members may have. Thank you.

**MR. SPEAKER:** Thank you, Madam Minister. Mr. Ballantyne.

**HON. MICHAEL BALLANTYNE:** Thank you, Mr. Speaker. I would like to report to the House in the absence of the Government Leader, Mr. Patterson, and Mr. Allooloo, who are in Iqaluit attending the annual meeting of the TFN. Mr. Patterson has named Mr. Kakfwi as the Acting Government Leader and Mr. Kakfwi will take questions for both Mr. Patterson and Mr. Allooloo.

Mr. Wray is still absent. He is still very sick and will be going out to Edmonton in the next couple of days for medical evaluation. So the Acting Government Leader will also field questions on behalf of Mr. Wray. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. The Chair would like to recognize the Member of Parliament for the Western Arctic, Mr. David Nickerson, a former colleague of ours. Welcome.

---Applause

**Ministers' statements. Mr. Ballantyne.**

**Ministers' Statement 12-88(2): Canadian Bar Association Reports On Native Justice**

**HON. MICHAEL BALLANTYNE:** In August, extensive national press coverage was given to two reports on native justice which were released at the annual meeting of the Canadian Bar Association.

One of these, entitled "Locking up Natives in Canada", has been mentioned in this Assembly by Mr. Gargan, who quoted figures from the report on the rates of imprisonment of treaty Indians in Saskatchewan. That report was prepared by the CBA's special committee on imprisonment and release. The other report is "A Report of the Canadian Bar Association Committee on Aboriginal Rights in Canada".

The reports stop short of making firm recommendations, but I believe that they provide important food for thought. The "Locking up Natives in Canada" report discusses difficulties that native people have experienced with the system but also acknowledges that there may be conflicts in trying to accommodate the individual rights protected by the Canadian Charter of Rights and Freedoms in a justice system based on traditional native practices. It points out the importance of having aboriginal communities grapple with these kinds of issues before the introduction of any separate justice systems.

I do not intend to comment in detail on these reports at this time because I have referred them to my advisory committee on aboriginal justice for review. The government is looking forward to receiving their recommendations to assist in determining how these reports may be used to help improve the justice system in the Northwest Territories.

I was pleased to see that the Canadian Bar Association was open to discussing creative legal options which could incorporate traditional aboriginal approaches to enforcing social values. Criminal law and sentencing are within the jurisdiction of the federal government, but I will be considering, once I have the report of the advisory committee on aboriginal justice, whether there are things in the report which might be appropriate for us to adopt at this level of government. I would like to say, Mr. Speaker, that I am prepared to make available to Members copies of these two reports, because I think it provokes ideas in all of us. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. Ministers' statements. Item 3, Members' statements. Mr. Lewis.



### ITEM 3: MEMBERS' STATEMENTS

#### Member's Statement On CBC Free Trade Debate

MR. LEWIS: Mr. Speaker, I would like to today commend the CBC for a debate on free trade which will be on the CBC television network program called "The Journal" beginning at 11:22 this evening. In the absence of any willingness on the part of the federal government to engage in a free trade debate, I believe the CBC is engaged in its traditional role of allowing the public to hear this major issue being debated so that the whole nation could understand what free trade is all about. I have had several requests from constituents of mine to explain to them what this free trade is. This perhaps will be an opportunity for them to hear, maybe not the leaders of our two governments, but at least two distinguished Canadians, Bob White and the former premier of Alberta, Peter Lougheed, discuss this major issue, and I urge all Members, busy though they may be, to listen to this debate this evening. Thank you.

MR. SPEAKER: Thank you, Mr. Lewis. Members' statements. Mr. Crow.

#### Member's Statement On Medivac Air Tragedy

MR. CROW: Thank you, Mr. Speaker. I would like to make a Member's statement regarding the airplane crash that occurred yesterday about five kilometres from Fort Simpson. On behalf of my constituents I extend our sincere condolences to the families and friends of the two pilots and the nurse that were killed in this tragic accident. A few years ago the same type of aircraft, King-Air, crashed while leaving Sanikiluaq, also during a medivac. In this particular incident, the two pilots and patient were killed on their way to Churchill hospital. Once again, Mr. Speaker, our most heartfelt and sincere condolences to those affected by this tragedy. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Crow. Members' statements. That would appear to conclude this item.

Item 4, returns to oral questions. Item 5, oral questions. Mr. Lewis.

### ITEM 5: ORAL QUESTIONS

#### Question O30-88(2): Request For Copies Of Material Used In Review Of Public Service Commission

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MR. LEWIS: Mr. Speaker, on Friday I asked the Minister of Personnel about a review of a public service commission. Today I would like to ask the Minister if I could obtain copies of the material that is being reviewed by her staff, and could she give me the name of the person who is reviewing this material? Because it is a subject of great interest to me. Thank you.

MR. SPEAKER: Madam Minister.

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I would like to take that question under advisement.

MR. SPEAKER: Thank you, Madam Minister. The question is being taken as notice. Oral questions. Mr. Zoe.

#### Question O31-88(2): Tabling Of Report Of Regional And Tribal Councils

MR. ZOE: Thank you, Mr. Speaker. My question is directed to the Acting Government Leader. As he may recall, Mr. Speaker, last session I asked if the Minister would be tabling the report of regional and tribal councils. At that time the Minister indicated that the Executive did not have time to review and comment on that particular report. When is the government going to be tabling that particular report? Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Mr. Speaker, the question will be taken as notice and the Government Leader will respond in his own time.

MR. SPEAKER: Thank you, Mr. Kakfwi. The question is taken as notice. Oral questions. Mr. Zoe.

Question O32-88(2): Reorganization Of Fort Smith Region

MR. ZOE: Thank you, Mr. Speaker. A question, again, to the honourable Member, Mr. Kakfwi, acting as Government Leader. It is regarding the reorganization of the Fort Smith Region. I asked if the Government Leader is taking a review of this decentralization. During the last session he indicated that he would be making a report to this House. Could I also ask him when he would be willing to give us an update as to where the report is? Thank you.

MR. SPEAKER: Thank you. Mr. Kakfwi.

HON. STEPHEN KAKFWI: These are big, big questions for the Government Leader so, again, I will take it as notice and let Mr. Patterson respond in his own time. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. Question taken as notice. Oral questions. Mr. Lewis.

Question O33-88(2): Review Of Canada-United States Free Trade Agreement

MR. LEWIS: Mr. Speaker, I believe that the Department of Economic Development has undertaken a complete review of the Canada-United States free trade agreement. Would the Minister who speaks for the Government Leader today please make that analysis available to this House? Thank you.

MR. SPEAKER: Mr. Kakfwi.

HON. STEPHEN KAKFWI: The question, again, will be taken as notice.

MR. SPEAKER: Thank you, Mr. Kakfwi. The question is taken as notice. Oral questions. Mr. Kilabuk.

Question O34-88(2): Interim Social Workers Position For Pangnirtung

MR. KILABUK: (Translation) Mr. Speaker, this is directed to the Minister of Social Services. We have no social worker in Pangnirtung at this time, and on Friday afternoon I asked her whether she could fill the position before a full-time position is available. The population of Pangnirtung is increasing and there is also youth crime and I am just wondering whether the Minister responsible for Social Services is going to be appointing an interim position for a social worker in Pangnirtung while they are waiting for a full-time position. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question O34-88(2): Interim Social Worker Position For Pangnirtung

HON. JEANNIE MARIE-JEWELL: The position that the honourable Member refers to has been vacant and is currently under recruitment.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Pollard.

Question O35-88(2): Filling Of Social Worker Position In Pangnirtung

MR. POLLARD: Thank you, Mr. Speaker. Supplementary to Mr. Kilabuk's question of the same Minister. What measures is the department taking to fill the social worker's job in Pangnirtung at this time?

MR. SPEAKER: Madam Minister.

Return To Question O35-88(2): Filling Of Social Worker Position In Pangnirtung

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I believe generally what happens is that when we do get a vacancy it is the responsibility of the supervisor to ensure that the duties are still adhered to, although we do not give the full services that we would like to. We certainly do try to meet the needs and necessities of serving the clients of that particular area or any other area. Thank you.

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

Supplementary To Question O35-88(2): Filling Of Social Worker Position In Pangnirtung

MR. POLLARD: Thank you, Mr. Speaker. Are those services being filled from Iqaluit, Mr. Speaker, or are they being filled from within Pangnirtung itself at the present time?

MR. SPEAKER: Madam Minister.

Further Return To Question O35-88(2): Filling Of Social Worker Position In Pangnirtung

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, from Iqaluit.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Ernerk.

Question O36-88(2): Regional Superintendent Of Social Services, Keewatin Region

MR. ERNERK: Mr. Speaker, my question is to the Minister of Social Services. Could the Minister please advise when she intends to fill the vacant position of regional superintendent of Social Services for the Keewatin Region? Mr. Speaker, this position has been vacant since July of 1988, and staff in the Keewatin Region require direction and assistance from the regional superintendent. Thank you.

MR. SPEAKER: Thank you, Mr. Ernerk. Madam Minister.

Return To Question O36-88(2): Regional Superintendent Of Social Services, Keewatin Region

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, that position is currently under recruitment although I will get a status report from the department to indicate exactly where it is at. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Ernerk.

Question O37-88(2): RCMP Staff House, Rankin Inlet

MR. ERNERK: My question, Mr. Speaker, is to the Minister of Justice. The Government of Canada was constructing a staff house for the RCMP in Rankin Inlet for a total cost of approximately \$428,000. Apart from the fact that this is an outrageous cost for a three-bedroom house, no local labour or supplies were used on the construction of this house. Could the Minister advise me, Mr. Speaker, what action he will take to ensure that any future federal government construction in the North must use local labour and suppliers?

MR. SPEAKER: Mr. Ballantyne.

Return To Question O37-88(2): RCMP Staff House, Rankin Inlet

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I would like to thank the honourable Member for notice of the question and I would also like to thank the honourable Member for making me aware of the situation earlier in the summer. This particular subject has come out a number of times in the House, the problems that our government is having with federal DPW. First of all, there are the costs of the federal government in constructing houses in the NWT and secondly, the policies of the federal government in regard to hiring local people or providing local business opportunities.

This government and the previous government have had a number of discussions with federal Ministers on this very subject. I have turned over the concern of the honourable Member to my colleague, the Minister of DPW, who is presently working on a protocol. We hope the end result will be that we can act as an agent for the federal government and construct federal government housing in the NWT. Hopefully, then our policies in regard to local hire and local business preference will apply. This is a very serious problem and it is one that we have been working on. I hope that later on during this session the Minister of DPW will make a statement and bring you up to date as to the status of those negotiations. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral Questions. Mr. Zoe.

Question O38-88(2): Funding For Dogrib And Deh Cho Regional Health Boards

MR. ZOE: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Health. Mr. Speaker, last year I questioned the honourable Member in regard to funding for the Dogrib regional health board and also for the Deh Cho board. At that particular time the Minister replied that a letter had been written to the Hon. Jake Epp in regard to the additional funding and they were waiting for a reply. I would like to ask the Minister at this time if she did receive any reply from the Hon. Jake Epp. Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. Madam Minister.

Return To Question O38-88(2): Funding For Dogrib And Deh Cho Regional Health Boards

HON. NELLIE COURNOYEA: Mr. Speaker, the reply from Jake Epp was not negative. We are still discussing a number of outstanding issues on the health transfer. As for the regional health board, the Mackenzie health board itself, we have not been able to initiate enough excitement within the region to set into place this one health board, so therefore the region continues to be handled from Yellowknife. However, there have been several discussions with the Dene health representatives and representatives such as Mr. Zoe. So, Mr. Speaker, those discussions with the federal Minister are still taking place. As well, it is our desire to see even one health board formed in the Mackenzie area.

MR. SPEAKER: Thank you, Madam Minister. Oral questions, Mr. Lewis.

Question O39-88(2): Transfer Of Social Services Positions Out Of Yellowknife

MR. LEWIS: Mr. Speaker, this question is directed to the Minister responsible for Social Services. Following the second strategy meeting of the Executive Council, which took place at Brabant Lodge on June 21 and 23, the Government Leader was able to make a press release about the government policy on decentralization, and I quote: "With regard to decentralization and the issue of how government organizes itself for delivery of programs and services, cabinet concluded it cannot consider changes to the system until decisions have been taken about the evolution of public government." Bearing this in mind, why is the Minister of Social Services being allowed to move social services positions out of Yellowknife? According to a newspaper report in News North on page 12, September 19, there is an indication that the Minister responsible for Social Services is planning to move 11 social services positions out of Yellowknife. According to what

policy, then, is this being done, or is this action being taken as a unilateral action of that department against the policy of our government?

MR. SPEAKER: Thank you, Mr. Lewis. Madam Minister.

Return To Question O39-88(2): Transfer Of Social Services Positions Out Of Yellowknife

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. The issue which the honourable Member refers to is an issue that is being reviewed by cabinet and is still under review. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions, Mr. Lewis.

Supplementary To Question O39-88(2): Transfer Of Social Services Positions Out Of Yellowknife

MR. LEWIS: A supplementary question then, Mr. Speaker. Is the Minister, then, saying that the newspaper report was wrong and that she is not planning to move 11 positions out of Yellowknife?

MR. SPEAKER: Madam Minister.

Further Return To Question O39-88(2): Transfer Of Social Services Positions Out Of Yellowknife

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I am not in a position to indicate whether the newspaper report is incorrect or correct. I am basically indicating that the process is under review by cabinet and it has yet to be determined. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions, Mr. Butters.

Question O40-88(2): Action Re Letter To Inuvik Trappers

MR. BUTTERS: Mr. Speaker, yesterday I indicated that trappers in Inuvik had learned by mimeographed letter from the honourable Minister of Renewable Resources, Titus Allooloo, that the incentive grants for lynx would be totally removed and for marten would be reduced considerably. They learned that fact, as I mentioned, by way of a communication in the post, even though they had been speaking with Renewable Resources officials prior to going to the post office. My question is, what action occurred, if any, as a result of my question to the Minister yesterday, in view of his response to me that, "Mr. Speaker, I will make sure that they get to the trappers"? That was that his officials get to the trappers and indicate to them why this action has been taken. So I would address that question to the Acting Minister of Renewable Resources.

MR. SPEAKER: Thank you, Mr. Butters. Mr. Acting Minister of Renewable Resources, Mr. Kakfwi.

HON. STEPHEN KAKFWI: That question I will take under notice. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. That question has been taken as notice. Supplementary, Mr. Butters, or a new question.

MR. BUTTERS: Mr. Speaker, I will direct this question to the Minister. I wonder if he would be aware of the fact that nothing has happened. There has been no communication as of 11:00 o'clock to the trappers, so the answer to the question is that nothing has happened, sir.

