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Speaker: The Hon. Richard Nerysoo, M.L.A.

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NORMAN WELLS, NORTHWEST TERRITORIES

MONDAY, OCTOBER 23, 1989

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. Lewis, Hon. Jeannie Marie-Jewell, Mr. McLaughlin, Mr. Morin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pedersen, Mr. Pollard, Mr. Pudluk, Mr. Sibbeston, Mr. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Monday, October 23, 1989.

Item 2, Ministers' statements. There are no Ministers' statements.

Item 3, Members' statements.

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

ITEM 5: ORAL QUESTIONS

Question O30-89(2): Obtaining Soapstone, Cape Dorset And Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Government Leader regarding soapstone. I have been asked by my constituents about the soapstone near Cape Dorset and Lake Harbour -- that is where we get our soapstone. My people have asked this question perhaps in 1984 and they are asking the same question. I told them the answers that I received but they are asking again about the soapstone in my constituency. They would like to know if they can look after their own soapstone. Can we get our own soapstone without getting anybody involved outside our constituency? Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. The honourable Member for Iqaluit.

Return To Question O30-89(2): Obtaining Soapstone, Cape Dorset And Lake Harbour

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. The matter of acquisition of soapstone really is within the responsibility of the Minister of Economic Development and Tourism but I would say this much, Mr. Speaker. The TFN land claim subagreement initialled on the subject of soapstone would give the Inuit control over this resource. I am aware, and the Member may be aware, that there is good progress toward the signing of an agreement in principle on this claim, which would further solidify that subagreement. So Mr. Speaker, the Inuit land claim would be the resolution of the Member's concern. It will give Inuit the right to deal with soapstone exclusively. I wonder if the Member could wait until the claim is settled and those concerns can be then dealt with by the Inuit themselves. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. Member for Baffin South, supplementary.

Supplementary To Question O30-89(2): Obtaining Soapstone, Cape Dorset And Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I understand this quite clearly. The document I have states that only Inuit, the Eskimo -- the Kabloonas want to acquire the soapstone

themselves -- but this document states that no Kabloona is supposed to take any soapstone. This is from my constituents from Cape Dorset and Lake Harbour. It does not sound very good but it states that and the Inuit want to acquire the soapstone themselves and not the Kabloonas. This is what it states in this letter and that is why I am asking this question. This does not sound very good, but I have been asked to ask this question by my constituents. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Mr. Speaker, I would like to see the document that the Member is referring to and take this question as notice.

MR. SPEAKER: Thank you, Mr. Patterson. Oral questions. Honourable Member for Rae-Lac la Martre.

Question O31-89(2): Resolutions Of NWT Association Of Municipalities

MR. ZOE: Thank you, Mr. Speaker. My question is directed to the Minister of Municipal and Community Affairs. Could I ask the Minister if his department has responded to the resolutions that were passed at the annual NWT Association of Municipalities conference? Thank you.

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

Return To Question O31-89(2): Resolutions Of NWT Association Of Municipalities

HON. GORDON WRAY: Thank you, Mr. Speaker. I believe that most of the resolutions have been addressed. However, I will check for the Member and provide him with copies of whatever correspondence has transpired. Thank you.

MR. SPEAKER: Thank you, Mr. Wray. Oral questions. Honourable Member for Baffin Central.

Question O32-89(2): Fish Harvesting From Nettilling Lake

MR. KILABUK: (Translation) Thank you, Mr. Speaker. I am not sure which Minister this will be directed to; perhaps some part of it will be to the Minister of Renewable Resources. My constituency is quite large and Nettilling Lake is part of it. When they were surveying the caribou in my constituency it was included, but I have been asked to find out if Nettilling Lake could be harvested for fish. The Pangnirtung people have not mentioned anything about this, but perhaps there is a little bit of a problem here. Some of my constituents have not been consulted, and they would like to know if Iqaluit will be harvesting some fish and not Pangnirtung. I wonder who can answer this question. Thank you.

MR. SPEAKER: Thank you. Mr. Minister.

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I am not too sure who is going to be able to harvest fish from Nettilling Lake.

MR. SPEAKER: The Minister is taking the question as notice. Oral questions. Honourable Member for Baffin South.

Question O33-89(2): Payment For Soapstone Quarry Discoveries

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This is supplementary to my question to the Government Leader and maybe to the Minister of Economic Development and Tourism. Any Inuit who finds soapstone, are they paid for discovering a soapstone quarry in the NWT? How much are they paid?

MR. SPEAKER: The honourable Member for Kivallivik.

Return To Question O33-89(2): Payment For Soapstone Quarry Discoveries

HON. GORDON WRAY: Thank you. The short answer is no, Mr. Speaker, they are not paid. That is if they are operating on their own. If you had Inuit prospectors who were working on behalf of a company, for example, who were prospecting and found the soapstone and it was subsequently staked by a mining company, then there may be a fee involved. But if somebody just happens to know of a deposit or stumbles over a deposit, normally there is no fee paid by anybody. Most of the soapstone deposits in the NWT are on what we call federal crown land and unless they are claimed under the land claims or unless they are specifically staked by a mining company or a co-op or somebody like that, then no, there is no fee for discovering them.

MR. SPEAKER: Thank you. Just a reminder that when responding to a question by any honourable Member that one directs a question to Mr. Speaker in responding. Oral questions. Honourable Member for Tu Nede.

Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

MR. MORIN: Thank you, Mr. Speaker. My question is to the Minister of Renewable Resources. Mr. Minister, have you written any letters to the Minister of National Defence or the federal government expressing your concern over the low-level flight issue over the Snowdrift area and do you have any knowledge or information on what effects that would have on the caribou herds of that area?

MR. SPEAKER: Thank you. The honourable Member for Amittuq.

Return To Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

HON. TITUS ALLOOLOO: Mr. Speaker, because of the complexity of the issue and the importance of the issue to the people in that area, this issue has been handled by our Government Leader representing our government, but I have not, as the Minister of Renewable Resources, written any letters to the Defence Minister. Thank you.

MR. SPEAKER: Thank you, Mr. Allooloo. The honourable Member for Tu Nede, supplementary.

Supplementary To Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

MR. MORIN: Thank you, Mr. Speaker. Supplementary, Mr. Minister. Do you not think it would be a good idea to document or do some studies on the caribou in that area to see, if the low-level flights do happen, if it has any effect on that herd? Do you not think that your department is responsible at all to manage that herd? Is it just that you are going to play catch-up after? If your department does not care, then that is what you should say. Thank you.

MR. SPEAKER: Thank you. Just as a reminder, supplementaries are based on asking a question and not issuing a challenge of debate. The honourable Member for Amittuq.

Further Return To Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

HON. TITUS ALLOOLOO: Mr. Speaker, my department is concerned that the wildlife in the Northwest Territories are protected to a degree that ongoing subsistence use could be maintained. As I said before, because of the complexity of the issue and the importance of our concern being communicated to the federal Minister responsible, we are taking the highest possible people to represent us. At this point, our Government Leader is dealing with the issue. Thank you.

MR. SPEAKER: Thank you, Mr. Allooloo. Supplementary from the honourable Member for Tu Nede.

Supplementary To Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

MR. MORIN: Thank you, Mr. Speaker. Mr. Minister, if your department is so concerned, have you at least written to Labrador or to the Innu to see what effects the military action in Labrador has had on the caribou herds over there? Thank you.

MR. SPEAKER: Thank you, Mr. Morin. The honourable Member for Amittuq.

Further Return To Question O34-89(2): Effects Of Low-Level Flights On Caribou Herds

HON. TITUS ALLOOLOO: Mr. Speaker, we are aware of the problems that are occurring in the Labrador region with the Innu. I, officially, have not written to ask them what they think has happened to the caribou herd because of the low-level flights. Again, we will be assisting our Government Leader in preparation for these meetings with the federal Minister. Thank you.

MR. SPEAKER: Thank you, Mr. Allooloo. Any additional oral questions? The honourable Member for Rae-Lac la Martre.

Question O35-89(2): Filling Senior Positions In Department Of Culture And Communications

MR. ZOE: Mahsi cho, Mr. Speaker. Mr. Speaker, my question is directed to the Minister of Culture and Communications. Could the Minister inform the House as to why the two key positions in his particular department are not filled to this date; specifically, the deputy minister of Culture and Communications and the assistant deputy minister positions? Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. The honourable Member for Amittuq.

Return To Question O35-89(2): Filling Senior Positions In Department Of Culture And Communications

HON. TITUS ALLOOLOO: Mr. Speaker, at this point I am negotiating with a person to see if that person could take the position that has been vacant for some time. I will have an announcement sometime this week whether the position will be filled. Currently I am negotiating with a person that I think could take the position. Again, I will be making an announcement very soon, hopefully this week.

MR. SPEAKER: Thank you, Mr. Allooloo. Supplementary, honourable Member for Rae-Lac la Martre.

Supplementary To Question O35-89(2): Filling Senior Positions In Department Of Culture And Communications

MR. ZOE: Mahsi cho, Mr. Speaker. Mr. Speaker, the Minister indicated, during the budget session, that these two positions were going to go to competition. Now the Minister appears to be negotiating this particular position. Why is the Minister negotiating these two specific positions?

MR. SPEAKER: Thank you, Mr. Zoe. The honourable Member for Amittuq.

Further Return To Question O35-89(2): Filling Senior Positions In Department Of Culture And Communications

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The Member may be aware that I put the position out for competition during the last session and we managed to attract very, very few people that were interested in being deputy minister. As a result, we had a candidate that I thought could do the job. But due to personal difficulties, health reasons, she was not able to take the position. And because of the lack of interest demonstrated to me, I have chosen the road

of trying to find someone who could do the job. This is what I have done. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Allooloo. Oral questions. Honourable Member for Baffin Centre.

Question O36-89(2): Submarines In Pangnirtung Area

MR. KILABUK: (Translation) Thank you, Mr. Speaker. I am not sure who to direct this question to. Perhaps the Minister of Transportation. In Pangnirtung we became aware this summer that there were submarines in our area. This is dangerous for the people who have boats. They could get hit by the submarine and there would be an accident. I would like to find out if you are aware of this situation, if the people of Pangnirtung indicated this to you that they had seen a submarine in that fiord?

MR. SPEAKER: Thank you. Honourable Member for Kivallivik.

HON. GORDON WRAY: I will have to take the question under notice.

MR. SPEAKER: The question is being taken as notice. Honourable Member for Tu Nede.

Question O37-89(2): Funding For NWT Students In The South

MR. MORIN: Thank you, Mr. Speaker. My question is to the Minister of Education. Could you let us know how many of these special students you have funded to send south? I read about it in the newspaper and was wondering about it. They are native students you pay full wage to, to go to school in the South, mature students or something like that.

MR. SPEAKER: The honourable Member for Sahtu.

HON. STEPHEN KAKFWI: Mr. Speaker, we consider all students to be special, that we send south.

HON. DENNIS PATTERSON: Hear, hear!

---Applause

HON. STEPHEN KAKFWI: I gather the Member is talking about the program that we have developed to provide support for Dene/Metis students, to assist the Metis in preparing for the implementation of the agreement that we hope will be signed in the near future. I can provide him with information at a later date, so I will take it as notice. Thank you.

MR. SPEAKER: Thank you. Supplementary, the honourable Member for Tu Nede.

Supplementary To Question O37-89(2): Funding For NWT Students In The South

MR. MORIN: Thank you, Mr. Speaker. Supplementary. Mr. Minister, I am glad to hear that you consider all students special because so do I. What I am wondering is what you are doing for these students who are going to school in the South who are presently getting funding that is not adequate. My understanding is that funding from Indian Affairs is now higher than the GNWT funding for our students and they are asking for the same amount of money. How come you have not allowed them to have the same amount of money? Thank you.

MR. SPEAKER: Thank you, Mr. Morin. The honourable Member for Sahtu.

Return To Question O37-89(2): Funding For NWT Students In The South

HON. STEPHEN KAKFWI: Mr. Speaker, the rates that the government provides in support and assistance for students were arranged some time ago. Depending on the circumstances, I believe

that in some cases, perhaps most of the cases, the rates of the GNWT are better...

HON. DENNIS PATTERSON: Hear, hear!

HON. STEPHEN KAKFWI: ...than the rates that are provided under the Department of Indian Affairs, because the rates that we set are much more flexible, as opposed to a flat maximum amount that the Department of Indian Affairs sets; that is, a basic living allowance that provides accommodation and living allowance for Treaty students across Canada, as set by the Department of Indian Affairs. Yes, it is higher than ours; that is, higher than the basic living allowance that we provide; it is true, Indian Affairs' rate is higher, but what we provide as a government is additional support for each student where their accommodations amount surpasses what they have been provided under the basic rate. For instance, we allow them to apply for additional assistance for accommodation, or they can apply as well for special and additional assistance for food. They also can apply for additional assistance and support for child care. They can also apply for special assistance for an emergency, such as in the event that there is a death in the family. They get assistance in all these areas, additional above and beyond what the basic allowance provides, which the Department of Indian Affairs does not provide.

I think, by and large, the policy that we have is better for the students and it also provides some incentive for the students to budget and to account for the money we provide to them in the sense that, yes, they are students and they are in study, and they have to, even if they have never done it before, for instance, decide what they can live on. When they find that the basic living allowance we provide for them in the first instance is insufficient, they have to tell us how much money they spent, for instance, on accommodation per month, on food, transportation and books, and argue, with some substance, why they need additional assistance. In almost all cases we provide those things, but that is not to say that we are not going to increase and make changes to the rates. That is going to come up during discussions on the supplementary appropriations later, I think, in this session. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. Oral questions. Honourable Member for Nahendeh.

Question O38-89(2): Grant Assistance To Natives In Yellowknife

MR. SIBBESTON: Thank you, Mr. Speaker. On Friday last I asked the Minister of Economic Development about financial assistance for an individual to buy an ongoing business. Perhaps I was not clear enough, and I will just state the case again. In Yellowknife last summer there was a native person who approached the Department of Economic Development to seek funds to buy an ongoing business in Yellowknife. He was advised by the department that there was not a grant program for such a person as he. There is the usual loan program, but that is available to anybody.

