



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, MAY 29, 1987

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Ms Cournoyea, Mr. Erkloo, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Mr. Nerysoo, Mr. Paniloo, Hon. Red Pedersen, Hon. Ludy Pudluk, Mr. Richard, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

DEPUTY SPEAKER (Mr. Wah-Shee): Orders of the day for Friday, May 29, 1987. Item 2, Ministers' statements. Mr. McLaughlin.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 47-87(1): AIDS Control Program For The Northwest Territories

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. During the last two years, officials from the Department of Health and the medical services branch of Health and Welfare Canada, who are responsible for public health programs in the Northwest Territories, have made sure that the NWT health system was prepared to deal with public concerns about the disease AIDS.

The AIDS co-ordinating committee was established in 1985, in anticipation of the need to protect the public from infection by the AIDS virus. It is made up of representatives from my department, Health and Welfare Canada, and the NWT Medical Association. Initial efforts were to ensure the safety of the blood supply and the preparation of education materials for health and education professionals.

Officials of the Department of Health and the medical services branch have participated at the national level on committees concerned with AIDS and its prevention, control and treatment. In 1986, the director of the AIDS programs for Canada was invited to Yellowknife to meet with health professionals, local media and to address the public at a meeting on AIDS.

Mr. Speaker, there is an active national public education program in place. Our committee, however, believes that the messages of the program are not suited to the needs of the NWT and that public education alone is not enough to respond to the serious threat of AIDS to public health.

The Executive Council has approved a more active approach designed to prevent the spread of AIDS throughout our communities and to limit its spread from infected persons to others through sexual contact. Explicit multi-language education programs will be developed to dispel common misconceptions regarding AIDS and to stress: the hazards of promiscuous sex for sexually transmitted disease in general and AIDS in particular; the relative hazards of particular forms of sexual conduct, set out in suitably explicit terms; the limits to protective measures, specifically, condoms; and the importance of protecting oneself and the obligation to protect others from infection.

All people at high risk of infection will be encouraged to accept blood testing under conditions designed to protect their confidentiality and to help them in understanding and dealing with the implications of test results. Other people who have had sexual contact with AIDS-infected persons will be encouraged to accept testing.

Aside from the general public, Mr. Speaker, the Department of Education, in co-operation with the Department of Health, is in the final stages of preparing a family life program. This program will be available, at the kindergarten to grade nine levels, to all schools in the NWT in September. Among many other topics, the family life units include lessons on the reproductive system, sexually transmitted diseases including AIDS, prevention and making decisions about sexual activity.

Mr. Speaker, the extent to which AIDS spreads in the Northwest Territories, and the resulting suffering and death, will be determined mainly by how well individuals heed the preventative messages of our information program. It is up to all persons in the North to take personal responsibility to protect themselves and others.

MR. DEPUTY SPEAKER: Thank you. Item 2, Ministers' statements. Item 3, Members' statements. Mr. Richard.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Rights Of Francophone MLA

MR. RICHARD: Mr. Speaker, it is regrettable that there are premiers in legislatures and this country who are so far behind the times as to deny the rights of a Francophone MLA who wishes to ask a question en francais. That that simple right would be denied to him in this country in 1987, Mr. Speaker, is indeed regrettable.

As the Member for Aivilik so eloquently pointed out yesterday, we in the Northwest Territories, even though we are being treated as second-class citizens by the southern premiers, are light years ahead of them. We are more enlightened than they and that was the point, Mr. Speaker, of the exchange en francais between the honourable Minister of Education and myself the other day in this Assembly. For, as a Canadian citizen, I was appalled last month when the Speaker of the Legislative Assembly of Alberta refused to allow an MLA to ask a question in the French language. During that debate, Mr. Speaker, reference was made to the practice in the Legislative Assembly of the Northwest Territories prior to 1905 and I felt, Mr. Speaker, we should send a message to the Alberta Legislature and to the other legislatures that we are not only not second-class citizens, that we not only do not take a back seat to other legislatures but in fact, Mr. Speaker, we are leading the way for them in this area. Thank you.

MR. DEPUTY SPEAKER: Thank you. Item 3, Members' statements. Mr. Wray.

Member's Statement On Last Day To Smoke In Government Offices

HON. GORDON WRAY: Thank you, Mr. Speaker. I wish to draw attention to the House that while this is not Friday the 13th or black Friday, it is the last official day that those of us who unfortunately have the habit, can smoke in government offices. So I just wanted to let everybody know that and bid farewell to, perhaps, a different era. Thank you, Mr. Speaker.

---Applause

MR. DEPUTY SPEAKER: Item 3, Members' statements. Item 4, returns to oral questions. Mr. Pudluk.

ITEM 4: RETURNS TO ORAL QUESTIONS

Further Return To Question 0166-87(1): Air Fares, Kitikmeot Region

HON. LUDY PUDLUK: Thank you, Mr. Speaker. I would like to make a further reply to oral Question 0166-87(1), asked by Mr. Elijah Erklou on May 28, 1987. I have a proper answer for him here about the air fare reduction. The management of NWT Air have, on May 27th, made an official announcement that outlines the amount of the reduction in air fares. Quoting from their press release: "NWT Air will introduce lower air fares from Yellowknife to Gjoa Haven, Spence Bay and Pelly Bay, and from Coppermine to Holman Island. The reductions in passenger and cargo fares range up to 40 per cent." Since there are many pairs of communities, I have prepared and attached a detailed listing that illustrates the savings on each sector affected of the Kitikmeot services.

NWT Air Passenger Fares (One-Way Economy) Effective June 27, 1987

<u>Between</u>	<u>And</u>	<u>New Fare</u>	<u>Old Fare</u>	<u>Saving</u>
Yellowknife	Cambridge Bay	\$245	\$245	\$ 0
	Gjoa Haven	369	497	128
	Spence Bay	406	610	204
	Pelly Bay	435	707	272
	Coppermine	245	245	0
	Holman Island	321	435	114
Cambridge Bay	Coppermine	173	245	72
	Holman Island	276	437	161
	Gjoa Haven	154	306	152
	Spence Bay	194	441	247
	Pelly Bay	229	505	276
Coppermine	Holman Island	143	192	49
	Gjoa Haven)Via	287	492	205
	Spence Bay)YCB	326	604	278
	Pelly Bay	361	750	389
Gjoa Haven	Spence Bay	81	105	24
	Pelly Bay	113	204	91
Spence Bay	Pelly Bay	95	130	35
Edmonton	Cambridge Bay	356	356	0
	Coppermine	356	356	0
	Gjoa Haven	510	662	152
	Spence Bay	550	767	217
	Pelly Bay	585	861	276
	Holman Island	499	549	50

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you. Item 4, returns to oral questions.

Item 5, oral questions. Mr. McLaughlin.

HON. BRUCE McLAUGHLIN: Mr. Speaker, just for Members' notice as to whom they put questions today: as Mr. Patterson is absent today to attend a swearing in ceremony of the territorial court judge in his riding, Mr. Wray will be answering questions for Mr. Patterson and Mr. Ballantyne; and I will be answering questions for Mr. Butters and Mr. Sibbeston. Thank you.

MR. DEPUTY SPEAKER: That is a point of order, Mr. McLaughlin. Item 5, oral questions. Item 6, written questions. Mr. Gargan.

ITEM 6: WRITTEN QUESTIONS

Question W35-87(1): Privatization Program

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Government Leader. It is with regard to privatization. During the life of this 10th Assembly, the people of the North, as well as Members of this House, have often heard about the government's privatization program. This is the last session of this Assembly. Would the Government Leader give us a report that outlines the merits and successes of this program? In particular, what has been privatized so far? What have been the benefits gained by northern communities and by northern businesses? What jobs have been created for northerners and especially for the aboriginal people? Thank you.

MR. DEPUTY SPEAKER: Thank you. Item 6, written questions. Mr. Arlooktoo.

Question W36-87(1): Terminal Building At Cape Dorset

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This is a written question regarding the Cape Dorset airport. The terminal building at Cape Dorset is overcrowded. Could the Minister responsible for Municipal and Community Affairs find out if the terminal building could be made larger? Thank you.

MR. DEPUTY SPEAKER: Thank you. Item 6, written questions. Mr. Arlooktoo.

Question W37-87(1): Post Office At Cape Dorset

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Another question to the Minister of Municipal and Community Affairs. The people of Cape Dorset require a newer and larger post office for their community. Could the Minister of Municipal and Community Affairs look into this matter? Thank you.

MR. DEPUTY SPEAKER: Thank you. Item 6, written questions.

Item 7, returns to written questions. Mr. Clerk, do we have any returns to written questions today? Thank you.

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

ITEM 9: PETITIONS

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. I have Petition 9-87(1), coming from the community of Gjoa Haven. There are 113 letters here but the whole thing is the same copy with just different signatures. It is requesting that the government keep the arena for Gjoa Haven in their five year capital plan and keep it on the right date. It also has some information of what the community is trying to do to raise money toward the arena and the rink. So I have the petition here.

MR. DEPUTY SPEAKER: Thank you. Item 9, petitions.

Item 10, reports of standing and special committees.

Item 11, 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. Item 16, second reading of bills. Mr. Wray.

ITEM 16: SECOND READING OF BILLS

HON. GORDON WRAY: Thank you, Mr. Speaker. I have a number of second readings here.

Second Reading Of Bill 5-87(1): Cities, Towns And Villages Act

Mr. Speaker, I move, seconded by the honourable Member for High Arctic, that Bill 5-87(1), An Act Respecting Cities, Towns and Villages in the Northwest Territories, be read for the second time. The purpose of this bill, Mr. Speaker, is to repeal the Municipal Act; to provide for the administration, powers and duties of cities, towns and villages; and to make consequential amendments to the Curfew Act, the Expropriation Act, the Interpretation Act and the Summary Conviction Procedures Act. Thank you.

MR. DEPUTY SPEAKER: To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 5-87(1) has had second reading. Mr. Wray.

Second Reading Of Bill 10-87(1): Hamlets Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Pine Point, that Bill 10-87(1), An Act Respecting Hamlets in the Northwest Territories, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for the administration, powers and duties of hamlets. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 10-87(1) has had second reading. Mr. Wray.

Second Reading Of Bill 3-87(1): Charter Communities Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Kitikmeot West, that Bill 3-87(1), An Act Respecting Charter Communities in the Northwest Territories, be read for the second time. The purpose of this bill, Mr. Speaker, is to establish charter communities; to provide that in order to establish a charter community the Minister consults with such persons and groups, including any band council or other local aboriginal organization that the Minister considers necessary and that the proposed community charter is approved by 60 per cent of the voters who vote in the proposed municipality; to provide for the procedure to obtain the approval of a community charter; to specify the contents of a community charter such as specifying the manner in which council members are to be appointed or elected, in which powers to pass by-laws under Part III are to apply to the charter community; to provide for additional provisions to be included in a community charter such as providing for all or certain specified by-laws are not effective until approved by the Minister or some other authority, establishing a procedure for removing a council member before the expiration of the member's term of office and defining the relationship between the council and any band council or other local aboriginal organization in or near the municipality; and to provide that an order amending or repealing a community charter is subject to the same community consultation and approval as the order establishing the charter community. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 3-87(1) has had second reading. Mr. Wray.

Second Reading Of Bill 21-87(1): Settlements Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for High Arctic, that Bill 21-87(1), An Act Respecting Settlements in the Northwest Territories, be read for the second time. The purpose of this bill, Mr. Speaker, is to establish settlements as incorporated bodies without the power to make by-laws; and to provide for their administration, powers and duties. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 21-87(1) has had second reading. Mr. Wray.

