



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

9th Session

10th Assembly

HANSARD
Official Report
DAY 37

FRIDAY, JUNE 5, 1987

Pages 1605 to 1652

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, JUNE 5, 1987

MEMBERS PRESENT

Mr. Arlooktoo, Hon. Tom Butters, Hon. Michael Ballantyne, Ms Cournoyea, Mr. Curley, Mr. Erkloo, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Hon. Dennis Patterson, Hon. Red Pedersen, Hon. Ludy Pudluk, Mr. Richard, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. T'Seleie, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Good morning. Before I start the orders of the day, could I have the identification of the person sitting between Mr. Ballantyne and...

HON. MICHAEL BALLANTYNE: ...Mr. Pudluk.

---Laughter

MR. SPEAKER: Is there a stranger in the House?

AN HON. MEMBER: Who goes there!

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would like to inform the Assembly that as an indication of my protest against the federal government's decision to freeze economic programs in the Northwest Territories, I have shaved my beard off. Thank you.

---Laughter

MR. SPEAKER: You should check with Johnson's, they might have a job for you. Item 2, Ministers' statements. Mr. Pedersen.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 58-87(1): 51st Annual Federal-Provincial-Territorial Wildlife Conference

HON. RED PEDERSEN: Thank you, Mr. Speaker. Wildlife, an agenda for tomorrow is the theme of the 51st annual federal-provincial-territorial wildlife conference to be held June 16th to 19th in Tuktoyaktuk. I will be hosting the conference on behalf of this government. The first federal-provincial-territorial wildlife conference was held in 1922. Several conferences were held over the next few years and it became an annual gathering in 1945. This is the first time the conference will be held in the NWT. Discussions focus on wildlife problems and ways of improving wildlife management. Recommendations from the conferences play an important role in developing a national approach to managing wildlife in Canada.

In Tuktoyaktuk, delegates will begin with the review of wildlife in the past, present and will then discuss wildlife challenges for the future. Participants will be divided into nine workshops which will be convened to recommend a course of action for a variety of wildlife issues, which include wildlife values, accommodating demands for wildlife, managing endangered wildlife, environment

contaminates, national and international agreements, the economic aspects of wildlife, new approaches and initiatives for financial support for wildlife programs, ecological reserves and refuges and participation in resolving issues.

One very important activity during the conference, Mr. Speaker, will be a panel discussion on the emerging role of native organizations in wildlife management in Canada's North. A number of native organizations will participate on this panel. The Yukon Minister of Renewable Resources, the Hon. David Porter will provide the keynote address, which is entitled "Wildlife Challenges for the Future". Jim Bourque, my deputy minister of Renewable Resources and the honourable Nellie Cournoyea, the Member for Nunakput will be chairing two of the workshops.

A number of provincial and territorial wildlife Ministers will be participating in the conference. This is the first time that this many wildlife Ministers have attended and it demonstrates the importance of our wildlife management and of developing policies that they are given outside the Northwest Territories. The conference will not only allow wildlife directors and officials of non-government organizations to experience life in the North, but they will also develop an appreciation for wildlife management programs presently being employed in the Northwest Territories. Mr. Speaker, in the next few days I will distribute a conference agenda for the information of Members. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. The Chair would welcome back the Government Leader after his wars in the East. Ministers' statements. That appears to conclude this matter for this morning. Item 3, Members' statements. Mr. Erkloo.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Trip To Greenland From Igloodik

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. When we first started our meeting I said that a group of people from Igloodik were on their way to Greenland to follow the historic trip of Qillarjuaq. I am happy to say that last week they made it to Greenland without problems. They went by way of dog team. There was only one problem. One of the Greenlanders who came to welcome them died when he arrived. They had to carry the dead person's body back to their own community. So probably near the end of this month, these people will be returning to their community of Igloodik by airplane. You have probably been following the story through the newspapers or radio. I had stories about them but I cannot find them at this time. When I do find my notes on it, I will be tabling that.

MR. SPEAKER: Thank you, Mr. Erkloo. Item 3, Members' statements. Mr. Pudluk.

Member's Statement On Smoking

HON. LUDY PUDLUK: (Translation) Thank you, Mr. Speaker. We heard this morning there were people who were trying to smoke in this room. Eliza Lawrence was late and I think it was because she was trying to smoke. I think we should recognize that there are a group of people protesting smoking in the foyer. I think we are going to have a hard time trying to stop people from smoking. Thank you.

---Laughter

MR. SPEAKER: Thank you, Mr. Pudluk. Item 3, Members' statements. That appears to conclude Members' statements for today.

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

ITEM 5: ORAL QUESTIONS

Question 0208-87(1): Affirmative Action Policy Relative To Handicapped Persons

MR. RICHARD: Thank you, Mr. Speaker. I have a question for the Minister of Personnel with respect to the affirmative action policy of this government as it relates to handicapped persons.

Mr. Speaker, recently in conversations with officials with the Yellowknife Association for the Mentally Retarded I was advised that there are persons who are handicapped who have been taken on by our government as casual or term employees, I am not certain of the exact term, but they are

filling government positions and doing a very satisfactory job of the tasks within the government position that they are filling. However, they are told that they cannot be taken on as a permanent employee and the reason is the exact job description for that position would make them ineligible for the permanent position.

Mr. Speaker, it would appear that, especially if those persons with those handicaps are performing satisfactorily, the solution, Mr. Speaker, would appear to be to amend the job description so that they would be eligible for a permanent position with our government and that no harm whatsoever would accrue as a result of that change. Will the Minister undertake to investigate this shortcoming within the system and address this very real concern of handicapped persons who seek employment in the public and private sectors? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0208-87(1): Affirmative Action Policy Relative To Handicapped Persons

HON. RED PEDERSEN: Thank you, Mr. Speaker. Yes, I will certainly undertake to investigate it. I will give the Member that assurance. I would like to make a few comments. The underlying assumptions, Mr. Speaker, of any job description is that it adequately reflects the duties to be performed and related to this, of course, is the need to employ a person with the right knowledge and the skills to do the job. I would also like to point out that casual employees are usually hired for a specific project over a specific period of time and the duties that they may carry out during that tenure of that casual position are not necessarily those that are required on a permanent basis for a permanent position. As I said, I will look into it.