MR. SPEAKER: Oral questions. Mr. Minister, did you hear it? Mr. Butters, oral questions.

Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

MR. BUTTERS: Mr. Speaker, I have in my hand a letter from the Hon. Michael Ballantyne signed by M.I. McKinnon relative to the New Brunswick public hearings on the Meech Lake Accord. Now

this indicates that there was some material to be attached to this letter but it did not appear with the letter. I am wondering if the Minister responsible for sending this letter could indicate to me just what is to occur with regard to the New Brunswick hearings.

MR. SPEAKER: Mr. Ballantyne.

Return To Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

HON. MICHAEL BALLANTYNE: Thank you for the notice on the question. We have been working now for the past couple of months to formalize exactly what form of intervention will take place. I would like to give some public credit to Mr. Butters, who was in New Brunswick and made some very good contacts with the chairman of the committees. It was a lot due to his efforts that we have been successful in our attempts to be able to make a presentation to the committee. The process today is that there has been a joint technical paper from the Legislative Assembly and the cabinet, a background paper which has gone down to the committee for their perusal. We expect that there will be in December or January, a joint presentation made by a Member of the Legislative Assembly and a Member of the cabinet using the same sort of format that was quite successful in Ontario. At this point in time the select committee has received the technical background paper, setting out our case and we expect that in January a Member of the Legislative Assembly and a Member of the cabinet will make a joint appearance in front of the committee in New Brunswick. Thank you.

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

Supplementary To Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

MR. BUTTERS: As I expect the presentation put to the special committee on Meech Lake, developed by the New Brunswick House, will be written by the Minister's staff. Could he assure me that the presentation, in the main, will deal with positive amendments to the Meech Lake Accord which might be acceptable to the government in New Brunswick?

MR. SPEAKER: Mr. Minister.

Further Return To Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

HON. MICHAEL BALLANTYNE: As I said, at this point we have just sent down the technical paper. Once it has finally been ascertained who the actual representatives will be, that will be an appropriate time to sit down and decide the strategy that we are going to take. I think there is going to be some preliminary work necessary to get a better idea of the philosophy of the Government of New Brunswick. But at this point, no firm decision has been made as to the contents or the format of that presentation. I thank the Member for his comments and it is important that once we have the final decision as to who will represent this Legislative Assembly and government, then we will decide on the strategy for those particular hearings. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Mr. Butters.

Supplementary To Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

MR. BUTTERS: Final supplementary on that particular item. I have not been involved in the approaches being made to Manitoba. Obviously Manitoba is also a key province in our initiative to have the Meech Lake Accord amended. Would the Minister briefly advise us just what progress he has made toward obtaining an opportunity for us to make a presentation to that body?

MR. SPEAKER: Mr. Ballantyne.

Further Return To Question O41-88(2): New Brunswick Hearings On Meech Lake Accord

HON. MICHAEL BALLANTYNE: Our participation at a hearing in Manitoba has not yet been decided. Our government and the Legislative Assembly are in discussions right now with Manitoba, as to what form that presentation might take. As soon as I have something more definitive, I will either rise in the House and inform the Members or inform the Members by letter. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Lewis.

Question O42-88(2): Review Of Social Services Programs

MR. LEWIS: Mr. Speaker, this is my final supplementary on the issue of the social services positions. Given that this issue of the decentralization of programs is under review, could the Minister of Social Services give us some indication of when this review will be completed, some date? Thank you.

MR. SPEAKER: Thank you, Mr. Lewis. Madam Minister.

Return To Question O42-88(2): Review Of Social Services Programs

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, it is anticipated that the review may be completed by the budget session. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Lewis.

Question O43-88(2): Issue Of Demonstrators

MR. LEWIS: Thank you, Mr. Speaker. A final oral question, Mr. Speaker, again to the Minister of Social Services. Some of us were privileged to watch a demonstration on the steps outside this chamber on Friday and I heard the Minister responsible for Social Services indicating to the assembled crowd that they were misinformed. Could the Minister, today, explain to this House exactly what the issue was and what kind of misinformation our employees are getting?

MR. SPEAKER: Madam Minister.

Return To Question O43-88(2): Issue Of Demonstrators

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, in regard to the issue of being misinformed, I believe I indicated to the House the area of the issue that was misinformed, was that the Union of Northern Workers had accused me of interfering in the hiring procedures and I believe I clarified that particular issue on Friday, when I rose. However, there is possibly the other issue which may be what the Member is referring to, and that is with regard to the number of actual correction officers at the Yellowknife Correctional Centre. With that I would like the Member to elaborate and clarify his question.

MR. SPEAKER: Mr. Lewis, could you clarify please?

MR. LEWIS: Mr. Speaker, my supplementary is this. Would the Minister, perhaps, give us her interpretation of what the people who were assembled on the steps were demonstrating about?

MR. SPEAKER: Madam Minister.

Further Return To Question O43-88(2): Issue Of Demonstrators

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I can ask the union what the purpose of the demonstration was about. Initially they indicated to me that they were going to demonstrate first, to accuse me of interfering in the hiring practices which I have indicated to all the Members of

the House, that I deny; and second, the number of correctional officers looking after the inmates at the centre.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Butters.

Question O44-88(2): Ratio Of Security Staff To Inmates At YCC

MR. BUTTERS: Mr. Speaker, to the same Minister on the same subject. I relate her comments of yesterday under her point of privilege when she said "Our current staff ratio is one staff to every two inmates." I would like her to clarify for me whether that statement relates to total staff, and not security staff because I think she knows as well as I do that at the present time at the YCC, the ratio of security staff to inmates is one to four. Would she confirm that is correct?

MR. SPEAKER: Madam Minister.

Return To Question O44-88(2): Ratio Of Security Staff To Inmates At YCC

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, the information that was given to me by my department was that the ratio that they utilized in comparison to across the country when they look at how they set up the ratio system and on a national average taking in administration staff, the staff ratio in accordance to every other institution was two to one; two inmates to every one staff member at the correctional centre. However, to further clarify the number of correctional officers, there are currently, I believe, 38 correctional officers and the inmates fluctuate anywhere from 130 to 140-plus inmates. So, it is difficult to determine the staff ratio on a daily basis because the population of the inmates fluctuates. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Crow.

Question O45-88(2): Interpreter For Social Services, Sanikiluaq

MR. CROW: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. This is a supplementary to the question that I previously asked with regard to interpretation being made available to Social Services. I believe there was some regulation that anyone who is not understanding either English or the Inuktitut language would be provided an interpreter/translator. My question is, would they be able to hire an interpreter/translator in Sanikiluaq? This question is directed to the Social Services Minister. Thank you.

MR. SPEAKER: Thank you, Mr. Crow. Madam Minister.

Return To Question O45-88(2): Interpreter For Social Services, Sanikiluaq

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. The responsibility of determining who hires interpreters lies with the Minister responsible for Culture and Communications. However, as I had indicated to the honourable Member, in the event that my department officials are not adhering to policy in ensuring that the clients are given the appropriate opportunity for use of translations, that problem will be rectified. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Butters.

Question O46-88(2): Confirmation Of Misuse Of Casuals

MR. BUTTERS: Supplementary, Mr. Speaker, to the matter of personnel and correctional staff. I know that there are currently 42 security staff at the institute and you are looking at between 160 and 170 inmates when some expected people arrive in the very near future. I also believe that the non-security staff amounts to some 17 people, so even including them the ratio is still not the ratio indicated by the Minister on Friday, of one staff member to every two inmates.



I would like to ask her, relative to concerns raised by the Union of Northern Workers, since I would imagine she has looked into the concerns that were put to her last week. Did she confirm that there has been a misuse of casuals? There is excessive overtime being paid at the institute and many of the people on security responsibility lack the training to carry out the jobs assigned to them. Did she have a chance to investigate those concerns?

MR. SPEAKER: Thank you, Mr. Butters. Madam Minister.

Return To Question O46-88(2): Confirmation Of Misuse Of Casuals

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I want to assure the honourable Member that no doubt I was left with some serious concerns about how the Yellowknife Correctional Centre may be operating currently. To that effect I have concurred with the recommendation of my deputy minister of Social Services that we conduct immediately an objective and an impartial operational review internal to the department and that it be conducted to determine what actions should be taken, if necessary, to ensure that we are running a smooth operation and a more productive operation at the correctional centre in the future.

Mr. O'Handley, who is the executive director of audit standards and investigation with the Alberta Solicitor General's office, will be arriving in Yellowknife and starting to do the review effective tomorrow, so I am sure these concerns will be looked at.

---Applause

MR. SPEAKER: Thank you, Madam Minister. Oral questions. That would appear to conclude Item 5 for today. Item 6, written questions. Mr. Ernerk.

ITEM 6: WRITTEN QUESTIONS

Question W3-88(2): List Of Aircraft Landings Since 1985

MR. ERNERK: Thank you, Mr. Speaker. My question is to the Minister of Municipal and Community Affairs, the Hon. Gordon Wray. Could the Minister please provide a list of aircraft landings on a daily basis in Rankin Inlet from 1985 to the present?

MR. SPEAKER: Thank you, Mr. Ernerk. Written questions. Mr. Nerysoo.

Question W4-88(2): Health Transfer Agreement

MR. NERYSOO: Thank you, Mr. Speaker. Question to the Minister of Health. What actions have been taken to implement motions passed during the second session of the 11th Assembly regarding the health transfer agreement? Has the Minister reviewed all commitments made by the Executive Council through letters and agreements, and are these commitments being reflected in the directions and decisions taken by the Executive Council when implementing the health transfer agreement?

MR. SPEAKER: Thank you, Mr. Nerysoo. Do you have another one? Proceed.

Question W5-88(2): Medical Evacuations

MR. NERYSOO: Mr. Speaker, this is a question to the Minister of Health. Will the Minister indicate the reasons why the chief medical officer of the Inuvik General Hospital has been given final authority for medical evacuations despite the fact that a medical practitioner or sometimes a second medical practitioner has given the opinion and determined that such service should be given to a patient? Is this a policy of our government, that they are prepared to cut costs at the expense of a patient or is this a misinterpretation or misrepresentation of a policy of our government?

MR. SPEAKER: Thank you, Mr. Nerysoo. Written questions. Mr. Nerysoo.

Question W6-88(2): Day-Care Programs

MR. NERYSOO: Thank you, Mr. Speaker. This is a question directed to the Minister responsible for Social Services. Would the Minister indicate the process for determining the interim NWT day-care programs?

Would the Minister indicate the process for development of the programs outlined? Are any of the boards or agencies of the Government of the NWT involved in the development of these programs? I refer specifically to the Women's Secretariat and to the NWT Advisory Council on the Status of Women. Will the Minister ensure that the Members of this Legislature are involved in the development of these programs?

MR. SPEAKER: Thank you, Mr. Nerysoo. Written questions. Mr. Crow.

Question W7-88(2): King-Air Type Aircraft Accidents

MR. CROW: Thank you, Mr. Speaker. I have a written question. Would the Minister of Government Services supply to myself a copy of the investigation report on the crash of the King-Air type aircraft that occurred near Sanikiluaq on December 22, 1984 as prepared by Transport Canada? Also, would the Minister provide a summary of King-Air type accidents that have occurred across Canada in the last 10 years? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Crow. Written questions.

Item 7, returns to written questions.

Item 8, replies to Opening Address. Item 9, petitions. Mr. Arlooktoo.

ITEM 9: PETITIONS

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This Petition 4-88(2) is in letter form. I will treat it as a petition at this time regarding the Housing Corporation's rental increases. This came from Lake Harbour as a protest for the proposed increase. It is also in the form of a petition. It is signed by 86 Inuit who are opposing the rental increases. A phone-in radio program was conducted on September 13, 1988 in Lake Harbour. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Petitions. Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This is also a petition from Lake Harbour, Petition 5-88(2), regarding temporary swimming pools that are available to the communities for the summer months. For example, we have one available in Cape Dorset which is in use in the summertime. Lake Harbour residents are requesting a summer swimming pool for Lake Harbour and 115 people have signed this petition. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Petitions. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Speaker, this is very similar to the letter or petition that Mr. Arlooktoo just presented. This is Petition 6-88(2), coming from Clyde River and this is also regarding the proposed rent increases by the NWT Housing Corporation. There are 50 signatures from Clyde River and they are proposing that this increase should be delayed to the fiscal year 1988-89. Thank you.

MR. SPEAKER: Thank you, Mr. Kilabuk. Petitions. Item 10, reports of standing and special committees. Mr. Zoe.

## ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

### Report Of Standing Committee On Agencies, Boards And Commissions

MR. ZOE: Thank you, Mr. Speaker. As chairman of the standing committee on agencies, boards and commissions, I rise today to bring the House up to date on your committee's recent activities. In mid-August the committee travelled to Iqaluit to discuss the direction and activities we are planning over the next three years. The committee met on August 16 and 17 in a boardroom of the regional office. Our discussions were very productive and all Members left these meetings with a much clearer idea of our mandate and the methods by which we intend to carry out our duties and responsibilities.

Your committee also enjoyed a number of tours of some of the local facilities. We made visits to the new Arctic College campus, the Ukkivik student residence, the Baffin Correctional Centre and the regional offices and took general tours of both Iqaluit and Apex. We were also pleased to have the opportunity to meet with a number of local residents, including political leaders, businessmen and senior government officials. The informal discussions that took place allowed the committee Members to gain a more meaningful understanding of the issues directly affecting the people in Iqaluit and, to a lesser degree, other Baffin residents.

It should also be mentioned that your committee travelled to Lake Harbour to get a first-hand look at the airstrip we have heard so much about. Although the honourable Member for Baffin South was not in his community at the time of our visit, we did enjoy a brief community tour, including visits to the nursing station, the school and the municipal office. Now that we have experienced a landing on the Lake Harbour airstrip, we understand and support the Member's efforts toward improving the situation.

Mr. Speaker, the Members of the standing committee on agencies, boards and commissions were very pleased to have had this opportunity to visit the Baffin Region. Our visit was in response to this Assembly's stated desire to hold meetings of standing and special committees in communities other than the capital. We feel that the public contact and exposure your committee received while we were there was beneficial to everyone involved. For a number of us on the committee, it was the first time we had travelled to the Baffin Region. I can assure you that it was an experience we will value for many years.

In closing, Mr. Speaker, I would like to extend on behalf of your committee our sincere thanks to the staff of the Baffin regional office for the capable assistance, time and effort they provided to the committee in making our visit a productive, educational and enjoyable one. Mahsi cho.

MR. SPEAKER: Thank you, Mr. Zoe. The Chair would like at this time to recognize Mr. Justice Richard, a former Member and colleague of ours in this House. Welcome back.

---Applause

We are on Item 10, reports of standing and special committees. Item 11, tabling of documents. Mr. Zoe.