Second Reading Of Bill 15-87(1): Local Authorities Elections Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Kitikmeot West, that Bill 15-87(1), An Act Respecting Elections for Local Authorities, be read for the second time. The purpose of this bill, Mr. Speaker, is to establish common procedures for the election of persons to local authorities; to modernize and simplify those procedures; to allow ward systems in elections in cities and towns; to change the date of elections in cities, towns and villages; to allow proxy voting; to allow the use of aboriginal languages in elections; and to make consequential amendments to the Education Act. Thank you.

MR. DEPUTY SPEAKER: The Chair does not recognize a quorum. Therefore, I am going to request that the Sergeant-at-Arms ring the bells, and I cannot entertain the motion.

The Chair recognizes a quorum. Mr. Wray, would you proceed with your bill, please?

HON. GORDON WRAY: Thank you, Mr. Speaker. Is it only Bill 15-87(1) that I have to introduce again? Okay, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Kitikmeot West, that Bill 15-87(1), An Act Respecting Elections for Local Authorities, be read for the second time. The purpose of this bill, Mr. Speaker, is to establish common procedures for the election of persons to local authorities; to modernize and simplify those procedures; to allow ward systems in elections in cities and towns; to change the date of elections in cities, towns and villages; to allow proxy voting; to allow the use of aboriginal languages in elections; and to make consequential amendments to the Education Act. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 15-87(1) has had second reading. Mr. Wray.

Second Reading Of Bill 33-87(1): Public Service Vehicles Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Pine Point, that Bill 33-87(1), An Act to Amend the Public Service Vehicles Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Public Service Vehicles Act to allow the Minister to appoint the members of the Highway Transport Board; and to provide for a term not exceeding three years. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 33-87(1) has had second reading. Mr. Pedersen.

Second Reading Of Bill 34-87(1): Public Service Act

HON. RED PEDERSEN: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Pine Point, that Bill 34-87(1), An Act to Amend the Public Service Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Public Service Act to provide that emergency firefighters employed under the Forest Protection Act would not be employees of the public service; to provide that employees of the public service are free to engage in political activity, subject to certain restrictions; to prohibit any employee from using the employee's

position to affect the political activity of any other employee; to allow restricted employees to obtain a leave of absence to run for political office; and to limit the current restriction on public criticism of government policies to only those matters that relate to the employee's duties or position.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 34-87(1) has had second reading. Mr. McLaughlin.

Second Reading Of Bill 4-87(1): Child Day Care Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kitikmeot West, that Bill 4-87(1), An Act Respecting Child Day Care Facilities, be read for the second time. The purpose of this bill, Mr. Speaker, is to regulate the operation of child day care facilities; to provide for licensing of child day care facilities; to provide for the appointment of a director of child day care services and specify the duties and powers of the director; to specify the duties of an operator of a child day care facility; to specify that an operator provide for parental involvement in the operation of a child day care facility; and to make a consequential amendment to the Public Health Act. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 4-87(1) has had second reading. Mr. McLaughlin.

Second Reading Of Bill 16-87(1): Maintenance Orders Enforcement Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kitikmeot West, that Bill 16-87(1), An Act Respecting the Enforcement of Maintenance Orders, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for the automatic enforcement of maintenance orders by a maintenance enforcement administrator; and to establish procedures for the enforcement of maintenance orders. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 16-87(1) has had second reading. Mr. McLaughlin.

Second Reading Of Bill 22-87(1): Statute Law (Canadian Charter Of Rights And Freedoms) Amendment Act, 1987

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for High Arctic, that Bill 22-87(1), An Act to Amend and Repeal Certain Acts Having Regard to the Canadian Charter of Rights and Freedoms, 1987, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend and repeal certain acts to comply with the Canadian Charter of Rights and Freedoms. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 22-87(1) has had second reading. Mr. McLaughlin.

Second Reading Of Bill 23-87(1): Statute Revision Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kitikmeot West, that Bill 23-87(1), An Act Respecting the Consolidation and Revision of the Statutes of the Northwest Territories, be read for the second time. The purpose of this bill, Mr. Speaker, is to authorize the preparation, printing and distribution of the Revised Statutes of the Northwest Territories, 1988. Thank you.

MR. DEPUTY SPEAKER: To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 23-87(1) has had second reading. Mr. McLaughlin.

Second Reading Of Bill 32-87(1): International Child Abduction Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kitikmeot West, that Bill 32-87(1), An Act to Adopt the Convention on the Civil Aspects of International Child Abduction, be read for the second time. The purpose of this bill, Mr. Speaker, is to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the state of their habitual residence. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 32-87(1) has had second reading.

Mr. Clerk, Bills 5-87(1), 10-87(1), 3-87(1), 21-87(1), 15-87(1), 33-87(1), 34-87(1), 4-87(1), 16-87(1), 22-87(1), 23-87(1), 32-87(1) are ordered into committee of the whole for today.

Item 17, consideration in committee of the whole of bills and other matters. Bills 9-87(1), 5-87(1), 10-87(1), 3-87(1), 21-87(1), 15-87(1), 33-87(1), 34-87(1), 4-87(1), 16-87(1), 22-87(1), 23-87(1) and 32-87(1), with Mr. Erkloo in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-87(1), CITIES, TOWNS AND VILLAGES ACT;
BILL 10-87(1), HAMLETS ACT

CHAIRMAN (Mr. Erkloo): The committee will now come to order. Mr. McLaughlin.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. If the committee agrees, as Mr. Butters is not here, we will not continue to deal with the Financial Administration Act but we would like to proceed with the various legislation in the order that Mr. Wray presented it for second reading. We would like to deal with those in the order in which they were given for committee of the whole if the committee Members agree.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): We will now deal with Bill 5-87(1), Cities, Towns and Villages Act. Mr. Wray, do you have any opening remarks?

Minister's Opening Remarks On New Local Government Legislation

HON. GORDON WRAY: Thank you, Mr. Chairman. I guess after many years we finally are coming to the table with the proposed new municipal legislation. Mr. Chairman, it is just 20 years since the Government of the Northwest Territories was effectively removed from Ottawa and brought North. For more than half those 20 years there have been promises of new municipal legislation. I am pleased to say, Mr. Chairman, that the waiting is over and the new legislation is finally in front of the House.

The present Municipal Act is a comprehensive document which covers a wide range of topics for diverse types of communities. In its place I am putting forward five new bills, each one self-contained. The proposed Cities, Towns and Villages Act contains only those matters which apply to cities, towns and villages. The proposed Hamlets Act, awaited since the early 70s only applies to hamlets and contains, among other things, provisions relating to municipal taxing authorities. Under the proposed Property Assessment and Taxation Act, which I shall introduce later this session, hamlets and charter communities may acquire this special status which would allow them to levy and collect property taxes. The proposed Charter Communities Act, I shall refer to shortly. In the proposed Settlements Act there is, for the first time, a legal recognition of the existence of these non-municipal communities. The fifth bill deals with the elections; not merely the municipal elections but elections for local authorities, such as local education authorities, and in the future, other kinds of local authorities.

The drafting of these bills has been completed during the last 18 months but before that an enormous amount of time, effort and money was spent in research and consultation. All of the various local government legislation represents nearly a decade of analysis, research, consultation and preparation by the Department of Municipal and Community Affairs. The consultation process was extensive and input was invited from the municipalities, aboriginal organizations, departmental staff, other government departments, interested bodies; for example, the Status of Women Secretariat, which had a particular interest in legislation to restrict the display and sale of adult publications.

Before the decision was finally made to draft new legislation, amendments to the Municipal Act were made almost annually. Many of these amendments were housekeeping amendments to correct errors, or to bring sections up to date, but some of them were quite extensive. Nevertheless, the demand for new and innovative legislation continued to grow.

Drafting Of New Legislation

In 1983 the department contracted the services of a legal draftsman, Mr. David Elliot, to put together new municipal legislation. There was considerable debate concerning the format of the legislation but he was finally instructed to draft a single act containing separate parts applying to settlements, to hamlets and to cities and towns. A fourth part was to be drafted for community governments, with approximately the same structure and powers as hamlets but less rigid and able to accommodate those communities where there is a band council as well as a municipal council.

It was intended that the legislation should be thoroughly comprehensive and provide maximum autonomy to municipal councils. It became evident, however, that the addition of more and more detail to the legislation was having the effect of limiting the powers of municipal councils by its specificity. At the same time it was realized that in attempting to treat all municipal structures in a similar manner, the draft legislation did not respect the very obvious differences between the workings of a city, at one end of the scale, and a settlement, on the other. It became clear that a new approach was necessary.

At the beginning of 1986 I issued instructions to start on a new drafting format. Under the valuable research already done and drawing on appropriate parts of the Elliot draft, departmental staff, including those with practical experience working for NWT municipalities, pieced together new drafting instructions for a four segment municipal act. The more innovative parts of the Elliot draft were of inestimable value, of course, in the construction of the segments for settlements and later what became charter communities. The proposed legislation that has been drafted from those instructions provides greater autonomy for municipal corporations and the councils. It runs the gamut from the more formal structure familiar to cities and towns, to the adaptability available to a charter community. The four segments have become four separate acts, thus providing the stand-alone acts that municipalities had asked for. At the same time the acts retain a homogeneous element, both in terminology and concept, so that where a community changes its status, the consequent use of a different act should present minimal difficulties.

A separate act was to be drafted for municipal elections and the basic draft of the Local Authorities Elections Act was completed in 1984. The act provides not only for municipal elections but potentially for local authorities in general, although at the present time it is structured only for municipal and local education authority elections.

The proposed Property Assessment and Taxation Act, to replace the Taxation Act and those parts of the Municipal Act that refer to property assessment and taxation, was drafted by Mr. David Elliot from instructions prepared by departmental staff in 1986.

Manuals For Use Of New Legislation

The six acts contained, therefore, a distillation of municipal, department and legal expertise based on consultation and research over the last decade, which provide practical legislation for local governments. To ensure that they are used to the best possible advantage, a series of manuals will be produced and distributed with the new legislation, setting out in plain language how to use the individual acts. A typical name for a manual will be, "How to Run a Hamlet" or "How to Run an Election".

I might add, Mr. Speaker, that consultation is still ongoing. I am still receiving and giving consideration to comments and suggestions for improving the draft bills. In fact, later on after this, I have a statement regarding the collection of overdue municipal water and sewer charges as if taxes, from a comment just received from the city of Yellowknife, and I will be introducing an amendment at the appropriate time.

One of the most important, the most difficult and the most time-consuming tasks has been trying to find the formula which would respect the unique position of aboriginal organizations in the Northwest Territories, particularly bands and band councils. A great deal of effort has been expended seeking a way to accommodate aboriginal organizations in territorial legislation without interfering with their rights under federal legislation. The bottom line in that subject, Mr. Chairman, is that our territorial legislation cannot override the Indian Act and an alternative of somehow returning to federal control in every community where there is a band or band council, in our opinion will be turning the clock back 20 years.

The proposed Charter Communities Act offers what I believe is a natural solution and that is to give to each community the opportunity, the ability and the legislation to solve this problem for itself; the opportunity to negotiate its own form of government; and to include as part of its charter a definition of the relationship between the municipal government and any local aboriginal organization. That is, Mr. Chairman, about as far as we can go, and I would suggest as far as we perhaps should go, without interfering with local autonomy.