One further comment I should make is that my initial reaction would be, rather than to change the job description, because I feel that the job description should be to the job and not to the incumbent -- rather than change that principle, I will look at the possibility of accepting other qualifications in lieu of what the job description might call for, but I will look into it and will get back to the Member privately outside of the House with a lengthier reply. Thank you.

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

Question 0209-87(1): Boat And Freezer, Igloodik

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. This is directed to the Minister of Economic Development and Tourism. My friend, the former Minister, Hon. Tagak Curley, when he was still a Minister, told me that there would be a boat granted to the Igloodik people for fisheries and that their freezer would be developed. I want to know if that is going to go ahead or if that is going to be affected by the economic and Special ARDA cutbacks. I would like to get an answer to this before this session is over. Thank you.

MR. SPEAKER: Thank you. Mr. Sibbeston.

HON. NICK SIBBESTON: Thank you, Mr. Speaker. Mr. Speaker, I would be pleased to provide the Member with a response on Monday concerning this matter.

MR. SPEAKER: Thank you. You are taking the question as notice. Mr. MacQuarrie, oral questions.

Question 0210-87(1): Extension Of Affirmative Action Policy To Women And The Handicapped

MR. MacQUARRIE: Thank you, Mr. Speaker. My question is a follow-up to the question Mr. Richard had for the Minister of Personnel and it raises the additional matter, Mr. Minister, as to what is happening to the government's extension of an affirmative action policy to women and to the handicapped. We certainly have seen the results of the affirmative action program for native people and I know that there were plans to extend it, but I have not seen much concrete evidence. Could you tell me where that program is at, Mr. Minister?

MR. SPEAKER: Mr. Minister.

HON. RED PEDERSEN: Thank you, Mr. Speaker. I am pleased to advise the House that I will be making a statement announcing the plan before we recess this sitting.

MR. SPEAKER: The question is being taken as notice. I would like to recognize in the gallery a former colleague, Kane Tologanak. Welcome to Yellowknife.

---Applause

Oral questions. Mr. MacQuarrie.

MR. CURLEY: Thank you, Mr. Speaker. I have a question for the Minister of Economic Development...

MR. SPEAKER: I am sorry, Mr. Curley, I did not see you and I recognized Mr. MacQuarrie. Mr. MacQuarrie.

Question 0211-87(1): Recommendations Of The Review Committee, Workers' Compensation Act

MR. MacQUARRIE: Mr. Speaker, my question is for the Minister responsible for the Workers' Compensation Board. The Minister had a review committee in the fall to do extensive work on the Workers' Compensation Act and they made a lot of recommendations with respect to the act and the board. They seemed to be very significant recommendations and yet once again it is not clear what the government is going to do in responding to those. Could the Minister give me some indication of how the government will deal with these recommendations?

MR. SPEAKER: Mr. Minister.

Return To Question 0211-87(1): Recommendations Of The Review Committee, Workers' Compensation Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I am aware of the problem when comprehensive reports are done like that -- previously there was one done on the Workers' Compensation by the board itself and it was tabled in the Ninth Assembly and nothing happened after that. So what I have done is to talk to the board and the chairman and in early July we are hosting the chairmen of Workers' Compensation across the country at a meeting here, plus their officials. So there will be some ongoing debate during that meeting, bringing people up to date on the latest issues in Workers' Compensation, including some challenges to the basic premises in Workers' Compensation which are present before the courts. And we would plan to have the board itself formally meet, immediately after that conference, and then the next day begin a forum in Yellowknife here, which would involve the opportunity for debate among all the various people and organizations who are interested in Workers' Compensation. So unions and employer organizations would be able to be present and discuss the recommendations and pass resolutions at that time, giving us some direction as to what we should do. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Is it a supplementary, Mr. MacQuarrie? Supplementary.

Supplementary To Question 0211-87(1): Recommendations Of The Review Committee, Workers' Compensation Act

MR. MacQUARRIE: Thank you, Mr. Speaker. So I gather that this report will be the focus of at least one session of the national meeting that is here and the focus of those hearings? If that is the case, once the resolutions are made, how does the Minister intend to proceed from there? Will he be asking his officials to recommend to him which of the resolutions ought to be accepted, or is that something that he will be undertaking himself, or just how will it be done, Mr. Speaker?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0211-87(1): Recommendations Of The Review Committee, Workers' Compensation Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. The report will not be the focus of the national meeting that we are having here, but some of the main considerations of that report will be topics which will be discussed because they are national issues in Workers' Compensation. Subsequently, the report itself will be the focus of debate during the forum and, once resolutions are made there, the board and its officials and people from the Department of Justice will take into consideration those recommendations and the accompanying debate and, hopefully, the government will be able to begin formulating legislation which could be put into place during the 1988 calendar year. Thank you, Mr. Speaker.

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

Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

MR. CURLEY: Thank you, Mr. Speaker. I have a question of the Minister of Economic Development. The Minister took part recently with the meeting in the Yukon with all the development Ministers and the Minister of DRIE, from Ottawa, to deal with all the financial agreements with the provinces and the NWT. I wonder if he could make a brief statement to that effect. I would like to follow up on that.

MR. SPEAKER: Mr. Minister.

Return To Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

HON. NICK SIBBESTON: Mr. Speaker, I did travel to Whitehorse last Thursday. There was a federal-provincial meeting of regional and industrial expansion, federal and provincial Ministers involved with economic development and business matters in each of the provinces. While there, we had a chance to meet privately with Mr. Cote and at that meeting there was some hint about the possibility of some major changes in the way the federal government was handling regional economic expansion matters.