## ITEM 11: TABLING OF DOCUMENTS

MR. ZOE: Thank you, Mr. Speaker. I wish to table Tabled Document 9-88(2), Report of the Standing Committee on Agencies, Boards and Commissions. Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. Tabling of documents. Mr. Butters.

MR. BUTTERS: Mr. Speaker, I wish to table two documents, both of which, I believe, have been translated by the government. The first one is Tabled Document 10-88(2), Public Housing Rent Scale Discussion Paper II, dated June, 1988. The second one is Tabled Document 11-88(2), the current rent scale of the Housing Corporation of this government.

MR. SPEAKER: Thank you, Mr. Butters. Tabling of documents. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Speaker, I would like to table Tabled Document 12-88(2), a letter I received from Pangnirtung regarding the Housing Corporation's proposed rental increases. They want to get additional building lots made available to the general public, if there are going to be rental scale increases, so that they can put up their own house. This is to affirm that the Inuit have the right to put up any kind of shelter that they want other than the Housing Corporation's units. Thank you.

MR. SPEAKER: Thank you, Mr. Kilabuk. Tabling of documents. I wish to inform the House that in accordance with section 22(1) of the Legislative Assembly Retiring Allowances Act, I wish to table Tabled Document 13-88(2), the Auditor General's Report to the Chairman, Management and Services Board, on the Examination of the Accounts and Financial Statements of the Legislative Assembly Retiring Allowances Fund (Northwest Territories) for the Year Ended March 31, 1988.

Tabling of documents. Mr. Clerk.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, I wish to table Tabled Document 14-88(2), in accordance with section 184(4) of the Elections Act, the return and declaration on behalf of Mr. Albert Canadien for the 1987 general election.

MR. SPEAKER: Thank you, Mr. Clerk. Tabling of documents. Item 12, notices of motion. Mr. Lewis.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 3-88(2): Establishment Of A Public Service Commission

MR. LEWIS: Mr. Speaker, in the absence of any positive response to at least have the information that is being reviewed on public service commissions, I give notice that on Wednesday, October 19, seconded by the Member for Aivilik, I shall move the following motion: That this Legislative Assembly strongly recommends that a public service commission be established by the Government of the Northwest Territories.

MR. SPEAKER: Thank you, Mr. Lewis. Notices of motion. Item 13, notices of motion for first reading of bills. Mr. Ballantyne.

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 4-88(2): Coroners Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I give notice that on Wednesday, October 19, 1988, I shall move that Bill 4-88(2), An Act to Amend the Coroners Act;

Notice Of Motion For First Reading Of Bill 10-88(2): Interpretation Act

that Bill 10-88(2), Interpretation Act;

Notice Of Motion For First Reading Of Bill 17-88(2): Residential Tenancies Act

that Bill 17-88(2), An Act to Amend the Residential Tenancies Act;

Notice Of Motion For First Reading Of Bill 18-88(2): Statute Revision Act

that Bill 18-88(2), An Act to Amend the Statute Revision Act;

**Notice Of Motion For First Reading Of Bill 24-88(2): Vital Statistics Act**

and that Bill 24-88(2), An Act to Amend the Vital Statistics Act, all be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion for first reading of bills.

Item 14, motions. Item 15, first reading of bills.

**ITEM 15: FIRST READING OF BILLS**

**First Reading Of Bill 2-88(2): Boilers And Pressure Vessels Act**

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 2-88(2), An Act to Amend the Boilers and Pressure Vessels Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. All those opposed?

---Carried

Bill 2-88(2) has had first reading. First reading of bills. Mr. Ballantyne.

**First Reading Of Bill 12-88(2): Land Titles Act**

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 12-88(2), Land Titles Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. All those opposed?

---Carried

Bill 12-88(2) has had first reading. Mr. Minister.

**First Reading Of Bill 13-88(2): Legal Services Act**

HON. MICHAEL BALLANTYNE: I move, seconded by the honourable Member for Slave River, that Bill 13-88(2), An Act to Amend the Legal Services Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. Those opposed?

---Carried

Bill 13-88(2) has had first reading. First reading of bills. Mr. Ballantyne.

**First Reading Of Bill 21-88(2): Territorial Court Act**

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 21-88(2), An Act to Amend the Territorial Court Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. Those opposed?

---Carried

Bill 21-88(2) has had first reading. First reading of bills. Mr. Kakfwi.

First Reading Of Bill 6-88(2): Education Act

HON. STEPHEN KAKFWI: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 6-88(2), An Act to Amend the Education Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. Those opposed?

---Carried

Bill 6-88(2) has had first reading. First reading of bills. Item 16, second reading of bills. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I ask unanimous consent to be allowed to proceed with second reading of Bill 2-88(2), An Act to Amend the Boilers and Pressure Vessels Act; Bill 12-88(2), Land Titles Act; Bill 13-88(2), An Act to Amend the Legal Services Act; and Bill 21-88(2), An Act to Amend the Territorial Court Act.

MR. SPEAKER: The Minister has requested unanimous consent to give second reading to Bill 2-88(2), Bill 12-88(2), Bill 13-88(2) and Bill 21-88(2). Are there any nays? There are no nays.

Mr. Minister, proceed.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 2-88(2): Boilers And Pressure Vessels Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Nunakput, that Bill 2-88(2), An Act to Amend the Boilers and Pressure Vessels Act, be read for the second time.

The purpose of this bill, Mr. Speaker, is to amend the Boilers and Pressure Vessels Act to change the imperial measurements to metric; to replace the director with the Minister in respect of certain powers; to replace the director with the chief inspector in respect of certain powers; to amend certain provisions in the act respecting certificates of qualification and welding operators; to amend the offence provision to specify that the maximum penalty under this act is \$5000 or imprisonment of one year or both; and to amend the regulation-making provisions with respect to certificates of qualification, welding operators and plants.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill. Mr. Clerk, we do not have a quorum for a vote. Would you ring the bells? Please. Mr. Clerk, we now have a quorum. To the principle of the bill. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 2-88(2) has had second reading. Second reading of bills, Mr. Ballantyne.

Second Reading Of Bill 12-88(2): Land Titles Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 12-88(2), Land Titles Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for the registration of title to certain lands and to establish the rights of owners where title has been registered; to provide for a system of registration of estates and interests in land after the title to the land has been registered; to establish the remedies of persons who have been deprived of their land through fraud or other causes; to provide for the

establishment of an assurance fund to be used in certain situations to compensate persons who have been deprived of their land; and to make consequential amendments to various acts.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour? Thank you. Those opposed? The motion is carried.

---Carried

Bill 12-88(2) has had second reading. Mr. Minister.

Second Reading Of Bill 13-88(2): Legal Services Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 13-88(2), An Act to Amend the Legal Services Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide that agreements with the federal government may be signed by the Minister; to eliminate legal aid panels made up of only non-residents; and to eliminate references to certain archaic causes of action.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried.

---Carried

Bill 13-88(2) has had second reading. Mr. Ballantyne.

Second Reading Of Bill 21-88(2): Territorial Court Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 21-88(2), An Act to Amend the Territorial Court Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Territorial Court Act to provide that a territorial judge may take the oath of allegiance and oath of office before a person authorized to take oaths in the Northwest Territories; to replace "magistrate" with "provincial court judge" in paragraph 15(1)(a) and repeal subsection 15(2); and to authorize the Commissioner, on the recommendation of the Minister, to appoint a person to the judicial council who is not a judge of the Supreme Court or the territorial court, a member of the Law Society of the Northwest Territories or a member of the public service of the Northwest Territories or Canada.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 21-88(2) has had second reading. Second reading of bills, Mr. Kakfwi.

HON. STEPHEN KAKFWI: Mr. Speaker, I seek unanimous consent to give second reading to Bill 6-88(2), An Act to Amend the Education Act.

**MR. SPEAKER:** The Minister has requested unanimous consent to give second reading to Bill 6-88(2) today. Are there any nays? There are no nays. Mr. Minister, you have unanimous consent.

**Second Reading Of Bill 6-88(2): Education Act**

**HON. STEPHEN KAKFWI:** Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 6-88(2), An Act to Amend the Education Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Education Act to provide that the Minister may cancel, suspend and reinstate certificates of qualification; to provide a teacher whose certificate of qualification is cancelled or suspended with the right of appeal; to provide for the training of teacher interns; to amend provisions of the act respecting the payment of honoraria and expenses; and to include a regulation-making power with respect to cancelling, suspending and reinstating certificates of qualification.

**MR. SPEAKER:** Thank you, Mr. Minister. To the principle of the bill.

**AN HON. MEMBER:** Question.

**MR. SPEAKER:** Question is being called. Those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 6-88(2) has had second reading. Second reading of bills. Mr. Clerk, Bills 2-88(2), 12-88(2), 13-88(2), 21-88(2) and 6-88(2) are ordered into committee of the whole for today.

Item 17, consideration in committee of the whole of bills and other matters: Committee Report 1-88(2); Bill 8-88(2), Evidence Act; Tabled Document 2-88(2); Bill 2-88(2), Boilers and Pressure Vessels Act; Bill 12-88(2), Land Titles Act; Bill 13-88(2), Legal Services Act; Bill 21-88(2), Territorial Court Act; Bill 6-88(2), Education Act, with Mr. Zoe in the chair.

**ITEM 17: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS**

**PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER COMMITTEE REPORT 1-88(2); BILL 8-88(2), EVIDENCE ACT; BILL 2-88(2), BOILERS AND PRESSURE VESSELS ACT; BILL 12-88(2), LAND TITLES ACT; BILL 13-88(2), LEGAL SERVICES ACT; BILL 21-88(2), TERRITORIAL COURT ACT; BILL 6-88(2), EDUCATION ACT**

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**Bill 8-88(2), EVIDENCE ACT**

**CHAIRMAN (Mr. Zoe):** I would like to call the committee back to order. When we concluded on Friday, the committee was dealing with Bill 8-88(2), An Act to Amend the Evidence Act. At this time, Mr. Government House Leader, are you prepared to bring in your witness to conclude the item under consideration at this time?

**HON. MICHAEL BALLANTYNE:** Yes, Mr. Chairman.

**CHAIRMAN (Mr. Zoe):** You may proceed. You may call your witnesses in. Sergeant-at-Arms, would you escort them in? Could I ask you, Madam Minister, to introduce your witnesses?

**HON. NELLIE COURNOYEA:** Mr. Chairman, Ms Bentivegna, legal adviser, and Bob Cowcill, deputy minister of Health.

**CHAIRMAN (Mr. Zoe):** Mahsi cho. The committee was considering Bill 8-88(2), and I understand we are on clause 2. Mr. Butters.



**MR. BUTTERS:** Yes, Mr. Chairman, had we not concluded all the specific clauses? I thought we had. We had not? Because I wanted to do a bit of -- I want to have some summary comment afterward so I will let clause 2 go.

**CHAIRMAN (Mr. Zoe):** Thank you, Mr. Butters. The last Member requested to return to clause 2 so unless the honourable Member from Mackenzie Delta is finished with his questioning under clause 2, then we can conclude and go back to -- Mr. Nerysoo.

**MR. NERYSOO:** Thank you, Mr. Chairman. I wish to make one last comment before we leave clause 2 to recommend that the Minister consider a method in which the patients or the relatives of patients can develop a process that allows them easier access to medical records. I do not mean necessarily just being able to walk into the medical practitioner's office to review the records but to inform patients that there is a process. A lot of the patients do not know what the process is. I would ask that the Minister at least embark on providing an information item of some sort so that patients can have access to their particular records and in fact be able to review them. I know that there are hospital records that deal with personal issues. Not only issues but personal issues that individuals have not been able to access.

**CHAIRMAN (Mr. Zoe):** Madam Minister.

**HON. NELLIE COURNOYEA:** Yes, Mr. Chairman, yesterday questions were being raised about access to patients' records, and yes, I certainly will take into consideration the concern and the request to provide a better information flow for patients who are requiring information from their records. However, I would like to offer the following explanation in response to Mr. Nerysoo's question mainly, on Friday, October 14.

#### Patient Records Remain Property Of Federal Government

The patient records in all the federal facilities prior to the transfer of health services on April 1, 1988 were, and they remain, the property of the federal government. The territorial government and its agencies have access to these records for the purpose of providing medical care. The transfer agreement states that access to any patient record for purposes other than medical care of the patient requires a prior written consent of Canada. This consent will be given upon the written request by the patient which is then forwarded to Ottawa for a release of the information under the terms of the Privacy Act. Determination of whether the request by the patient conforms with the Privacy Act will be made by officials in Ottawa. This is the matter, I believe, that Mr. Nerysoo referred to when he indicated that a physician in Ottawa had to be contacted before a patient could receive information from his records.

I realize there is considerable inconvenience to the patient. However the federal government was adamant about ownership, use of and access to these particular records. I would also mention however, that access to records in our facilities prior to transfer and those created since transfer, is governed by section 75 of the regulations to the Territorial Hospital Insurance Services Act. This act governs the administration of all health boards and their facilities. Under this section of the regulations, the inpatient and outpatient records of a facility are to be kept secret but may be disclosed under certain conditions. These conditions provide access to patient records upon written request. This access is normally controlled by health board policy that in general, indicates a patient should submit a written request, which once reviewed by administration with the attending physician or nurse-in-charge, would then permit clearance of the record for review by the patient or by the individual whom the patient has designated. The procedures in general advise that the attending physician be available to supervise and interpret the information contained therein. This regulation and the guidelines on its administration permits the patient the right of access in a manner that maintains confidentiality and full interpretation of his record.

Mr. Chairman, I believe that Mr. Nerysoo's point is very valid and that as a responsibility of the Department of Health we should be providing the information that would allow a patient to know what the rules are. I will certainly take his suggestion under advisement and perhaps have the

department, along with myself, try to come up with some means where that information will be available and the guidelines will be easily interpreted. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, might I also suggest to the Minister that she consider a situation where a patient is unable to give authority to the relative to access those particular files. From the comments that the Minister just made, there is very little a family can do with regard to access. In the case of a death where someone wants to know the reasons as to why a death may have occurred then there does not seem to be a process available. So if you could consider that as well.

CHAIRMAN (Mr. Zoe): Thank you. Madam Minister. Clause 2. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I believe I can make my remarks under clause 2. While they may be fairly general I think they have applicability in subparagraphs 13.1(a)(i) and (ii), and also in the definition of "legal proceedings". I guess I was quite surprised on Friday on two things. One, to learn that for all the time that there have been medical programs and services provided in the Territories there have been no malpractice suits go to trial. I guess the second thing that I was very surprised at was that although the radio media sat in this chamber and heard comments on malpractice -- concerns of malpractice being raised in this House, it did not appear in the media. I must admit I question why they did not consider the story worth carrying; especially as it relates to every individual that goes into our hospitals, into surgery to receive professional treatment.