Honourable Members will have heard me stress the importance of training and education. If these bills are passed, there is a great learning process to be gone through. There are plans for comprehensive training in the communities as well as the manuals to familiarize both councils and

administrative staff with the new legislation. As well as that, Mr. Chairman, I may add there are also plans for comprehensive training of all Municipal and Community Affairs staff in order that they also may understand the legislation and be able to assist the communities at the regional level.

At last then we have some new municipal legislation and I shall be recommending that it be implemented effective January 1, 1988. Some people may be thinking that, "Well, now that it is finally here, let us hope that it lasts a few years." I will echo that, Mr. Chairman, I hope it does last, but not necessarily the way it is now. I expect and hope that this legislation will be amended from time to time to reflect the ongoing nature of consultation and the consultation will continue. If the legislation needs amending, so be it. The legislation is not intended to be a monument of legislation. It is intended to be living legislation that best serves the people it affects. And obviously as situations and people change and they continue to express their needs and contribute their experience to its development, then the legislation should change.

So with those comments, Mr. Chairman, I will wind up. However, at the appropriate time when we get into the legislation I will ask committee's permission to bring in two witnesses to assist me with this. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. Does the committee agree that the Minister bring in his witnesses at this time?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): For the record, Mr. Minister, could you introduce your witnesses?

HON. GORDON WRAY: Thank you, Mr. Chairman. I have with me on my left, Mr. Robin Beaumont, municipal policy and legislation specialist, and on my right, Mr. Patrick Orr, senior legislative counsel.

CHAIRMAN (Mr. Erkloo): Thank you. I would like to recognize in the gallery the grade eight students from St. Patrick's High School and their teacher, Randy Rivers.

---Applause

Before we go any further, Mr. MacQuarrie, would you like to make a statement or remarks?

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation spent quite a bit of time dealing with all of the local government legislation that had been prepared by the Minister and his department. The committee, I think, generally felt that the legislation that is being presented is very good legislation. In the broadest sense there were many concerns raised in committee with respect to the bills that were presented; many recommendations were made by committee Members for change; many of those recommendations were accepted by the government and the changes incorporated in the bill that is now before the House. From time to time there were certain issues raised and recommendations made in committee that the government has felt, for one reason or another, that it ought not to accept. Those will be noted as we go through the various bills.

In reviewing the legislation, the committee had sent the legislation out to local governments right across the Territories and in the end received written submissions from the Northwest Territories Association of Municipalities and the town of Inuvik. I, myself, as chairman, had received some verbal commentary from a representative of the Law Reform Committee of the Law Society in the Northwest Territories.

The legislation is comprehensive and in some senses, one would say, very clear and forthright, but at the same time there are many matters dealt with in these bills and the Minister assured the committee when he appeared before it that it is his department's intention to get all of this into language that is understandable at the community level; "how to" manuals would be produced, and the Minister alluded to those this morning. So with those and with the fact that the local government

legislation is now directed very specifically to each of the various levels of local government -- there will be a Hamlets Act and a Settlements Act and so on -- it should provide local councillors, when they are elected, with an opportunity, with the least confusion, to be able to address the new jobs that they will be taking on and they can become aware as quickly as possible of the authority and the responsibilities that they have as councillors.

I would underline again what the Minister noted in his introductory remarks, that we were told that this would be proclaimed January 1st, 1988. So even though we pass it here, it is not immediately going to come into effect.

The Cities, Towns and Villages Act was the one that we reviewed first in the standing committee and we had recommended quite a number of changes so it is appropriate that we deal with that first here, as well, because the government having agreed to these changes in the Cities, Towns and Villages Act, those same changes were reflected in the other local government bills as well, because there is a lot of repetition in the bills. Of course, the reason is that, as I said earlier, the government wanted an act that would apply to a particular status community, like the Hamlets Act. Therefore, it would require all of the elements of local government legislation and many of those elements are the same that you will find in the Cities, Towns and Villages Act, and so on.

So, as we are going through the act clause by clause, I will take the trouble to note where some recommendations to change were made and were accepted by the government and from time to time where there are still outstanding issues. I hope, Mr. Chairman, that you will go at a fairly leisurely pace without trying to rush us too much. There may be long pauses here and there while we have a chance to look at notes and things like that but I would appreciate it if you would handle it in that way. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. General comments? If there are no general comments, what is the wish of the committee now? Do you want to go clause by clause now?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 5-87(1), Cities, Towns And Villages Act

CHAIRMAN (Mr. Erkloo): Thank you. Clause 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Erkloo): Clause 3, agreed? Mr. MacQuarrie.

MR. MacQUARRIE: Still on clause 2, Mr. Chairman. There were a couple of definitions that have been changed from what the standing committee on legislation originally saw. One is that the definition which had been "borrowing by-law" was changed to "long-term borrowing by-law" and relocated to a different location in this section. The change was made in order to avoid any confusion between this kind of borrowing and temporary borrowing. There is a shift in a section further along as well in order to accommodate that. It was in answer to a specific concern that was raised, I believe, by the Inuvik town council to separate these two so that there is not confusion between them. And that is accommodated in this section.

Also in this area, definition of "municipal inspector" was changed to delete the words "of municipal corporations" because those words are not used in the appointment section. I might just note that wherever the word "municipal inspector" occurs in this act, it does not refer to what some people sometimes think of as the municipal inspector, that is, the person who inspects buildings that are being constructed and that kind of thing. Rather, this municipal inspector is a GNWT official who inspects the operations of municipalities from time to time. That is it for clause 2, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, public notice of establishment of municipality. Agreed? Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I just have a note here that subsection 3(1) had the words "on the date of the request would be" inserted after the word "who" just in order to be more precise. So it reads, "The Minister may, on his own initiative, or at the request of at least 25 residents who, on the date of the request, would be eligible to vote...." As a matter of fact, I think that may just be something the government itself noticed and decided to do, making it more precise. I do not think that arose in committee.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 3, public notice of establishment of municipality. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, objection to incorporation. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, this refers to a circumstance where there may be an incorporation and someone may wish to object to the incorporation. The way it was written earlier was restricted. You could have a circumstance where an incorporated municipality was being proposed and the boundaries were larger than the existing settlement and it seemed the way it was written earlier that someone who would be living within the proposed boundaries but not within the existing settlement might not be able to object and this is written now in subclause 4(1) so that that type of person would be included. It says, "Any resident of the proposed municipality may, by writing to the Minister, object to the establishment of a municipal corporation." The committee wanted to see that and is pleased to see that the change is made.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 4, objection to incorporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 5, establishment of a municipal corporation. Mr. MacQuarrie.

Criteria For Status

MR. MacQUARRIE: The section here deals with the status of municipal corporations. Initially, when the bill was brought before the committee, it was observed that, in a sense, there was no distinction made between various municipalities except that they were given different names and there did not seem to be any reason why one might be given one name rather than another. Through the discussion there, the Minister agreed that he would have a look at this and revise it and attempt to tie in the status of a community to a tax-based assessed value of land. And, in fact, that is what we do see now in the act. There is some rationale for various status communities and the criteria for status is found in subsection 5(3), which reads, "The assessed value of all assessable land in the municipality must exceed (a) \$10 million for the municipal corporation to be established as a village; (b) \$50 million for the municipal corporation to be established as a town, and (c) \$200 million for the municipal corporation to be established as a city, unless the Executive Council recommends to the Minister that an exception be made." That is the rationale for various status now in the Territories.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 5, establishment of a municipal corporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 6, interpretation. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, a new subsection 6(3) has been added, since the committee reviewed it, to include the same criteria for status when a municipal corporation is changing status. The subsections following it were renumbered in order to accommodate that.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 6, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 7, saving provision for change in status. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, request to vary boundaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 9, effect of variation of boundaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 10, role of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 11, exercise of powers and duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 12, elected council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 13, composition of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 14, variation of number of council members. Mr. MacQuarrie.

MR. MacQUARRIE: In committee hearings this used to read in such a way that the Minister on his own could vary the number of council members who comprised a city, town or village council. The Inuvik council and the Association of Municipalities had preferred that the Minister should act to vary the number of council members only at the request of a council. The Minister agreed to do that and, in fact, the new bill does incorporate that change, where it says, "...who comprise a council, if the council requests the variation." So that has been made.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 14, variation of number of council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 15, term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 16, variation in term of office. Mr. Gargan.

MR. GARGAN: Mr. Chairman, I just wanted to get some clarification with regard to clause 16(3), restriction on repeal of by-law. It does say here that a by-law cannot be changed until they have had four general elections. Four general elections is eight years before a by-law could be changed or repealed.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Correct, Mr. Chairman. However, this section only applies to a by-law which is made with respect to the term of office of a council. It does not apply to other by-laws, just the specific one for term of office.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 16. Mr. MacQuarrie.

Three-Year Term Of Office

MR. MacQUARRIE: In the areas of sections 15 and 16, we are dealing with the term of office for councils in cities, towns and villages and it should be noted that this act is providing for three-year terms for the councillors in cities, towns and villages. In the absence of any other provision that calls for staggering, what that means is that for city, town and village councils, the term of the members will all come to an end at the same time on the third year after their election. That will mean that you will have an election where there could be a complete change in council at that time. If councils do not wish to have three-year terms, in clause 16 they are given the option, by by-law, of reducing the term to two years, which it is now for all of these, I think. But they must pass a by-law and the by-law must be made at least 270 days before the date of that general election. So you have the problem where this act will not be proclaimed until January 1, 1988 and the city, town and village elections could occur in October of 1988. What it means is that if these councils want to have two-year terms, then they had better act very quickly in the new year in order to pass the by-law calling for two-year terms or they will be bound by the legislation to have three-year terms for a fairly significant period of time. In respect of that, the government in committee meetings advised that it would inform communities very clearly of the implications of section 16(2) with respect to the effect of the variation in terms of office, so that if they have in mind to make the change it will not be neglected merely by an oversight.

Opportunity For Vote On Debentures

The fact of the three-year terms, Mr. Chairman, raises another matter which came to my attention only rather late and that is from the city of Yellowknife, which is pointing out that if they have municipal elections only once in three years, it may be difficult when they wish to do long-term borrowing and must make reference to ratepayers in order to get approval; that could become a costly procedure between municipal elections. We have a letter from the city of Yellowknife suggesting that in our jurisdiction we emulate what is done in certain other jurisdictions, namely that municipalities are entitled, or can consider that they have approval for long-term borrowing if they publish notification for a certain period of time and if, following that publication, there is not a petition from a certain percentage of ratepayers objecting to the borrowing. Now, that introduces a fairly complex matter on rather short notice and personally, I am just a little at sea at the moment as to know what to do about it, but I did want to point out that that concern has been raised. If we are to do anything about it, it would come up in the borrowing section later on. The reason I mention it here is because the problem is created by the fact that you go to three-year terms.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. While it has been the practice, particularly of the city of Yellowknife, to call for a vote on debentures at election time, the fact is that they are not legally required to do it at only that point in time. They can at any time during the course

of a year call for a vote on any debenture. With this new act there is going to be a continuous voters' list, so there will be no need to enumerate, which was probably the major expense in any vote. Now that will no longer be required, simply because it will be a continuous voters' list. Also on the side of money saving, because in fact we now have three-year elections, they will actually save money because they will not be calling as many elections as they did previously. So, I would suspect that any money they save on the election could probably be applied to a debenture vote if they decide to have one during the course of the three-year term. In all of these, the major expense is enumeration, and we think that the continuous voters' list obviously removes a requirement to do that. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Those are very good explanations, I think. I do note, though, that the matter of continuous election rolls is an option. Municipalities do not have to go for that but perhaps it would be prudent of them to do so.