So, this announcement that the Member is aware of was a surprise to me, where the federal government is planning to freeze all of the programs, including three programs that exist in the North, Special ARDA, NEDP, EDA. The Minister did hint at some major review of that, but the announcement, when it came the last day or so, was a complete surprise to me.

I can tell the Member that I attempted to meet with Mr. Cote or Mr. Valcourt yesterday. I was not able to do so, but I did meet with his officials and was briefed on the federal government's intentions in this matter and I can say that the federal government intends to establish a task force to review all of the funding programs throughout all of Canada and we, in the North, of course, are affected very much. We, as an Executive Council, are very concerned about this federal government's most recent announcement and we are planning to hold an emergency cabinet meeting this weekend to deal with the matter and come forth with some options or some strategy that our government can take in this matter.

MR. SPEAKER: Thank you, Mr. Government Leader. Mr. Curley.

Supplementary To Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

MR. CURLEY: Thank you, Mr. Speaker. The federal government has treated the people of the NWT as second class citizens of any world because, when the Minister and the federal Prime Minister announced a year or so ago the formation of an NWT group, an economic group to study the whole impact on the economy, particularly the Beaufort Sea, the federal Minister assured us that they were looking at long-term opportunities for the Northwest Territories in terms of economic impact and in terms of economic opportunities for the NWT. I would like to ask the Minister what has happened to this long-term planning that was initially agreed to by both governments and what, if anything, will come out of that planning group. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

HON. NICK SIBBESTON: Thank you, Mr. Speaker. I am not certain as to whether the Member is talking about the group, the task force on Arctic initiatives -- he indicates yes. While in Ottawa this past week, I did have occasion to meet with Mr. McKnight. As Members know, Mr. McKnight was the lead Minister in this task force, and he had with him the Minister of Energy and Mr. Epp. I did discuss the whole matter of the task force with the Minister and we have come to some conclusions on the matter. I would like to make a statement with respect to that sometime next week. I must say that I have come back from Ottawa with some suggestions and ideas and I am proposing to meet with the cabinet on the matter. This will be one of the topics that we will be dealing with this weekend. So we have the matter under consideration and will be dealing with it this weekend. Perhaps early in the week I will be making a statement with respect to that.

MR. SPEAKER: I understand the Minister is taking the question as notice. Mr. Curley.

Supplementary To Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

MR. CURLEY: Mr. Speaker, I have a final question of the Minister. The Northwest Territories is obviously in a pretty desperate state because of the fact that a number of federal initiatives have failed badly. The Arctic initiative is one example, where there seems to be not much happening and no direction and no promises are being made. No agreements have been made.

In terms of the northern accord with the Energy Minister of Canada, we do not seem to be proceeding positively on that, either. We recently failed badly, Mr. Speaker, with the constitution-related concerns of the NWT and now the federal government has pretty much held hostage the business people's requirements in the NWT.

The NWT alone cannot develop the NWT. Our funding programs are not enough to stimulate the very badly crippled economy. So I am wondering if the Minister would be maybe a little more reassuring rather than just waiting for the federal government to respond before we can do anything about this whole situation. I believe a new action is required, drastic action is required. Could he assure us when the Executive Council might be prepared to make some announcements in this House? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 0212-87(1): Yukon Meeting With Minister Of DRIE And Provincial Ministers

HON. NICK SIBBESTON: Mr. Speaker, I can tell the Member that in my meeting with Mr. McKnight I dealt with a number of topics, ranging from the northern accord, devolution, constitution, action force on Arctic initiatives and fisheries. Also in my meetings in Ottawa, I met with Mr. Siddon concerning fisheries, particularly as it relates to the Eastern Arctic. All I am saying now is that I wish an opportunity to discuss the matter with the rest of my Executive colleagues.

We are very concerned about a number of things that have happened in the last week, everything from the constitution to this most recent hit or slam on the economy in the North. As a government, we are very concerned about it and we are planning an emergency cabinet meeting on Sunday. I will then have a chance to brief the Members on my meetings and we will plan our strategy and how we, as a government, intend to deal with all of these things that have come at us. So, I just ask the Member to be patient and just wait until early next week, when we will have had a chance to review the matter fully.

I came back from the South late last night and, seriously, have not had a chance to raise all these matters with the rest of the cabinet. So I ask the Member if he would be patient and he has our assurance that we are very concerned about that and we will be taking definite courses of action concerning all of these matters. So, early next week you can expect to hear from the government with respect to our plans in all of these matters.

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

Question 0213-87(1): Request To Harvest Bowhead Whales, Hall Beach And Igloodik

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is to the Minister of Renewable Resources. I am aware that the bowhead whales are a protected species in Canada. There are some communities who do not care to harvest these because they are too big in size. But there are some communities who are more used to harvesting these bowheads -- for instance, Hall Beach and Igloodik. They have requested to kill at least one bowhead maybe every second year. I would like to ask the Minister if he can make any arrangements along with the federal government to allow the residents of Hall Beach and Igloodik to harvest the bowheads.

MR. SPEAKER: Mr. Minister.

HON. RED PEDERSEN: Thank you, Mr. Speaker. The control over the bowheads, as the Member knows, is the federal responsibility. In addition, it is an international agreement; the international whaling commission controls whales, as well. I cannot give the Member any assurances that I will have any success. I will assure the Member I will look into the matter and carry the request to the appropriate bodies and see what we can do about it. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. You are taking the question as notice then and will be in contact with the honourable Member. Oral questions. That appears to finish oral questions for today.

Item 6, written questions. Written questions. Item 7, returns to written questions. Returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): The following returns have been filed: Return to Question W35-87(1) asked by Mr. Gargan of the Minister of Economic Development and Tourism; Return to Question W37-87(1) asked by Mr. Arlooktoo of the Minister of Municipal and Community Affairs; Return to Question W40-87(1) asked by Mr. Arlooktoo of the Minister of Municipal and Community Affairs.