Can the Minister confirm that this indeed is the case, that in Yellowknife a native person wanting to start a business does not have access to any grant program that is available to people in other parts of the North? If this is the case, can the Minister attempt to justify why this is so?

MR. SPEAKER: Thank you. Honourable Member for Kivallivik.

Return To Question O38-89(2): Grant Assistance To Natives In Yellowknife

HON. GORDON WRAY: Thank you, Mr. Speaker. The Member is correct. We do not have a grant program per se to assist somebody in purchasing a business in Yellowknife, not just not for native people, but not for anybody. The rationale behind it, quite frankly, is that Yellowknife with its booming economy -- if there is a community where commercial financing could be obtained to buy a business then it has to be Yellowknife. It is our feeling that where commercial financing is available, then grant money should not be. There is grant money available to Yellowknife residents, but in this particular situation where an individual wanted money to purchase a business, our feeling was that commercial financing was readily accessible and was the better way to go. Thank you.

MR. SPEAKER: Thank you. Oral questions. Honourable Member for Aivilik.

Question O39-89(2): Ministerial Travel During Session

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I am happy today that all the Ministers are present, but my question is to the acting House Leader. I would like to find out if he is leaving for Ottawa today.

MR. SPEAKER: Honourable Member for Amittuq.

Return To Question O39-89(2): Ministerial Travel During Session

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I sent out a letter today to all the Members stating that I will be leaving for Ottawa today. Thank you.

MR. SPEAKER: Thank you. Supplementary, honourable Member for Aivilik.

Supplementary To Question O39-89(2): Ministerial Travel During Session

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I would like to ask Mr. Allooloo, Mr. Speaker -- as Inuit Members and the other two Members from Baffin Island are aware, when they cannot speak in English and, being an aboriginal person myself, we help each other because we understand one another perfectly in our own language. I would like to tell the Minister that I am not happy that he will be leaving today. My second question is, Mr. Speaker, if we could try and stop him from leaving today from the Legislative Assembly, would he be able to stay and not leave if we asked him not to go?

MR. SPEAKER: Hon. Member for Amittuq.

Further Return To Question O39-89(2): Ministerial Travel During Session

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. First of all, maybe I should elaborate on why I am going to Ottawa today. We are going to be dealing with environmental issues, some of the things that are of concern to the Government of the Northwest Territories. The federal government has a law concerning environmental issues and I will be attending that meeting. We will be dealing with environmental issues today. We have been dealing with this for a while and we made commitments to attend that meeting in Ottawa. We could not set a date for a long time. I will be going today and meeting with the Minister of the Environment. For this reason I will be attending the meeting in Ottawa.

MR. SPEAKER: Thank you. Honourable Member for Baffin South.

Question O40-89(2): Importance Of Environmental Meeting, Ottawa

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is to Mr. Allooloo. Some of the things I was going to say were mentioned already by Mr. Ernerk. I would really like to find out why you are attending that conference in Ottawa. You said in your letter you are leaving from October 23rd to the 27th, and the 27th is Friday for your return. I would like to know if this conference is important for you to attend. What are the reasons for you to go to it? I am thinking, are you just going to go down there for a short holiday? Thank you.

---Applause

MR. SPEAKER: The honourable Member for Amittuq.

Return To Question O40-89(2): Importance Of Environmental Meeting, Ottawa

HON. TITUS ALLOOLOO: (Translation) Mr. Speaker, thank you. I am not just going down there for a short holiday. I leave today and I will be flying all night and arrive in the morning in Ottawa. I will be in Ottawa by 10:00 o'clock in the morning and will meet with the Minister at 3:00 p.m. After I meet with him then I will be leaving at 6:00 o'clock in the evening and fly back again all night and I will be back on the 25th at 10:59 a.m., in Norman Wells. I will be in Ottawa for about nine hours, to meet with the Hon. Lucien Bouchard, Minister for the Environment. If I was going to go for a holiday I would have stayed longer. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for Nahendeh.

Question O41-89(2): Ministers Leaving Assembly To Attend Conferences In The South

MR. SIBBESTON: Mr. Speaker, the Government Leader should notice and take note of the fact that obviously Members are very concerned about some Ministers that are going to leave the Assembly here to attend conferences in the South. Is the Government Leader not concerned? Is he just going to sit idly by to let his Ministers go and leave the Assembly? To me, the role and job of a Minister should be, foremost, to attend the Assembly and deal with business and government matters here in the North.

—Applause

Will the Government Leader do something about that and tell his Ministers to stay here and tend to business here, rather than flitting all over the South to attend conferences that Ministers say are important, but we know that in the scheme of things, territorial Ministers are not tremendously significant when they attend these conferences in the South. Instead, they should really be here in the North and deal with matters here. Will the Government Leader do something about it?

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

Return To Question O41-89(2): Ministers Leaving Assembly To Attend Conferences In the South

HON. DENNIS PATTERSON: Mr. Speaker, unfortunately we cannot control events that affect the people of the Northwest Territories simply by remaining in the Northwest Territories, or even by things we do or say in this Legislature. Mr. Speaker, the Commissioner in his opening address to this session pointed out there is a major issue of concern to this government and, I believe, of concern to the Members of this Legislature, about the environment. One of the major issues of the environment, Mr. Speaker, is whether the federal government will discharge its legal, constitutional responsibility for the environment of the Northwest Territories. Mr. Allooloo has been endeavouring for some time to arrange a meeting with the Minister of Environment for Canada, on this important subject, and the purpose of this trip, as the purpose of all trips during the session, was reviewed with me and I have approved the trip. I think it is important and I think that the whole question of the environmental responsibility of the federal government in the Northwest Territories is important enough that the Minister should take the absolute minimum time to try to resolve that critical and current issue, even while this House is in session; and I think his travel schedule indicates, Mr. Speaker, that he is going to be away the absolute minimum amount of time and, therefore, I think that the trip is very important and very reasonable. I might say that there are other conferences and meetings that have been scheduled in advance of this session which I have advised Ministers not to attend. The recent conference that Mr. Ballantyne attended of Ministers of Finance, I thought, was important enough even to warrant a few days' absence from this Legislature. Thank you.

MR. SPEAKER: Thank you. Oral questions. Supplementary, the honourable Member for Nahendeh.

Supplementary To Question O41-89(2): Ministers Leaving Assembly To Attend Conferences In The South

MR. SIBBESTON: Mr. Speaker, inasmuch as the Government Leader has said what he has, I am personally not satisfied that the answer is justified or that the actions of the Ministers are justified. In my view it is still the case that the foremost and most important reason for living, as it were, the reason for being a Minister in our government is to deal with matters in the North. The Assembly, being what it is, only lasts for a number of weeks and surely things can be done so that they are scheduled at times other than in the session. Can the Government Leader assure the House that there will be, perhaps, no other or very few Ministers that leave our Assembly in the next few weeks during this short session?

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Mr. Speaker, I will have to take that particular question as notice. I am not entirely sure that there are not other important events that I feel would be worthwhile for Ministers to attend during this session. I will have to take that question as notice. I would assure the honourable Member, Mr. Speaker, that if any Minister of this government attends a meeting or a conference, it is not to play an insignificant or a minor role. We participate, we are assertive and we have an agenda which we expect to accomplish during the course of those meetings. So, I do not think that any of my Ministers feel that their presence or involvement in these national events is insignificant. Thank you.

MR. SPEAKER: The honourable Member is taking the question as notice. The honourable Member for Deh Cho.

Question O42-89(2): Deferring Tabling Of Environmental Protection Act

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Government Leader. It is with regard to the environment. Everybody is concerned about the environment and I would like to ask the Government Leader why, if that is such a big concern, the government has chosen to defer tabling the Environmental Protection Act.

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

Return To Question O42-89(2): Deferring Tabling Of Environmental Protection Act

HON. DENNIS PATTERSON: Mr. Speaker, that is the very issue that the Minister of Renewable Resources is going to meet with the federal Minister of the Environment about. Before we commit ourselves to spending money and resources on the question of environmental protection in the NWT, we would like to have a commitment from the new and enhanced federal Minister of Environment and his ministry as to precisely what obligations the federal government will discharge with respect to its constitutional obligation to protect the environment of the NWT. That is why this meeting is so important and that is why we delayed proceeding with our own legislation until we know precisely what the federal government is prepared to do.

We are aware that statements have been made, encouraging statements, about the federal determination to clean up the Arctic environment and now Mr. Alloo is going to find out precisely what commitments lie behind those statements so that hopefully, together, we can co-operatively develop a joint approach to the massive task of dealing with environmental problems in the NWT, which would not see duplication of resources and manpower. Thank you.

MR. SPEAKER: Thank you. Supplementary, the honourable Member for Deh Cho.

Supplementary To Question O42-89(2): Deferring Tabling Of Environmental Protection Act

MR. GARGAN: Thank you. I would like to direct my question to the Government Leader. I believe that a draft of the Environmental Protection Act was drafted when Mr. Pedersen was the

Minister of Renewable Resources. I would like to ask why it has taken four or five years for the drafting of this legislation? Or has it been drafted and why has it been held back?

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

Further Return To Question O42-89(2): Deferring Tabling Of Environmental Protection Act

HON. DENNIS PATTERSON: Mr. Speaker, one of the reasons we have not proceeded with new environmental legislation for the NWT, which has been discussed and under development for some time -- I think even before Mr. Pedersen's tenure as Renewable Resources Minister -- is simply that we have to be very cautious about how much work we can do to protect an area that is one-third the land mass of Canada. Environmental protection is an extremely important task, but it also requires the expenditure of a great deal of money.

So our strategy, Mr. Speaker, especially since we are going into negotiations on the renewal of our funding formula which will end March of 1990 -- especially in this uncertain fiscal climate, is to find out what legal obligations the federal government is prepared to undertake with respect to protecting the environment in the NWT, before we proceed to occupy a field that perhaps the federal government has a legal responsibility and a financial ability to undertake. I do not think we should be particularly proud or jealous about who protects the environment. If the federal government is going to take responsibility, for example, for environmental protection on crown and Commissioner's land, then so be it and we will take our proper place and do our part with respect to municipal lands.

So, Mr. Speaker, it is a question of the cost and best use of existing resources available to both our government and the federal government. Once we have a clear idea of what the federal government is prepared to do, then we will be prepared to proceed with revised environmental legislation. There is no question it is necessary; it is just a question of what we can afford to do on this massive task. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Oral questions. Honourable Member for Rae-Lac la Martre.

Question O43-89(2): Tabling Of Northern Leaders Training Support Program Policy

MR. ZOE: Thank you, Mr. Speaker. Can I request the Minister of Education to table in the House a policy covering the Northern Leaders Training Support Program?

MR. SPEAKER: The honourable Member for Sahtu.

Return To Question O43-89(2): Tabling Of Northern Leaders Training Support Program Policy

HON. STEPHEN KAKFWI: Mr. Speaker, I think if the policy has been translated and is appropriate for tabling, then I will table it as soon as possible.

MR. SPEAKER: The honourable Member for Baffin Central.

Question O44-89(2): Special Delegation To Deal With Environmental Issues

MR. KILABUK: (Translation) Thank you, Mr. Speaker. Regarding the environmental issues, you have been preparing this for four or five years and if you say this is a very important issue, why do we not delegate one of the Members or somebody to deal with this? If you say this is crucial then why did you not give us enough notice so we can delegate another person to go with you to negotiate with the federal Minister? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for Amittuq.

Return To Question O44-89(2): Special Delegation To Deal With Environmental Issues

HON. TITUS ALLOOLOO: Mr. Speaker, as I said earlier, we have been preparing this matter for about two weeks now and I will be meeting with the federal Minister of the Environment. We have to find out first what the federal government has planned in regard to the new environmental legislation. This is a very important matter and it deals with the crown land and because of that I will be asking the Minister what they are planning to do regarding the protection of the environment. Thank you.

MR. SPEAKER: Thank you. Member for Baffin Central.

Supplementary To Question O44-89(2): Special Delegation To Deal With Environmental Issues

MR. KILABUK: (Translation) Thank you, Mr. Speaker. He did not really answer my second question. Why did he not give us enough notice?

MR. SPEAKER: Honourable Member for Amittuq.

Further Return To Question O44-89(2): Special Delegation To Deal With Environmental Issues

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. It is very hard to meet with the federal Ministers; it is almost impossible to set a date to meet with them. They have to deal with a lot of things. If I have to tell the Minister I will be going down with somebody, they will have to make reservations for that, and it would also delay everything else. Thank you.

MR. SPEAKER: Honourable Member for Nahendeh.

Question O45-89(2): Support For Nahanni Ram Tourist Association

MR. SIBBESTON: Mr. Speaker, I would first of all like to thank the Minister of Economic Development for coming to Fort Liard a number of weeks ago to witness the sod turning of the Beaver Enterprises tourist facility and gas station. While he was in the area I am sure he would have noticed and heard that a number of communities in the Deh Cho area were interested in forming their own tourism association; they are calling it the Nahanni Ram Tourist Association. I have just received a letter from the chief in Fort Simpson saying that: "I propose that our Deh Cho regional communities form our own Nahanni Ram Tourist Association as part of the Tourist Industry Association." To date, Mr. Speaker, they have been part of the larger Big River Tourism Association. More recently, they are thinking they could perhaps derive more benefit and more involvement if they formed their own association. If this were to happen, would the Minister support such an endeavour and do all the necessary things, the funds and so forth, that are provided to other tourist associations?

MR. SPEAKER: Thank you. The honourable Member for Kivallivik.

Return To Question O45-89(2): Support For Nahanni Ram Tourist Association

HON. GORDON WRAY: Thank you, Mr. Speaker. Indeed, while I was in Fort Liard several people mentioned this to me. I have not seen any concrete proposals as yet. When I do get one, I can assure the Member that I will consider it very carefully. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Yellowknife South.