Local Education Authority Elections

This matter of the three-year term for cities, towns and villages also raises a problem for local education authorities because, I believe, under the requirement of the Education Act they must have elections every year for part of their education societies or boards and, unless there is a change in the Education Act, what it will mean is that local education authorities will be in the rather difficult situation for them of financing an election each year except on the municipal election years when they can piggyback on the apparatus of the municipality.

I know that is not a problem for the Minister of Municipal and Community Affairs but we did mention it in the standing committee on legislation meetings. I believe the undertaking was, at that time, that the Minister would impress upon his colleague the fact that there was a problem here and that we presumed that it could be addressed only by making a change in the education legislation to correspond in some way to this. I see an education official in the gallery who is sort of nodding that, indeed, that may be done.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. After the committee meetings, I have indeed raised the issue with the Minister of Education. To date they have not advised us of their intentions but, hopefully, they will be able to do so before the end of this session. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Richard.

MR. RICHARD: Mr. Chairman, I am not yet as familiar as others with this legislation or the accompanying legislation but I wonder if the Minister could just summarize for me on this section. If this bill and the other bills are passed as is, and if they are all proclaimed January 1, 1988, will every community have a municipal election in the fall of 1988 and then there will be no elections for three years thereafter? In other words, at the moment, as I recall, Mr. Chairman, each December we have some communities with elections and some not with elections. Are we going to have all 40 or 50, or however many we have, elections in 1988 and no elections in 1989 and 1990?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. With the timetable that Mr. Richard has laid out, with this legislation coming into force on January 1st, 1988, yes. In the fall of 1988 as it pertains to cities, towns and villages, they will start with a clean slate unless they have already passed by-laws by, I think, February of 1988, so they have a very short period of time but unless they have passed a by-law by February of 1988 which limits their term to two years, yes, in the fall of 1988 there would be elections and then there would be no more elections for three years in cities, towns and villages.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 16. Agreed? Mrs. Lawrence.

MRS. LAWRENCE: Thank you, Mr. Chairman. I am a little bit confused on that clause 16. Does this apply to my communities of Snowdrift and Fort Resolution?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Not unless Fort Resolution has become a city overnight.

CHAIRMAN (Mr. Erkloo): Clause 16, variation in term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 17, oath of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 18, ineligibility. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 19. Mr. Gargan.

Eligibility Of Candidate

MR. GARGAN: Mr. Chairman, under this clause 18. A council member vacates his seat if he is not a Canadian citizen. I believe that is what this means and I am just wondering whether under this clause a landed immigrant is also considered not to be a Canadian citizen.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. Several years ago the Municipal Act read that you could be a Canadian citizen or a landed immigrant for the purpose of municipal elections but there was a change made several years ago and now you must be a Canadian citizen to be eligible for election to a municipal body. So a landed immigrant would not be able to run for a municipal body unless he was, of course, a Canadian citizen. I am a landed immigrant but I am also a Canadian citizen. You will be a landed immigrant all your life but you must reside in Canada for five years to become a citizen so it is now citizenship that counts.

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

MR. GARGAN: Mr. Chairman, under this particular clause again. This particular act refers to cities, towns and villages; it would also apply in this case, I guess, with regard to charter communities or hamlets or settlements. This particular clause would also apply to those areas and I know that in Fort Providence, for example, we have landed immigrants who have never become Canadian citizens but they have been there for quite some time, about 12 years now, and I am just wondering whether in this case whether -- I heard the Minister saying that it applies to cities, towns and villages but does that apply to hamlets, settlements and charter communities and does it also apply to territorial elections and federal elections?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. Yes, this is one that applies throughout all of the acts. In fact, it applies to all elections within the Northwest Territories. The requirement is that you must be a Canadian citizen in all elections right across. Whether it is municipal, territorial or federal, it is a standard requirement.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 19, corporate seal. Mr. MacQuarrie.

MR. MacQUARRIE: Some Members of the committee, Mr. Chairman, thought that clause 19 was a discriminatory provision. It appears that it would be very easy for municipalities in the Eastern Arctic to have a corporate seal but those in the West thought they might like to have a corporate caribou...

---Laughter

...but it was not allowed so in the end we lost the vote and we will go with what we have got here.

MR. RICHARD: Beef.

---Laughter

CHAIRMAN (Mr. Erkloo): Thank you. Clause 19, corporate seal. Agreed?

SOME HON MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Thank you. Clause 20, place of business. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 21, language of business. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, thank you, Mr. Chairman. In the committee meetings, the matter of language was discussed and as a result of the discussion, one change was made to clause 21. That is to note that the council conducting its meetings and transacting its business in an official language or an aboriginal language has been defined further to say, "as defined in the Official Languages Act". The way it had been earlier written, some council might conduct it in some other aboriginal language, which would be most unlikely but here it is limited.

I would like to step down from my role as chairman of the standing committee on legislation now and say that it was I who raised an issue in committee with respect to this and it did not receive support in committee. But I would like, as an individual Member, to raise the issue again at the present time.

Records In Official Languages Not Required

The way this clause is written, it would be possible for a municipal government in the Northwest Territories to totally enact its business in an aboriginal language with no provision for translation at all, or no provision for the keeping of records in any other language at all. While I recognize that that certainly confers important status on aboriginal languages, and that in itself is desirable, I say that there is something seriously wrong with that provision because we live in a country that has two official languages, English and French. It would appear to me that everywhere in this country, at every level of government; local, territorial and federal, something would be seriously amiss if a person living in this country and speaking either or both of those languages yet found himself left out of the transaction of government business -- as he would be if the government business, totally, the council's discussions and its communications and its records, were in an aboriginal language with no translation to English or French. That would be a very serious matter and, I feel, unacceptable. It would be similar, I would say, if in some community, parents found that when they sent their children to school, that the school did not teach, ever, either English or French. And in Canada, parents would say, "There has to be something wrong if that is the case because those are the languages of this country and I would want to be sure, when my children are of age to attend school, that they will have the opportunity at least to learn in one of the official languages of the country." Now, that may be in addition to other languages and I have no objection to that at all where the other languages are also fostered and taught. But when it is to the exclusion of either English or French, then I say that is a serious problem.

Now, I want to make it clear that this legislation does not say that municipalities should conduct their business to the exclusion of English or French. I want to make that very clear. That was not the intention of the Minister or the government. But the legislation does leave the way open for a municipal council in a city, town or village to make that decision. And as I say, if they did, what it would mean is that people who are Canadian citizens, who are competent in either or both of the official languages of Canada, would yet find that they are unable to comprehend government business, unable to know what has been transacted.

It goes further, as well. There are requirements in this legislation, for example, that auditors should examine the records of municipalities and yet if those records are not in one of the two official languages of Canada, there is no guarantee that that would be able to be done. So, at one point I have an amendment to propose but I would be pleased to hear the comments and discussion from other Members as well.

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

Official Languages Act Confers Status

HON. GORDON WRAY: Thank you, Mr. Chairman. The Member is quite correct when he states that. It is certainly not our intention within this legislation to discriminate against English or French-speaking people but, quite frankly, as far as the government is concerned, we have an Official Languages Act which confers equal status on the aboriginal languages as well as English or French. What we want to do through legislation is to allow each community to decide for itself what the language of its business is going to be. There may be cases where a community, for example, decides that it is going to conduct all of its business in Inuktitut, which may be quite possible because you could have and probably do have communities where your council is unilingual, where your council staff are unilingual in Inuktitut. As such, all the business is conducted in that language and all records are kept in that language. There may be English-speaking people who want to go and get records of that council business. That is quite correct, it may not be available to them. However, I do not know of any community that would refuse to provide it.

But I put it to the Member that if today, for example, you are a unilingual native person living in the city of Yellowknife or Fort Smith or Pine Point or Inuvik or Hay River, if you went to the municipal offices in these communities and asked for a record of the transactions of the city business in your language, it is not available. And so, the shoe is on both feet. And what we want to do is to leave it up to the communities to decide for themselves.

One other point that I would like to make is that our research indicates that in fact the common law of Canada provides that a municipal corporation can use whatever language it chooses. This applies in southern Canada at the present time. In fact, there are municipal corporations in the South who conduct their business, for example, in Ukrainian. There is no requirement, by law, for municipal corporations, unless it is specifically provided for in legislation, which dictates that they should use English or French.

So, while I respect Mr. MacQuarrie's position, my position is that the law of the Northwest Territories confers equal status upon all languages and that there should be no special status for English or French. I do not think it was the intention of this House or the Members of this House, when they passed that Official Languages Act, to say that we have official languages in the Northwest Territories but two of them are more important than others. I agree that no government should dictate to another level of government and particularly our government does not want to dictate to the communities which language it should choose. This is in keeping with the spirit of this entire legislation package which we are bringing forward. We essentially want to leave the communities as much autonomy as possible and to me, the choice of the language of its workings is a very important feature of that autonomy. Thank you, Mr. Chairman.

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

MR. GARGAN: Mr. Chairman, I just wanted to go along with what the Minister has said with regard to the Official Languages Act. In most communities, even in an area, for example, where it is possible that about 90 per cent of the people are aboriginal persons, most of the conduct of the council is done in English. In cases where there is a public meeting, then, in most cases, it is done in the aboriginal language, depending on who the delegation is that is there. If English is to be provided, usually the speakers do use both languages to make their point or to make a statement.

Accommodation Usually Made For Non-Native Persons

As far as this act goes, I would assume that it does apply not only to the Cities, Towns and Villages Act but it applies to the Hamlets, Settlements and the Charter Communities Acts. In the Western Arctic we do have band councils, too and, yes, under the band council meetings the business is done, in most cases, in the aboriginal language unless people from the Department of Indian Affairs or something come; then it is done primarily in both. In most cases the communities are accommodating and I have always found it rude if a non-native person is at a meeting, or in the presence of a non-native person, to be talking in my own language and they do not understand. I have always pushed for that and I have some concerns about aboriginal languages in the education system, too, but I believe that 99.9 per cent of the time in communities, if a non-aboriginal person is attending a meeting, they will be accommodated. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Minister, do you wish to respond to that? Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I was going to say that I do not have any problem with that. But let us put it more positively, that I absolutely would like to see a circumstance where, in practice, there is a flexibility that suits a community's needs. If, in fact, there is some community where everybody at the meeting speaks Inuktitut, that is the council's language, nobody objects and that is what they operate in, then I would have no difficulties with that at all.

It is when it comes to certain legal problems that may begin to arise. What could happen, for example, let us say in a charter community, might be -- and, incidentally, although this is arising in the Cities, Towns and Villages Act, it does appear in all of the municipal government acts -- that you could have a circumstance where, effectively, the purpose of trying to make a band government a public government by creating a charter community could be subverted by this mechanism. That is, with that charter community government deciding to conduct all of its business, not only council discussions but the records of the discussions, the minutes and so on, in an aboriginal language, that would effectively preclude others from participating in that government. Not all others, but certainly those who were not able to speak that aboriginal language.

The Minister raised an interesting point, earlier, that I would like to examine a little further. He stated that our Official Languages Act places all those languages on the same level -- that is, with equal status, and, Mr. Chairman, I would ask the committee's indulgence to have the Law Clerk come into the House to give us an opinion as to whether that is the case or not, because my own opinion is that that is not the case with respect to our Official Languages Act.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

Aboriginal Languages Not On Same Level As English Or French

HON. GORDON WRAY: Mr. Chairman, on that point I am indeed in error and I am advised by Mr. Orr that, in fact, under the Official Languages Act, aboriginal languages are not yet on the same level as English or French. I guess maybe in my mind they are, but on paper they are not.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Richard.