Return To Question W35-87(1): Privatization Program

Hon. Nick Sibbeston's return to Question W35-87(1), asked by Mr. Gargan on May 29, 1987, regarding privatization program:

In response to the Member's question regarding the implementation of the privatization program, I would like to provide the following interim response as it will take some time to review the specific details requested. Since the adoption of a formal privatization policy in December, 1985, the majority of government departments has completed privatization plans. These plans describe further program and service delivery functions which could be privatized and a schedule for implementation.

By late December, 1986, it was evident to me that the government was experiencing difficulty implementing the program. As a consequence, I personally contacted all deputy ministers in January of this year to inform them of my concern and I also instructed the Priorities and Planning Secretariat, in conjunction with the Department of Economic Development and Tourism, to prepare an options paper outlining alternative means of implementing this program more effectively. This paper will be considered by my colleagues on Executive Council later this month and, no doubt, measures adopted will lead to effective and efficient delivery of the program.

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

Hon. Gordon Wray's return to Question W37-87(1), asked by Mr. Arlooktoo on May 29, 1987, regarding the post office at Cape Dorset:

I am aware of the concerns of the residents of Cape Dorset with the postal facilities and services in that community. It is a sample of a number of justifiable complaints from communities throughout the North who must depend on this critical service. Postal service and post offices are the responsibility of the Canada Post Corporation, a federal crown corporation. The Government of the NWT and the Department of Municipal and Community Affairs does not have a program or the resources to assist the community in obtaining a new or larger post office.

However, I have asked my colleague, the Hon. Ludy Pudluk, Minister responsible for Government Services, to consider sending a letter to the Hon. Michel Cote, Minister responsible for Canada Post, on behalf of the community of Cape Dorset, asking the federal Minister to review the community's postal service situation and concerns. Perhaps the hamlet of Cape Dorset would also consider writing to the Hon. Michel Cote.

Return To Question W40-87(1): Removal Of Wrecked Ship, Cape Dorset

Hon. Gordon Wray's return to Question W40-87(1), asked by Mr. Arlooktoo on June 1, 1987, regarding removal of a wrecked ship in Cape Dorset:

The shipwreck in Cape Dorset referred to by Mr. Arlooktoo is the Hudson Bay supply ship, the "Nascopie". The ship was hung up on a reef during a resupply in 1947 and eventually sank. The steel hull is now half buried above the high water mark of the beach in Cape Dorset. The department has been advised that all shipwrecks, whether in the water or on land, are subject to the regulations under the Canada Shipping Act. As such, the hamlet council should contact the Receiver of Wrecks of the Canadian Coast Guard in Ottawa regarding the concerns of the community.

The address is being forwarded to the community. The Receiver of Wrecks is the only authority able to authorize the moving, salvaging or disposal of shipwrecks. The senior archaeologist at the Prince of Wales Northern Heritage Centre has been advised and he will be gathering further information related to historical salvage potential.

MR. SPEAKER: Thank you, Mr. Clerk.

Item 8, replies to the Opening Address. Replies to the Opening Address.

Item 9, petitions. Item 9, petitions.

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

ITEM 11: TABLING OF DOCUMENTS

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I will be tabling it as Tabled Document 74-87(1), with regard to the Qitdlarssuaq dog-sled expedition from Baffin Island to Greenland, in the magazine called Maclean's there is an article that I would like to table. Also an article that was written in the Edmonton Journal. I believe the Members have already read these news items. So I will be tabling it. Thank you.

MR. SPEAKER: Thank you. Item 12, notices of motion. Notices of motion. Mr. Curley.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 27-87(1): Northern Economic Agency

MR. CURLEY: Thank you, Mr. Speaker. I give notice that on Monday, June 8th, 1987, I shall move the following motion: I move, seconded by the honourable Member for Yellowknife South, that this Legislative Assembly urge the government of Canada to renew its vital share of the financial contribution required to stimulate and develop the economy of the NWT, including EDA, Special ARDA and NEDP; and further, that this Assembly recommend to the Minister of Economic Development and Tourism that he propose and negotiate with the Government of Canada a fresh economic development policy for the NWT, and consider forming a northern economic agency similar to one established for Atlantic Canada. Thank you.

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

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 38-87(1): Write-Off Of Assets And Debts Act, 1987-88

HON. TOM BUTTERS: Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Tuesday, June 9th, 1987, I shall move that Bill 38-87(1), An Act Respecting the Write-off of Assets and Debts for the Fiscal Year Ending the 31st Day of March 1988, be read for the first time.

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

Notice Of Motion For First Reading Of Bill 28-87(1): Motor Vehicles Act

HON. LUDY PUDLUK: Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Tuesday, June 9th, 1987, I shall move that Bill 28-87(1), An Act Respecting Motor Vehicles, be read for the first time.

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

Notice Of Motion For First Reading Of Bill 35-87(1): Workers' Compensation Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I give notice that on Tuesday, June 9th, 1987, I shall move that Bill 35-87(1), An Act to Amend the Workers' Compensation Act, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion for first reading of bills. Notices of motion for first reading of bills. That appears to conclude this matter for today. Item 14, motions.

ITEM 14: MOTIONS

Motion 25-87(1), First Air Application for Scheduled Service. Mr. Angottitauruq. Mr. Angottitauruq is not in the House. I believe that we remove this item from the order paper. Item 14, Motion 26-87(1), Igloolik Curling Rink. Mr. Erkloo.

HON. LUDY PUDLUK: Point of order.

MR. SPEAKER: Point of order, Mr. Pudluk.

HON. LUDY PUDLUK: Mr. Speaker, regarding that motion, Motion 25-87(1). I believe he is not in town right now. I believe Mr. Angottitauruq is going to come back on Monday.