#### Action Taken By Review Committee On Determining Alleged Malpractice

On Friday we learned that these review committees do not provide the patient or anyone else information relative to alleged malpractice that they may determine occurred in reviewing a case. On Friday I asked the question, "What action is taken by such a committee when it finds proved malpractice in the case that it is reviewing?" Well, I cannot quote Mrs. Berthelet because I am looking directly at the unedited transcript. She did indicate that if something was found by the committee there could be a number of things that might occur. The health board, the facility may implement a program change. There may be some additional expertise brought in to examine the matter. Additional training could be recommended. Staffing might be increased. She concluded by saying that there was always the possibility for remedial action against one of the professionals as well and dismissal would also be the bottom line. So she indicated that this was an option for the committee.

While I recognize that we are dealing here with protecting the peer review committees, my major concern is protecting the public at large and the patient that goes into our hospitals afraid and vulnerable. Over the weekend I had occasion to talk with the honourable Minister responsible for Health and indicated to her four names of individuals whom I believe to have been victims of malpractice. Admittedly I will not say those names in this House and I will not indicate anything that I told the Minister. But I did tell the Minister of four such occasions on which although I do not live here, I heard of around town. You have heard them too. One of the individuals I spoke to today, and indicated that this matter was still under review and suggested that maybe she would want to come and attend this debate. I find that she had used one of the avenues suggested by Ms Berthelet which was that she had brought her concern, some six weeks ago I am told, to the local board of management and to date, as her advice to me is, she has not yet received a response from that board to a concern as serious as alleged malpractice. That board has not responded. I would like to reinforce before we leave this particular subject that there is much work to be done in this area. I would ask the Minister -- because I know she understands the concern that Mr. Nerysoo and I have put before her, and I know that if she were sitting with us, and one of us were sitting as Minister of Health, she would be as vociferous and dogged in her determination to ensure that the people of the Territories get adequate, appropriate and proper medical care. I know that she knows what we are saying. Has she had any chance to consider what steps she might take to look into this matter to ensure that if there is malpractice at least the victims of that abuse will be compensated?

**CHAIRMAN (Mr. Zoe):** Thank you. Madam Minister.

**HON. NELLIE COURNOYEA:** Yes, Mr. Chairman. On more detailed discussions with the honourable Member, I had asked specifically what, when and where these particular issues occurred and I appreciate that that information was forthcoming. I immediately had a discussion with the deputy minister and certainly under the Medical Profession Act the Minister could be advised of the situation. Given the very seriousness of that particular issue and information that was brought forth I can assure the honourable Member that I will be taking time to look into those particular matters personally and with the department.

**Patient Care Of First Importance**

I realize that there have been issues in the past and, yes, I agree if I was not Minister I would certainly be making the same arguments to see that the care of the patient is foremost in the deliberation of medical services. I realize that this piece of legislation that we are discussing really does not deal with those particular matters, but I appreciate the fact that this information was brought forward. During the weekend we did discuss what we could do to follow up on the particular issues or circumstances that were given to me as Minister. I certainly would like to assure this House and the honourable Member that the details that were given to me will be followed up to see what can be done to correct any issues and outstanding complaints and problems that have occurred in the past, and very recently as well. Certainly I do not intend to let this matter rest and I will be giving reports to him on my findings over the next few months, because I believe some of the allegations were very serious and should be treated as such. Thank you.

**CHAIRMAN (Mr. Zoe):** Mahsi cho. I would like to remind Members that I let Mr. Butters ask specific questions in relation to clause 2, but it appears that we are moving away from the intent of clause 2, so I would just caution Members that if one is veering away from the clause that is under consideration I will definitely step in. Clause 2. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** The bill as a whole. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Does the committee agree that Bill 8-88(2), An Act to Amend the Evidence Act, is now ready for third reading? Thank you. Mr. Government House Leader.

**HON. MICHAEL BALLANTYNE:** Thank you, Mr. Chairman. If we could deal with Bill 2-88(2), Boilers and Pressure Vessels Act.

**CHAIRMAN (Mr. Zoe):** Does the committee agree that we deal with Bill 2-88(2), An Act to Amend the Boilers and Pressure Vessels Act. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Mr. Minister, would you bring in your witnesses?

**HON. MICHAEL BALLANTYNE:** Thank you, Mr. Chairman. For the chairman's information and ease of conducting your duties, the government would like to do Bills 2-88(2), 12-88(2), 13-88(2),

21-88(2) and then I will leave the chair and then Mr. Kakfwi could come in with Bill 6-88(2). That would help you, Mr. Chairman.

Bill 2-88(2): Boilers And Pressure Vessels Act

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister, do you have any opening remarks at this time?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. If I could, Mr. Chairman, for the record introduce my officials. I have with me Ms Bentivegna, director of the legislation division of the Department of Justice, and Mr. Dan Price, head of the boiler section of the public services section, Department of Justice. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister, you may proceed with your opening remarks at this time.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I am introducing An Act to Amend the Boilers and Pressure Vessels Act. The bill was tabled in the Legislative Assembly on April 14, 1988. Some changes have been made to the bill since then. This act has had only very minor amendments since it was first enacted in 1970. Measurements in this act will be converted to metric. This is consistent with similar legislation in the provinces. References to the "director" are being struck out and replaced in most cases by "chief inspector". This is not a major change since the chief inspector already has considerable authority in the act. The director is required in many instances to act on the recommendation of the chief inspector. The Minister of Justice will be responsible for issuing and cancelling certificates of qualification. Some changes are also being made to the sections respecting certificates of qualification of welding operators, to correct problems that have arisen in administering these sections. With that, Mr. Chairman, we are prepared to proceed with the bill.

CHAIRMAN (Mr. Zoe): Thank you. The honourable Member for Aivilik, as chairman of the standing committee on legislation.

Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. I have a report of the standing committee on legislation regarding the Boilers and Pressure Vessels Act amendment. The standing committee on legislation reviewed the bill on September 28, 1988. The bill was tabled in the Legislative Assembly on April 14, 1988. The standing committee on legislation first reviewed the bill on June 15, 1988 in Rankin Inlet. The government explained that several technical changes were made to the bill since the Rankin Inlet meeting. At the Rankin Inlet meeting, a Member of the standing committee on legislation requested that the requirements for continuous supervision of power plants be amended to allow for automated operations due to the introduction of safety devices and technical advances, for example as there exists now in the new Yellowknife hospital. The government representative explained that the Yellowknife hospital would not be exempted from the supervisory requirement in section 39 of the bill. Mr. Chairman, the standing committee on legislation approves the bill and recommends the bill be forwarded to the Legislature for consideration in the fall session at this time. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Are there any general comments? If not, does the committee agree we go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 3. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 5. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 7. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 8. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 9. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 10. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 11. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 13. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 14. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 15. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 16, terms. Mr. McLaughlin.

Supervision Of Power And Heating In New Hospital

MR. McLAUGHLIN: Thank you, Mr. Chairman. Members of the standing committee on legislation will recollect that in Rankin Inlet, our June meeting, I had concerns over this. Not really the clause itself but the regulations which relate to this clause.

I had concerns about it when I was Minister of Health because I felt that in the Stanton Yellowknife Hospital, the old hospital, we had an existing facility that was being supervised in a fashion which took so many person years and dollars to do. When the new Stanton Yellowknife Hospital was constructed, we went to some extraordinary expense in order to put in all the adequate back-up units for power and heating. We put in all the most modern technology and devices to give early warning of any concerns, high pressures, etc. A lot of this technology was put in place so that we would not have to have supervisors on all the time, but because our existing regulations are worded in such a manner through some old antiquated legislation, that once you reach a certain volume of containers or once your pressures get so high or you have more than one of them in a room, or whatever, it says in the regulations that we are now required, apparently, to have a lot more supervision of this facility. So we have spent all this money to modernize for nothing, it seems to me.

While I was the Minister of Health, I was given information that in other facilities which are located in provinces down south, where they have upgraded the regulations, these facilities are allowed to operate without all of this excessive supervision. At that time my officials told me that this extra supervision would add something like \$250,000 to maybe \$300,000 or \$400,000 per year to the budget of the hospital. When the Acting Government Leader, Mr. Kakfwi, was before the committee, I think I asked for the regulations relevant to this and for legislation from maybe the Province of Manitoba, where apparently this operation is allowed to go ahead without all that extra

supervision. I am basically not willing to pass this clause and I will argue about it in the third reading until I get that information.

I think it is absolutely ridiculous that we regulate ourselves to death. If we are going to go and spend all this money to have this high technology, you do not need to have stand-by people and we still have our old regulations in force which forces us to spend the money. It is ridiculous. We have either got to quit putting in all this high technology equipment that our architects and engineers want to do or we have got to change regulations to get rid of the extra staff that the high technology is supposed to get rid of. So I would like to ask the Minister what has been resolved on this because it has been going on for about three years now.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: The Member is right. It has been going on for a number of years. We have sat down the people with the two different schools of thought, the hospital administration and the people in their safety department. We have had them jointly write to every jurisdiction. One of the problems we have is that the standards of every jurisdiction are a little bit different so that a first class ticket in one jurisdiction is not necessarily the same as a first class ticket in another jurisdiction.

#### Requirement For 24 Hours Of Supervision

What we have had, though, is that every province and each territory requires 24 hour supervision. That seems to be the underlying commonality through this. The argument about whether or not it should be a second class engineer or a third class engineer depends where you are actually residing. So I have looked at this one. We have, as he said, many, many times. Now my understanding is that the original estimate of \$250,000 extra cost has been reduced to approximately \$50,000 extra cost. I think that the use of high technology in a plant offers, obviously, a more efficient system and a cheaper system but to my mind does not take away the need for that 24 hour supervision.

I think I have given everybody, in this case, every opportunity to state their case but as Minister responsible I am not going to take the responsibility against the advice of my experts for that possibility, even though it is one in a million that a bad accident is going to happen. I said this to the standing committee, that after we have worked it through every way, everybody involved has had their opportunity to state their case, I am not prepared to take that risk. So as far as I am concerned and the government is concerned, we want the bill to remain as is because it provides that safeguard.

If the Member or the House wants to change that, that is their prerogative. But the consistent advice I have got after dozens of meetings is not to do it. So as Minister responsible I am not prepared to take what I consider to be a chance. So our position on this one I think is quite clear. We are recommending keeping the legislation the same as it is right now and we think it is worth spending an extra \$50,000 to ensure the safety of the patients and the staff in that hospital. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Supplementary, Mr. McLaughlin.

#### Antiquated Regulations

MR. McLAUGHLIN: Thank you, Mr. Chairman. I guess the questions that I am going to want answers to are going to be questions like how many full-time employees were required to work supervising the pressure vessels, etc., in the old Stanton Yellowknife Hospital? How many full-time employees are now required to supervise the plant? Was this caused because the volume of the vessels increased in size, or what? You can say that other jurisdictions were different. Well, I would say to you that jurisdictions with the old regulations are certainly like us and require all this stuff, but the jurisdictions with new regulations which meet the modern codes and the modern facilities are not like us, and that is what we should be like now. I do not want to hang

onto this clause, not knowing what all those answers are. I do not expect that the Minister will be able to answer it now so I would like to recommend that we just by-pass this clause and do the rest of the clauses and then come back to this clause before we give the bill as a whole reading, so we can get an explanation.

We are building more and more big facilities in the Northwest Territories and maybe, if we are going to spend a lot of money on modern equipment and then go by old antiquated regulations, we should not bother putting modern equipment in the buildings, then. This really gets me. We are hanging ourselves with our own regulations; we are causing ourselves to spend money when we do not need to. This has bugged me for years and I am not going to let up on it. I think it would be in the best interest of the Minister and the committee if we skipped this clause, if I can get that agreement from the committee, then do the others and come back to this one once we have the information that I have requested.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister, do you want to respond? I have another Member that wants to speak to clause 16, and then maybe after he finishes with that then the committee can defer clause 16 until we conclude other clauses. Mr. Butters.

#### Identification Of Situation During Planning

MR. BUTTERS: Mr. Chairman, while I appreciate the position of the Minister and recognize that he has the responsibility for this particular situation, I do wish to investigate, with Mr. McLaughlin, the current situation with regard to that hospital and whether the need is as Mr. Ballantyne indicates. I am wondering if, when the hospital was originally designed and put into blueprints -- and this obviously was examined and approved by our government -- whether this matter was identified at that time by officials of the Department of Public Works and the Minister's department and an indication made to the Executive that all this expensive high tech instrumentation that was being put in was not going to be acceptable to the regulators. I just wonder if the regulators informed the planners of the building of that particular situation.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: I do not have a problem with putting it off and coming back to it but what I would like, what would be helpful to me if I could get it in writing from Mr. McLaughlin, and Mr. Butters, is exactly the information that they want. I am prepared to try, to the best of my ability, to supply that information to the committee.

#### Clause 16, Deferred

CHAIRMAN (Mr. Zoe): Thank you. What is the committee's wish? Clause 16, to be deferred for now until the other clauses are concluded? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 17, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 18, temporary certificate of qualification. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed



**CHAIRMAN (Mr. Zoe):** Clause 19. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 20. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 21. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 22. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 23, Mr. Butters.

**MR. BUTTERS:** Thank you, Mr. Chairman. In subsection 51(2), the fifth line of that "to the chief inspector issued by a province or other jurisdiction". What other jurisdiction is contemplated here? Is it the Yukon? Is it a federal jurisdiction? What is contemplated?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** It would be other provinces and the Yukon. That is the only "other jurisdiction".

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 23, Mr. Butters.

#### Suspension Of Certificate

**MR. BUTTERS:** Thank you, Mr. Chairman. In subsection 51(5), page seven, an inspector may cancel or suspend for various reasons: incompetence, negligence, fraud, loaning of certificate. What is the action that occurs when an inspector decides to suspend? On what grounds would such suspension usually occur?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** My understanding is if a complaint is made against a welder, the inspector would investigate that complaint. If the complaint was valid and, depending on the degree of severity of the particular incident, then the inspector would take the appropriate action of suspension or cancellation. If a welder has his or her ticket cancelled, then there is a right of appeal to the Minister. Does that answer your question, Mr. Butters?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Butters.

**MR. BUTTERS:** No, Mr. Chairman, I guess you know there is quite a difference between cancelled and suspended. I want to try and get an understanding of the degree of severity or the seriousness of the offence or omission occasioned by this individual to determine why it would be cancelled. Obviously, incompetence and negligence would take some time to determine.

Okay, I guess I will not get an answer. But what would happen if this inspector determined, for whatever reason, that he had cause to suspend, or very serious cause to cancel? Would he do that immediately, and how would he do that?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

Withdrawal Of Certificate

HON. MICHAEL BALLANTYNE: For whatever reason, if there has been a certain incident or incidents that caused problems because of incompetence or carelessness, it would be a matter of withdrawing the certificate. Once the certificate is withdrawn that welder cannot weld in the NWT.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Butters.