Question O46-89(2): Problems Related To Hydro Project

MR. WHITFORD: Thank you, Mr. Speaker. I have a question to the Minister responsible for the Power Corporation. On September 22, 1989, there was an article in the Edmonton Journal that said that the NWT hydro plans were in trouble and that the power project was, in fact, teetering

on the edge of financial ruin. A number of business people in the city of Yellowknife that provided goods and services to the contractors have large amounts of money owing to them. I wonder if the Minister could let me know the status on the problems that were facing the hydro project.

MR. SPEAKER: Thank you. The honourable Member for Nunakput.

Return To Question O46-89(2): Problems Related To Hydro Project

HON. NELLIE COURNOYEA: Mr. Speaker, it was in late August that the corporation became aware that the prime contractor was falling behind in payment to the suppliers. The corporation took immediate action leading to the withdrawal of the prime contractor and the continuation of the project on September 7, under the direct supervision of the corporation, and through a local company, Norpo Powerline Construction and Maintenance. The amount that is owed by the original contractor to the suppliers for their work prior to September 7 is not precisely determinable at this time. Legal action is being considered to cover any losses that the corporation and the subcontractors may have suffered. That is the status of the relationship with the contractor on that particularly difficult situation. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Pine Point.

Question O47-89(2): Business Incentive Policy

MR. McLAUGHLIN: Thank you, Mr. Speaker. I have a question concerning the business incentive policy which involves contracts and I know it involves several departments. I think maybe the Minister of Government Services might want to answer it. Mr. Speaker, as Members know, there is an incentive policy which gives preference to northern businesses in order to take advantage of contracts of this government, but it seems that when money is handed from our treasury over to other parties, agencies and boards, etc., they do not have to apply this policy. I know that when DPW itself handles a contract for small municipalities like hamlets, that that happens. However, when it is turned over to cities, school boards and hospital boards, there it does not seem to be a business incentive policy favouring northern businesses. I would like to ask the Minister responsible why this situation exists.

MR. SPEAKER: The honourable Member for Inuvik.

Return To Question O47-89(2): Business Incentive Policy

HON. TOM BUTTERS: I think there are probably two parts to the question. The first one deals with municipalities. I believe that municipalities are governments on their own and they raise the bulk of their own money, and therefore such a devolution of our policy to them might be ill-considered. With regard to an agency of this government, I believe that the transfer policy applies and that such an agency would honour and implement the policies of the government under the transfer arrangement.

MR. SPEAKER: Thank you. The time period for oral questions has expired. Item 6, written questions. Mr. Ernerk.

MR. ERNERK: Point of order, Mr. Speaker. I move that question period be extended.

MR. SPEAKER: Mr. Ernerk and Members of this House, a Member cannot rise on a point of order once the time period has expired. Written questions. The honourable Member for Kitikmeot West.

ITEM 6: WRITTEN QUESTIONS

Question W3-89(2): Vacancy Rate In The Public Service

MR. PEDERSEN: Thank you, Mr. Speaker. I have a question to the Minister of Personnel. Please provide me with the average vacancy rate for this fiscal year for our public service, and also the average length of time it takes to fill vacant positions.

MR. SPEAKER: Thank you, Mr. Pedersen. Written questions. The honourable Member for Kitikmeot West.

Question W4-89(2): Critical Shortages Of Housing

MR. PEDERSEN: Thank you, Mr. Speaker. On January 7, 1988, I wrote our Government Leader with a suggestion on how to solve the critical shortage of housing in our communities. The then Minister replied to me on February 18th, 1988 and on February 28th, 1988 wrote the president of the Housing Corporation requesting an outline of what such a program would look like and the financial implications. Could our present Minister of Housing look into this rather aged matter and advise me what actions may have taken place since I last had communication on this matter some one year and eight months ago? Thank you.

MR. SPEAKER: Thank you, are there any other written questions? The honourable Member for Tu Nede.

Question W5-89(2): Students Receiving Allowances

MR. MORIN: Thank you, Mr. Speaker. My written question is to the Minister of Education. Can you please make available to myself and this House, information on all students who receive students allowances to the same level as the Indian Affairs allowances? Thank you.

MR. SPEAKER: Any other written questions?

Item 7, returns to written questions.

Item 8, replies to Opening Address.

Item 9, petitions.

Item 10, reports of standing and special committees. Item 11, tabling of documents.

ITEM 11: TABLING OF DOCUMENTS

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am pleased to table Tabled Document 4-89(2): Manitoba Task Force on Meech Lake, Report on the 1987 Constitutional Accord, which was released in Winnipeg earlier today.

MR. SPEAKER: Thank you. Tabling of documents. Mr. Ernerk, the honourable Member for Aivilik.

MR. ERNERK: Thank you, Mr. Speaker. I wish to table Tabled Document 5-89(2), from the hamlet of Chesterfield Inlet, Nunavut. This document came out of recent meetings of the Roman Catholic catechists and it is concerned with the situation of abortion in the NWT. The English version has no signature; however, the Inuktitut version is signed by quite a large number of people who oppose the situation of abortion in the NWT because they have indicated to me that it has grown to dangerous proportions in the NWT. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Tabling of documents.

Item 12, notices of motion.

Item 13, notices of motion for first reading of bills.

Item 14, motions. Item 15, first reading of bills. The honourable Member for Kivallivik.

ITEM 15: FIRST READING OF BILLS

First Reading Of Bill 25-89(2): Settlements Act

HON. GORDON WRAY: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 25-89(2), An Act to Amend the Settlements Act, be read for the first time. Thank you.

MR. SPEAKER: Thank you. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 25-89(2) has had first reading. First reading of bills. The honourable Member for Nunakput.

First Reading Of Bill 21-89(2): Nursing Profession Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Kivallivik, that Bill 21-89(2), An Act to Amend the Nursing Profession Act, be read for the first time.

MR. SPEAKER: Thank you. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 21-89(2) has had first reading. First reading of bills. The honourable Member for Yellowknife North.

First Reading Of Bill 23-89(2): Regulations Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Bill 23-89(2), An Act to Amend the Regulations Act, be read for the first time.

MR. SPEAKER: Thank you. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 23-89(2) has had first reading. Item 16, second reading of bills. The honourable Member for Kivallivik.

HON. GORDON WRAY: Mr. Speaker, I wonder if I could request unanimous consent to proceed with second reading of Bill 25-89(2).

MR. SPEAKER: Thank you. The Minister has requested unanimous consent to proceed with second reading of Bill 25-89(2). Are there any nays? Proceed, Mr. Minister.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 25-89(2): Settlements Act

HON. GORDON WRAY: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Nunakput, that Bill 25-89(2), An Act to Amend the Settlements Act, be read for the second time. The purpose of this bill is to amend the Settlements Act to allow the Minister to change the name of a settlement; to allow the Minister, in the order of establishing a settlement corporation,

to establish the dates for settlement council elections; to allow settlement councillors to determine in what circumstances the chairperson or other presiding member shall vote; and to clarify that a majority of those council members voting is necessary in order for a resolution to pass. Thank you.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 25-89(2) has had second reading and is ordered into committee of the whole for today. The honourable Member for Nunakput.

HON. NELLIE COURNOYEA: Mr. Speaker, I wish to seek unanimous consent to deal with Bill 21-89(2), An Act to Amend the Nursing Profession Act. Thank you.

MR. SPEAKER: The Minister has requested unanimous consent to give second reading to Bill 21-89(2). Are there any nays? Proceed, Madam Minister.

Second Reading Of Bill 21-89(2): Nursing Profession Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Kivallivik, that Bill 21-89(2), An Act to Amend the Nursing Profession Act, be read for the second time. The purpose of this bill is to extend the period of time that a person can work as a nurse under a temporary certificate of exemption from six months to two years.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 21-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Report of the standing committee on legislation; Bill 7-89(2), Bill 8-89(2), Bill 9-89(2), Bill 11-89(2), Bill 12-89(2), Bill 13-89(2), Bill 14-89(2), Bill 16-89(2), Bill 17-89(2), Bill 18-89(2), Bill 21-89(2) and Bill 25-89(2), with Mr. Gargan 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 2-89(2), REPORT OF THE STANDING COMMITTEE ON LEGISLATION; BILL 7-89(2), EDUCATION ACT; BILL 8-89(2), ELEVATING DEVICES SAFETY ACT; BILL 9-89(2), HAMLETS ACT; BILL 11-89(2), INTERPRETATION ACT; BILL 12-89(2), JURY ACT; BILL 13-89(2), JUSTICES OF THE PEACE ACT; BILL 14-89(2), LEGAL PROFESSION ACT; BILL 17-89(2), MENTAL HEALTH ACT; BILL 18-89(2), MOTOR VEHICLES ACT; BILL 25-89(2), SETTLEMENTS ACT

CHAIRMAN (Mr. Gargan): The committee will now come to order. We are dealing with bills. I would like to ask the House Leader in what order he would like to proceed. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, if the House would agree, we would like to start off with Bill 17-89(2), Mental Health Act; Bill 7-89(2), Education Act; Bill 8-89(2), Elevating Devices Safety Act; Bill 9-89(2), Hamlets Act; Bill 25-89(2), Settlements Act; and Bill 18-89(2), Motor Vehicles Act.

CHAIRMAN (Mr. Gargan): That is Bill 17-89(2), Bill 7-89(2), Bill 8-89(2), Bill 9-89(2), Bill 25-89(2).

HON. MICHAEL BALLANTYNE: Bill 25-89(2), after the Hamlets Act, followed then by Bill 18-89(2), Motor Vehicles Act.

CHAIRMAN (Mr. Gargan): Does the committee agree that we do Bill 17-89(2), Bill 7-89(2), Bill 8-89(2), Bill 9-89(2), Bill 25-89(2) and then Bill 18-89(2) in that order? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. We will proceed to Bill 17-89(2), An Act to Amend the Mental Health Act. Would the Minister like to make her opening statement first or bring in your witness?

Bill 17-89(2): Mental Health Act

Minister's Opening Remarks

HON. NELLIE COURNOYEA: Mr. Chairperson, I am pleased to introduce Bill 17-89(2), An Act to Amend the Mental Health Act. The current Mental Health Act was proclaimed on January 1, 1988. The act reflected the spirit of the Canadian Charter of Rights, addressed changes in the field of mental health and brought our very outdated legislation into line with other jurisdictions. However, the act is very complicated and health officials have been made aware of a number of difficulties arising from the application of this legislation. During the past one and a half years the health professionals and the court system have had an opportunity to apply the act and a number of urgent concerns have been identified. Therefore, we have proceeded to prepare amendments to the act that will better safeguard the security and care of patients, relieve the concerns of families, and establish more realistic obligations for both the health and court officials.

Proposed Amendments

We are proposing amendments as follows: The first amendment deals with consent to voluntary admission. In future, a person being admitted to hospital as a voluntary patient because of a mental disorder will be treated the same as a person being admitted to hospital for any other condition. The second amendment is to remove the requirement for consent to emergency treatment where there is no nearest relative or where there is no nearest relative available to provide such consent. It is necessary to ensure that patients receive emergency treatment. The third amendment deals with the stipulation under the act that a patient must be released within 72 hours of the issuance of the certificate of involuntary admission unless an extension has been obtained. It has become apparent that this time frame is very short and it is not always possible to have a court hearing conducted within the period provided. This has created difficulties for the patient and the medical profession. Therefore, it is proposed that an involuntary patient be detained by a hospital during the time that an application is before the courts. As well, the courts will have additional time in which to conduct and decide upon the hearing.

The fourth amendment will permit the physician to authorize the transfer of a patient at any time during treatment if he/she is of the opinion that the patient requires services not available in the Northwest Territories. Presently a physician must decide at the time of first contact with the patient whether the patient can be treated in the NWT. Once a certificate of involuntary admission or extension is authorized, the act does not permit for the transfer of the patient to a hospital outside the NWT, even if his condition warrants it. It is desirable to have the act permit the

transfer of a patient if the physician is of the opinion that the patient requires services not available in the Northwest Territories.

In addition, a few technical changes have been made to facilitate applications to the court. These changes will ease the administration of the act and permit the treatment of some patients in the Northwest Territories on a longer-term basis than was possible at the time the current act was brought into force. These amendments will better safeguard patients requiring mental health services and facilitate application of the act for health professionals and the court system.

Mr. Chairperson, I will be pleased to respond to any question that the committee may have. Thank you.

CHAIRMAN (Mr. Gargan): Thank you. Does the chairman of the standing committee on legislation wish to make a statement? Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you very much, Mr. Chairperson. The purpose of this bill is to amend the Mental Health Act which was proclaimed in force on January 1, 1988. The proposals will provide for amendments concerning the following: Consent for admissions of voluntary patients; emergency treatment to allow for transfer to a hospital outside of the Northwest Territories at any time during the detention of a patient; and, to increase the time for an application for extension of detention of an involuntary patient.

Mr. Chairperson, the Minister, Ms Cournoyea, presented the bill before the standing committee on legislation on September 26, 1989. The Minister explained that the act is complicated and that health professionals and the courts have had an opportunity to apply the existing Mental Health Act and a number of concerns have been raised which require attention. The amendments will serve the purpose of better safeguarding the security and care of patients, relieve the concerns of families, and establish more realistic obligations for both health and court officials.

A Member raised the question as to the role of the Commissioner in the act, for example, for application of a certificate of transfer of a patient. The Minister explained that under the federal Northwest Territories Act this procedure is required for the transfer of a patient outside of the Northwest Territories. A Member requested that the government research the matter of the powers of the Commissioner in this area and determine whether or not the powers are exclusive or whether these powers can be given to a Minister. The acting chairperson, Mr. McLaughlin, advised the Minister to undertake to report back on this matter. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. Does the committee agree that the Minister bring in her witnesses?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Madam Minister, would you please introduce your witnesses?