MR. RICHARD: Mr. Chairman, I have some difficulty with the wording here. I appreciate that the whole thrust of what the Minister has been telling us this morning is that he wants to draft this legislation and have it passed in the Assembly, with the philosophy that the communities themselves have the final say in matters which would affect them. On this issue, particularly in the very practical background that Mr. Gargan gives, I believe that the role of the department and of this Assembly is to put the mechanism there that is available to the municipal council to take advantage of and shape in a manner that is consistent with their particular community. I believe, Mr. Chairman, that notwithstanding the common law that Minister Wray refers to, it is very clear in this country that one is entitled to have services from government of any level, if requested, provided in at least one of the two official languages. In the particular circumstances of municipalities, cities, towns and villages in the Northwest Territories we, I believe, all agree that we should provide legislation that those municipal government services are also provided in an aboriginal language chosen by that community or by that municipal council.

Legislation Would Invite Court Challenges To Municipal Decisions

This draft clause 21 does not say that. This clause as drafted, Mr. Chairman, in my view is inviting the municipal council to get itself into difficulty with some ludicrous constitutional challenge. Why would we pass legislation that is going to invite court challenges to municipal decisions? I agree that the Minister is emphasizing this is a municipal decision, what the language of business is. It is not the Minister's, and it is not this Assembly's. I agree with that, but we should be providing that the business will be transacted and communications with the public will be in at least one of the official languages of Canada and, in addition to that, in any other aboriginal language that that community decides upon as appropriate.

This undue flexibility that the Minister proposes giving to the municipal councils in the cities, towns and villages is, in my view, simply going to invite that kind of problem. As Mr. MacQuarrie states, the Minister may not agree with it, but the supreme law of the country provides that citizens can go to a village office and ask for a dog permit or question their tax bill or maybe go to a village council meeting and make representations in one of the two official languages of Canada. And the Legislature here should not be inviting municipal councils to set up a regime that would prevent that from happening and therefore invite court challenges. So I would, Mr. Chairman, be in support of an amendment to this clause that would provide that one of the official languages of Canada must be used but, in addition, any of the aboriginal languages chosen by the municipal council may be used as well. Thank you.

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

Official Languages Act Silent On Language Of Municipal Corporations

HON. GORDON WRAY: Thank you, Mr. Chairman. I certainly do not want to enter into a legal dispute with Mr. Richard because he is evidently more qualified in that area than I am. But my advice is that the Official Languages Act of Canada and the Official Languages Act even of the Northwest Territories is deliberately silent on the language of municipal corporations. In fact, the common law of Canada allows municipal corporations to conduct business in whatever language it chooses. That is the first point.

The second point is that what is in this legislation reflects existing practice and what has been in the Northwest Territories for the last 10 years. There is no requirement in law right now in the Northwest Territories to use an official language at the municipal level. In fact, all this does is reflect what actually is in practice right now and what exists and has existed since the first Municipal Act was passed in 1967 or 1968. So it really just reflects our present conditions.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Just for clarification, does that mean that there are municipalities where by-laws and resolutions and minutes right now would not be available in English or French? Is that so? If that is the case, how do the municipal inspectors and the Minister handle that, for example?

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

HON. GORDON WRAY: Thank you. In some cases we have bilingual municipal inspectors who can read either English or Inuktitut or one of the Dene languages. In practice, nearly all by-laws, even coming from 100 per cent unilingual communities, are coming in in English. However, in terms of minutes, there are many communities where the minutes are only produced in an aboriginal language. Subsequently, they may be translated by our staff when they come into our office at the regional or territorial level; but there are varying practices for every community. I cannot think of a situation where, for example, a by-law has not been written in English. I think there is an understanding and a respect in all communities that up to this point in time it is extremely difficult, if not impossible, to draft a by-law in an aboriginal language. As such, even unilingual communities have been using English to do it. However, as I stated, what is in this legislation allows that to happen at present. We are not saying anything in here that is not already in practice, but I think most communities on their own choosing and their own volition do use English as sort of a common language.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, could I just ask for clarification. Is the present legislation silent on the matter? In other words, does it simply not say one way or the other?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Yes, Mr. Chairman, and when the legislation is silent, that is when the common law is applied.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Yes, well, I am certainly not one who likes to get overly legalistic and prefer not to in this case and if there had not been any mention at all, then I think that would have been just fine. I mean, you deal with it only as problems actually arise, and if they do not arise, then there is no problem and I would not mention anything about it, just on principle. But I think when you put it in the legislation, in a sense you are inviting problems to arise. The current one is silent and if this were silent, I think I could accept that more, too.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 21. Mr. Richard.

MR. RICHARD: Mr. Chairman, in view of the last exchange between Mr. MacQuarrie and the Minister, then if the current legislation is silent on it, and I get the impression both from Mr. Wray and Mr. Gargan that the current practice seems to be satisfactory to everybody and also that Mr. Wray indicates the common law is going to look after things, it occurs to me that there would be no harm in the legislation continuing to remain silent on it and that we should consider just deleting clauses 21 and 22. Before I would move a motion, I wonder if I could have the Minister's response to that, or comments from any other Member.

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

Prudent For Legislation To Continue To Remain Silent On Languages

HON. GORDON WRAY: Thank you. Without benefit of my colleagues, I am going to win this one and say that remaining silent may be the prudent modus operandi here; so if an amendment was brought forward, perhaps we may require some time to take a look at it because, among other things, we have to renumber sections. Mr. Chairman, if we could have a five minute break just to allow legislative counsel to take a look at it and I can go have a cigarette.

CHAIRMAN (Mr. Erkloo): I will let Mr. MacQuarrie speak first.

MR. MacQUARRIE: Thank you, Mr. Chairman. Mr. Richard asked for other comments as well, and certainly I would very much approve of that. As I say, if there are practices in particular communities which are totally acceptable to the people in those communities and nobody is complaining about it, I would just as soon leave it that way. And if that is accomplished by remaining silent, I say that is the best way to handle things. I would just like to see clauses 21 and 22 removed and then let the common law and the practice dictate what is going to occur.

CHAIRMAN (Mr. Erkloo): Thank you. We will take a 15 minute coffee break.

---SHORT RECESS

Order. Can I have order, please? Order. Order, please! The committee will now come to order. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. During the coffee break, the Minister has indicated that he would be agreeable to the deletion of the section so that the current practice and the common law that he referred to would continue to dictate the practice and the circumstances in the communities. With that in mind, Mr. Chairman, I would like to make a motion which would have the effect of deleting clauses 21 and 22 and then doing some renumbering to accommodate what would then be the missing 21 and 22.

Motion To Delete Clauses 21 And 22 And Renumber Clauses 23 To 26, Bill 5-87(1), Carried

So with the assistance of the draftsman, Mr. Orr, I have a motion to put, Mr. Chairman, and I believe you have a copy there. And with your indulgence because of the lengthy terminology, Mr. Chairman, I move that Bill 5-87(1), An Act Respecting Cities, Towns and Villages in the Northwest

Territories, be amended as follows: by deleting sections 21 and 22 and renumbering section 23 as 21; renumbering subsection 24(1) as section 22; deleting the words "this section" in subsection 24(1) and substituting "section 23"; renumbering subsections 24(2), (3) and (4) as section 23(1), (2) and (3); renumbering section 25 as section 24; and renumbering subsections 26(1) and (2) as sections 25 and 26, respectively.

CHAIRMAN (Mr. Erkloo): Your motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Erkloo): Question has been called. All those in favour, raise your hands. Opposed, if any? The motion is carried.

---Carried

Clause 21, quorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 22, public meetings. Agreed? We are going by new numbers now.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 23, exclusion from meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 24, first meeting of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 25, regular meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 26, public notice. Mr. MacQuarrie.

Notice Of Meetings

MR. MacQUARRIE: Thank you, Mr. Chairman. I do want to note that clause 26, giving notice of meetings, requires that the council shall ensure that public notice of the time and place of each regular meeting of council is given at least three days prior to the meeting. In the submission we have received from the Association of Municipalities, that association felt that it was not necessary to give public notice before each regular meeting. If it is a regular meeting, in other words, the time and place are established and they felt that it is fair enough to require that the council should at some point, perhaps annually, give clear notification of the time and place of the regular meetings of the council. Once having done that, that it should not be required that, each time there is going to be a regular meeting, further notice be given three days prior.

That matter was raised in committee. The committee did not specifically recommend a change of the kind recommended by the Association of Municipalities because it heard from the Minister and I guess the majority of committee Members felt that the Minister's explanation was adequate. As I recall it, he felt that it was important for them to give further notification of each meeting so

that it was very clear to the public precisely where and when meetings of the municipal council were held. He indicated that from time to time there may be circumstances where councils for one reason or another might prefer that the public does not know the meeting is occurring and the Minister said that as long as he is Minister that is not the way public business should be done and...

MR. RICHARD: For four more months.

---Laughter

MR. MacQUARRIE: ...and he felt that notification of each and every meeting was required, so the committee accepted that and there has been no change in this area.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 26, public notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 27, special meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 28, emergency meeting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 29, waiver of notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 30, rules of procedure for council. Mr. MacQuarrie.

Education In Procedure For Council

MR. MacQUARRIE: Thank you, Mr. Chairman. With respect to clause 30, earlier the Minister had mentioned that his department does plan to put out some "how to" manuals but the Minister also informed the committee in committee meetings that, I believe, there would be workshops and so on held as well, to familiarize people with a great many things about the acts, including such things as the rules of procedure for councils and the rules for behaviour of council members and other persons and all that sort of thing, and that these would be covered in an extensive education process that is going to be put into place by the department.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 30, rules of procedure for council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 31, rules for public meetings. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Chairman, there was a slight change in clause 31: "Council may, by by-law, make rules respecting the calling of public meetings." That was a little broad and vague and it has been clarified by including the calling of public meetings "by the municipal corporation". It is those meetings that rules may be made in respect of.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 31, rules for public meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 32, validity of resolutions and by-laws. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 33, entitlement to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 34, deemed resignation for non-attendance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 35, indemnities and allowances to council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 36, protection for council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 37, record of voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 38, keeping of minutes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Thank you. Clause 39, public inspection of records. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 40, presiding council member. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 41, responsibility to council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 42, deputy mayor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 43, acting mayor. Mr. MacQuarrie.

Acting Mayor

MR. MacQUARRIE: Clause 43 is a clause that has been added since the committee's review and, as I recollect, the committee had, or the Association of Municipalities had recommended that the deputy mayor appointment be delegated to the mayor and a Member had added that a provision should be included in case both a mayor and a deputy mayor were absent, since in some small communities there may be a fair amount of travelling and these people may not be available for meetings. At that time the government indicated that it would review the provisions and we do have this clause 43(1) where both the mayor and deputy mayor are absent or unable to act that they may appoint a councillor to be the acting mayor and the acting mayor then has the same powers and duties as the deputy mayor.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 43, acting mayor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 44, senior administrative officer. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, no change here at all but clause 44(1) says that every council "shall, by by-law, appoint a senior administrative officer". It seems that a lot of communities do not want to have an official who is called a senior administrative officer. This legislation does provide for the fact that technically and in law that is what the position is, a senior administrative officer, but clause 44(3) does provide that any council can decide to call the senior administrative officer by any other name, town manager, or city manager or whatever they want to call him -- chairman?