MR. BUTTERS: Is it a physical act? Do you tear it off his wall or is it something that is done by fiat?

HON. MICHAEL BALLANTYNE: Written notification would be sufficient, confirming that the certificate has been suspended. It would not be necessary to physically have the certificate in your possession.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Butters.

MR. BUTTERS: So that suspension or cancellation cannot occur immediately the inspector is apprised of the fact that this individual is possibly incompetent or certainly negligent? He has to write a letter.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Depending on the circumstance. If the inspector either observed or the evidence was so overwhelming that there was major incompetence or negligence, then the inspector has the power to do it verbally. But even if it is done verbally it still would be followed up by a letter. So it would depend upon the circumstances but an inspector has the power to suspend or cancel verbally or in writing.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Butters.

MR. BUTTERS: In subsection (6), where a card has been cancelled or suspended under subsection (5), a person may appeal to the Commissioner in accordance with section 45. Where is section 45?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: Section 45 is in the act. I will read it.

MR. BUTTERS: It is not in this document though, Mr. Chairman. That is what I am trying to determine. And because it is not in this document to inform the committee, the Minister is going to read it to us. Is that correct?

HON. MICHAEL BALLANTYNE: That is right. That is correct, Mr. Chairman. "45(1) Any person who deems himself aggrieved by any decision of the director under subsection 44(2) may, within 10 days after the decision comes to his notice, appeal in writing from the decision to the Commissioner who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision.

"(2) The making of an appeal under this section does not affect the operation of the decision pending the decision of the appeal by the Commissioner."

CHAIRMAN (Mr. Zoe): Thank you. Mr. Butters.

Available Resources In Commissioner's Staff

MR. BUTTERS: Well, I wish I could have had the material available to me when I had looked at it originally. Now, the Commissioner's role in our government is changing. He is rapidly becoming a lieutenant-governor. You attend at his office across in the justice building on the sixth floor and he has no staff to speak of. I wonder how and I understand this is not his only responsibility for examining appeals that he may have. What resources are available to him to carry out these appeals?

This is a very important matter to the individual that is presenting the case. Nothing that I heard under section 45 requires a Commissioner's report in 30 days or 300 days or 3000 days. Just that he shall report. At this time this individual's licence has been suspended. He has lost his livelihood. I ask, is the Commissioner's office equipped to carry out this kind of function? Can he do an objective assessment of the matters that have led up to the suspension or cancellation with his current staff or has he available to him certain people from the department? How does he actually carry out this very important judicial role?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you. I just want to impress upon the Member that we did not change the act, as far as these particular powers of duty exist. The Commissioner has always had those powers. We have changed nothing in this particular section as far as the Commissioner's responsibility for an appeal. The second part of your question, there has never been an appeal by a welder to a decision. So up until now there has not been a problem. The Commissioner has had this power. We have not changed that aspect of the act because that was not what we were keying on. I grant the Member that in the future, as the role of the Commissioner evolves, we might well want to change those particular responsibilities of the Commissioner but nothing is changed from the old act to the new act in this particular area.

CHAIRMAN (Mr. Zoe): Thank you. Member for Inuvik.

MR. BUTTERS: I would disagree with the honourable Minister. Something has changed. That is the role of the Commissioner. The Commissioner is no longer all-powerful. When this legislation was originally written he could snap his fingers and staff would trundle through his door. That day is over. All I am saying is if he has a serious challenge and a serious requirement to examine a particular matter, could he do it now? All I want from the Minister is that the Minister assure me that if the Commissioner does require such assistance that he would get his staff trundling over there to provide him with the back-up and support he needs.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: I would like to first of all assure the Member that my staff do not trundle. They leap with alacrity. But I will indeed assure the Member that the Commissioner will be given whatever support is necessary to carry out his function.

CHAIRMAN (Mr. Zoe): Thank you. Clause 23, issue of welding performance qualification card. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 24. Agreed?

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 25, offence and penalty. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 26. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 27. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 28. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Mr. Minister.**

**HON. MICHAEL BALLANTYNE: Again to assure Mr. Butters how much on top the Commissioner is on the issue, he has informed us of a mistake in the legislation, a typo in section 2(b). We have disagreement here exactly as to what the final results are.**

**CHAIRMAN (Mr. Zoe): Mr. Minister, maybe I could suggest that we will return back to clause 16 and in the meantime maybe your officials can draft a proper motion to make amendment to clause 2.**

**HON. MICHAEL BALLANTYNE: Agreed.**

**SOME HON. MEMBERS: Agreed.**

**CHAIRMAN (Mr. Zoe): Now, we are back to clause 16. Maybe at this time I would call for a short recess for about 15 or 20 minutes. Thank you. Does the committee agree?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**---SHORT RECESS**

**CHAIRMAN (Mr. Zoe):** We are now back to clause 16. Any further comments on clause 16? Clause 16. Agreed? Mr. McLaughlin.

**MR. McLAUGHLIN:** I thought we had agreement not to deal with that clause, to defer it until we got the information.

**CHAIRMAN (Mr. Zoe):** For the information of the Member for Pine Point, it was decided that once all the other clauses were concluded, we were to return back to clause 16 and that was agreed to. So now we are back on clause 16. Mr. McLaughlin.

**MR. McLAUGHLIN:** Mr. Chairman, my understanding was that instead of my continuing to talk about this clause for the next three or four hours that we would defer this clause until I got the information. I would like to move, then, that we defer this clause 16 and not conclude this bill as a whole or move it out of committee until the Minister has had the chance to come back to this committee with this information which I requested of him.

I do not think I have to make a motion, as long as I get an agreement from the committee to defer this until the information is received.

**CHAIRMAN (Mr. Zoe):** Mr. McLaughlin, that is a motion.

**MR. McLAUGHLIN:** I did not make a motion. I withdraw it. I am just asking for agreement.

**CHAIRMAN (Mr. Zoe):** You are asking for a motion to defer clause 16 and that is the last clause to be dealt with. Now you are saying that you want to defer the bill until we receive some additional information.

**MR. McLAUGHLIN:** Yes.

**CHAIRMAN (Mr. Zoe):** Okay, so you are in agreement that you are making a motion at this time?

**Motion To Defer Clause 16, Bill 2-88(2), Carried**

**MR. McLAUGHLIN:** I do not think that I have to but I will. I will move that this bill be deferred until the Minister and his officials have the opportunity to give the committee information which I am going to request of him in writing.

**CHAIRMAN (Mr. Zoe):** Thank you. Your motion is in order. To the motion.

**AN HON. MEMBER:** Question.

**CHAIRMAN (Mr. Zoe):** Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Thank you. Mr. Butters.

**MR. BUTTERS:** Mr. Chairman, what information is the Member requesting of the government? Might the committee be apprised of what the Member is seeking.

**MR. McLAUGHLIN:** I have a letter being typed up right now and basically it asks for all information regarding the old and the new situation; the type of equipment, how many rooms the equipment is in, the number of person years required to supervise under the old situation, the number of person years required to supervise under the new situation, the dollars actually spent under the old situation, the dollars that are budgeted in the new situation, the regulations and any information on other Canadian jurisdictions where similar equipment is in use and the type of equipment not requiring this present level of supervision or qualification. I have also asked when

the Justice department first informed Public Works and Health that this equipment would require a higher level of supervision.

CHAIRMAN (Mr. Zoe): Thank you. I would like to thank the Minister and his witnesses for appearing before us for Bill 2-88(2).

Bill 12-88(2): Land Titles Act

Now the committee will be considering Bill 12-88(2), Land Titles Act. Is the Minister prepared to make his opening remarks on this particular bill? Mr. Minister.

HON. MICHAEL BALLANTYNE: Mr. Chairman, I wonder if I could have Mr. Gary MacDougall in, the registrar of land titles.

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, after a long period of time I am very pleased, today, to introduce the proposed Land Titles Act. This bill was tabled at the last session of the Legislative Assembly and so all Members have had lots of time to digest the contents of the bill.

The Minister of Indian Affairs and Northern Development is willing to sponsor a bill to repeal the federal Land Titles Act, which is a statute currently regulating land titles in the Territories. However, the federal government will repeal the federal act only if our government passes its own land titles statute.

It is this government's intention to take over the legislative responsibility of land titles. The territorial Department of Justice is currently administering the federal Land Titles Act. Our government pays the salaries of the officials who run the land titles system within the Territories and pays for the rent of the land titles office. The federal government contributes a small amount to the operating cost of the land titles office.

There are two main reasons for wanting to proceed with the bill. The first one is that it creates a revenue for our government. All fees collected under the federal act go to the federal government. During the last fiscal year, these fees amounted to \$115,000. By taking over the responsibility for land titles, the Government of the Northwest Territories will receive a new source of revenue, and once the federal fee schedule, which has not been amended in 30 years, is replaced with an up-to-date fee schedule, there is a possibility that our revenues could increase.

The second problem that we face is that in the past our Assembly could not amend the federal Land Titles Act. This meant that some of our government's initiatives have been prevented from proceeding because of that act. I think Members who have been here over the last few years remember our Condominium Act, which may have conflicted with the provisions of the federal act. Though the Condominium Act was first passed by this Assembly in 1969, the Territories did not have its first condominium until 1986 because we had to wait for the federal Parliament to pass an act validating our Condominium Act.

By enacting our own land titles act we will have better control over laws respecting real property. The transfer of the legislative responsibility for land titles is not a transfer of the administration

and control of federal lands to the GNWT. The Land Titles Act will apply only to land that is granted or sold to persons -- we are talking about private lands -- by the federal or territorial government.

#### Land Claims Not Adversely Affected

This bill will not adversely affect land claims. In fact, the repeal of the federal act and the enactment of the proposed Land Titles Act will facilitate the issuing of certificates of title for Inuvialuit lands granted under the Inuvialuit final agreement, and we expect it to make it easier to implement future land claims, TFN land claims and Dene/Metis land claims.

I understand copies of the Land Titles Act were given to the four aboriginal organizations in 1987. They were also given copies of the tabled version of the bill and I sent correspondence to them on at least two occasions apprising them of the fact that we intend to proceed with this bill. We have received no objections from the aboriginal organizations. Thank you very much, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Ernerk, chairman of the standing committee on legislation.

#### Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation reviewed the bill on September 28, 1988. The government representative, Ms Bentivegna, explained that the bill was reviewed in detail with the committee staff at the June meeting of the standing committee on legislation in Rankin Inlet. The purpose of the bill is to allow for the Northwest Territories to take over the functions of the federal act, basically to register the titles of property. The proposed bill does not affect questions concerning land claims or aboriginal title to the land. The Law Clerk added that every province in Canada had its own land titles legislation and that the standing committee on legislation staff has reviewed the details of the bill with the government. The government listed the technical corrections, deletions and punctuations and changes.

The standing committee on legislation approved the bill and recommended that the bill be forwarded to this Legislature for further consideration at the fall session at this time. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments. Member for Mackenzie Delta.

MR. NERYSOO: Thank you, Mr. Chairman. I just had a couple of general comments to make and maybe just some observations I hope that the Minister could consider with regard to the implementation of this particular act.

One is the suggestion that the Minister made when he indicated this would have no bearing on the question of aboriginal title or, for that matter, rights with regard to lands that had been identified by the aboriginal people for their own use, under which they had outright ownership. I must indicate that it is important for the government to recognize that there might be some definition changes that could have a bearing on the definitions of title under this particular legislation. That basically will occur, obviously, through the land claims negotiation process. It was one of the outstanding items, I believe, that was still open for discussion between the aboriginal organizations, in particular the Dene/Metis, and the Government of Canada.

The one other concern I would have, and maybe it is an issue that had to be resolved as soon as possible, but I believe under the agreement in principle that was reached between the Dene/Metis and the Government of Canada there was a certain amount of responsibility placed in the hands of management structures dealing with land and dealing with the issue of governments and leases, for which they had jurisdiction. I would hope that the legislation is not intended to undermine the responsibilities that have been outlined, but hopefully to ensure that the intention here was to support those kinds of structures and those kinds of management responsibilities that have been defined. I just want to caution you and make you aware of that, in case there might be some problems with regard to the legislation and the agreement in principle as it was signed.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

Land Claims Legislation To Take Precedence

HON. MICHAEL BALLANTYNE: I thank the honourable Member for his comments. To respond to his first point, this is territorial legislation and whatever comes out of the land claims will be enshrined in federal legislation, and enshrined in the Constitution, so it will take precedence over anything that is here. So the protection for that is built into the process. It is obviously not the intention of this government to throw any sort of impediments into the successful realization of the agreement in principle, but I think the Member's comments really bear some careful attention because there might at some point be a need to accommodate our legislation to whatever might come out of the land claims agreement. So we will definitely take note of the Member's comments. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments, Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. If I could also suggest to the Minister that they review the agreement in principle and consider if there are any appropriate changes in future. I do not know if there are at this particular time, but I would recommend that you review the situation just in case there might be some problems with regard to the two areas amalgamating or at least supporting each other. There might be a situation where there might be a clause here or a clause there that might not be conducive, or at least supportive of, the claim. That is basically the concern I have about the legislation here.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Definitely we will look into that.

CHAIRMAN (Mr. Zoe): General comments. Member for Hay River.

Cost Of Additional Work

MR. POLLARD: Thank you, Mr. Chairman. The Minister mentioned, Mr. Chairman, that most of the work is done by the Government of the NWT, and the Government of Canada takes all the money. Will the \$115,000 be enough to cover the rest of the work that the Government of the NWT is going to have to take over from the federal government? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: We do not anticipate additional costs because we are actually picking up all the present costs, so the only difference will be a new source of revenue. But our expenditures will still be the same.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. With regard to the assurance fund, presumably with all the transactions that have taken place in the past, there has been a payment into an assurance fund, so with the taking over of this responsibility will the assurance fund moneys that have been generated in the NWT to date be turned over to the Government of the NWT? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Minister.

HON. MICHAEL BALLANTYNE: That was a difficult bone of contention during the negotiations -- I am not sure if it was the records that were not kept. Perhaps they should have been. But after some pretty tough negotiations it was agreed that the federal government would turn over to us approximately \$500,000, which would form the basis of the assurance fund. We expect that



to grow at the rate of maybe \$100,000 a year. We also built in a safeguard clause that if we are held liable for any errors made by the federal government prior to the turnover to us, they will bear most of the liability for those mistakes. So essentially we are starting off pretty well with a fresh slate. We will only be responsible for any mistakes -- which of course we do not intend to make

-- since the transfer took place. We can live with the arrangement now.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. Another question for the faultless Minister. I wonder if the Minister could indicate what damage claims have been made against the now federal assurance fund, say, over the last five years? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

#### No Damage Claim In Five Years

HON. MICHAEL BALLANTYNE: I would like to emphasize that the Minister is not faultless but the department assuredly is. Members have told me many, many times that I have the occasional fault. But up to this point, the answer is zero.