MR. SPEAKER: The problem is that it is contrary to the rules and it can only stay on the order paper and be called twice. So it will have to be reintroduced. You still have time during this session to get it heard. Motion 26-87(1), Igloolik Curling Rink. Mr. Erkloo.

Motion 26-87(1): Igloolik Curling Rink

MR. ERKLOO: Thank you, Mr. Speaker. I will move the following:

WHEREAS a curling rink facility was to have been built in Igloolik in 1985;

AND WHEREAS the facility was delayed to 1987 has now been further delayed until 1990;

AND WHEREAS the residents of Igloolik are requesting that work begin on the facility this year;

AND WHEREAS the cost of purchasing and shipping material would be approximately \$95,000;

AND WHEREAS the people of Igloolik are prepared to contribute voluntary labour to the construction of the curling rink facility;

AND WHEREAS the community has raised \$7000 from various companies and organizations to assist with the construction;

NOW THEREFORE, I move, seconded by the honourable Member for Baffin South, that the Legislative Assembly support the efforts of the people of Igloolik in obtaining a curling rink facility;

AND FURTHER that the Legislative Assembly recommend to the Executive Council that it allocate \$90,000 toward the cost of purchasing and shipping materials to Igloolik.

MR. SPEAKER: Mr. Erkloo, your motion is in order. However, you added the word "approximately", "would be approximately \$95,000". I would take it that was an error and you meant to say, "would be \$95,000" as written. I will accept the motion on that basis. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. This was going to be seconded by the Member for Natilikmiot but the seconder is for Baffin South. The people of Igloolik are requesting to become an Igloolik curling society because they really want this curling rink. There is a community association in Igloolik but it is not active as the hamlet has had to exchange the people appointed more than once. I believe that they are trying to become a society and they have sent a request to the government and have not received an answer back yet. They are trying to raise some money. I was saying that they have made \$7000 up to date. In my motion I mentioned this but I was talking to Igloolik just a while ago and the money that they are raising is up to \$10,000 now. This money was from the companies and other agencies.

Earlier, one of the ordinary Members of the Legislative Assembly mentioned that the young people are into a lot of vandalism because of not enough things or activities for them to do in the communities. The people of Igloolik are requesting to get \$95,000. This may have been a large

amount of money 10 years ago but today \$95,000 is not that much because of the costs of living getting higher every year. If the people of Igloolik will be given the curling rink in 1990 and 1991 the government would have to give them much more than this amount. If the government will be able to find some funding for the people of Igloolik today, I think they will be able to save a lot of money. Therefore I would like to seek support for my motion because of the reasons I have stated.

I know that the government departments will probably say they do not have too much money for recreational facilities. However, I asked last week about the First Air air fare cuts in Kitikmeot Region. I was asking how much they would be saving and I was told that they would be saving quite a bit. I am sure that they will be able to find some money somewhere. Because of the reasons I have stated, I would like to see support on my motion. Thank you.

MR. SPEAKER: Thank you, Mr. Erkloo. Secunder, Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I do not have too much to say to the motion that I seconded concerning the young people in the communities, that they need to have facilities for recreation. Also, in the past we have supported the young people to have something to do and this recreation facility will be very useful for the young people. In our area, in Baffin, there are not enough recreation facilities. Because of this, some of the young people are getting into trouble and mischief and I really support this motion and I would like, also, the other Members to support this for the recreation facility to be built on Baffin Island. I have seconded this motion. That is all. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. To the motion. Mr. Erkloo, would you like to sum up your arguments? Are you ready for the question?

AN HON. MEMBER: Question.

Motion 26-87(1), Carried

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

---Carried

---Applause

Item 15, first reading of bills: Bill 12-87(1), Insurance Act. Mr. Ballantyne.

ITEM 15: FIRST READING OF BILLS

First Reading Of Bill 12-87(1): Insurance Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Pine Point, that Bill 12-87(1), An Act to Amend the Insurance Act, be read for the first time.

MR. SPEAKER: I have a motion on the floor. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Bill 12-87(1) has had first reading. First reading of bills.

Item 16, second reading of bills.

At this time I would like to advise the House that Mr. Wah-Shee advised my office that he would be away this morning for medical reasons. Item 17, consideration in committee of the whole of bills and other matters: Bill 9-87(1), Bill 5-87(1), Bill 33-87(1), Bill 4-87(1), Bill 16-87(1), Bill 22-87(1), Bill 23-87(1), Bill 32-87(1), Fourth Report of the Standing Committee on Public Accounts, 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 4-87(1), CHILD DAY CARE ACT; BILL 16-87(1), MAINTENANCE ORDERS ENFORCEMENT ACT; BILL 22-87(1), STATUTE LAW (CANADIAN CHARTER OF RIGHTS AND FREEDOMS) AMENDMENT ACT, 1987; BILL 23-87(1), STATUTE REVISION ACT; BILL 32-87(1), INTERNATIONAL CHILD ABDUCTION ACT; BILL 33-87(1), PUBLIC SERVICE VEHICLES ACT

CHAIRMAN (Mr. Erkloo): The committee will now come to order. We are on Bill 4-87(1). Mr. Butters.

HON. TOM BUTTERS: Thank you, Mr. Chairman. The Minister will be seeking to continue with Bill 4-87(1) and have his staff present and should we complete that in the near future, we would continue with the agenda as presented on the orders of the day: Bills 16-87(1), 22-87(1), 23-87(1), 32-87(1).

CHAIRMAN (Mr. Erkloo): Mr. McLaughlin, do you wish to bring your witnesses in at this time?

Bill 4-87(1), Child Day Care Act

HON. BRUCE McLAUGHLIN: I believe my witnesses are out in the lobby. Yes, I will be asking three witnesses in and I will introduce them to the Chair, Mr. Chairman.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Go ahead, Mr. McLaughlin. For the record, Mr. Minister, would you introduce your witnesses again?