HON. NELLIE COURNOYEA: Mr. Chairperson, I have at the witness stand Elaine Berthelet, assistant deputy minister, and Giuseppa Bentivegna, legal adviser.

CHAIRMAN (Mr. Gargan): Thank you. General questions. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Before addressing the general issue, I cannot help remembering the last time we had an out-of-town session and you painstakingly and thoroughly went over this bill and amended it for us. I would like to say that during the standing committee's review the witnesses gave us very good details of specific examples of the problems that can happen with a patient, especially a patient who may be dangerous to himself or others. There

were instances where officials had to act, possibly, outside the existing law and regulations in the interests of patients. I think I agree that most of the emphasis they are putting in is in that area and is necessary.

Commissioner's Role In Transferring Patient Out Of The NWT

On the general question I have, regarding the Commissioner's role, I believe the NWT Act itself gives the Commissioner a specific role in legislation when the patient is going to be transferred from the NWT into another jurisdiction and, because of the fact that some patients may not speak the English language, the transfer to another jurisdiction for us is a very touchy issue and has to be handled properly. That was one of the general questions that Members had, the Commissioner's role as it is in the NWT Act and how it relates to this; and could the Minister or other people have a larger role in this, or more people have a role? If the Commissioner is not available, would it be the Deputy Commissioner or the Minister that would act? In other words, who could this be devolved to on a day-to-day basis if the Commissioner is the designated person, and is there a possibility of somehow designating this from the Commissioner to a Minister or other officials through legislation?

CHAIRMAN (Mr. Gargan): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairperson, we did take into consideration the comments made in terms of the Commissioner's role and whether that could be another person. Given the fact that certain processes have taken place before the Commissioner actually has to make a decision to sign off the final authority to move the patient outside the NWT -- first of all, just to bring it all together, I will ask Ms Bentivegna if she could explain how it happens -- the general consensus was that it was better to err on the side of caution and continue to have the Commissioner take that role and, in the event that he is not there, that there be a provision.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Thank you, Mr. Chairperson. Under the act right now, delegates are appointed to do what is stated in the act on behalf of the Commissioner and the Minister. It is one person, one delegate who is acting on behalf of both officers. Just to simplify the procedures, what happens is that a doctor will have looked at the person and will have made a determination whether the person has to be admitted as an involuntary patient because they need the care and they are dangerous to themselves or others. Then he files an application in the absence of the Minister, but actually it is the delegate who has been named. That person then looks to see that it has been followed, that the person has been examined and that the doctor has stated reasons why they need care. Then, if they need to be transferred, that has to also be stated. Then the person will sign it off on behalf of both the Commissioner and the Minister. The reason why we thought it was best to keep the Commissioner -- even though as I say it is the delegate who is acting on behalf of both the Minister and the Commissioner -- is that section 54 of the NWT Act spoke specifically of the Commissioner transferring or making arrangements to transfer mental health patients outside of the Territories. This was thought to be the best way not to have any kind of a challenge on something as delicate as someone's liberty and the transferring of them outside the Territories to get care. That is basically how it works and why at this time it is not felt to be a problem in the system in working it this way.

CHAIRMAN (Mr. Gargan): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Just to confirm. What you have described is a case where there is a little bit of time involved, but in a case where there is no time, say in a remote community where there is probably only a nurse -- no doctor -- perhaps you could confirm to me that the way you have worded things in here, and whatever accompanying regulations you are going to put in place, if you had an emergency situation with a patient who is dangerous to himself or others, the local RCMP and/or a nurse could get on the telephone to a doctor or somebody with the authority, and through the wonderful world of fax machines, theoretically a person could be moved to medical and psychiatric treatment as fast as possible; for example, from a northern remote community to

Montreal or Edmonton through a medivac, virtually in one day if it was a medical emergency. In other words, you would not have to find the Commissioner; other people could do this basically on a day's notice. This is basically what I want to confirm.

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: Mr. Chairman, the situation now where there is one delegate representing both the Minister and the Commissioner has served us quite well. The appointments are territories-wide, and we have on a number of occasions had to utilize this particular built-in safety. For instance, this weekend, as an example, there was a case in the Baffin. By fax machine we used a delegate in Yellowknife to review the papers -- and that is simply their role, to ensure that all the necessary papers have been filled out. This has worked quite successfully to date.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Whitford.

Mental Health Treatment Facilities In NWT

MR. WHITFORD: Would it be possible to have an update on what the medical facilities are for mental health treatment in the NWT? Do we have facilities in the East and the West, or do we have them only in the West? What are the current facilities available?

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: Mr. Chairman, the facilities in the outlying areas, the outlying regions, will deal with the patient usually on an initial basis where there is a medical assessment. In most cases if the patient is violent or requiring the full services of a psychiatric team or special care, then they have to be referred to a facility that has that. The Stanton Yellowknife Hospital's psychiatric unit is handling a number of patients from other regions within the NWT. They have in-house staff and there is a psychiatric team within Yellowknife. We do not have a resident psychiatrist on staff at Stanton, but there is a regular visiting psychiatrist service from Edmonton on, I believe, a weekly basis. There are other personnel that can take care of many of the patients. On some occasions they are still having to go to the provinces for care if we cannot handle them here.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Whitford.

MR. WHITFORD: Am I to understand that there are no resident psychiatrists in the Territories?

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: There are no resident psychiatrists attached to any of the facilities or the government services. There has been a private psychiatrist within Yellowknife; however there are none in the regions. In Baffin they receive their visiting service from the Clarke Institute of Psychiatry. In the Keewatin their visiting service is out of the University of Manitoba. In the western side it comes from the University of Alberta.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Whitford.

MR. WHITFORD: Thank you, Mr. Chairman. What would be the reason for not having a resident team of people, say in the Stanton Hospital, as an example? Because that is a new hospital; it was only opened last year and was initially designed to be a multi-discipline hospital, not only the physical side of it but the psychological side of it as well. What are the reasons we do not have medical teams in the NWT? There is certainly enough business, because we seem to be sending people out a lot. Are there any reasons why we do not have people here?

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: Mr. Chairman, we would love to have resident psychiatrists in a number of locations in the Territories; however, they are extremely difficult to recruit. There is a shortage

of psychiatrists in Canada and many of the provinces have had to put recruitment efforts outside of Canada as well. Stanton Yellowknife Hospital has been trying for a number of months, years, to recruit a psychiatrist. We were unsuccessful. The best we can do to date is have a visiting service on a regular basis. And the three visiting services that we have, have been quite consistent in terms of the personnel that they have provided. We do have in Yellowknife a clinical psychologist, a psychiatric social worker and psychiatric nurses, though, who do compose a very important part of the team as well.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Whitford.

MR. WHITFORD: I realize we do have a problem. I am not even sure if there is a school in Canada that trains people for this particular profession. We do go offshore for dentists and doctors; has there been any recruitment overseas where there are long-established schools of psychiatry -- I cannot think of any offhand, but I am sure we have all heard of Sigmund Freud and he trained in Vienna or somewhere like that. But are there any efforts made to recruit offshore for this particular profession?

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: Mr. Chairman, yes, there have been some efforts in looking overseas to recruit psychiatrists. They have not been successful as the competition is quite stiff. It is an area where we are wanting to put a little more aggressive drive on once again to see if we cannot attract a resident psychiatrist.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Does the committee agree to go clause by clause?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 2, voluntary admission. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, application for certificate of transfer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, certificate of transfer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 9, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 17-89(2) is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. I would like to thank Madam Minister and her witnesses. We will go now to Bill 7-89(2). Mr. McLaughlin.

MR. McLAUGHLIN: Sorry, Mr. Chairman, I may have missed this, but do you think you could ask the Government House Leader what the order of bills is going to be, so we can prepare

ourselves? I wonder if I could have that repeated. I may have missed it. There are about 10 bills there and I wonder what order they are going to do them all in.

CHAIRMAN (Mr. Gargan): The order in which the bills are now is that we have finished Bill 17-89(2) already and we are on Bill 7-89(2), then Bills 8-89(2), 9-89(2), 25-89(2) and then 18-89(2). That is it. We are on Bill 7-89(2) now with the Minister of Education, Mr. Kakfwi. Do you have an opening statement?

Bill 7-89(2): Education Act

Minister's Opening Remarks

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. This bill to amend the Education Act deals with two unrelated issues. One is the in camera or private meetings for education authorities and the other is the certification of teachers to be eligible for appointment as principals of schools. The purpose of this amendment is to enable education authorities to hold meetings or portions of meetings in private when it is in the public interest to do so; and to authorize the Minister to issue a certificate of eligibility as principal to a teacher who has successfully completed the requirements for such a certificate.

I firmly believe that the affairs of our schools should be resolved in open public meetings. Having said that, I am also aware that our education authorities must, at times, deal with matters which at least initially should not be discussed at a public meeting. For education authorities such matters generally revolve around issues related to staffing, pupil-teacher relationships and school-community interaction. It would be an invasion of the privacy of the individuals concerned to have such matters discussed in the public forum. Without the assurance that personal and other sensitive matters can be dealt with in private, it is quite possible that they will not be brought forward for discussion at all. That would not serve the public interest.

Mr. Chairman, the decision to hold a meeting, or a part of a meeting, in private is a decision made by the members of the education authority. It is a power that is intended to be used sparingly and which should not be abused. It involves discretion and judgment on the part of the chairperson and the members. Abuse of such authority destroys public trust and the loss of public trust erodes the effectiveness of any public authority.

The Education Act presently authorizes only some education authorities to hold private meetings. This amendment extends the authority to all of them. It requires that two thirds of the members must be present when the decision to meet in private is made and the decision must be made in the public interest. These two requirements, two thirds of the members present and an attempt to protect the public interest, are the requirements that all NWT municipal councils must meet. In my opinion they are adequate and this approach places all publicly elected authorities on the same level. Public involvement is a safeguard against abuse. In addition, members who lose the confidence of the public generally fail to get re-elected.

Training Programs For Teachers Appointed As Principals

The other item in this amendment is an attempt on my part to develop a pool of teachers who have taken special training to help them to be better principals or to become principals. The leadership and other skills of principals in our schools are key to their effectiveness. Our principals face great challenges and must resolve complex problems. They need help in doing their job. I intend to give them that help.

Mr. Chairman, in past years there has been some in-service training for principals, but there have been no co-ordinated or long-term programs. Our objective is to provide a high standard of leadership in our schools and, to find out the scope of our challenge, I asked my officials to do a comprehensive assessment of the situation. The findings indicate the need for a formal, ongoing training program for teachers appointed as principals and teachers who want to become principals. Such a program was developed in conjunction with the Ontario Institute for Studies

in Education. The first cycle of the program was targeted to serve teachers who are already principals and the first 65 candidates successfully completed this program in March 1989. The second cycle began this past summer with an enrolment of 96 candidates. Without exception, those who have enrolled in the program consider it to be both practical and professionally rewarding. Mr. Chairman, I am pleased to say that the program has the strong support of all education authorities and the NWT Teachers' Association.

This amendment will provide a legislated base for this program. It authorizes the Minister to provide the program, to determine eligibility and criteria for enrolment and for issuing a certificate for each candidate who successfully completes the program. To be appointed as principal, a teacher must have this certificate or undertake to complete the program within a specified time period. I would like to point out, however, that a certificate of eligibility as principal does not guarantee appointment. Employers are still free to choose teachers from their own staff or from other jurisdictions and appoint them as principals. Principalships will still go to teachers on a basis of performance, not qualifications. The certification requirement does not apply to schools with an enrolment of 100 students or less because principals of these small schools only supervise a few staff members and are primarily classroom teachers. Such principals would, of course, be encouraged to enrol in the program.

In my opinion, this is a good program. Regulations for this legislation have not yet been written but a detailed policy document has been developed and can be distributed to Members. Mr. Chairman and Members, I ask for your support of this amendment to the Education Act. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Kakfwi. Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. The purpose of this bill is to amend the Education Act in order to provide for the closing of education body meetings from the public and to provide eligibility conditions for teachers to become principals.

The standing committee on legislation met to review the bill with the Minister, Mr. Kakfwi, on September 25, 1989 in Yellowknife. The Minister introduced the bill by noting that the provisions for holding private meetings of education societies, boards, and committees has been proposed as an amendment to the act due to a court decision that declared that without legislative authority all meetings of the Hay River Community Education Society would be open to the public. The amendment enables all education authorities to hold private meetings where two thirds of the members agree that it is in the best public interest. However, no final decision on the matters discussed can be decided in private.

The second part of the amendment concerns training for principals. The Minister pointed out that in the past there has been some in-service training for principals but there existed no co-ordinated or long-term programs. The program that has been developed with the Ontario Institute of Studies in Education provides a formal training program for teachers who are already principals. The second cycle, which began in the summer of 1989 for approximately 100 teachers, is targeted to serve vice-principals and teachers, especially native teachers.

The amendment would make the Northwest Territories similar to other jurisdictions in requiring a certificate of eligibility as a principal. All principals in schools of more than 100 students will be required to obtain such a certificate within three years' time, pending the possibility of an extension under certain circumstances. A standing committee on legislation Member questioned the Minister as to whether there are safeguards for a teacher in the act concerning the permanence of the certificate. The Minister replied that once a certificate has been awarded and issued it cannot be revoked. A Member asked if all principals from other jurisdictions hired to be principals in the Northwest Territories would be required to take this course. The Minister replied that they would have to take the course.

A Member of SCOL asked if these provisions would apply to schools with less than 100 students. The Minister stated that the course was intended for those principals who are employed as principals on a full-time basis; however, principals of schools with less than 100 students can apply to take the course and they may be considered. A Member asked the Minister if the regulations concerning qualifications for the certification of principals had been determined. The Minister responded by stating that the drafting of regulations has just started.

End of standing committee on legislation's report, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you very much, Mr. Ernerk. Before I proceed with the act we will take a 15 minute coffee break.