CHAIRMAN (Mr. Zoe): Thank you. General comments, Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, if I could ask a general question. In the development of the legislation, was there -- having read this section on damages -- any discussion with regard to the possibility of a compensation program being included in any claim agreement that includes the Inuit and Dene/Metis in which there is still an obligation on the part of the Government of Canada for such an assurance program? For instance, paying compensation under certain arrangements as a result of the title being owned by the aboriginal group. I believe there is an assurance program here, and I can understand the reasons why for individual title holders. What I am concerned about is that there is nothing here to do with collective ownership or an obligation on the part of an agreement. That is one of the reasons, I guess, I raised the question. One of the reasons, having seen the documentation, is that that does not seem to be an issue recognized in the documentation or the transfer of the responsibility for land titles.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

#### Government Responsible For Liability

HON. MICHAEL BALLANTYNE: I am not 100 per cent sure I understand the question but I will try to respond to it the best I can. My understanding is that once we are responsible for land titles and our responsibility is covered by our act, we would be responsible for any liability to any party who uses the services of our government, in the interpretation of the act. So if there are cases, for instance I am trying to anticipate that the Dene/Metis, Inuvialuit, Inuit groups are coming to us to register land -- I am not sure of the examples but if some of the land for some reason is going to be private at some point, then if we make a mistake and because of that they lose money, then we would be liable. Does that answer the question? So anyone who uses the process in land titles knows that we are equally as liable whether that is a native organization or an individual.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Member for Pine Point.

MR. McLAUGHLIN: Yes, but due to the fact that you have to establish this fund and you are always going to have to require getting some money into it in order to actually have a fund, an assurance fund -- I was recently in the land titles office there and had some work done. The fee was only two dollars and I was wondering if the fees are going to go up in order to establish money for this fund or if the fees are going to go up at all in the near future?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** In my opening comments I said the fees are essentially unchanged for 30 years, so the government will definitely be looking at the possibility of a new fee structure once we have taken over the responsibility.

**CHAIRMAN (Mr. Zoe):** Thank you. General comments. Member for Mackenzie Delta.

**Obligation Of Government For Compensation Program**

**MR. NERYSOO:** To just begin, maybe I am raising a concern that does not exist at this particular moment but could exist in future. My concern basically with raising a question of insurance and damages, payment for damages, is that if there is a decision on the part of the Dene/Metis to register their land under the Land Titles Act, depending upon what happens, then there is an obligation on the part of government for a compensation program. My concern is that there may be a way out, for the Government of Canada to say, "Okay, now that the Government of the NWT has assumed responsibility for land titles and registries then they should assume responsibility for payment under the assurance program as a result of them taking on the responsibility."

I am just raising the concern as a cautionary note to the Minister so that he is aware of the concern and the problems. That is basically why I am raising it. I do not think that the Government of Canada is going to obligate itself in the future to paying for damages as a result of these other issues, including registering under some undefined definition of title. Then they should be held accountable and responsible. I just want you to be aware of that so that you are not caught in future in a situation of people registering that particular title.

**CHAIRMAN (Mr. Zoe):** Thank you. General comments. Are there any further general comments on Bill 12-88(2), Land Titles Act? If there are not, does the committee agree we go clause by clause? Agreed?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Zoe):** Clause 1, definitions. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 2, government bound by act. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 3, registration districts. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 4, land titles office. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 5, office days and hours. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 6, inspector of land titles. Agreed? Mr. Pollard.

MR. POLLARD: With respect to the inspector of land titles. Who is that person at the present time, Mr. Chairman, if I could ask the Minister that?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: There is nobody right now.

CHAIRMAN (Mr. Zoe): Thank you. Member for Hay River.

MR. POLLARD: Thank you, Mr. Chairman. I think it says in clause 6(2) that no person shall be appointed as the inspector unless the person is a barrister, a solicitor or advocate of a province or territory. We are going to gain \$115,000 on this deal, Mr. Chairman. The Minister said in his opening statements or general comments that there was not going to be an increase to the Government of the NWT and yet this position is not filled and I really do not know very many barristers or solicitors that would work for \$115,000. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: The question is a good one. That person could be somebody from my staff, one of the officials from my staff, in which case there would not be any extra dollars. And to start off with, that is the way we are looking at it, doing it that way because we do not obviously want to suddenly incur huge expenses more than we are getting as revenue. But the point is well taken. The Member's concern is that we do not use up our new revenues with bureaucracy.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Is the Minister, Mr. Chairman, assuring us there is going to be no increase in staff in his department as a result of this particular clause 6(1)? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Well, as the Member knows, I for one would be very careful before I would support an increase in staff. At this time I could not give you a definitive answer, depending upon circumstances and need. But we will definitely attempt to limit the growth in this department in the years to come.

CHAIRMAN (Mr. Zoe): Thank you. Member for Hay River.

MR. POLLARD: What I am concerned about, Mr. Chairman, is that I am wholeheartedly in agreement that the government should take over all of the responsibility but once again we find ourselves gaining \$115,000, possibly having to fill a position or positions, and I am wondering if the fees are going to go up in future years in order to cover extra costs. That is the point that I am trying to make, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: I think I understand the honourable Member's concern. I guess the Member should recognize another reason why we are doing this is that as we evolve as a jurisdiction we should be taking over these responsibilities. It is definitely our intention to try to keep any increase in costs covered by increases in revenue so there will not be in the future a

net expenditure by this government. But as we get more into it, I could not say to you honestly that there would be no increases in person years but we will definitely attempt to cover those extra costs with more significant revenues.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 6, inspector of land titles. Agreed? Member for Aivilik.

**MR. ERNERK:** Thank you, Mr. Chairman. Just for clarification under clause 6(2)(b). We are talking about qualifications, that the Minister shall appoint an inspector of land titles, a notary of Quebec. Why notary of Quebec?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** Just a different terminology in Quebec. In Quebec there is that designation as notary which you do not find in the other provinces. He does the same work that a lawyer does in the other provinces. It is just a technical requirement.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 6, inspector of land titles. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 7, duties. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 8, registrar of land titles. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 9, duties. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 10, seal of office. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 11, suspension of registrar's powers and duties. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 12, deputy registrars of land titles. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 13, duties. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 14, oath of office. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 15, officers and clerks not to be agents. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 16, protection of officers. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Clause 17, administration of oaths. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 18, attendance of officers. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 19, stamping of instruments and caveats. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 20, rejection of instruments and caveats. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 21, day-book. Agreed?**

**SOME HON. MEMBERS: Agreed.**

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 22, general register. Agreed?**

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 23, writ book. Agreed? Member for Inuvik.

MR. BUTTERS: Possibly I missed the answer but who will carry out this function? Who will be this general registrar? I know that the Minister may appoint one or more deputy registrars, but who will be doing this work?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Right now there is only one and it is Mr. MacDougall.

CHAIRMAN (Mr. Zoe): Thank you.

MR. BUTTERS: I believe Mr. Nerysoo has been asking questions relevant to what will occur when the land claims are settled. Obviously, there is going to be more work following that settlement. Who will be doing it then? Will it be assigned to regional office personnel or will there be a staff?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: Presently there is one district for the purposes of land titles. The act permits the establishment of other districts. So if, for whatever reason, a workload or the preponderance of activity in one region meant that we should designate other regions as regions under this act or districts under this act, then we would appoint registrars accordingly for each one of those new regions.

Again, I want to emphasize we would not do it unless there was so much activity there would be revenue offset and we could pay for it. I think that is Mr. Nerysoo's point originally, to ensure that we work out these arrangements so that the federal government does not negotiate the one end of the equation and at the other end we are stuck with the responsibility. I think Mr. Nerysoo's point was a sound one.

CHAIRMAN (Mr. Zoe): Thank you. Clause 23, writ book. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 24, requirement for certificate of title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 25, post office address. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 26, change of address. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 27, notice. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 28, age of majority. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 29, witness. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 30, affidavits. Agreed? Member for Inuvik.

**MR. BUTTERS:** Clause 30, what are the provisions respecting affidavits in the Supreme Court rules?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** We do not have them here but we could make those rules available to the Member.

**MR. BUTTERS:** Is one of the rules that any affidavit submitted to the registrar, filed or registered, has to be submitted in Yellowknife? Do you have to carry out this function in Yellowknife or can this function be carried out by a subdistrict registrar in another community?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** Right now, because there is only one district we only have one office, so the affidavit would obviously have to be submitted to this office. In the future, if new districts are set up then I presume that the affidavits could be delivered to those district offices.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 30, affidavits. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 31, production of duplicate certificate. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 32, retaining instruments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 33, inspection of instruments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 34, copies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 35, certified copies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 36, certificate respecting writ book and general register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 37, microphotography. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 38, replacement of instruments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 39, form. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 40, receipt of grants. Agreed?



SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 41, entries in case of transfer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 42, estate for life or for years. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 43, easement. Agreed? Member for Mackenzie Delta.

MR. NERYSOO: Sorry, I wanted to ask a question under clause 41 if I could.

CHAIRMAN (Mr. Zoe): Proceed, Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. Again, this is an area where significant consequences could arise as a result of the agreement in principle or any agreements that are reached with regard to land transfers where fee simple land and estate is transferred. I would ask if the Minister could review this particular situation here as outlined under clause 41(1), particularly since there may be a restriction under the AIP and under the land section, where land cannot be transferred without the approval of the aboriginal organization.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: I will definitely look at that. Under the present structure, the registrar in that situation would deem it an unacceptable transfer unless those conditions were met. They would have to go back to whatever body would make that decision, but I think the point again is well taken. I think that in some of these we have to make sure that we are in tune with what is happening with the AIP.

CHAIRMAN (Mr. Zoe): Thank you. Clause 41, entries in case of transfer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 43, easement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 44, encumbrances. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 45, duplicate certificates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 46, signature of owner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 47, consolidation of certificates of title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 48, replacing partially cancelled certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 49, duty to obtain duplicate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 50, duplicate certificate lost or destroyed. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 51, grants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 52, other instruments and caveats. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 53, day and time of registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 54, memorandum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 55, memorandum on duplicate. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 56, evidence. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 57, definitions. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 58, certificates of title to Her Majesty. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 59, application to withdraw lands from act. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 60, land granted before 1887. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 61, application. Mr. Ernerk.**

**MR. ERNERK: On clause 60, application by owner, where it says land granted before 1887. Okay, I got it. It is correct.**

**CHAIRMAN (Mr. Zoe): Clause 60, land granted before 1887. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 61, application. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 62, implied covenant. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe):** Clause 63, idem. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 64, unregistered instruments ineffectual. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 65, effect of registration. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 66, effect of certificate. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 67, holder of prior certificate. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 68, jurisdiction of courts in cases of fraud. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 69, implied reservations. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 70, instruments operative on registration. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 71, priority in order of registration. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 72, memorandum of trust. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 73, transfer to trustees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 74, judge's power. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 75, inquiry. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 76, form. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 77, words of limitation unnecessary. Member for Hay River.

MR. POLLARD: Pardon my ignorance, Mr. Chairman. What is "estoppel"?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: I understand that it means if there is an action where there is a final decision, you do not have the right to go any further. That is it, it is over. So once the decision has been made, then there is no recourse beyond that.

CHAIRMAN (Mr. Zoe): Mr. Pollard.

MR. POLLARD: I wonder if our Law Clerk, our learned friend at the table, could explain that, Mr. Chairman. No offence to you, Mr. Minister.

LAW CLERK: I know it is not an organization in central Europe.

---Laughter

"Estoppel" is a legal term which generally means that someone is stopped from doing something. The word is then "estopped". That is the legal terminology. It just means that you are precluded by operation of law from doing something, you are estopped. I am not exactly sure what it means in this context, to be quite candid. Maybe the witness can assist on that.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister, any comments.

HON. MICHAEL BALLANTYNE: No, the definition seemed to be fairly similar to mine. Everybody seems quite happy.

CHAIRMAN (Mr. Zoe): Member for Hay River.

MR. POLLARD: Sorry for delaying you, Mr. Chairman, but I think Mr. Cooper indicated that he was not quite sure what it meant in this context, so perhaps we could hear from the Minister or his staff exactly what the purpose is of clause 77(2). Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Apparently the wording is the wording in the federal legislation, and I can assure the Member that we will find out what it means.

---Laughter

I will have my people look at it and I will see if I can give you a more definitive answer soon.

CHAIRMAN (Mr. Zoe): Is there anything further. If not, clause 77. Mr. Ernerk.

MR. ERNERK: No, Mr. Chairman, I thought the Minister just indicated that he was going to give us some further definition of estoppel. Do not let me estoppel you, okay. Am I correct, Mr. Chairman, that is what he is going to do later on?

CHAIRMAN (Mr. Zoe): Yes, he will be providing our committee with a definite definition of this particular word.

MR. ERNERK: Thank you.

CHAIRMAN (Mr. Zoe): Clause 77. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 78, memorandum on dominant as well as servient land. Member for Inuvik.

MR. BUTTERS: Mr. Chairman, could I have a quick explanation of "dominant" and "servient" lands?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: It is a pretty technical response here, and maybe I will turn it over to Mr. MacDougall. I think I will do that. Some of that stuff is obviously beyond my personal knowledge and experience, hard though that may be for you to believe.

---Laughter

I think for those sorts of questions I will turn it over to Mr. MacDougall, but I assure you that it is probably beyond yours to ask the question.

---Laughter

MR. MacDOUGALL: Mr. Chairman, the two terms arise generally in the context of an easement where one party is obtaining the benefit of an easement over another person's land, and that second person's land is the subject of the easement. That is when the two terms are used, the "dominant" land being the land obtaining the benefit of the easement, the "servient" land being the land subject to the easement.

CHAIRMAN (Mr. Zoe): Thank you.

HON. MICHAEL BALLANTYNE: Cattle farmer and the sheep farmer if the cattle farmer is adopted.

CHAIRMAN (Mr. Zoe): Clause 78, memorandum on dominant as well as servient land. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 79, surrender of easement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 80, requirement for plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 81, notice respecting plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 82, effect of notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 83, withdrawal of plan requirement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 84, requirements of plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 85, duty after registration of plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 86, subdivision by transfer. Agreed? Mr. Butters.

MR. BUTTERS: What is a fee simple estate?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: Mr. MacDougall.

**MR. MacDOUGALL:** It is not a clearly defined term but it is, essentially, the greatest interest in land that the Crown, the government, can grant to an individual or a party. The maximum estate that can be granted. It is an ancient term but that is it in essence.