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. I have the same witnesses as yesterday. To my right is the deputy minister, Bob Cowcill. To my far left the chief of programs of Social Services, Bronwyn Watters, and to my immediate left legal counsel from legislative drafting division, Giuseppa Bentivegna.

CHAIRMAN (Mr. Erkloo): Thank you. Can we have order, please? We are on page two of Bill 4-87(1). Clause 9, investigation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 10, application injunction. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 11, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 12, duty of director. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 13, licence. Mr. McCallum.

MR. McCALLUM: Is there a fee that has been prescribed for this licence that can be issued?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Mr. Chairman, under the regulations it indicates in 3(2), an applicant for a licence is not required to pay a fee.

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

MR. McCALLUM: Thank you, Mr. Chairman. Then why in clause 11 does it say that a person who wants to operate a child day care facility shall apply for a licence "in accordance with the regulations and pay the prescribed fee"?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Mr. Chairman, it was put in there with wording like that so if in the future it was felt by the government that a fee should be set, then that could be done in the regulations without changing the act. The proposed regulations do not have a set fee. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 13, licence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 14, restrictions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 15, validity of licence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 16, notice of refusal of licence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 17, order to comply. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 18, application for reinstatement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 19, revocation of licence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 20, operator to close. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 21, appeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 22, appointment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 23, time and place of hearing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 24, decision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 25, review by Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 26, designate to transmit file. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 27, Minister to review. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Operators. Clause 28, programs and services. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 29, staff. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 30, posting of licence and notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: Mr. Chairman, just on a point of order, sir. I notice that you do not have a quorum.

CHAIRMAN (Mr. Erkloo): Sergeant-at-Arms, could you ring the bell, please?

The committee will come back to order. We have a quorum now. Clause 31, records, returns and reports. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 32, requirement for parental involvement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 33, access to child. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 34, duty to notify. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Agreements. Clause 35, agreements. Mr. Richard.

MR. RICHARD: Mr. Chairman, under clause 35, I want to ask the Minister or his officials what sort of agreements respecting the implementation of the act are contemplated by that clause?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. The reason the clause is in there is obvious -- we may be in a situation where we have to make a financial agreement with the federal government in order to be part of a national day care program. It also has not been very specific because we do not know exactly what the program is going to be so we have had to be pretty broad in the wording. Just in case it requires us to sign an agreement, we have to have the authority to do that in the act. We do not know exactly what form the federal initiative in this area is going to take.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 35. Mrs. Lawrence.

MRS. LAWRENCE: Mahsi cho. (No translation) ...in the small community individual groups or individuals want to set up some kind of babysitting centre or child care centre. Who is the best person to contact in the department to implement some of these acts that we are dealing with now? Or is there a contact person that they can contact in the department, even to give proper information or some kind of assistance, not necessarily funding, but even proper information and guidance?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Mr. Chairman. Which clause are we on now?

CHAIRMAN (Mr. Erkloo): We are on clause 35 right now. Mr. Minister.

HON. BRUCE McLAUGHLIN: Mr. Chairman, I do not see how that is relevant to clause 35. I guess we could fit the question in this area. Once an agreement is made with the federal government on some sort of a funding mechanism, the day care consultant that we presently have will be continuing in

our employ, which is Theresa Wilson. She will be the point of contact for communities interested in day care. Once the program is in place she will have all the details on how funds can be achieved by individual organizations. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 35, agreements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Offences. Clause 36, licence required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 37, false representation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 38, general. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Regulations. Clause 39, regulations. Mr. Richard.

Exemption From Provisions Of Act Or Regulations

MR. RICHARD: The regulations provide, or in that section anyway, that the Minister can, by his own order, exempt people from adhering to this legislation. Mr. Chairman, I can appreciate the reason for that because in all the discussions I have ever been involved in, people talk about the desirability or not of having regulations in the day care area because there is such a disparity in the Northwest Territories of the facilities for day care that you cannot take a set of rules and apply it to all the existing facilities, and there may of necessity be a desire to exempt from the strict provisions certain facilities. I am wondering if the Minister has given some thought to how that is going to be implemented?

Do I read this correctly that a community will be exempt? It reads "may exempt any person or group of persons in a community". I am wondering why the words "in a community" are there. I mean everybody is in a community. Also I have some problems with the grammar of the section but I am not going to push that. It seems that, if my high school grammar comes back to me correctly, the words "that do not endanger" are related to provisions of the act, and I think it should be the exemption that does not endanger the health of the children. In any event, that is beside the point. My question is, how is it contemplated that the exemptions would be applied? I have difficulty with this; maybe I am wrong but you would exempt a community as opposed to -- there might be some reason to exempt a particular day care operator, I suppose.

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

HON. BRUCE McLAUGHLIN: Mr. Chairman, an example would be that in the regulations we may require health standards for proper water and sewer facilities. And in some communities where they do not have running water and sewer facilities, we would exempt them from regulations which might require these to be available. So in some cases the whole community would be exempt from a certain thing because they do not have in their infrastructure, for example, water and sewer capability to achieve the standard that we set for the Territories. That would be an example. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: So I take it, Mr. Chairman, the Minister's response in that example is that the community would be exempt from only that provision about running water and not from the entire Child Day Care Act and regulations.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Yes, that is correct, Mr. Chairman. The idea would be exempt the community from a specific part of the requirements of the act and regulations, but not from the entire act.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 40. Mr. MacQuarrie.

HON. BRUCE McLAUGHLIN: Yes, Mr. Chairman, the learned lawyer for Yellowknife South is right. There is some difficulty with the language in subsection 39(3).

Motion To Amend Clause 39, Bill 4-87(1), Carried

I have a motion here which I would like to move and that is that Bill 4-87(1), An Act Respecting Child Day Care Facilities, be amended by deleting subsection 39(3) and substituting the following: "Exemption. (3) The Minister may, by order, exempt any person or group of persons in a community from compliance with provisions of this act or the regulations where an exemption does not endanger the health, safety and well-being of the children attending or that will be attending a child day care facility."