---SHORT RECESS

CHAIRMAN (Mr. Gargan): For the record, could the Minister introduce his witnesses, please?

HON. STEPHEN KAKFWI: I have with me Mr. Joe Handley from the Department of Education, deputy minister, and Giuseppa Bentivegna from the Department of Justice.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments. Does the committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, definition of community education committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, definition of community education society. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 8, definition of board of education. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 10, definition of divisional board of education. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 13, definition of community education council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 16, definition of board of secondary education. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 17. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 18. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 19, certificate of eligibility. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 20. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 21. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 7-89(2), An Act to Amend the Education Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): I would like to thank the Minister and his witnesses.

We will proceed then to Bill 8-89(2), Elevating Devices Safety Act. Mr. Minister, do you have any opening remarks?

Bill 8-89(2): Elevating Devices Safety Act

Minister's Opening Remarks

HON. STEPHEN KAKFWI: Mr. Chairman, since 1976, up until today, the elevating devices that operate in the NWT have been regulated by the Electrical Protection Act and regulations of that particular act. Our legal counsel have advised us that since the subject matter of the Electrical Protection Act deals with electrical equipment only, it cannot be used to regulate the mechanical parts of elevating devices. So we have undertaken to put forward a separate act to govern the operation of elevating devices. I want to tell you that the proposed act contains some of the provisions contained in the Electrical Protection Act and are generally in line with legislation that governs elevating devices in other parts of the country.

There are about 106 elevating devices in the NWT today. We have seen an increasing number of buildings that have more than three stories being constructed. They are quite visible, especially in Yellowknife. And we have also increased the use of lifts for handicapped people recently and there are examples like the elevator in the Laing Building in Yellowknife. That elevators lack consistent operation has raised the interest of some people to ensure that we can

assure the public that these things are operated in a safe manner. There are strict laws or regulations to govern how these are operated, how they are inspected and how people can raise the concerns and have their concerns dealt with. Those are all the comments I had, Mr. Chairman.

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

Comments From The Standing Committee On Legislation.

MR. ERNERK: Thank you, Mr. Chairperson. In many of the communities in the NWT elevators have been installed in office and apartment buildings. The purpose of this bill is to provide for the safe operation, inspection, registration of design, and monitoring of the maintenance of elevators, escalators and amusement rides in the NWT -- is a dog team an amusement ride?

HON. STEPHEN KAKFWI: It has no mechanical parts.

--Laughter

MR. ERNERK: This bill also provides for investigatory powers for inspectors, the establishment of safety procedures, the reporting of accidents, and to establish offences, punishments, and regulation-making power. The proposed bill, the Elevating Devices Safety Act, was tabled in the Legislature of the Northwest Territories on April 10, 1989. The bill was sent by the standing committee on legislation in May, 1989 to operators and owners of elevators in the NWT and manufacturers in Canada for review and comment. The Minister, Mr. Kakfwi, met with the standing committee on legislation on September 25 and 28, 1989, to review the bill.

The Minister informed the committee that there are approximately 106 elevating devices installed in the NWT and that the number of elevating devices is increasing by about 10 per year. The Minister also explained that since 1986 elevating devices were regulated by the Northwest Territories Electrical Protection Act and regulations. The requirement for a specific bill to regulate elevating devices has come about because mechanical parts of elevating devices cannot be regulated under the existing NWT Electrical Protection Act and regulations. Additional clauses are also included in the bill which would provide for regular maintenance on elevators and require elevator mechanics and maintainers to be qualified and registered tradesmen. At present elevators are inspected and regulated by the electrical safety and inspections staff of the Government of the NWT safety division. The proposed bill would provide that a chief elevator inspector be appointed to carry out the administration of the act.

A Member questioned the Minister as to what regulations will be enforced and whether or not a budgetary increase for new person years will be required to carry out the act. The director of legislation stated that the regulations would be uniformly the same as those that are applied in other jurisdictions, but the regulations will not be prepared until the bill has been approved by the Legislative Assembly. The Minister stated that the existing staff will enforce the proposed act for the present. Qujannamiik.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments. Does the committee agree that the Minister bring in his witnesses? Agreed?

SOME HON. MEMBERS: Agreed.

--- Agreed

CHAIRMAN (Mr. Gargan): Mr. Minister, for the record would you please introduce your witnesses?

HON. STEPHEN KAKFWI: Mr. Chairman, I have with me Giuseppa Bentivegna, director of legislation, and Bill Burr, chief electrical inspector with Safety and Public Services.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. There was one general concern that Members had because of the really unusual application it would have had to the general public and the responsibility it would have given to them. I am not sure what the clause was, but basically the way the clause was worded at the time was that if a member of the general public was riding in an elevator and heard a funny noise or thought the doors did not close properly, they had an obligation in the proposed legislation. It said "they shall report this", and I would say that the way that was worded, had the person said in front of a few other people, "This elevator is making a noise; I think there might be something wrong with it," and subsequently there was a problem with the elevator and somebody was hurt, that person who thought there might be something wrong, and did not report it, could have been held responsible legally. I thought that was a really unusual onus to put on the general public. The Minister was going to look into that and I wonder if you have had a chance to reconsider that wording. I am not sure what clause it was, but I thought that, generally, it was a really unusual onus to put on the general public.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: Mr. Chairman, we have changed the word under clause 27 to "may"; we went from "shall" to "may".

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Whitford.

Adequacy Of Inspection Staff

MR. WHITFORD: Thank you, Mr. Chairman. When I looked through the application on this bill it seems quite extensive and in order to carry this out, the department is going to need a considerable amount of staff. There are so many different items that this bill applies to, and I would like to know if the department is already prepared to meet this demand that is going to be there. A bill without people to carry it out is like a dog without teeth. What kind of manpower are we talking about here, and is the department equipped to really deal with this particular bill?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: Mr. Chairman, this act will come into force probably within the year; if possible, within six months once the regulations have all been drafted. As we said earlier in our presentation to the standing committee on legislation, it is our belief that presently the inspectors can cover adequately the demands that this legislation is going to make on our department.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Whitford.

MR. WHITFORD: Mr. Chairman, that still did not answer the question. I would like to know how many bodies this involves. I realize that they do have a staff, but to be able to carry out this particular type of inspection -- elevators are elevators; we have in the city of Yellowknife alone about a dozen of them; but it also involves lubricating hoists in garages, it involves winches, it involves the railroad system, it involves so many things. How can these people be all over the place? How many people are we talking about here that will carry this work out? Are we talking about one or two people, half a dozen? Maybe the Minister can enlighten me. You do not have to be specifically an elevator inspector; you could be some other inspector that will do this kind of work as well.

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

HON. STEPHEN KAKFWI: Mr. Chairman, I think the Member may be reading from a list of all those things that are exempted from this act. What we cover here are basically commercial elevators in buildings, escalators and some elevators for handicapped people in private dwellings. All other industrial elevating devices are covered under other acts, such as the Mining Safety Act for instance, so we feel that the present number of inspectors that we have, which is five plus the chief electrical inspector -- there are one in Iqaluit and two in Yellowknife, one in Hay River and one in Inuvik -- will be sufficient to make sure that the work and the responsibility set up and the proposed legislation can be carried out by them.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments. Are there any further general comments? Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairperson. I would like to ask the Minister a question after I make a short statement. With regard to the issue of electrical inspectors, I take it that you only have five in the Northwest Territories and we do not have one in the Keewatin Region. As more and more private home-owners are building their homes in the Keewatin Region and across the Northwest Territories, the government requires more and more electrical inspectors to inspect various homes. No follow-up is normally taken as to what happens next, after the inspections have been completed. I believe as we get larger buildings throughout the communities, especially in larger centres, and I am just taking a look at regions like Kitikmeot and a number of other larger places, who will build higher buildings and be able to install elevators, would we not be getting to the same kind of situation where you keep talking about providing a staff to a limit where you do a certain inspection at a community level – of elevators and whatever else that this bill will provide – that you do an inspection, the government does an inspection, and there is no follow-up of any kind afterwards because we are simply lacking qualified elevator maintainers or whatever in the Northwest Territories?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: Mr. Chairman, the fact is that when we prepare budgets, as all the Members know, there is always a need to argue for each new job that we create, or new position. In the case of whether or not we create additional inspectors because of this legislation, it is another case in point. We need to always substantiate each position by arguing the amount of increased workload and exactly what a person is going to do when we create these positions. So that is where that particular concern comes in, that the Keewatin does not have an electrical inspector based in that region at this time. It is because of a number of reasons, some of which I was not around to argue four years ago, but now it is a period of restraint and I am not certain that we have the bucks or the workload to warrant basing an inspector in the Keewatin at this time. If the Member wants, I can review that and get back to him at an appropriate time. It is still the department's position that the present number of inspectors is sufficient to take care of the demands that this legislation is going to put on our department.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments. Are there any further general comments? Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

— Agreed

CHAIRMAN (Mr. Gargan): Bill 8-89(2), Elevating Devices Safety Act. Clause 1, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

—Agreed

CHAIRMAN (Mr. Gargan): Clause 2, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, private dwellings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4, government bound by act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, application for certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, issue of certificates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, duration of certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 8, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 9, transfer of certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 10, application for licence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 11, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 12, duties of contractor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 13, major alteration. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 14, licence not transferable. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 15, application to renew certificate. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 16, refusal, suspension or cancellation. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 17, hearing. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 18, appeal. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 19, maintenance. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 20, duty to keep maintenance log book. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 21, record of maintenance. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 22, record of malfunction. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 23, unsafe condition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 24, compliance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 25, conduct. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 26, damage. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 27, reporting of defects. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 28, request for inspection. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 29, frivolous or vexatious request. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 30, reporting of accidents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 31, fatal accidents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 32, investigations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 33, order of inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 34, no use of sealed elevating device. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 35, notice of appeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 36, appeal to court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 37, powers of the court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 38, inspectors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 39, special inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 40, identification card. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 41, duties of inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 42, powers of inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 43, right of entry. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 44, warrant. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 45, obstruction. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 46, operation during inspection. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 47, liability of inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 48, right to examine person under oath. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 49, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 50, posting of certificate of notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 51, seals, labels, marks and tags. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 52, offence by individual. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 53, limitation period. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 54, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 55, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 56, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 8-89(2), Elevating Devices Safety Act, is now ready for third reading? Thank you very much. I would like to thank the Minister of Education and his witnesses.

We will go on now to Bill 9-89(2), An Act to Amend the Hamlets Act, with Hon. Gordon Wray. Does the Minister care to make an opening statement?

Bill 9-89(2): Hamlets Act

Minister's Opening Remarks

HON. GORDON WRAY: Thank you, Mr. Chairman. The amendments to the Hamlets Act and the one after, the Settlements Act, are identical to the amendments that we passed for the Charter Communities Act and Cities, Towns and Villages Act last week. So my opening comments for those acts last week will do for these as well. Thank you.

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

Comments From The Standing Committee On Legislation

MR. ERNERK: The standing committee on legislation reviewed the Hamlets Act in May 1987 when the bill was first introduced as a replacement of the existing Municipal Act. The Hamlets Act was proclaimed in force on January 1, 1988. The purpose of the proposed amendments is to provide for the council to determine the circumstances in which the mayor or other presiding members

shall vote; to allow the council to forgive outstanding property taxes, where no special lien attaches against land for non-payment; and to allow the council to make grants to persons or groups not resident in the municipality. The Minister, Mr. Wray, presented the bill before the standing committee on legislation on September 28, 1989, in Yellowknife, NWT. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. Mr. Wray, you do not have any witnesses? Do you wish the lawyer present?

HON. GORDON WRAY: Yes, please, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Does the committee agree that the Minister bring in his witness?

SOME HON. MEMBERS: Agreed.

--- Agreed

CHAIRMAN (Mr. Gargan): Mr. Minister, for the record, could you introduce your witness?

HON. GORDON WRAY: Thank you, I have with me Ms Giuseppa Bentivegna, director of legislation.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Does the committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 2, request to change name. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, entitlement to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, exception. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, making grants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 9-89(2), An Act to Amend the Hamlets Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. I would like to thank Mr. Wray and Ms Bentivegna.

We will go on now to Bill 25-89(2), An Act to Amend the Settlements Act. Mr. Wray, do you wish to make any opening statement?

HON. GORDON WRAY: No, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Ernerk.

Bill 25-89(2): Settlements Act

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. The standing committee on legislation first reviewed the Settlements Act in May 1987. It was proclaimed in force on January 1, 1988. The purpose of the bill was to establish settlements and to provide for their administration, powers and duties. The Minister, Mr. Wray, presented the bill, An Act to Amend the Settlements Act, before the standing committee on legislation on September 28, 1989. The purpose of the bill is to allow for amendments to the Settlements Act.

CHAIRMAN (Mr. Gargan): Thank you. Any general comments? Does the committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 2, establishment of settlement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, change of name. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, entitlement to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 25-89(2) is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. We will now go to Bill 18-89(2), An Act to Amend the Motor Vehicles Act. Mr. Minister, do you wish to make your opening statement?

Bill 18-89(2): Motor Vehicles Act

Minister's Opening Remarks

HON. GORDON WRAY: Mr. Chairman. The present amendments to the Motor Vehicles Act are necessary in order for the Department of Transportation to implement the provisions of the National Safety Code. The National Safety Code is part and parcel of the deregulation of the trucking industry across Canada. By a memorandum of understanding signed in 1985, the federal, provincial and territorial governments agreed to remove the protectionist economic

barriers to interprovincial commercial transport. At the same time there was a concern that the new open and highly competitive atmosphere would tempt the trucking industry to cut its operating costs at the expense of safety considerations. To prevent the deregulation of the trucking industry from creating a public safety hazard on the nation's highways, the federal, provincial and territorial governments further agreed to implement a uniform set of safety standards across the country. These new safety standards are known as the National Safety Code. The Motor Vehicle Transport Act of Canada embodies the deregulation of interprovincial commercial transport and was passed by the federal government in 1987.