AN HON. MEMBER: (Inaudible comment)

MR. MacQUARRIE: Did you say a nasty word? At any rate, that option is open to communities and they should be aware that they are not restricted to the term that is written in law.

CHAIRMAN (Mr. Erkloo): Clause 44, senior administrative officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 45, appointment and designation of duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 46, prohibited officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 47, bonding. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 48, delegation by council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 49, other duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 50, employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 51, prohibited employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 52, terms of employment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 53, indemnification of employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 54, prohibition on paying employees' fines. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 55, limit on power to make by-laws. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Chairman, just when we get into this section, by-laws in general, the copy that I have been given directly by the government is just fine. Mine is numbered sequentially, and so on, but it has been pointed out to me that in the books there has been some major screw-up. It goes from clause 55 back to 46, and so on, and so it appears it will be impossible to carry on until all Members have the right pages in the book.

CHAIRMAN (Mr. Erkloo): What is the wish of the committee? To defer the bill? Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. We have been apprized of this. We do not know what happened. We think the printer may have dropped it on the floor and got pages mixed up, or something, but we are quite willing to stand this down until it can be rectified. If Members are agreeable, we could go on to the Hamlets Act.

CHAIRMAN (Mr. Erkloo): Does the committee agree that we defer this bill for now?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 10-87(1), Hamlets Act

CHAIRMAN (Mr. Erkloo): We will now go to Bill 10-87(1). Does the Minister wish to make opening remarks at this time?

HON. GORDON WRAY: Thank you, Mr. Chairman. No. On all these bills I made my remarks at the very beginning, other than to state that the Hamlets Act in many, many respects is identical to the Cities, Towns and Villages Act. So you will find that as we are going through it, you are reading the same thing again. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie, as chairman of the legislation committee, do you want to say something?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes. Generally, as I had said earlier, we dealt with the Cities, Towns and Villages Act first and made a significant number of recommendations. In a letter I had received back from the Minister, under the title Hamlets Act, it notes that generally all changes that were made to the Cities, Towns and Villages Act, noted above, were also incorporated into the Hamlets Act, except for the provision respecting criteria for status as a tax-based municipality. Then, in addition, certain following changes were made, very few additional ones, but we will note those as we go through. When they say same changes as those for cities, towns and villages except for the provision respecting criteria for status as a tax-based municipality, that is because under the Hamlets Act and the Charter Communities Act the councils in those communities can apply for their community to become a municipal taxing authority without changing the status of the community. They would continue to continue to be a hamlet, for example, but they could become a hamlet that is a municipal taxing authority. So I am quite content, Mr. Chairman, to move along with the Hamlets Act as the Minister wishes.

CHAIRMAN (Mr. Erkloo): Thank you. Before we go to clause by clause consideration, are there any general comments? Mr. Gargan.

MR. GARGAN: Mr. Chairman, with regard to this particular act, I had the opportunity to meet with the mayor and the administrative officer, I think he is, with regard to this particular bill. They have looked through this whole bill and had no difficulty with this particular bill. I just wanted to let the Members know. Thank you.

CHAIRMAN (Mr. Erkloo): Any further general comments? If not, does the committee agree that we go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, public notice of establishment of municipality. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, objection to incorporation. Mr. McCallum.

MR. McCALLUM: Just a question of the Minister under clause 4, and I noted it in the other one. What is the reason for putting that in? What does it do? Of what value is it to say that any resident of the proposed municipality may object to the establishment of a municipal corporation? Well, of course they could. You are not going to stop them, but what does it do? If one person does object to it, what are you going to do? Nothing, because 25 people have said you go ahead and do it.

MR. RICHARD: Democracy.

MR. McCALLUM: I just wonder, why it is there?

MR. MacQUARRIE: To make that one person feel better.

---Laughter

CHAIRMAN (Mr. Erkloo): Mr. Minister.

Process Allows For Objection To Incorporation

HON. GORDON WRAY: Thank you. It is to allow for a process of objection. While the legislation reads "any person", you could have a situation where 25 people apply for hamlet status, but 40 people object. So we have to allow a process for objection. If you look at section 5, "after causing public notice to be given of his intention" it allows, also, consideration of the objections. And in fact if there were enough objections from a community, it may very well be the decision not to go with a new status.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 4, objection to incorporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 5, establishment of a municipal corporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 6, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 7, saving provision for change in status. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, request to vary boundaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 9, role of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 10, exercise of powers and duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 11, elected council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 12, appointed council members. Mr. Gargan.

MR. GARGAN: Mr. Chairman, with regard to the appointment of council members to a hamlet, this would only apply if the council itself has one mayor and eight councillors. Is that the only time it would apply, or does this mean that it can exceed one third? That maybe the Minister could appoint three additional members to a council? Is that what it is referring to?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

Explanation Of "Prime Body Concept"

HON. GORDON WRAY: Thank you, Mr. Chairman. Correct. In fact, what this says is that it would allow a municipal corporation to be expanded from nine to 12, by appointment of three people. It is to allow for what we are calling "the prime body concept", which we are experimenting with in Sachs Harbour, for example, and a couple of other communities, where the council or the community may wish the head of a community organization, say the chairman of the housing association or the head of the education authority or the president of the hunters and trappers association, to be part of the municipal corporation. So this allows us to appoint them to council and to expand the council to take that into account. So in a case where you have a mayor and eight councillors, the corporation could be expanded to 12, where you would have nine elected councillors and three appointed.

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

MR. GARGAN: Thank you, Mr. Chairman. I am just trying to see what the rationale behind that is. These people that are appointed are recognized as duly elected members of the council, so it gives them the same powers and responsibilities as elected officials. They also could make a difference with regard to the roles and responsibility of an elected council because they do have that balance of power maybe to make or break a resolution or motion or by-law. I guess this is one area that maybe I am having some difficulty with unless the Minister could see otherwise. I ran into that difficulty myself when the hamlet went up for election. I found out on the last day that there were only about three candidates that were going to run and I had to run around town to get people interested in running. In this case, I could see the administrator doing that. But if there are eight or nine officially elected people, I think that is good enough and I do not see any rationale to appoint three other people, if the Minister feels that there should be more.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

One Community Body Representing All Aspects Of Community Life

HON. GORDON WRAY: Thank you. This has actually come about as a result of the direct request from a fair number of communities. More and more, what communities are saying is that there are too many committees, too many bodies, all claiming to represent one community. In some of the larger communities you can have upward of 25 or 26 local committees, each one responsible for its own little jurisdiction. More and more time is being consumed in these committees at the community level squabbling with each other. It is becoming increasingly difficult to find out who is speaking for whom and on what, at a community level. So what some of the communities have said is that we want to move to what we are calling right now "a prime body concept" and that is, one community government which represents the community in all aspects of community life.

However, in order to allow that, what some of the communities have done is saying, "Okay, we are still going to hold the elections for housing association, or education, or hunters and trappers." Or "We may very well establish those groups or other groups, alcohol and drug, whatever committees the community wants, as subcommittees of council but we are going to have an election for the chairman of those committees. Then we are going to appoint them to the community government." This is what this section does. It allows for that process to take place and, in fact, this process is now taking place, as I said, in Sachs Harbour, where we expanded the hamlet council

there. Mr. Chairman, I think we have expanded it by two and I am not quite sure who was appointed. I believe it was the head of the hunters and trappers and the head of the housing association. In Sanikiluaq, the hamlet council is now looking after the affairs of the housing association and, in fact, the hamlet has become the housing association for all intents and purposes.

So that is what this section provides for. We can only appoint up to one third of the elected members. So at any given time elected members have a two-thirds majority on the body, so there is no danger of appointed members taking over the body because they comprise only one third of it.

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

MR. GARGAN: Mr. Chairman, I realize that in the case of Sachs Harbour there must have been some difficulty that has created this particular section. I am just wondering whether the Minister would not just undermine the hamlets and appoint these people, unless he was approached by the hamlet. I am just wondering whether it would be difficult for the Minister maybe just to rephrase it a bit, so that it does say "upon the request of the hamlet", or something, after "may appoint persons". Would there be any difficulty in perhaps making such an amendment saying, "The Minister, upon the request of the hamlet, may appoint persons hereby." I am just suggesting that. I am not coming up with a motion but I am just asking whether the Minister would find this difficult to deal with or whether such a motion might be in order.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

Appointments Only At Request Of Hamlet

HON. GORDON WRAY: Thank you, Mr. Chairman. If the Member wants to make that amendment, that is fine. He could use wording such as section 13(2) by simply adding, "if the council requests the variation". I guess the reason we did not put it in is because it could not happen. It would be impossible for the Minister to appoint more people to this body unless the community did request it because the only reason for doing it is to go to the prime body concept. We cannot do that; only the hamlet can do that, by requesting it. It is not something that we could dictate. So I guess that is why it is not explicit because it would never happen unless the community did request it.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 12. Mr. Gargan.

MR. GARGAN: I guess one further problem. When you refer to the local education or the hunters and trappers or the local alcohol and drug committee requesting that they be appointed to the council to represent their particular interests, is that possible? Would the Minister override the elected members and duly make appointment on that?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: No, Mr. Chairman. If we ever got such a request, the first thing we would do is go back to the hamlet to advise them that we had this request and ask them what they wanted to do. This prime body concept cannot go ahead unless the hamlet requests it because it would be unworkable. They are the only ones that can make it work. Their request may be made but it certainly would never be followed through unless it was specifically at the direction of the elected council.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 12, appointed council members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 13, composition of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 14, term of office. Mr. MacQuarrie.

Differences In Terms Of Office And Effective Date

MR. MacQUARRIE: There are no changes here, but I will just pause to note a couple of significant differences between what is here and what is in the Cities, Towns and Villages Act. One of them is that in hamlets, council members will hold office for two years rather than three as in the Cities, Towns and Villages Act. The other change is that the terms for council members who are elected to hamlet councils will begin on the first Monday in January following their election. Their elections are held in December, so the election is in December one year and the first Monday in January they take up their office, whereas in cities, towns and villages the change will be made to have elections in October and they take up office in November. Perhaps the Minister could explain a little further about the financial years, which I believe make that difference in the status.

The other thing that I would like to say here is that in committee hearings there were members who felt that while two-year terms for council members might be fine, or councillors, as they are called -- the mayor is a council member too -- three years should be considered as an option for mayors. The argument was given that sometimes in these communities it is difficult to find good mayors and when you have one they felt that they ought to be kept in office longer.

So, on the strength of that, a motion was made in committee asking the government to amend section 14 to include a reference to mayors serving a three-year term in office. That motion was carried in committee and yet in my note back from the government it says subsection 14(1) was not amended to extend the term of office for mayors to three years. The government believes that the terms for all council members should be consistent with one another in order that the even staggering of terms of offices not be disturbed. So, there is no change and I merely note that and if the members who raised the matter in committee are still concerned about it then, of course, this is the time to raise it.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. We are on clause 14. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. Regarding the statement that Mr. MacQuarrie just made, it is true. The council members include the mayors and the regular council members. In all the communities they have a general election every year and during the general election they replace with new members. There are new members every year. Let us say the mayor is regarded as a regular member and if he does not attend three meetings in a row or if he is absent, I am pretty sure he can be treated like a regular council member and be asked to leave the council.