CHAIRMAN (Mr. Erkloo): Can we have a copy of your motion, please? Your motion is in order. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 39, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 40. Mr. MacQuarrie.

Time Frame For Implementation Of Act

MR. MacQUARRIE: Yes, I would just like to note, this is the transitional provision and it indicates that present operators of child care facilities, of course, are not licensed by the government. This act will require licensing and this provision makes it very clear that from the time this act comes into force that operators would still have a further six months in order to meet the requirements to become licensed. So could the Minister put into the total time frame what that is likely to mean? We have been told that the act will not be proclaimed until we hear a little more from the federal government and their plans. So in fact, Mr. Minister, when is it likely that this act will be proclaimed so that day care or child care centre operators will have some clear idea as to whether they have nine months or a year or whatever, before they are likely to have to be licensed under the act?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. The Member is right. The regulations in this act will not come into effect until six months after it is proclaimed. The idea is not to proclaim this act until we have had the opportunity for consultation on the regulations. In that way, it will give us a chance to amend the regulations, if we feel it is necessary, and then we will proclaim the act. However, I should point out to Members that with the federal initiative in child care, if the money mechanism is such that our act is required, we may have to implement the act a little bit earlier than we intend. In other words, we might have to implement the act in order to give money out, but we are hoping that will not be the case. We are hoping to have consultation on the regulations, change the regulations, then proclaim the act. But there might be a driving force if money becomes available from the federal government which requires the act to be implemented; then we would have to proclaim it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 40, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 41, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Consequential amendment, Public Health Act. Clause 42. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 4-87(1) is concluded and ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): At this time I would like to thank the Minister and his witnesses.

Bill 16-87(1), Maintenance Orders Enforcement Act

We will now go to Bill 16-87(1). Do you wish to make opening remarks at this time, Mr. Ballantyne?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman, if I could make an opening statement on the Maintenance Orders Enforcement Act. Nonpayment of maintenance has been recognized as a serious problem all across Canada. It is a problem in the Northwest Territories too, a problem which is addressed by this new Maintenance Orders Enforcement Act. Most of the other jurisdictions in Canada have enacted legislation providing for the automatic enforcement of maintenance orders. With this new Maintenance Orders Enforcement Act, the Northwest Territories' approach to the enforcement of maintenance orders will correspond with the approach taken across Canada.

The new Maintenance Orders Enforcement Act will provide for the automatic enforcement of maintenance orders. The act will also establish new enforcement procedures. The new Maintenance Orders Enforcement Act provides for the automatic enforcement of maintenance orders through the appointment of a maintenance enforcement administrator.

This legislation will have a number of major benefits:

1) Anyone receiving maintenance under a maintenance order made in the Northwest Territories will benefit from this legislation. At present, maintenance orders sent here from other jurisdictions are enforced by this government. However, when a maintenance order made in the Northwest Territories is in arrears, the responsibility of enforcing the order falls on the spouse receiving maintenance. This often involves incurring additional legal costs. Thus, the new Maintenance Orders Enforcement Act will provide to residents of the Northwest Territories a service that is already being provided to non-residents. It should be emphasized that children will benefit greatly from the automatic enforcement of maintenance orders, since maintenance is often ordered for children.

2) Automatic enforcement of maintenance orders will also lessen the cost of providing social assistance. At present, when a spouse defaults under a maintenance order, the other spouse may have to turn to social assistance. This legislation will ensure that, where possible, responsibilities under maintenance orders will be met, thus decreasing the need for social assistance.

3) Once the legislation is in place, the Government of the Northwest Territories will be able to sign agreements with the federal government. These agreements will give the maintenance enforcement administrator access to information in federal data banks needed to locate persons who are in default under maintenance orders. Without this legislation, these agreements cannot be signed by the federal government. An added benefit will be that once these agreements with the federal government are in place, the RCMP will have access to federal information in situations where one parent has abducted a child from the other parent.

Any person who wishes to have his or her maintenance order enforced by the administrator may have the order filed in the office of the administrator. This includes maintenance orders made before this act comes into force, maintenance orders made in other jurisdictions and sent here for enforcement, and written cohabitation and separation agreements dealing with maintenance.

When an order is filed with the administrator, payments of maintenance will be made through the office of the administrator. If payment is in arrears, the administrator may take any necessary steps to enforce the order, at no cost to the person receiving maintenance. Under the new act, maintenance orders may be enforced in a number of ways including: garnishment of wages; attachment of wages; filing a maintenance order with the sheriff as a writ of execution; default hearings; court orders for the payment of arrears; and restraining orders.

The new Maintenance Orders Enforcement Act will also give the administrator access to information needed to locate persons who are in default under maintenance orders. Furthermore, the Northwest Territories may enter into agreements with the federal government, the provinces and the Yukon Territory for the exchange of information as to the whereabouts of defaulting spouses.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Do Members have general comments on Bill 16-87(1)? Mr. MacQuarrie, your committee, sir?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, thank you, Mr. Chairman. The standing committee on legislation did review the bill quite thoroughly. In the end the committee really did not have many technical changes to suggest, but the main question was in the principle of the bill. That was whether this is a role for the government to play and Members seemed to accept in the end that it is. Once that decision was made, there were not a lot of challenges to particular portions of the bill. But there was a fair amount of discussion about the application of the Maintenance Orders Enforcement Act, particularly as to circumstances that would arise in small communities and for unemployed people and that sort of thing. Through these discussions it became very clear that what we were talking about were those cases where, on the dissolution of a marriage or a common-law relationship two people are splitting up, if there is an agreement between them as to support by one party for the other, or if the relationship and the dissolution of it had been brought before the courts and there was a court order about support by one party for the other and for any dependent children, then this act will apply.