By the National Safety Code Agreement signed on April 25, 1989, between the Governments of Canada and the Northwest Territories, the Northwest Territories agreed to implement the National Safety Code and, for its part, the federal government agreed to pay the costs of establishing the new regulatory system in the amount of \$2.2 million over the implementation period. So far, the Department of Transportation has spent some \$300,000 in the first stages of developing this program.

The implementation of the National Safety Code involves the introduction of a broad range of safety regulations in the areas of vehicle equipment standards, maintenance regimes, vehicle licensing standards, driver licensing standards, loading regulations and driver hours of service regulations. These amendments to the Motor Vehicles Act are the enabling legislation which will give the Government of the Northwest Territories, as recommended by the Department of Transportation, the legal authority to establish and enforce the regulatory components of the National Safety Code.

As outlined in Schedule A of the National Safety Code Agreement, the new regulations will pertain to: professional driver's licence self-certification standards and procedures; commercial transport facility audits; professional driver and carrier profiles; professional driver's licence short-term suspension; interprovincial record exchange; hours of service; commercial vehicles maintenance standards; commercial vehicle safety alliance road inspections; carrier fitness entry and control criteria; trip inspection report format.

Although model standards for the National Safety Code regulations have been developed by the Canadian Council of Motor Transport Administrators, few provincial or territorial jurisdictions are ready to adopt the model regulations as they stand. In this regard, I would emphasize what a major commitment to interprovincial/territorial co-ordination and co-operation the implementation of the National Safety Code involves.

The complete regulatory system of the National Safety Code is scheduled to be fully operational in all jurisdictions by 1993. The new regulations, in conjunction with industry education and awareness programs, will be phased in carefully and gradually over this period to effect the least disruption in the trucking industry.

It is hoped by amendments to the Motor Vehicles Act, and by passage of this legislation, that the Northwest Territories will be able to carry out its commitment to this national program to regulate the motor transport industry in the interest of public safety. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Wray. Chairman of the standing committee on legislation, Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. Briefly, the purpose of this bill is to amend the Motor Vehicles Act to allow for the act to conform to the requirements of interjurisdictional agreements relating to the National Safety Code. The Minister, Mr. Wray, introduced the bill to the standing committee on legislation on September 28, 1989, and explained that the amendments to the bill apply to certain types of vehicles categorized under "NSC vehicles". The trucking industry will be governed by a new set of safety standards which will be uniform across Canada. The proposed amendments will provide the Department of Transportation with the authority to establish and enforce the regulatory components of the National Safety Code.

A Member raised a question of the cost and feasibility of bringing in these new regulations across the NWT. The Minister replied that the government will be implementing these regulations over a four-year period. Secondly, these regulations will also apply outside of the NWT. As a result, all trucking firms who travel outside the NWT will be required to comply. Thank you.

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

Extent Of Authority Of Highway Officers

MR. McLAUGHLIN: Thank you, Mr. Chairman. In the area where you are referring to officers generally through the act, what officers are you talking about? Does it mean police officers, does it mean the officers who are working at the highway scales and drive the motor vehicle inspection vehicles? I know that under the proposed Transportation of Dangerous Goods Act those officers at the scales and on the highway inspection vehicles were going to be given the authority to arrest people. What officers you are talking about generally when you are talking about offences related to moving or standing vehicles under this amendment?

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

HON. GORDON WRAY: Thank you. Essentially, Mr. Chairman, members of the Royal Canadian Mounted Police or any other person designated as a motor vehicle officer, which would apply to highways officers as well.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Mr. McLaughlin.

MR. McLAUGHLIN: Just to follow up on that. I realize these are just amendments to the main act. As I said before, under the proposed Transportation of Dangerous Goods Act, some of the officers, including the ones that work at the scales and in the highway inspection vehicles, it was proposed that those people would have the opportunity to arrest people for offences. These officers and their duties have been described here. Will officers other than the police officers have the right to arrest people for violations of this National Safety Code? In other words, an operator with an NSC vehicle, will he be subject to arrest by these officers, even the officers that are not police officers?

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

HON. GORDON WRAY: I am advised that officers other than the RCMP will not have the power to make arrests.

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

HON. GORDON WRAY: Mr. Chairman, I wonder if I could be allowed to bring in a witness in case there are other questions?

CHAIRMAN (Mr. Zoe): Does the committee agree that the Minister bring in an additional witness? Agreed?

SOME HON. MEMBERS: Agreed.

--- Agreed

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

HON. GORDON WRAY: Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Member for Nahendeh.

MR. SIBBESTON: Mr. Chairman, I am just wondering, while we are on what the government obviously thinks is very important -- making amendments with respect to bringing our jurisdiction into line with other jurisdictions in Canada -- there is a matter that I know is a problem with respect to the Motor Vehicles Act. That has to do with suspension of licences after three months. In the event that you do not renew your driver's licence within three months, you have to go through the whole process of doing a test, written and practical. While we are on this subject of the Motor Vehicles Act, would the Minister consider an amendment to extend the time to perhaps six months before you would have to go through the whole process of obtaining a new licence?

CHAIRMAN (Mr. Zoe): Mr. Sibbeston, the item under consideration is to amend the Motor Vehicles Act. You have to understand that whatever is in the legislation is the only thing that we can consider. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, while I agree in one part with your statement, surely sometime when you are dealing with a matter, inasmuch as we ought to deal with things that are before us, the question can be raised as to things that Members think important that are not in there, not going into great detail about it but just on a general question. I feel that my question is most appropriate.

CHAIRMAN (Mr. Zoe): Mr. Sibbeston, the Chair does not feel that your line of questioning is particularly in order at this time. I would suggest that the matter that you are raising could be addressed in question period.

General comments. Are there any further general comments? Member for Pine Point.

MR. McLAUGHLIN: Thank you, just one more. Maybe your officials could just explain so that the general public understands a little bit more what is going on here. I think most people in the general public, when they look at the type of vehicles you are talking about, think of the type of vehicles that have the PS, public service, plates or CV plates. Which vehicles are going to come under this -- every vehicle with a PS plate on it, which includes school buses, ambulances and garbage trucks or, just highway transport vehicles that carry goods from one provincial jurisdiction or territorial jurisdiction to another? Will it apply to commercial vehicles which people use to haul goods around for janitor businesses, or whatever? So, just so the general public knows what size and type of vehicle, what use do these vehicles have?

CHAIRMAN (Mr. Zoe): Thank you. Mr. Minister, before you answer the question could I get you to introduce your witness that you just brought in?

HON. GORDON WRAY: Yes, Mr. Chairman. I have with me Mr. Fraser Weir who is the senior policy analyst for the Department of Transportation.

In response to Mr. McLaughlin's question, Mr. Chairman, all vehicles that carry the PS and CV designation, over 4500 kilograms or roughly over 10,000 pounds in gross weight, will be subject to this act, as well as buses.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Are there any further general comments? Member for Deh Cho.

MR. GARGAN: Mr. Chairman, I would like to ask the Minister -- the motor vehicles equipment regulations -- what are we on?

CHAIRMAN (Mr. Zoe): Mr. Gargan, we are on general comments with regard to Bill 18-89(2), An Act to Amend the Motor Vehicles Act.

MR. GARGAN: Yes, thank you, Mr. Chairman. The motor vehicles equipment regulations. Would that be the offspring of this new amendment? I understand that there are going to be regulations regarding motor vehicles equipment that tell you about the year and the size and everything in

metric and your lights and everything else. I just wonder whether or not that would be part of this amendment.

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. GORDON WRAY: Yes, we would be looking for things like steering, brakes, lights. All of that will be in here as well. Thank you.

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

MR. GARGAN: Mr. Chairman, in this case is it proper then that while we are discussing this act that we could also be addressing the motor vehicles equipment regulations?

CHAIRMAN (Mr. Zoe): Mr. Gargan, can I get you to repeat your question?

MR. GARGAN: Mr. Chairman, the government is working on motor vehicles equipment regulations and it says here, "to provide for regulation-making powers". I did receive a copy of the regulations that the government would like to implement or have drafted and it asks for suggestions from the Members on whether or not they would like to see some changes made to the regulations regarding motor vehicles equipment. I am asking, Mr. Chairman, whether or not under discussion of An Act to Amend the Motor Vehicles Act, we are addressing the motor vehicles equipment regulations. Is it proper to address it at this time while dealing with this act?

CHAIRMAN (Mr. Zoe): Mr. Gargan, although it is related to the Motor Vehicles Act, I cannot see in the act where there is any mention of any regulations. It is straightforward and I feel your question is out of order. General comments. Mr. Gargan.

MR. GARGAN: Perhaps, Mr. Chairman, you might be able to tell me, then, when can I address the issue of the motor vehicles equipment regulations? When would be the time? It is not a tabled document. It is part of this Motor Vehicles Act, the regulations established by this act. When do I address that particular issue?

CHAIRMAN (Mr. Zoe): Well, you are seeking advice from the Chair, Mr. Gargan. All I can say is that you can make a request for the Minister to table that particular document and you can pass a motion to move it into committee of the whole for discussion, then we can deal with those regulations at that time.

General comments on Bill 18-89(2), An Act to Amend the Motor Vehicles Act. Is the committee ready to go clause by clause? General comments, Member for Yellowknife South.

MR. WHITFORD: Thank you, Mr. Chairman. I might be ruled out of order as well. Unsatisfactory safety ratings, would this include, as I thought you mentioned just a minute ago, lights and brakes and this kind of thing? Is that what this bill addresses here, failing to pass safety inspections?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. GORDON WRAY: Mr. Chairman, it is that, plus things like driving violations, professional driving violations, items such as that.

CHAIRMAN (Mr. Zoe): Mr. Whitford.

MR. WHITFORD: Mr. Chairman, would this include speeding and other types of things that the inspectors might be looking for, such as the condition of the vehicles, the age, the tires, the tailgates, for example, side boards of dump trucks?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. GORDON WRAY: Not age; tires would be. Side boards on dump trucks I do not think are there but certainly the condition of the vehicle is addressed.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 18-89(2). Mr. Whitford.

MR. WHITFORD: Yes, I was wondering where that would be covered. I have seen a lot of vehicles, big dump trucks carrying large rocks and heavy gravel, boulders and stuff, running around with broken boards on the top; those boards that keep the gravel from falling over the top of the box and tailgates that are loose and open and in a general state of disrepair. There are some fly-by-night operators that do that, and I am just wondering if this is the act that will cover those particular items, Mr. Chairman.

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

HON. GORDON WRAY: Thank you. One of the regulatory powers that we are asking for is what we call the security of loads, which would cover things like sideboards and stuff spilling over the side.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Are there any further general comments on Bill 18-89(2), An Act to Amend the Motor Vehicles Act? Is the committee ready to go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 2, NSC vehicle. 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, NSC vehicle. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 7, moving a vehicle. Mr. Whitford.

MR. WHITFORD: Mr. Chairman, the towing expenses area here. This is a pretty broad section. There may be cases where moving a vehicle might be at the discretion of the inspector but not of the operator. Are there any grounds here for appeal or, when these expenses are going to be incurred, does the owner of the vehicle have any say in this kind of thing? For example, a lot of the trucking companies have their own tow trucks and if the inspector deems that the truck needs to be towed, can the trucking company move their own vehicles to cut down the expenses rather than have the competitors move them to a destination where they are going to be inspected? It is pretty open-ended here.

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

HON. GORDON WRAY: I guess there were two questions; I will deal with the latter one first. Yes, the company that owned its own tow truck could tow its own vehicle and in terms of the appeal the officer has to have grounds before he actually has the vehicle taken. Ninety-nine times out of 100 they are not going to do it unless they have good grounds and that is what is in the existing act right now.

CHAIRMAN (Mr. Zoe): Thank you. Clause 7, moving a vehicle. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 11. Mr. Gargan.

MR. GARGAN: Mr. Chairman, "Section 350 is amended by", paragraph (b). Paragraph (b) strikes out "taxicabs and school buses" in paragraph (z.9) and substitutes "taxicabs, school buses and National Safety Code vehicles". What does that mean, Mr. Chairman?

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

HON. GORDON WRAY: Thank you. Paragraph (z.9) sets out requirements for taxicabs and school buses with respect to safety items such as first aid kits, spare tires, flares, items like that.

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

MR. WHITFORD: Mr. Chairman, it has come to my attention here that in some instances buses have multipurpose use. I do not know if this regulation is going to change that, but there is a bus

used as a city bus in the early morning, and mid-morning it is used as a school bus and then back to a city bus again. If it is needed to charter to Providence it is a charter bus. If you strike out school buses then there will be ways they can get around these regulations by having it multipurpose.

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

HON. GORDON WRAY: We recognize that and in the definition of an NSC vehicle, under the heading "bus", we just say "a bus other than a bus operated by the owner exclusively for his or her personal use". So, whether it is used on charter or sched or school bus it is covered. Only if someone owned a bus and it was their car would it be different.

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 12, codes as amended. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 18-89(2), An Act to Amend the Motor Vehicles Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Government House Leader, could you advise the Chair as to which bill you want to deal with next?

HON. MICHAEL BALLANTYNE: Thank you. If the House will agree, we would like to go forward with Bill 11-89(2), Interpretation Act; Bill 12-89(2), Jury Act; Bill 13-89(2), Justices of the Peace Act; Bill 14-89(2), Legal Profession Act; and Bill 15-89(2), Criminal Injuries Compensation Act.

CHAIRMAN (Mr. Zoe): Thank you. I would like to thank the Minister and the witnesses for appearing before our committee. Mr. Gargan.

MR. GARGAN: Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Zoe): I have a motion on the floor that is not debatable. All those in favour to report progress? Opposed? The motion is defeated.

---Defeated

Moving right along, we will move to Bill 11-89(2), An Act to Amend the Interpretation Act. Mr. Minister, are you prepared to make your opening remarks?