Three-Year Term For Mayors More Effective

I think the mayor should be replaced every three years for these reasons. Today the main topic from any group is responsible government and wanting more rights as a council, so the mayors are replaced every two years when there is an election. The NWT native people are finally starting to understand the rules and ways of elections. I stated earlier that elections are changing in some communities. I think the mayor might be elected for a longer period. If he is elected for three years, then he would have more experience and I think the mayor might be able to have a proper office. You also have to realize that members of regional and tribal councils, like Baffin Regional Council, are mayors. However, because the mayors in some communities change so often that regional councils go up and down. For this reason I think it will be more effective if the mayor is put in the office for three years. I would like to find out from the government why it is only for two years rather than three years. What is your purpose for this, for the mayor? Thank you.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I guess there is a little bit of confusion. To start with, hamlet mayors are elected for two years, not one year, and that has been like that for quite a while. We had considered the request from the Baffin Regional Council. The Baffin mayors requested that we look at upping it to three years. This was the only group of people in the Territories that made this request. In fact, the advice that we got from other regions and from most people in the communities was that they felt that two years was long enough, particularly at the hamlet level where there is always a lot of interest in people running for the local councils. It was felt that to tie up the mayor's job for three years may, in many cases, restrict or retard

the development of the municipal body. Particularly, when there is such a high level of interest and there is a number of people running in all these communities for mayor, we do not want to seem to close the door for people who are becoming interested in local politics.

More Continuity In Two-Year Term

Many of these hamlets are developing. It was felt also by many that two years was long enough for one person to hold down that job in a small community and that turnover was healthy for the community, given the initial stages, in many cases, of political development. There was consensus, again, from most places, as I said before. Only the Baffin mayors asked for this, nobody else. If you went to a three-year election for mayor it would mean that in his third year he would quit halfway through a term of office with a council so that in fact every three years the continuity would be broken. It was felt that every two years, at the same time when a new council is elected, would provide for much better continuity.

Quite frankly, there were also many people who said to us, "We are only finding out who the good mayors are because not too many of us have been hamlets for a long time. Every year the administration of a hamlet becomes more complex. We need to have as many people as is reasonable get a chance at the job so that the community has a better chance to assess who is good at the job and who is not."

In fact the advice that we got was overwhelmingly the other way, and that was to restrict it to two years. One year, it was acknowledged, was too short. It was felt that one year was just not long enough to get to know the job and to get comfortable in it. People felt that two years was reasonable because the first year the mayor does need time to get used to and comfortable in the job, but by the second year the mayor should be able to run the hamlet quite competently. It was a one, two or a three-year argument, some people arguing for one year because they wanted an even quicker turnover. They were a minority. There were some people arguing for three years, the Baffin mayors, as I said. They were a minority. The overwhelming majority of people seemed to be comfortable with two years and that is what we have decided to go with, the two-year period. It is a good compromise and it seems to be the one that most people desire.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. I did not say one year, I was trying to say two years. If the mayor is elected for three years and the regular councillors will be elected for the next year and some of the people are hesitant to have a mayor for three years, I do not think that should be the case. I do not think we should be worried about it. Up to now there is a two-year term for the mayor and also there is another case for those that have been elected who quit middle of the term. More than half of the councillors are appointed, so the next year they have to elect again. There are always a lot of problems in this situation and I do not think it would be any problem to have a mayor for three years. I do not think we should be worried about that. I do not think there will be any great problems. There is a concern here that when a mayor is elected for two years, he is just generally getting into his office work and very shortly after that, they change again. I do not think that is enough for a mayor. I do not think this is a very wise decision. As an elected MLA, almost three years was long enough for me to generally get to know the rules and the regulations of the Legislative Assembly.

Three-Year Term More Appropriate

Learning is not easy as a mayor. For the second year you are starting to get to know all the rules and regulations of the hamlet administration and then if you have to quit, it does not make any sense to me. If it were a three-year term as a mayor I would think it would be more appropriate. I am more worried about the communities that might elect anybody just to see what that person can do as mayor and not because he or she is a leader in the community. However, if the mayor is to be in office for three years, people may think twice before they elect anybody.

CHAIRMAN (Mr. Richard): Thank you. We are on clause 14. Further comments on clause 14? Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I am sorry, I was distracted momentarily. Was the Member going to pursue it further and attempt to have it amended or was he satisfied with the explanation?

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Mr. Erkloo, did you wish to make an amendment here?

MR. ERKLOO: (Translation) Yes, I wonder if we can have a short break.

CHAIRMAN (Mr. Richard): ...write it out? Perhaps we will take a five minute break.

---SHORT RECESS

Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. Mr. Chairman, if you can agree to defer clause 14 now, maybe we can deal with it on Monday and I can propose an amendment to it then. Thank you.

CHAIRMAN (Mr. Richard): Are Members agreed that we defer further discussion on clause 14 until Mr. Erkloo has the opportunity to draw up a proper motion? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 15. Ms Cournoyea.

Flexibility In Time Of Elections

MS COURNOYEA: Yes, Mr. Chairman. On clause 14, there is an indication that council members and mayors would hold a term of office which would become effective at a time specific. The issue that relates to this probably is held in the new local elections act or in another bill that we are going to be dealing with at a later time, and that concern relates to the setting of times for the election. Just to put on notice that in a couple of my communities they would like the flexibility of two or three weeks to set the time of elections, which would not really necessarily prejudice subsection 14(2) in terms of commencing office. However, I believe in Paulatuk, when the argument that was put forward by the department that all the election dates should be consistent all across the Northwest Territories in each election, the turnout had been good. However, would the Minister, check between now and the time that we deal with setting times of election, particularly the community of Paulatuk, as I do not believe that they have ever held their election on the dates and specific times that were indicated. They have asked for a request to delay and have been given the opportunity of holding those elections at a time that was the most convenient time to have maximum participation. Thank you.

CHAIRMAN (Mr. Richard): Thank you, Ms Cournoyea. Mr. Minister, did you wish to respond to this now, or do you wish to wait until we come back to clause 14 on another day?

HON. GORDON WRAY: Thank you, Mr. Chairman. Yes, that provision is in the local elections act, which will be coming up. Currently it is in the Municipal Act. We seriously considered the flexibility option but quite frankly that could mean that we would have 35 or 40 elections on different dates in the Northwest Territories. It would make it extremely difficult to operate them because, among other things, with the new Elections Act and the training that is going to be required for returning officers and various elections officials, if we have one date, then it is much easier to ensure that all of the procedures are followed and proper training is given.

However, recognizing that there may be unique circumstances in a particular community, the local elections act does allow for the Minister, upon request, to have flexibility in designating the election day, which was something that was not clear in the last Municipal Act. It was never clear, in fact, if we did have that authority. But in the new local elections act, it is very clear that, in fact, the Minister or the department now has that kind of flexibility. But to put it into legislation could result in quite literally having -- I cannot remember how many hamlets there are -- probably 35 hamlets, we could be faced with 35 different elections on different days, which would be extremely onerous and difficult to supervise.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. We will move to clause 15. Clause 15, staggered terms of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 16, transitional. Agreed? Mr. MacQuarrie.

MR. MacQUARRIE: Yes, just a note that the government had included a little phrase, "before the year", in section 16 which was not there before. It simply is to clarify something that was always intended. So it is not a change of substance.

CHAIRMAN (Mr. Richard): Thank you. Clause 16, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 17, oath of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 18, ineligibility. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 19, corporate seal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 20, place of business. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 21, language of business. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, if I could just propose the same amendment that was proposed earlier in the Cities, Towns and Villages Act, with respect to sections 21 and 22, so that the situation that prevails now would continue to prevail.

Motion To Delete Clauses 21 And 22 And Renumber Clauses 23 To 26, Bill 10-87(1), Carried

Mr. Chairman, I move that Bill 10-87(1) be amended as follows: by deleting sections 21 and 22; renumbering section 23 as section 21; renumbering section 24(1) as section 22; deleting the words "this section" in subsection 24(1) and substituting "section 23"; renumbering subsections 24(2), (3) and (4) as subsections 23(1), (2) and (3); renumbering section 25 as section 24; renumbering subsections 26(1) and 26(2) as sections 25 and 26, respectively.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Your motion is in order. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

Sections 21 and 22 were deleted. We are now on section 23, now numbered as section 21 at the top of page eight. Clause 21, quorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 22, public meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 23, exclusion from meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 24, first meeting of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 25, regular meetings. Mr. Gargan.

Annual Assemblies Of Council

MR. GARGAN: Mr. Chairman, with regard to regular meetings, in a lot of cases in the communities, most of the council meetings are confined to the building that is owned and operated primarily by the council itself. I would like to see, somewhere in this act, where maybe once a year they have what is called a general assembly, a meeting to which most of the people in the communities are invited to the community hall, or a large meeting area, to discuss the meetings and the operation of the council for the one year. Also I would include in there, I guess, their auditor's statement and things like that. I believe that certain directions could be taken and certain directions could be given in such a meeting by the general population. The ordinary people could express their concerns to the council at such a particular meeting. I would like to see something like that. If it is in this act I have not seen it, but I thought maybe I would see whether it is possible to have reference to a particular assembly of some kind in a given year.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I guess in section 26(1) where it says "regular meeting each month", the regular meetings are public meetings, just as, I suppose, the Legislative Assembly meetings are public. However, again in the spirit of the legislation, we do not want to start dictating to local communities or councils how they should be conducting their business. Particularly in calling for a public meeting, which in many respects is a political decision, we hesitate to dictate that type of direction in legislation. What we do, though, is under section 31(a) of the act, which says that a council may call a public meeting for whatever purpose it really wants to, whether it is to discuss its financial report, whether it is to discuss plans for the community, whatever. That is really up to the community and the council, to decide what they wish to consult with the community on, but I would hesitate to start dictating to community councils, which are a level of government, things like requiring them to call a public meeting. I would much rather leave that up to the communities.

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

MR. GARGAN: Mr. Chairman, in this Assembly, for example, we have a situation now, where after two years we review the roles and responsibility of Ministers and make them accountable for their particular position. I feel that this is an area where we have been quite negligent in the communities. One year and up to two years is what the term of a councillor is, but if you do not go through public scrutiny then it could very well be an attitude problem within the council, that

they really do not have to do too much if they do not want to because their positions are guaranteed for a particular length of time. That is the only thing that I am concerned about. As I said, this Assembly has that sort of mechanism in place right now and I do not see any reason why it cannot be done at the community level, in a lower level, too.

CHAIRMAN (Mr. Richard): Thank you, Mr. Gargan. Mr. Minister, do you care to respond?

Problems Corrected By Political Process At Community Level

HON. GORDON WRAY: Thank you, Mr. Chairman. I think with all respect, as MLAs we are elected for four years and as Ministers we have, supposedly, tenure for at least two years. That can change, as we have seen in this House, but with all respect, community councils are required to go before the public every year, or at least half of them are. If a community council has a bad attitude or it is not doing its job the way the community wants it to, then with all respect it is a political process at the community level that should take care of that and not our government. They are a political body. They are a government. They are certainly a third level of government but they are a government in all senses of the word and are subject to the same political processes we are. I would much rather leave it up to that political process in the community to take care of problems such as Mr. Gargan may advance.

I would also throw out that even though they are a lower level of government, if you want to use those terms, than the territorial government, you could in the same terms say that the territorial government is a lower level of government than the federal government and what would the reaction of MLAs in this House be if the federal government started to dictate to us when we should have meetings and what we should have those meetings for and how we should conduct ourselves? I suggest that the reaction from us would be as negative toward the federal government as the municipal government's would be toward the territorial government. They really are a government and subject to political processes and they are a political body. They are fully elected and I put forward that, if you allow that democratic process to take place at the community level, then it should take care of the problems of a council that may be apathetic or a council that may be going in a direction the community does not want it to go. That happens all the time but every year those councils must face the voters and I would say that is the best test of whether or not that council is doing its job. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Richard): Mr. Gargan.