**CHAIRMAN (Mr. Zoe):** Thank you. Maybe for the committee's benefit I can call on our Law Clerk if he would like to comment.

**LAW CLERK:** Basically that is the way probably 99.9 per cent of land is held. It is outright ownership as opposed to a life estate or a tenancy or something like that. It is basically ownership, that is what that means.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 86, subdivision by transfer. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 87, condominium plan. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 88, subdivision and consolidation plan of survey. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 89, requirement for transfers. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 90, plan requirements. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 91, order dispensing with signature. Agreed? The Member for Inuvik.

**MR. BUTTERS:** Clause 91(3), Mr. Chairman. Could somebody give me an example of what "unreasonably withheld" would describe?

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister, clause 91(3).

**HON. MICHAEL BALLANTYNE:** It means somebody is being obstinate and refuses to sign with no reason. They just refuse to do it.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 91, order dispensing with signature. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed



CHAIRMAN (Mr. Zoe): Thank you. Clause 92, duty after registration of plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 93, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 94, descriptive plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 95, plan requirements. Agreed? Mr. Pollard.

MR. POLLARD: Clause 95, Mr. Chairman. Do we have a Planning Act?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: Yes, we do.

CHAIRMAN (Mr. Zoe): Thank you. Clause 96, encumbrance against less than whole lot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 97, descriptive plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 98, plan requirements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 99, restriction on issuance of certificate of title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 100, reference to proper plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 101, correction of plans by registrar. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 102, correction of plans by judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 103, plans prepared under statutes. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 104, plans of surrendered Indian reserves. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 105, substitution of plan. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 106, deleting memorandum of plan. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 107, form. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 108, right to purchase. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 109, lease of mortgaged land. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 110, registrar's duty in case of re-entry. Agreed?**

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 111, short form of covenants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 112, surrender of lease. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 113, form of mortgage. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 114, duplicate certificate retained. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 115, effect of mortgage or special encumbrance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 116, implied covenants by mortgagor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 117, short form of covenants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 118, proceedings to enforce. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 119, registration of discharge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 120, extinction of an annuity. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 121, order for payment into a chartered bank. Agreed?  
Member for Inuvik.

**MR. BUTTERS:** Is it required to be paid into a chartered bank? Is that clause or provision developed with an eye to a situation in southern Canada where chartered banks are more available? In the Territories they are not found so regularly.

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** Well, who else gives mortgages in the Territories but chartered banks? Who else can do it?

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 121, order for payment into a chartered bank. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 122, memorandum. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 123, form. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 124, partial transfer of sum secured. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 125, transfer instead of discharge. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 126, effect of registration of transfer. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 127, form. Agreed?

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 128, certified copies may be registered. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 129, revocation. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 130, transmission application. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 131, transmission of titled land. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 132, transmission of interest or encumbrance. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 133, title to relate back. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 134, nature of title of personal representative. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 135, application to judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 136, application by surviving joint tenant. Member for Hay River.**

**MR. POLLARD: Mr. Chairman, this does deal with clause 136, but you know we are just running through a pretty technical document; we are just reeling it off. I wonder if I could just ask the**

Minister, are all these things being done at the present time? Is this a mirror of the present federal legislation?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

#### Technical Expertise In Drafting Bill

HON. MICHAEL BALLANTYNE: A couple of things, I think, to make the Member feel a little bit better. Basically, yes, and the federal government was pretty adamant about what they thought we would do or not do before they would repeal their legislation, so there is that control. Because of the fact that it is so technical, when we were in Rankin I gave lots of opportunity for both our staff and the staff of the Assembly to go through the technical aspects of it. There have been some changes suggested by the Assembly staff, the committee staff, which we have incorporated into it. So this act has been very thoroughly gone over on the technical side. Most of the clauses in it are in the present act and it is just being updated. I think your point is a good one, that we do not pretend to have this technical expertise, but the officials have looked at this over a long period of time, over the last couple of years. They have gone over this with a fine-toothed comb, along with the federal officials, so there has been very adequate perusal of this at the technical level.

CHAIRMAN (Mr. Zoe): Thank you. Member for Inuvik.

MR. BUTTERS: A supplementary to the concern raised by the honourable Member for Hay River. We did not look at this in Rankin. It was, as the Minister says, referred to staff. Did we have a report from our own legal counsel prior to the time we got into this bill, or did we just have a report from the Minister?

LAW CLERK: I sent, after the meeting in Rankin Inlet, a letter to Ms Bentivegna confirming the concerns and suggestions for change which Mr. Bushey and I had, and those concerns have been addressed. In preparing for that meeting in Rankin Inlet, I had two members of my firm review this legislation in depth, looking for any problems or inconsistencies and we also reviewed some legislation from the other provinces to ensure some sort of conformity. I am satisfied that technically -- it is very technical and a lot of old terminology is used -- but we are satisfied that the act is in order.

CHAIRMAN (Mr. Zoe): Thank you, Mr. Law Clerk. Do you have any additional comments you would like to make, Mr. Ernerk, in regard to what the Law Clerk has indicated to your committee?

#### Concern Of Standing Committee

MR. ERNERK: No, not really, Mr. Chairman. The Law Clerk is right. We did review some of the clauses on September 28, 1988, here in Yellowknife. One of the things that I indicated in the beginning of the debate on this bill is the concern I have, and the concern of some Members of the standing committee on legislation, especially with regard to the issue of land claims not being affected by the passage of this bill. We got that assurance from the Minister and his officials, so I was relatively satisfied with regard to the work that was done between the Law Clerk and the Minister's staff, both in Rankin Inlet as well as here in Yellowknife.

CHAIRMAN (Mr. Zoe): Thank you. Going back to clause 136. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 137, copy of writ. Mr. Nerysoo.

**MR. NERYSOO:** I am not quite sure if it is in this particular section, but where is the section that deals with a situation where an individual is given a right to property or land individually, but it is held on the basis of collective ownership?

**CHAIRMAN (Mr. Zoe):** Mr. Nerysoo, I realize that this type of questioning should have occurred during general comments to find out which particular section it is in. We are going clause by clause, and I would certainly try to keep it to the particular restrictions that we have. I want to keep it clause by clause, so if it is not under this particular clause, maybe before we conclude this bill you can ask to return to general comments. Mr. Nerysoo.

#### Situation Of Collective Ownership

**MR. NERYSOO:** Mr. Chairman, if I read correctly, writs of executions, where there is a situation where a writ is filed against land, this can be based on whether or not an individual pays taxes or fulfils certain obligations. What I cannot see here is a situation where the obligations are not fulfilled by an individual, but there is a collective ownership. I am kind of curious as to how that is to be addressed. It is under this particular section, that is why I asked about it. Where we decide that an individual's land is up for sale because he does not pay the appropriate taxes or leases or costs related to land.

**CHAIRMAN (Mr. Zoe):** Thank you. Mr. Minister.

**HON. MICHAEL BALLANTYNE:** I am not exactly sure -- maybe the Member can give an example -- but it seems to me that the land can either be owned by an individual or by some form of corporate entity. In which case this provision would apply, either/or, right?

**CHAIRMAN (Mr. Zoe):** Maybe for assistance I can call upon our Law Clerk to give us an explanation.

**LAW CLERK:** I do not know if I can give an explanation, but I think what the Member is asking is, if three people own a property and one of them is in debt and a writ is filed against the property, what happens to the interests of the other two? I believe the land can still be sold, but only that individual's portion of the land, or the value of that individual's portion, can be used to satisfy the writ, but it can still be sold, I believe.

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 137. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Thank you. Clause 138, renewal. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 139, satisfaction of writ. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe):** Clause 140, confirmation of sheriff's sale. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 141, time limit. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 142, application for confirmation of sale. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 143, basis of caveat. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 144, requirements. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 145, registrar's caveat. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 146, notice. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 147, instruments subject to caveat. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 148, summons of caveator. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 149, lapse of caveat. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 150, memorandum of lapse. Agreed?**



**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 151, withdrawal. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 152, proof of agency. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 153, further caveat. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 154, compensation and costs. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 155, application. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 156, fees. Mr. Nerysoo.**

**MR. NERYSOO: Just a question, if I could get a clarification. Does 156(2)(b) "extend credit to a person or law firm...", include the land-holding corporation?**

**CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.**

**HON. MICHAEL BALLANTYNE: Yes, it could include that.**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 156, fees. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 157, valuation of land. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 158, assurance fund. Mr. Pollard.**

Source Of Accruals To Assurance Fund

MR. POLLARD: Thank you, Mr. Chairman. I think when the assurance fund is established, if I am not mistaken, the Minister said it is going to come across with \$500,000 into the assurance fund from the federal government. I think the Minister also indicated that the fund would accrue at \$100,000 per annum. I wonder if the Minister could indicate where those accruals are going to come from. I realize that he is probably going to have it invested in the central European state of "Estoppel", drawing magnificent interest but I would still like to know where he is going to get \$100,000 per year from.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Part of it will be interest on the original \$500,000. Part of it will be a percentage on all the transactions.

CHAIRMAN (Mr. Zoe): Thank you. Member for Hay River.

MR. POLLARD: Is there a breakdown between the two, Mr. Chairman?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: The figure I gave him is a rough figure. There is a breakdown of half and half right now. That is going to change as the fund gets bigger, so we are just giving you an approximate number. Right now what we are looking at with the existing interest rates is about half and half.

CHAIRMAN (Mr. Zoe): Thank you. Clause 158, assurance fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 159. Mr. Pollard.

MR. POLLARD: Then I will try to gain from the Minister another method of breaking down the \$100,000, Mr. Chairman. What will the prescribed percentage be under clause 159? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: We have not decided yet so I will not help you.

CHAIRMAN (Mr. Zoe): Member for Hay River.

Schedule Of Fees

MR. POLLARD: Well, presumably, Mr. Chairman, there is a schedule of fees at the present time and presumably a percentage of those fees is going to the Government of Canada's assurance fund. So perhaps the Minister could tell us what the present schedule of fees is.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: The federal government uses a totally different calculation and it is not appropriate for us. We have collected about \$50,000 per year and that is why I said about half. We expect to collect that amount. But not until we have taken over are we going to actually prescribe a specific percentage. We just do not have that yet.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Well, is there a fee schedule, Mr. Chairman?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: There is a federal fee schedule and after this act is passed we are going to be working out a new fee schedule. We will be using the federal fee schedule, essentially, until this or after this act is proclaimed. There is still a period of time because they have to repeal the federal legislation. There is a period of time between when this act is passed, the federal legislation is repealed and this act is proclaimed. Those details will be worked out during that period of time but until we have an act the federal government will not even consider repealing their act. We are caught in a catch-22 situation. We are not going to rush into this until we have sorted out a fee schedule and a fixed percentage.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Well, I am disappointed, Mr. Chairman, because we find out first of all that there is going to be \$115,000 extra going into our coffers but we have to fill a certain position. Presumably, if there are going to be any expenses that are going to increase over the next couple of years, they are going to have to come from the fees.

So, as I said before, this is a very technical document and the lawyers have been through it and yet I hear the Minister of Finance telling me that they do not have a schedule of fees in place at the present time. They do not know what percentage of fees will be paid into the assurance fund. We do know that there have been no damages to date and what I am trying to establish, Mr. Chairman, is, is it going to be more expensive for people to make these transactions under the territorial government than it is at the present time with the federal government?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: I think the Member is mixing up two questions. The first part of your question is whether or not we are going to raise the fees. The fees have not been raised since 1954, so there is a very good chance that the fees are going to go up but it is not necessarily related to the fact that we need the extra money in order to provide the services. We will seriously look at bringing the fees in at least some sort of equivalence with what they charge in other jurisdictions.

#### Federal Formula Complex

As far as the schedule, the problem is the formula or the formula that they use in the federal government. They have a very convoluted formula to arrive at the fees. Once we have taken it over and once we have a good handle on this whole situation, we want to have something simpler, and a fixed percentage fee makes a lot more sense than this convoluted, complex system that they have. We have not yet worked out what that will be but, obviously, before this whole process is finalized, we will.

We have to demonstrate right now to the federal government that we are going to provide new legislation or they will not even deal with it or deal with us. If the Member would like some assurances that when we talk about something like the percentage, that before we proclaim the act, we bring it back to this committee or to the finance committee, I do not have a problem with that. Before the act is actually proclaimed, we would come back with that percentage.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. The Minister says that the rates, the fees may go up but not necessarily to cover an increase in service. I would like an explanation to that. If you are level right now and you are not making a whole lot, then I do not see why the fees should go up.

Secondly, surely if we have been operating this thing for a period of time we must know, basically, what we want for fees and what percentage should be going to the assurance fund.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: As I said, I just made the offer that before we proclaim the act I will bring the percentage to the standing committee on legislation. I have no problem in doing that.

The other one is a question that all governments have to decide. In other jurisdictions the revenue that accrues to the government because of this fee is more than the cost, so it is up to each government to decide how much revenue you want to get this way, as opposed to getting revenue from a tax increase or from other services. That is the decision that our government is going to have to take.

CHAIRMAN (Mr. Zoe): Thank you. Member for Hay River.

MR. POLLARD: Just with regard to the assurance fund. If you are going to be drawing interest and a percentage is going to be paid into that from the fees collected, and if there have not been any claims to date, what does the Minister propose to do if this fund just keeps escalating and there are no future claims?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

Assurance Fund May Be Capped

HON. MICHAEL BALLANTYNE: Probably it is somewhat similar to the situation we have with the WCB fund. At some point in the future when the fund reaches a certain level, I suppose there will be some subjective analysis at that point and we can decide if we want to cap it at that and carry the rest of the risk in our accumulated surplus or consolidated revenue. But that is the decision for future.

CHAIRMAN (Mr. Zoe): Thank you. Clause 159, fees transferred to assurance fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 160, liability of assurance fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 161, recovery of money paid out of assurance fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 162, if debtor is not in the Northwest Territories. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 163, protection against ejectment. Agreed?

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 164, indemnification of person deprived of land. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 165, protection of bona fide purchasers or mortgagees. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 166, action against registrar as nominal defendant. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 167, actions for omissions of officers. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 168, where costs are given to nominal defendant. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 169, limitation of action. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 170, when plaintiff nonsuited. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 171, appeal from registrar. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 172, registrar may refer questions to judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 173, demand for delivery of the duplicate. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 174, order for delivery. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 175, powers of judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 176, conditions respecting plans. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 177, conditions respecting plans. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 178, prohibition by judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 179, notice to interested parties. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 180, interested parties absent. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 181, implied covenants. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 182, use of owner's name. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 183, certificate conclusive of evidence of title. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 184, proceedings not to abate. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 185, purchase for valuable consideration. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 186, evidence in inquiries before judge. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 187, failure of person or affiant to attend. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 188, security for costs by non-resident. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 189, judge may award costs. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 190, erroneous certificate. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Clause 191, proof. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

CHAIRMAN (Mr. Zoe): Clause 192, defects in form. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 193, reference by judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 194, appeal from judge's decision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 195, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 196, existing certificates of title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 197, power of attorney. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 198, lapse of caveat. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 199, assurance fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 200. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 201. Agreed?



SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 202, landlord to notify all claimants in action for re-entry or forfeiture. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 203, plan of survey to be filed. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 204. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 205. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 206, land titles office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 207. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 208. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 209. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 210, plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 211, plan. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 212. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 213. Agreed? Mr. Ernerk.

MR. ERNERK: Just for clarification. What is the Intestate Succession Act?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: If you die without a will. The selling of your estate if you do not have a will.

CHAIRMAN (Mr. Zoe): Thank you. Clause 214. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 215. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 216. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 217, land titles office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 218. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 219. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

**CHAIRMAN (Mr. Zoe): Thank you. Clause 220. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 221. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 222. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 223. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 224. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 225. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 226. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 227, land titles office. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 228. Agreed?**

**SOME HON. MEMBERS: Agreed.**

**---Agreed**

**CHAIRMAN (Mr. Zoe): Thank you. Clause 229. Agreed?**

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 230. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 231. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 232. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 233. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 234. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 235. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 236. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 237. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 238. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 239. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 240. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 241. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 242. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 243. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 244. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 245. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 246. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 247, filing in land titles office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 248, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 249, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Schedule A. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Schedule B. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Does the committee agree that Bill 12-88(2), Land Titles Act, is now ready for third reading? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I wonder if I could just, for the record, offer my commendations to Mr. MacDougall and to Mr. Alex Fyfe who over the past year and a half have spent literally hundreds of hours working on this particular legislation. I think they deserve our thanks for a very difficult job well done. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Nerysoo.

#### Implications With Regard To Claims Agreements

MR. NERYSOO: Now I am going to give them more work to do. If I am correct, Mr. Chairman, the Minister said they would not enact the legislation immediately, and I want to ask if there could be an additional review of some of the other elements such as the fee schedule that is to be considered, and whether or not there are going to be some implications with regard to claims agreements or agreements in principle that have been signed. We must recognize and take into consideration those commitments that have been made on an ongoing basis, because it is important that we not have legislation that contradicts other agreements, as Mr. Ballantyne so eloquently pointed out, so there will not be problems in the future.

CHAIRMAN (Mr. Zoe): Thank you. Before I call for third reading of this bill, the Chair does not recognize a quorum. Mr. Ernerk.

MR. ERNERK: Mr. Chairman, this is about the second or third time that I have gone through this bill. I know that I also said in the beginning that the government has indicated to us that this will not affect the issue of land claims or aboriginal title to land. A couple of years ago the Tungavik Federation of Nunavut, as well as the Government of the NWT through Municipal and Community Affairs, agreed -- mostly in the Eastern Arctic -- that the land in the East will be on a lease basis only until the land claims have been agreed to between the Government of Canada and the

Tungavik Federation of Nunavut. I am just wondering, Mr. Chairman, if the Minister could indicate to me that this piece of legislation does not at all conflict with that gentlemen's agreement between TFN and GNWT. I wonder if I could have that assurance from the Minister.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Yes, the Member has that assurance. There is no problem with it. I could give the assurance to Mr. Nerysoo for his concerns. We would like to have third reading of this bill to demonstrate to the federal government our seriousness. But before I have the bill proclaimed I would be quite prepared to bring a report to Mr. Ernerk's committee answering those questions that Mr. Nerysoo and others have been concerned about.

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 12-88(2), Land Titles Act is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): I would like to thank the Minister's witnesses for appearing before our committee.

Bill 13-88(2): Legal Services Act

The committee will now proceed to deal with Bill 13-88(2), Legal Services Act. Mr. Minister, are you prepared to proceed with this particular bill?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, An Act to Amend the Legal Services Act makes minor amendments to the Legal Services Act. These were initiated by the Department of Justice and the Legal Services Board. The first amendment amends the provision authorizing agreements between our government and the federal government so that such agreements may be signed by the Minister instead of the Commissioner. The second amendment deletes all references to non-resident panel of lawyers. Non-resident panels were created at a time when there were few lawyers in the Territories and southern lawyers with special expertise were occasionally needed to provide legal aid in the Territories.

The last amendment is to repeal references to certain archaic causes of action referred to in section 45. The references to those causes of action caused the Attorney General of Canada to delay the signing of the last legal aid agreement. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Ernerk, chairman for our standing committee on legislation.

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation met on September 28, 1988 to review the bill with government representatives. The government explained that the purpose of the amendments is to provide that agreements with the federal government may be signed on behalf of the GNWT by the Minister responsible rather than by the Commissioner. Legal aid panels made up of only non-residents have been eliminated because they are no longer in use. Reference to certain archaic civil matters in the act, such as breach of promise of marriage or alienation of affection, have been repealed. The standing committee on legislation approves the bill and recommends that the bill be forwarded to the Legislature for consideration at this time. Thank you.

CHAIRMAN (Mr. Zoe): General comments? If there are not any general comments, does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 2, territorial/federal agreements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 3. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 5. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Bill as a whole? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 13-88(2), An Act to Amend the Legal Services Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Our committee will deal with Bill 21-88(2), An Act to Amend the Territorial Court Act. Mr. Minister, are you prepared to proceed with this bill?

Bill 21-88(2): Territorial Court Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The reason that we are proposing the amendment to this act is to make it easier for territorial court judges, particularly deputy judges, to take their oath of allegiance and to take office. At present, a territorial court judge must take the oath of allegiance and oath of office before a Supreme Court judge. This bill provides that a



territorial court judge may take the oath of allegiance and oath of office before any person authorized to take oaths in the Northwest Territories.

Another important part of this bill is to provide for the appointment of an additional member of the judicial council. At present, the judicial council is composed of judges and lawyers, some of whom may also be public servants. According to this bill the additional member will be a lay representative who will be neither a judge nor a lawyer and we had, in the original draft, a member of the public service, but because of some of the concerns brought forward by the committee we have taken that out of our bill. This will bring a broader public perspective to the judicial council and enable it to better fulfil its mandate of considering and recommending candidates for appointments as judges of the territorial court and in receiving and investigating complaints respecting territorial judges.

A final amendment substitutes "provincial court judge" for "magistrate" in a section of the act and repeals a reference to a section in the Criminal Code that has now been repealed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Ernerk, as chairman of the legislation committee.

#### Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. All the words here I can pronounce, no problem. Mr. Chairman, the standing committee on legislation reviewed the bill on September 28, 1988. The government explained that the purpose of the bill was to provide that a territorial judge may take the oath of allegiance and oath of office before a person authorized to take oaths in the Northwest Territories. The government explained that this would assist in the assignment of judges who arrive in the NWT to serve on various courts in communities and must be sworn in. The bill also authorizes the Commissioner to appoint a person to the judicial council who is not a judge of the Supreme Court, territorial court, member of the Law Society of the NWT or a member of the public service of the NWT. A motion was passed by the standing committee on legislation to also include employees of the Government of Canada. The standing committee on legislation approves the bill and recommends that the bill be forwarded to the Legislature for consideration in the fall session. Thank you.

CHAIRMAN (Mr. Zoe): Are there any general comments? Does the committee agree to go clause by clause? Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 2, oaths. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 3. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 4. Mr. Nerysoo.

MR. NERYSOO: Just for clarification, Mr. Chairman. I realize at this particular time only one individual is to be appointed by the Commissioner. I was rather curious why there was a limitation

of two persons and not the possibility of allowing for more individuals to be appointed if the Minister thought a judicial council should be comprised of more than two people.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: There is nothing to prevent us from doing that but we thought we would take this first step and just add one. We do not want the committee too big because it becomes very unwieldy to deal with the situation that I have to deal with. What we thought we would do, we would try it out and give it some time to see how it works. At that point we would consider the possibility of adding an additional person.

CHAIRMAN (Mr. Zoe): Thank you. Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 21-88(2), An Act to Amend the Territorial Court Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. I would like to thank the Minister and his witnesses for appearing before our committee. If I understood correctly, prior to getting into dealing with the bills, the government House Leader indicated that we will proceed with Bill 6-88(2), the Education Act, with Mr. Kakfwi.

Bill 6-88(2): Education Act

Mr. Kakfwi, would you be prepared to bring in your witnesses at this time? Mr. Minister, you may proceed with opening remarks.

Minister's Opening Remarks

HON. STEPHEN KAKFWI: Mahsi. Mr. Chairman, this bill to amend the Education Act contains one substantial amendment and a number of housekeeping provisions. The substantial amendment empowers the Minister of Education to cancel or suspend a teaching certificate. This authority is common to provincial legislation, and its omission from our Education Act was an oversight when the Act was approved in 1977. In recent years there have been cases of sexual abuse of school age children by a teacher. These circumstances warrant examining the right of such teachers to hold a teaching certificate, but I have not been able to do so because the authority to suspend or cancel a teaching certificate was not in the act.

I believe there is general support for this amendment, although the standing committee on legislation has raised concerns about the process that will be established to deal with the suspension or cancellation of a certificate. The procedures established must provide for fair treatment and due process. The bill has been amended in light of these concerns and now provides a teacher whose certificate is cancelled or suspended with the right to an appeal. The bill also provides for regulations prescribing structures and procedures that must be put in place.

A preliminary paper outlining the policy framework for the regulations has been developed. There is no doubt that during the discussions with the NWT Teachers' Association and education authorities this framework will be amended.

Mr. Chairman, I would like to emphasize that my objective is to ensure that we have excellent and trustworthy teachers in our classrooms. This bill also provides a legal basis for having teacher interns in our schools for practice teaching and observation. There is an increasing number of northern students entering teacher training institutions. The students enrolled in Arctic College are required to do their internships in the NWT schools. This provision authorizes such access and extends to the interns the same liability coverage that is in place for teachers.

Finally, the proposed legislation amends existing provisions respecting the payment of honoraria to education authorities. It requires a change in the present regulation-making provision for honoraria and the redrafting of the honoraria provisions for each education authority. The changes will provide that the Minister will retain control of the total expenditures for honoraria but will permit education authorities to set rates within the limits prescribed. The inclusion of these minor changes in the act requires a considerable number of technical changes and the reorganization of subject matter.

Mr. Chairman, the standing committee on legislation gave this bill a thorough review, and changes have been made to reflect their concerns. The chairman of the committee has also been given a copy of the preliminary policy paper respecting the proposed regulations. A copy of that paper has now been sent to the NWTTA and to the education authorities for comment. I will ensure that the consultation process for the development of the regulations are fair and adequate. I ask for your support for this bill. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Ernerk.

#### Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation met on September 27th, 1988 to review the bill with government representatives and the Minister responsible for Education, Mr. Kakfwi. The Minister explained the purpose of the amendments to the bill. The principal amendment to the Education Act provides that the Minister may cancel and suspend certificates of qualification, teaching certificates. Also included are provisions respecting the termination of a contract of employment. Provisions are provided which outline the training of teacher interns. Provisions respecting payment of honoraria and expenses for members of education authorities are also described.

The Minister explained that the provisions to suspend, cancel or reinstate a permanent teaching certificate were omitted from the act when it was first drafted in 1976. It is the intention of the government to discuss the process that would govern the enforcement of this provision with the NWTTA. The Minister assured the standing committee on legislation that the regulations that would accompany these amendments would be made available to the standing committee on legislation when the bill is introduced into the House.

Mr. Chairman, if I could just indicate at this time that, contrary to what the Minister indicated to this House, that the regulations have been made available to myself, they have not been. However, committee Members were of the opinion that the right of appeal concerning the cancellation or suspension of a teaching certificate should be placed in the act. The Minister explained that the amendment for teacher interns provides a legal basis for having teacher interns in the classroom for the purpose of practice teaching and observation.

Concerning the payment of honorariums to education authorities, the Minister explained that the amendment enables the Minister to set the maximum total amount of honoraria that may be paid to a member per year but to permit the education authority to determine the number and type of meeting regular or committee, that may be held and to set the honoraria for each. This

provision will give the Minister control of total expenditure for honoraria but will permit the education authority to use these funds to meet varying local needs and circumstances.

The Minister added that technical changes in the bill include punctuation, reorganization of subject matter, and the redrafting of some provisions without making substantial changes to the act. The committee agreed to proceed with the bill in the House pending proposed revisions to be made by the government. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments.

MR. BUTTERS: Mr. Chairman, I suggest we have had a good day and I would move progress.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Zoe): All in favour? Okay, I will now rise and report progress.

MR. SPEAKER: The House will come back to order. Mr. Zoe.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF COMMITTEE REPORT 1-88(2); BILL 8-88(2), EVIDENCE ACT; BILL 2-88(2), BOILERS AND PRESSURE VESSELS ACT; BILL 12-88(2), LAND TITLES ACT; BILL 13-88(2), LEGAL SERVICES ACT; BILL 21-88(2), TERRITORIAL COURT ACT; BILL 6-88(2), EDUCATION ACT

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MR. ZOE: Mr. Speaker, your committee has been considering Bills 8-88(2), 2-88(2), 6-88(2), 12-88(2), 13-88(2) and 21-88(2) and wishes to report that Bills 8-88(2), 12-88(2), 13-88(2), 21-88(2) are recommended for third reading.

Motion To Accept Report Of Committee Of The Whole, Carried

Mr. Speaker, I move that the report of the chairman of the committee of the whole be concurred with.

MR. SPEAKER: Thank you, Mr. Zoe. Is there a seconder to the motion? Mr. Ernerk. Thank you. To the motion. All those in favour? Opposed, if any? The motion is carried.

---Carried

Item 19, third reading of bills. Item 20, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a meeting of the ordinary Members committee at 9:00 a.m. tomorrow morning and a caucus meeting at 10:00 a.m. tomorrow morning.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Tuesday, October 18th.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions

6. **Written Questions**
  7. **Returns to Written Questions**
  8. **Replies to Opening Address**
  9. **Petitions**
  10. **Reports of Standing and Special Committees**
  11. **Tabling of Documents**
  12. **Notices of Motion**
  13. **Notices of Motion for First Reading of Bills**
  14. **Motions**
  15. **First Reading of Bills**
  16. **Second Reading of Bills**
  17. **Consideration in Committee of the Whole of Bills and Other Matters: CR 1-88(2), Standing Committee on Legislation; Tabled Document 2-88(2); Minister's Statement 7-88(2); Bill 2-88(2); Bill 6-88(2)**
  18. **Report of Committee of the Whole**
  19. **Third Reading of Bills**
  20. **Orders of the Day**
- MR. SPEAKER: This House stands adjourned until Tuesday, October 18th at 1:00 p.m.**
- ADJOURNMENT**



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