Bill 11-89(2): Interpretation Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Mr. Chairman, this act amends the present Interpretation Act as well as the new Interpretation Act which will be brought into force when the statute revision is complete. Both Interpretation Acts are amended to allow for appointments of public officers to be retroactive for 60 days. A definition of "Commissioner in Executive Council", meaning the Commissioner acting by and with the advice and consent of that Executive Council, is added to both acts. It is intended that the new legislation orders that appointments be made by the Commissioner in Executive Council rather than by individual Ministers. This parallels the approach used federally and in the provinces.

The definition of "holiday" is amended in both acts to add Boxing Day and the first Monday in August to the definition and to provide that where a holiday falls on a Saturday, it should be taken on the following Monday.

The new Interpretation Act is amended by adding a definition of "municipal council", and by amending the definition of "settlement". These changes will simplify municipal references in legislation. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you, Mr. Minister. Chairman of the standing committee on legislation, are you prepared to make your comments at this time? Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. My report is very short. The purpose of this bill is to amend the Interpretation Act in order to allow for appointments of public officers to be retroactive for up to 60 days; to add the definition of "Commissioner in Executive Council"; to amend the definition of "holiday" and "settlement"; and to add a definition of "municipal council". The Minister, Mr. Ballantyne, introduced the bill before the standing committee on legislation on September 28, 1989. He pointed out that the changes were very minor. Thank you, Mr. Chairperson.

CHAIRMAN (Mr. Zoe): Qujannamiik. Mr. Minister, would you like to bring in your witnesses at this time?

HON. MICHAEL BALLANTYNE: With the committee's permission.

CHAIRMAN (Mr. Zoe): Does the committee agree that the Minister bring in his witnesses? Agreed?

SOME HON. MEMBERS: Agreed.

--- Agreed

CHAIRMAN (Mr. Zoe): For the record, Mr. Minister, would you kindly introduce your witnesses?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I have with me my deputy minister of Justice, Mr. Bickert, and director of our legislation division, Giuseppa Bentivegna.

CHAIRMAN (Mr. Zoe): Thank you. We are dealing with Bill 11-89(2), An Act to Amend the Interpretation Act. General comments. If there are no general comments, does the committee agree that we go clause by clause? Mr. Whitford, general comments.

MR. WHITFORD: Thank you, Mr. Chairman. By way of general comment, I wonder if a question could be answered by the Minister. For retroactivity, what is the purpose of the part of this bill that will make an appointment retroactive by up to two months from an appointment? How can you be appointed retroactively?

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

HON. MICHAEL BALLANTYNE: This is consistent with federal appointments. An example would be if somebody is appointed under young offenders legislation as a youth worker in the region. Sometimes it takes a period of time for that appointment to be processed. They want the person to start working right away. It means that by doing this, we can retroactively let that appointment take place. Otherwise what has happened with some of the appointments in the regions is that you have a wait of one or two months before someone can be appointed.

CHAIRMAN (Mr. Zoe): Thank you. Member for Yellowknife South.

MR. WHITFORD: The definition then of an appointment would be the official signing of the documents and actual swearing in of the individual. I am still a little bit unsure of what that means. I realize that sometimes they may want people to begin immediately, but what is the purpose of waiting for two months before appointment? Is this the day that it is signed by the Commissioner, or the day of the swearing in of that individual to that particular position? What is going to happen on the certain date that cannot be done immediately the letter is received by the individual to commence work? Thank you.

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: It is intended to deal with the other side of the problem, for instance, if the Department of Social Services in a small community wanted to appoint somebody as a youth worker and they want that person to start the next day. The process, the paperwork, the approval of the Commissioner and the swearing in could take up to a month or six weeks. What we are saying here is that they can start on the job on day one. They have 60 days to complete the process. If they do it within 60 days, then retroactively it means they are legitimized from day one.

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

MR. WHITFORD: Thank you, Mr. Chairman. On whose authority would that person be appointed, the Minister, the deputy minister?

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

HON. MICHAEL BALLANTYNE: It would depend on the circumstance. For instance, it could very well be a Minister who, in the normal course of events, would appoint somebody and it would go through that process. This gives 60 days leeway for the process to take place. What has happened in the past is that we have had to wait to have the person start work until the process is completed. It would depend on the legislation, but it could very well be a Minister.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Does the committee agree we go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Bill 11-89(2), An Act to Amend the Interpretation Act. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 2, commencement of appointments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 3, Commissioner in Executive Council. 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, commencement of appointments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 6, Commissioner in Executive Council. 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 11-89(2), An Act to Amend the Interpretation Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The committee will proceed to deal with Bill 12-89(2), An Act to Amend the Jury Act. Mr. Minister, are you prepared to make your opening remarks?

Bill 12-89(2): Jury Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The purpose of this bill is to amend the Jury Act to give the sheriff more responsibility and control over the selection of a jury list and panel. Presently the act requires the clerk of the court, the sheriff and a judge to be present at the selection of a jury list and panel. This process is complicated and cumbersome. The amendment will allow the sheriff to compile the jury list from sources which will be set out in the regulations and will allow the sheriff to use whatever methods he sees fit to gather the names. The sheriff will be using a computer system. The regulations will name the list which the sheriff may use to gather names for the jury list and panel. The sheriff will also have the power to summon people for jury duty by certified mail. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Does the chairman of the standing committee on legislation have any remarks on Bill 12-89(2), An Act to Amend the Jury Act? Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The purpose of this bill is to amend the Jury Act by providing that the compilation of a jury list and selection of a jury panel be set out in regulations. The Minister, Mr. Ballantyne, presented the bill before the standing committee on legislation on September 28, 1989. The Minister explained that the procedures which the sheriff shall follow will be set out in regulations. The amendment will simplify the time-consuming and complicated procedure which requires the clerk, sheriff and judge to be present as names are drawn from a box to compile the jury list and select the jury panel.

A Member asked if the changes would apply to the civil as well as the criminal court system. The Minister replied that it would apply to the whole selection process. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 12-89(2), An Act to Amend the Jury Act. Do we have 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): Thank you. Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 3, jury list. 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, notice to sheriff from clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 7, summoning of jurors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 8, person may apply to be excused. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 9, procedure for compiling a jury list and selecting a jury panel. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 12-89(2), An Act to Amend the Jury Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The committee will now deal with Bill 13-89(2), An Act to Amend the Justices of the Peace Act.

Mr. Minister, are you prepared to proceed with your opening remarks?

Bill 13-89(2): Justices Of The Peace Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I am quite pleased to introduce this Act to Amend the Justices of the Peace Act. The purpose of this bill is to amend the Justices of the Peace Act in accordance with the "Task Force on Justices of the Peace". The amendments provide that justices of the peace hold office until they reach the age of 75, leave the Territories, resign, or are removed in accordance with the act. The grounds for removal are set out in the amendments. This provides justices of the peace with the same judicial independence as other judges.

As recommended by the "Task Force on Justices of the Peace", a justices of the peace review council is established to inquire into complaints against justices of the peace. After holding a hearing into a complaint, the review council can recommend that the justice of the peace be disciplined by the chief judge of the territorial court or that the Commissioner in Executive Council revoke the appointment of the justice of the peace.

As recommended by the task force, the amendments also provide that the chief judge of the territorial court may assign specific powers and duties to a justice of the peace. This means that the powers and duties of each justice of the peace will be appropriate to his or her abilities and experiences.

These amendments also consequentially amend the Local Authorities Elections Act so that a justice of the peace can be elected to a local education authority. A justice of the peace will be able to take a leave of absence to run for municipal council but would have to resign as justice of the peace if he or she were elected. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Chairman of the standing committee on legislation, are you prepared to make your comments on Bill 13-89(2)?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The Minister, Mr. Ballantyne, presented the bill before the standing committee on legislation on September 28, 1989. The purpose of the bill, he explained, is to amend the Justices of the Peace Act in accordance with the "Task Force on Justices of the Peace" report. The significant changes include amendments on which the Minister wished to have the committee's advice concerning the provision that a justice of the peace shall hold office until they reach the age of 65 years. He asked if it should be raised to 75 years of age. I agree that it should, as a Member of the Legislative Assembly.

A justice of the peace review council is also proposed in the bill. It will review complaints against justices of the peace. The chief justice of the territorial court may assign specific powers and duties to a justice of the peace. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Mr. Whitford.

MR. WHITFORD: Thank you, Mr. Chairman. I am generally pleased with the Justices of the Peace Act that we are going to be dealing with here. I did want a little more time to confer with my colleagues on this particular bill, but it does not seem likely at this late stage of the game. There are some things within it that are of some concern and when it comes to eligibility of people in the NWT to be justices of the peace, my personal opinion on this, and the opinion of some of my colleagues, was that it should not be as restricted as it is. It is very difficult to get good justices of the peace in a lot the communities and some of the communities have experienced problems in the past because of a good person not being able to apply because of where they were. In here there are areas that will eliminate potentially good people, people that sit on education boards, for example, and municipal councils. I think it is restrictive in that the argument that is going to be used is that the person may deal with legislation that may be passed by municipalities and stuff, but I have argued this before, that there should be very few restrictions as to who can be a justice of the peace if they meet certain criteria, not be eliminated because of where they work, or because of their work or, in another section here, because of their age.

But on the whole, I think this is a bill that has been long overdue and I support it in general terms and I am going to speak to it clause by clause and see if certain conditions can be changed here.

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

HON. MICHAEL BALLANTYNE: I am a bit surprised at the comments because, in fact, the only restriction that is in this amended bill is somebody who is actually elected to a municipal council. You can sit on a school board, no problem. You can work for a municipality, no problem. That is the only one besides being a police officer or a lawyer. So the only three restrictions are lawyer, police officer and an elected member of a municipal council.

CHAIRMAN (Mr. Zoe): Mr. Whitford.

Election To Municipal Council Should Be Acceptable

MR. WHITFORD: Mr. Chairman, I wonder why a person can not be on a municipal council and also be a justice of the peace? In all of the years that I have spent as a justice of the peace, very few times have I ever run into anything that would prevent me from carrying out my duties as a justice of the peace because of the type of work I was involved in. I have had friends and relatives come before me. I have seen things that deal with the particular work that I may have been doing and I can excuse myself when it comes to that. There may be one incident or one case out of many in the work that a justice of the peace does, work that normally has absolutely nothing to do with being on a municipal or hamlet council. When it does come up, those rare occasions, all the justice of the peace has to do is excuse himself from that particular thing. But the signing of documents, the very necessary work that good justices of the peace do, has absolutely nothing to do with being on a hamlet council. Paving streets has nothing to do and worrying about dogs -- well, that is one area, but street lights and stuff like that have nothing to do with being a justice of the peace.

I argue that you will take away from the resource pool of good justices of the peace those people that are active in the community and want to continue to be active in the community. If you are a justice of the peace you cannot run for hamlet council. If you are on hamlet council you cannot run for justice of the peace. Terrible stigma to carry and I think it is wrong. It should be stricken from this.

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: I want to emphasize that you can run and get a leave of absence to run. You have to resign only if you are elected. But I want to point out what I think is a very fundamental principle here and I am, again, surprised that Mr. Whitford is making these comments. The other criticism that we have had, in fact, is that it is not restrictive enough. That is the criticism that we have heard more of, and what we have tried to do is to achieve exactly what Mr. Whitford is asking for, to have a wide group of people that we can chose JPs from. I think it is a fundamental principle that those people who make laws should not be the same as those people who judge those laws. Members of municipal councils do make laws and JPs are asked to pronounce judgments on those laws, whether they are speed limits, or whether it is dog by-laws as Mr. Whitford, himself, brought up. There are a number of examples.

We also feel that one of the major principles of the task force was to attempt to achieve that independence of judiciary. One way of doing that was to turn the responsibility from our department over to the territorial court. The other way is for them to not have that perception of conflict. So, what we have is a reasonable balance, and allowed, I think, a pretty broad choice of potential JPs. We also kept away that appearance of conflict which is probably even more important in a smaller community, between an elected councillor and a JP. I think we have dealt with it and we think that this particular bill will be able to carry out the objectives of the task force.

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

MR. WHITFORD: Thank you, Mr. Chairman. In part I agree with what the Minister has said in there, although I disagree in principle on that. I had to resign when I became a Member of the Legislative Assëmbly and I think it was one of the saddest moments of my life when I had to do that. But it was compensated by the fact that I was going to become a Member of the Legislative Assëmbly, and that was a choice that I made. I would hate to have to make that kind of a decision that in some communities there is room to do these kinds of things, to be active in the community and be seen to be fair. I, perhaps more than anybody else, trust the good judgment that justices of the peace have exercised over the years. There have been very few, if any, sir, of any kinds of shenanigans that may have allowed a justice of the peace who may have been a hamlet councillor to make a decision against something that the hamlet has been doing, or even to sit in judgment of rules that may have been made by the hamlet. Therefore, I see no conflict -- well, I see conflict if the person decides to sit on these things but all he has to do is to recognize a conflict of interest and set that aside to another justice of the peace.

If a liquor law is passed by the hamlet then he does not deal with those things. He sets it over to someone else just as he would if one of his relatives came before him, or an employee of a company that the justice of the peace happened to be working for or owned. What they do there is recognize the conflict of interest, set that aside to another justice and continue on with the other things that may be there, without any conflict at all. I still argue that it is restrictive and I have spoken to it before, as the good Minister will know, even while on the task force on justices of the peace, but it is still here.

CHAIRMAN (Mr. Zoe): Any further comment, Mr. Minister?

HON. MICHAEL BALLANTYNE: We feel pretty strongly that this section should remain.

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

Appearance Of Conflict Of Interest Must Be Avoided

MR. McLAUGHLIN: Thank you, Mr. Chairman. I do agree with Mr. Whitford that it is a shame to restrict people in communities, especially small communities where there may not be that many people interested and they have other interests in the community. But I think that overall you have to look at the situation and, as Mr. Whitford himself said, it has to be seen to be fair. For example, you cannot have a territorial court judge who is also an MLA. What would my colleague, Mr. Gargan, do if he was on the bench and had to handle a case on seat belt legislation?