MR. GARGAN: Mr. Chairman, whether intentionally or not, this government has created a sort of a mentality that has been used with regard to the functions of the community and one of them is that in my four years as an MLA, I believe we have had something like two or maybe three, what are referred to as general meetings, general assembly meetings. That only occurs if a Minister is in town or if a high government official comes in for a presentation or, for example, hamlet status for Fort Providence was one example where there was a general assembly, but other than that in the communities, that type of a general assembly does not occur. I believe that we should give the same type of courtesy to the hamlet council as to government officials because the times that we do have public meetings, other than the regular meetings, is next to none. It only occurs, as I said, when maybe there is an official opening or there is a dinner commemorating a citizen or government people.

Value Of Public Participation In General Meetings

I understand what the Minister is saying, that we do not want to dictate to the communities what they should be doing, but I believe that we have created that problem. This government has created a situation where the only big deal in a community is if a government official who maybe has not seen the community for four or five years comes in. Then it is a big deal rather than trying to maybe make the community more aware and more vocal with regard to big public meetings, because we are not helping them and in fact we might be setting them back a bit in respect to individuals who do have a lot to say but are perhaps intimidated in an environment where only the hamlet council's elected members are sitting in. A person might feel intimidated to speak out to the particular councils because that is the situation that it creates. I think that in order for a community to develop to its fullest there has to be more public participation, public assemblies. This is where we come up with and identify people with potential, who might be able to make good councillors or mayors, MLAs and whatnot. But this is not occurring and the only time that anything big occurs is when something out of the ordinary comes into the community.

This is what I am concerned about and I am sure in a lot of communities the same situation applies. I feel that maybe we do not have to dictate to them but somewhere it should say that such a meeting should or may occur. I mean not only because it is a hamlet should they have that public meeting. I still feel that certainly it is a worth-while exercise to go through if people who are elected at the community level are made accountable somehow. I know through the election process is one way of doing it, but identifying candidates to replace these undesirables is something that people are not too sure about because there is no way, there is no measurement in place to see who is good or who is bad. In most cases in a hamlet meeting, the same bunch of people go to the same meetings all the time. The only time that I see a lot of community participation is, as I said, when these really out-of-the-ordinary types of meetings occur. Take my word for it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Richard): Thank you, Mr. Gargan. We are on clause 25, regular meetings. Mr. Minister.

Community Council Accountable To Electors

HON. GORDON WRAY: Thank you, Mr. Chairman. The only people who can make a community government accountable to the community are the people who elect that government. It is as simple as that. I cannot make a community council accountable to its own citizens. The citizens of that community have to do it. The Member said that there should be something in this legislation which should or may put that process in place, and as I stated just a few minutes ago, there is indeed such a section. It is section 31(a), which says that "A council may, by by-law, make rules respecting, (a) the calling of public meetings by the municipal corporation." So in fact that section is in there. What I am not going to do is tell them that they have to have a public meeting, but certainly allow them within the legislation to do it. If their choice is not to do it, and if there is a request or demand by the community to have such a meeting and the community government refuses, then I say that that community government will have to be held responsible for its actions at the next election.

Quite frankly, if Mr. Gargan is having problems in one of his communities, and I would suspect Fort Providence, he really should be addressing his comments to the mayor and the councillors and expressing his concerns about some of the things he is saying to them. They are the elected community government, not me; I am not elected by people in Fort Providence, that community government is and they are accountable to those people. If Mr. Gargan feels that, for example, they are not doing a good job then he is free, like everybody else, to work against them in an election and to make his views known to the community and others like him who feel the same way can make their views known to people in the community but really only the people in the community can hold the community government accountable. This legislation allows for that process to take place. Thank you.

CHAIRMAN (Mr. Richard): One more rebuttal. Mr. Gargan.

Finding Councillors At Community Level

MR. GARGAN: Thank you, Mr. Chairman. Just to say, yes, I do not have any difficulty with the hamlet of Fort Providence. I have a good relationship with the mayor and the council there. I am more concerned, I guess, if the hamlet council is operating -- I know those are all public meetings -- but more in closed session than anything else. I guess the potential of councils that are good or not bad and the potential of candidates are never identified and they cannot choose the other thing too, so maybe there are people out there who are good public speakers, who could make good councillors and mayors that the community cannot identify.

As I said, I could only speak on the experience I had in Fort Providence where I had to run around to get people that I felt might be able to do a good job and nominate them to run as councillors. There too, perhaps the community did not think that they could find suitable candidates so nobody went up to nominate people to run. This is the difficulty that I have experienced in Providence and I thought that if there were more big, general meetings then perhaps the people can be identified and people will be able to come up to them and say, "I think you will make a good councillor or a good MLA or something." They would be able to say, "I would like to nominate you." In this instance that is the difficulty I have seen in Providence and I do not know how you would get around it, but I guess that with this particular legislation, clause 31, where it says a council may, by by-law, make rules respecting the calling of public meetings, I do not know whether

the "may" should be changed to "shall" but this is something that perhaps should be considered. I have problems with regard to local politics and it would be good to know if we could try to boost up that interest in politics because it is difficult right now in communities.

CHAIRMAN (Mr. Richard): Thank you, Mr. Gargan. We are on clause 25, regular meetings. Further comments? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 26, public notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 27, special meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 28, emergency meeting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 29, waiver of notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 30, rules of procedure for council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 31, rules for public meetings. Mr. Gargan.

Authority To Call Public Meetings

MR. GARGAN: Mr. Chairman, with regard to clause 31 there, if the general public is requesting the hamlet council to have a special public meeting, is there anything in this act that gives that authority for the hamlet council to refuse or to abide by the request of the community? In other words if members of the community decide that, as a hamlet, we would like to have a public meeting to review the year end reports on what has been happening and what you guys have been doing and the hamlet council refuses, what other options does this act provide with regard to that particular situation?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. GORDON WRAY: Thank you. There is section 63(1) which essentially says that where at least 25 per cent of the voters in any municipality petition the council to submit, for the approval of the voters, any by-law dealing with any matter within its powers to make by-laws, the council shall cause a by-law dealing with the subject matter of the petition to be prepared, cause a copy of it to be forwarded to the Minister and submit the by-law to the voters for their approval. So with regard to section 31(a), a group of voters could get together and write a by-law which essentially says that a council shall call a public meeting annually to discuss financial statements or whatever and then by petition, force the council to submit that by-law to the voters for approval. So there is a mechanism to allow the voters to force councils to take those actions.

CHAIRMAN (Mr. Richard): Mr. Gargan.

MR. GARGAN: I understand what the Minister is saying, I guess. This does not have to do with, for example, a community that wants to have a dog by-law, for example, and they have 25 signatures and then that is the only time a public meeting could be held. I guess I am more interested in finding out, for example, if the general public says, "We would like to know how you have done. This is the first year now, and we would like to find out how much has been happening with the council with regard to whatever you have done or what you have not done and the expenditures." That sort of thing. I guess, if you want, call it an accountability meeting or something like that. Call it anything but I am just wondering if the general population wants to have a special meeting to deal with the conduct of the council and the council refuses, then there is only one other option, an election. But, other than that, there is no other accountability mechanism in place so if the general public says, "We would like to have a special meeting to deal with how you guys made out in your first year in office or whatever," that the council must respond. They must say, "Yes, I believe a general public meeting is due." The only thing is, do we have any other option, other than an election, if the council refuses?

CHAIRMAN (Mr. Richard): Mr. Minister, I took you to say, sir, that the combination of sections 63 and 31, that the number of people, 25 per cent of the voters, could force the council to call a general meeting for any purpose?

HON. GORDON WRAY: Correct, Mr. Chairman, that is what I said.

CHAIRMAN (Mr. Richard): Mr. Gargan, are you content with what the Minister is indicating, that under clause 63 and clause 31, the number of people referred to in clause 63, 25 per cent of the voters, could force the council to call a general meeting to discuss any item? Mr. Gargan? Okay, clause 31, rules for public meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 32. Mr. MacQuarrie.

MR. MacQUARRIE: If I could just come back to the point that was raised. If a by-law were passed after being compelled by voters -- let us say there was a number of voters who had signed demanding that the by-law require an annual general meeting, an annual assembly or something like that -- and that by-law were passed, it is on the books and each subsequent council would be required to hold such a meeting. Is that correct? What is the means of overturning a by-law like that? Can it only be overturned in the same manner in which it was made in the first place, that is, by reference generally to the people in the community?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. Yes, then it becomes just an ordinary by-law of the municipality and it can be repealed by by-law of the municipality or it could be disallowed by the Minister; that is the other forum to get a by-law disallowed.

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

MR. GARGAN: Okay, just for point of clarification, then. Under section 61 that I think you referred to, 25 people who signed a petition could make a by-law in a particular hamlet to say that you have a general assembly once a year, or something like that. They could make that and the council are obligated to follow it or do it. Am I correct?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. GORDON WRAY: Correct, Mr. Chairman, except for one item and that is it is not 25 people, it is 25 per cent of the voters of the municipality. So if you had 100 people on the voters' list it would be 25 people but if there were 200 on the voters' list you would need 50 people submitting the by-law. One point, with regard to Mr. MacQuarrie's question, is that any by-law so submitted, in other words forced by the public, must go through unaltered. In other words, a municipality cannot alter that by-law; it must go through unaltered.

CHAIRMAN (Mr. Richard): Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. The other option then is that a councillor could make a motion to make a by-law like that and if it is passed it is a by-law.

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. GORDON WRAY: Yes, Mr. Chairman.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. In view of the clock, I will rise and report progress to our Deputy Speaker.

MR. DEPUTY SPEAKER: Mr. Richard.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 5-87(1), CITIES, TOWNS AND VILLAGES ACT; BILL 10-87(1), HAMLETS ACT

MR. RICHARD: Mr. Speaker, your committee has been considering Bills 9-87(1), 5-87(1), 10-87(1), 3-87(1), 21-87(1), 15-87(1), 33-87(1), 34-87(1), 4-87(1), 16-87(1), 22-87(1), 23-87(1), 32-87(1) and wishes to report progress.

Motion To Accept Report Of Committee Of The Whole, Carried

Mr. Speaker, I move that the report of the committee of the whole be concurred with.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. DEPUTY SPEAKER: The Chair wishes to advise the House that I was informed by Mr. Speaker Stewart that, after co-operative efforts, he will personally hand the Legislative Assembly Motion 24-87(1) on the Meech Lake accord to the acting Prime Minister, the Hon. Don Mazankowski, at 4:30 Ottawa time today. I am also informed by the Speaker that the Prime Minister was not in Ottawa and that is why the motion was passed to the acting Prime Minister. Mr. Clerk, orders of the day, please.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a meeting of the standing committee on legislation on Monday morning at 9:30 a.m.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Monday, June 1st at 1:00 p.m.

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: Bills 9-87(1), 5-87(1), 10-87(1), 3-87(1), 21-87(1), 15-87(1), 33-87(1), 34-87(1), 4-87(1), 16-87(1), 22-87(1), 23-87(1), 32-87(1)
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. DEPUTY SPEAKER: This House stands adjourned until Monday, June 1st at 1:00 p.m.

---ADJOURNMENT

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