--- Laughter

I think that if you are dealing with a situation where you have an elected person, you are in the position where you may be looking a couple of years down the road for a vote from the person who is appearing before you, that you are sentencing, whether you are a territorial politician or a local politician. You could also be in a situation where there may have been a municipal by-law passed by a close vote and you lost your amendment by one vote in the town chamber or hamlet chamber, and then that by-law ends up coming up in front of you. How are you going to rule on it? Are you going to give the guy the lightest sentence possible because you do not think the law should exist in the first place? I think that the key thing is that it has to be seen to be fair and if local politicians, whether they are territorial or municipal, are in a position of currying favour for their constituents' votes, it is not a good situation for the constituents and the people who are going to be for or against them in the next election, to have that person on the bench in judgment of them. It is just one of those things where it is not seen to be right. The integrity of the office could be called into question.

Everybody knows that in small communities you get all sorts of personality conflicts and little small-time problems that haunt those situations and I just think that you cannot have a politician who is subject to a resident's vote sitting in judgment on that resident, and deciding whether he should get a large or small fine under a local by-law that that person himself may also have had a hand in making or attempting to defeat or amend. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Any comments, Mr. Minister? Mr. Sibbeston.

Independent Judiciary

MR. SIBBESTON: Mr. Chairman, just to say that I support the provisions in here and know why they are such. It is essentially to get the justices of the peace out of the realm of politics so that we can have a judiciary that is independent and free of political activity. It is just so that you do not have a person on a municipal council that argues and takes positions and votes on matters and have the same person the next night sitting in judgment over people, perhaps some of his opposition, and there would always be some question as to whether he was being fair in imposing any penalties and so forth.

The other matter is oftentimes these laws, inasmuch as people are pretty reasonable and go by common sense in the small communities, are to protect against an eventuality which may occur and some of them may be extreme. In its extreme, for example, a JP being harsher on some people that he does not agree with and, perhaps, a municipal election coming up so the JP, that week or month, takes it easy on all people coming before him with a view to getting favour and becoming elected. These are extreme possibilities but the law, I think, must be protected against these so I support the provisions as brought forth.

CHAIRMAN (Mr. Zoe): Mahsi cho, Member for Nahendeh. General comments. Member for Deh Cho.

MR. GARGAN: Mr. Chairman, with regard to this act the one change that was made was with regard to the ages, from 70 to 75, and I would like to ask the Minister about it. In most of the rationales behind some of the acts that were passed at this session it was said that there is a shortage of people to fill those types of positions. I would like to ask the Minister whether this is the case here, that warrants an increase in that age group, 75 years, before a justice of the peace could retire. And further, at that age I do not know if you are of sound mind either. So I have a concern on that. I would like to ask the Minister whether or not it is really necessary to make that increase.

CHAIRMAN (Mr. Zoe): Mr. Minister.

Raised Retirement Age Allows Recruitment Of Elders

HON. MICHAEL BALLANTYNE: I want to emphasize that a JP, like any judge, can retire earlier than 75. I mentioned the possibility, and I asked the advice of the committee on the possibility of raising the mandatory retiring age from 65 to 75. Because of some of the discussions that are going on right now about enhancing the use of JPs in communities, and looking at the possibility in some communities of using elders as JPs and setting up elders courts in some communities. It may not be in all communities, but we wanted to leave our options open. It was agreed to by the committee that 65 would preclude some of those people who, through their age, have gained respect and knowledge in a community. So the committee agreed with the idea and recommended it in their report that we raise the age from 65 to 75. But the main reason is to allow the possibility of attracting some elders from the ages of 65 to 75 to act as JPs.

CHAIRMAN (Mr. Zoe): Thank you. Member for Deh Cho.

MR. GARGAN: Thank you, Mr. Chairman. When the Minister referred to the committee, was he referring to the law reform committee or the standing committee on legislation?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: The standing committee on legislation.

CHAIRMAN (Mr. Zoe): General comments. Mr. Whitford.

MR. WHITFORD: Thank you, Mr. Chairman. I also wanted to ask about the age requirement. I raised this in the committee and it seems to have been changed, but I also asked the question at the time: Does this conform to the Charter of Rights? Can you put an age provision in this and is there really a need to do that? Because we have some wise old people and I hate to think that when I reach 75 I will not be able to be a JP any more, even though I am of a clear head and smart and have the wisdom of the years and all that. I think that if the act needs some protection to prevent me, after I reach 75, from being a doddering old fool there, have the review committee look at that and have a section in there that may deem that I am not doing my work properly according to the review committee. But simply because I have reached the ripe old age does not mean that I have to give up everything. It is kind of an insulting issue, saying that once you reach an age when you are a wise elder, you are prevented from doing anything like this.

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

HON. MICHAEL BALLANTYNE: Well, obviously these ages are fairly arbitrary and we have an arbitrary age to receive an old age pension and an arbitrary age for the age of drinking and what have you. To the best of my understanding there has not been a successful challenge to these particular provisions. I understand that Supreme Court judges -- their mandatory age of retirement is 75; territorial court is 65. So it seems to be a fairly general principle across the country -- the Senate is 75 -- that there are these mandatory age requirements. I think I understand the Member's point, but there is probably really no fair way of deciding on an individual basis. Somebody, for instance, very respected, passes the age of 75 and becomes senile. It is a rather unseemly process to be hauled in front of a judicial council and to be turfed out on your ear. Imperfect as it is, this is the way that everybody is dealing with it. We do not really think we have any better answers than any other jurisdictions. So we are more comfortable staying with this particular process.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments. Mr. Ernerk.

MR. ERNERK: (Translation) Thank you, Mr. Chairman. I do not want to go on with this point in regard to the age limit, but listening to what the Minister has to say, it is exactly true and we agreed with it at the legislation committee on September 28, 1989. It was stated that 65 was too young so we decided to make it a little older. Our elders in the NWT who are getting on in age, the ones that are of clear mind, not just in regard to being JP but for other posts, can think quite clearly in regard to dealing with legal matters and we would like to have them involved in such legal matters in regard to the judicial system. We want them to be more involved. When we raised the age to 75, we supported that idea, and when we vote on this limit to age 75 I will be voting for this.

CHAIRMAN (Mr. Zoe): General comments. Mr. Minister.

HON. MICHAEL BALLANTYNE: No. I thank the Member for his comments.

CHAIRMAN (Mr. Zoe): General comments. Does the committee agree to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

--- Agreed

CHAIRMAN (Mr. Zoe): Clause 2, chief judge. 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, revocation of appointments. Mr. Whitford.

MR. WHITFORD: Clause 5, section 3.1, can the Minister explain that so we are sure of what is going to happen here?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: Essentially on a certain time on a certain date all the appointments of all JPs in the Territories will be revoked and they will be reappointed.

CHAIRMAN (Mr. Zoe): Thank you. Member for Yellowknife South.

MR. WHITFORD: Mr. Chairman, the Supreme Court of the Northwest Territories had ruled that until something happens -- I am not sure what -- all justices of the peace were appointed for life. The coming into force of this act will be that something the Supreme Court was looking for, so that the appointment for life that was suggested in that ruling of Justice de Weerdts of some time ago -- this in fact will be that particular thing that the Justice was looking for. Appointment for life no longer stands; it is for as long as the person is in good standing and other things. It is not a fixed tenure?

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

HON. MICHAEL BALLANTYNE: I think the Member's point is one that we looked into, fairly critically, during this process. The Supreme Court judgment was dealing with our old act and that which was perceived to be flaws in our old act in clauses dealing with the independence of the judiciary. I think in dealing with the new act that those concerns have been handled.

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

MR. WHITFORD: Mr. Chairman, I know that is going to clean the slate on a particular date, but I just wondered if this act now takes over from that particular judgment, so that we do not have on January 2 -- if the act comes into force on January 1, as an example -- all kinds of appeals from people who will be referring back to that tenure that they so much enjoyed under that Supreme Court decision. This act will, in fact, take precedence over anything else that may have already been decided.

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: The gist of the judgment of Mr. de Weerdts was that his judgment was an interim judgment to fill the gap until there was new legislation, and this is that new legislation which will fill that void.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 6. Member for Yellowknife South.

MR. WHITFORD: Just backtracking, Mr. Chairman, to the composition of the review council. When the review councils sit, will all members have to be present, even though it is by teleconference? Is there a quorum such as two out of three, or something like that?

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

HON. MICHAEL BALLANTYNE: I think they are within the same parameters as the judicial council. They can essentially regulate their own conduct. We have not found that to be a problem, and I do not think it will be a problem. The judicial council ensures that all the players are there because of problems their credibility would face if key players are away. We did not feel it necessary in the act to set out how they regulate themselves.

CHAIRMAN (Mr. Zoe): Thank you. Clause 5. Mr. Whitford.

MR. WHITFORD: Sorry, I keep referring back to that, but if we have one representative of the public, will that cover everybody that is going to be dealt with? I just wondered in cases where we have justices of the peace in the West and we have them in the East. Will that be representative of the views of the cross section of cultures that we have? There is a question I think that can be raised if we have one person. Maybe we should have two people from the public and we can alternate, or something like that.

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

HON. MICHAEL BALLANTYNE: The intent as we start off is not to try to anticipate every permutation and combination of representation, regional or otherwise. We feel the important criteria, for the people who are appointed by the Minister from the public, to be fairness and credibility. I would hate to try to put into legislation political reasons for choosing somebody. We feel that this composition will work. If it does not work, we would like some time to look at it to see what problems arise, at which time we could perhaps consider making changes to it.

CHAIRMAN (Mr. Zoe): Thank you. Clause 5, revocation of appointments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 6, powers and duties of justice of the peace. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 10, consequential amendments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 11, eligibility of candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 12, local education authority. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 13, justices of the peace. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 14. 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 13-89(2), An Act to Amend the Justices of the Peace Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The committee will now deal with Bill 14-89(2), An Act to Amend the Legal Profession Act. Mr. Minister, are you prepared to go?

HON. MICHAEL BALLANTYNE: I am prepared if the committee is prepared, to do this one.

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

Bill 14-89(2): Legal Profession Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Mr. Chairman, the purpose of this bill is to amend the Legal Profession Act in accordance with a request made by the Law Society of the Northwest Territories. The amendments will update the provisions of the act relating to the discipline of members of the Law Society and provide that the chairperson of the discipline committee of the Law Society will have the authority to compel a member to appear before a panel of the Law Society where the member's conduct calls for advice and direction but does not amount to professional misconduct. The amendments enhance the investigatory powers of the chairperson of the discipline committee and provide that the executive of the Law Society can suspend a member who does not comply with requirements of the act related to trust accounts. The amendments also enable the Law Society to make rules which provide for the election of members of the executive of the Law Society to staggered terms of office. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mashicho. Chairman of the standing committee on legislation, do you have any comments?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation report on the Act to Amend the Legal Profession Act. The Legal Profession Act establishes the Law Society of the Northwest Territories which governs the conduct and regulates the activities of members of the bar. The Minister, Mr. Ballantyne, introduced the bill and stated that the purpose of the bill is to amend the existing act according to requests from the Law Society of the Northwest Territories. Qujannamiik.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments. Member for Pine Point.

MR. McLAUGHLIN: One of the main concerns some committee Members had at the time was the clause that is going to allow the executive to be elected for more than a one-year term, just to underline it so people understand that it is still the intention under the law that the Law Society will still have to hold an annual general meeting. Is that correct?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. MICHAEL BALLANTYNE: That is correct.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments on Bill 14-89(2). Does the committee agree 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): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 6, where member becomes judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 8, restricted appearance certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 9, discipline committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 10, inquiry where member absent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 12, report of chairman of discipline committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 16. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 17, suspension. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 18. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 20. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 21, employment of suspended member. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 22. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 23. 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 14-89(2), An Act to Amend the Legal Profession Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. GARGAN: Mr. Chairman, I move that we report progress.

CHAIRMAN (Mr. Zoe): I have a motion on the floor to report progress. It is not debatable. All those in favour? Opposed, if any? The motion is carried.

---Carried

I will now rise and report progress. I would like to thank the Minister and his witnesses for appearing before our committee. Mahsi cho.

MR. SPEAKER: I will call the House back to order. Report of the chairman of the committee of the whole. Mr. Zoe.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF COMMITTEE REPORT 2-89(2), REPORT OF STANDING COMMITTEE ON LEGISLATION; BILL 17-89(2), MENTAL HEALTH ACT; BILL 7-89(2), EDUCATION ACT; BILL 8-89(2), ELEVATING DEVICES SAFETY ACT; BILL 9-89(2), HAMLETS ACT; BILL 25-89(2), SETTLEMENTS ACT; BILL 18-89(2), MOTOR VEHICLES ACT; BILL 11-89(2), INTERPRETATION ACT; BILL 12-89(2), JURY ACT; BILL 13-89(2), JUSTICES OF THE PEACE ACT; BILL 14-89(2), LEGAL PROFESSION ACT

MR. ZOE: Mahsi cho, Mr. Speaker. Your committee has been considering Bill 17-89(2), Bill 7-89(2), Bill 8-89(2), Bill 9-89(2), Bill 25-89(2), Bill 18-89(2), Bill 11-89(2), Bill 12-89(2), Bill 13-89(2) and Bill 14-89(2), and wishes to report that they are now ready for third reading.

MR. SPEAKER: Thank you. You have heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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 chairmen of all standing committees this evening at 6:00 o'clock in the Mackenzie House.

Members are reminded of the reception with National Defence at the Legion. Tomorrow's meetings: 9:00 a.m. tomorrow morning a meeting of ajauqtit and at 10:00 a.m. a meeting of caucus.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Tuesday, October 24th, 1989.

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: Report of the Standing Committee on Legislation; Bill 16-89(2) and Bill 21-89(2)
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., October 24, 1989.

---ADJOURNMENT

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