But it should be clearly understood that it would not apply in cases where a couple were living together, not married, had one or two children and then they simply drift apart. If neither one or the other requests support or demands it, nor goes to a lawyer, nor reaches any formal agreement with the other party for support, then this law will not apply in any way. It is only where there is an agreement or a court order.

It became apparent, though, that the legislation is useful in this sense that in the past where there were court orders or agreements reached by people, they all too often were not observed. In other words, the party who was required to provide support to the spouse and children, too often was not doing so; simply, I guess you could say, assuming family responsibilities and then taking off and leaving those to somebody else -- namely the rest of society. Generally there had to be social assistance for the dependants. So this legislation would address cases like that. Where

there was a court order or an agreement, the government has undertaken to follow up on those court orders or agreements and collect. They can probably do it by a quite efficient means. In the legislation there are provisions for agreements with other jurisdictions and the ability to get information which it may be difficult to get when it is done on a personal and more informal basis.

Option Of Registering Private Agreements

Under this legislation all court orders would be automatically registered. Private agreements would not be automatically registered. In other words, if two people had been living together and had children and the one party agrees privately with the other that they will pay three hundred a month, or five hundred a month or whatever it is, as support for the family, the party who is to be the recipient of those benefits can go to the administrator under this act and register that agreement even though it is not a court order, they can register that agreement and this government would enforce the maintenance order or the maintenance agreement in that case.

So, it obviously is a bill that does not apply in certain critical circumstances, in smaller communities perhaps. But, it does address itself to an area where there is an evident need based, as I said, on the past failure of quite a number of people to comply with court orders and voluntarily-reached agreements.

Financial Implications To Government

It was noted, though, that in passing this legislation, it is quite clear that there will be government staff required in order to fulfil the requirement of this law and it is not clear entirely how much additional help may be needed or if any additional help may be needed. But there is no doubt at all that there are requirements of the government that will have to be met, once this bill is passed; financial and staffing requirements of the government. On the other hand any outlay of the government may be offset because there could be a partial reduction in social assistance costs as a result of compelling people to live up to their personal responsibilities in taking on dependants. So that may be partially offset, then. Mr. Chairman, those are my general comments.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Mr. Minister was it your intention, sir, to move to the witness table and invite in any of your officials?

HON. MICHAEL BALLANTYNE: Yes, with the permission of the committee, I would like to do so.

CHAIRMAN (Mr. Richard): We will have the witnesses come to the table. While we are waiting, we will have the Sergeant-at-Arms ring the buzzer so we can get a quorum in here.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Come back to order. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I think that this bill is a good one. I know, personally, of situations where it is hard for people to get others to respect the maintenance orders. I agree that there is a role there for government and the courts. I think also that in one sense it is a good practice for people to understand that society frowns upon people just walking away from a responsibility or finding ways around it. I think that that it is, a good thing that people can learn that it is against the law to do that. I just wanted to indicate my support for the bill.

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. RICHARD: Thank you, Mr. Chairman. I wanted to make a comment and perhaps ask a question of the Minister or his deputy on the definition in clause 2 of "maintenance order". It, very clearly,

Mr. Chairman, includes orders of the court, in which spouses or a parent is directed to pay maintenance for the support of the spouse or children. But it also includes, by its definition -- it is a fairly wide definition -- it includes, in addition, as Mr. MacQuarrie alluded to in his general comments, what is known as a separation agreement; an agreement, admittedly in writing, between two spouses that has not been passed upon by a court of law. As we will see when we go through the other clauses, this wide definition would allow a signed separation agreement to be filed with this new administrator and the collection procedures would then take place with respect to that.

Concern For Fair Adjudication Of Issues In Agreement

I have a bit of a concern, Mr. Chairman, because of the nature of some of these written separation agreements. The Minister and his deputy certainly would be aware that there are times that a separation agreement providing for maintenance is written in a moment of dispute, a moment of anger, on the back of a cigarette package. So I have a concern that that kind of agreement, in writing, might then trigger these enforcement provisions.

I also have a concern that, quite apart from the cigarette package example, you also might have another example where there is a formal agreement drawn up, perhaps by a lawyer, but it is one-sided, in the sense that the spouse who is going to be on the receiving end of the maintenance payments has legal advice. This thing is drawn up and then the other spouse signs it just to get rid of the argument. It is what we might call a one-sided separation agreement. That document, too, because it is in writing and because it comes within this wide definition, could be filed with the administrator. My concern is, of course, that there may not have been a fair adjudication of the issues addressed in the maintenance agreement.

Mr. Chairman, I may be using extreme examples to make the point, but it is the only way that I can do it, to comment that I think there is danger in such a wide definition. I would ask for the Minister or his deputy, Mr. Lal, to comment on that, if they are not concerned as well, or perhaps they are satisfied that there is no such danger in this new mechanism being established. Thank you.

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

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I think Mr. Richard's point is a valid one and I think it is one that we considered. I think the trend these days in other jurisdictions is to try to keep separation disputes out of the courts and they are going more and more toward mediation. It seems to be the trend in other jurisdictions. I would say that in a good percentage of these agreements, the agreements are fair and reasonable and neither party wants to go to court. The extreme cases that Mr. Richard has referred to, could happen, granted, and do happen. But if you look at page 12, subsection 18(8) says, "Subject to subsection (9), in addition to any power under this act, the court may, at a default hearing, vary a maintenance order where the court considers that the circumstances of the debtor justify variation." So in the case that, in fact, there was coercion or that one side had access to more information or legal advice than the other side, there is the possibility for redress before the courts for those extreme examples.

We thought it important, in order to encourage people, where possible, to come up with a separation agreement without going before the courts, to give separation agreements, per se, some validity under this particular act.

CHAIRMAN (Mr. Erkloo): Thank you. General comments? Clause 2. Mr. MacQuarrie.

Maintaining Children

MR. MacQUARRIE: Yes, in committee discussions it was noted that you may have circumstances where an agreement has been reached, or there has been a court order, and part of the maintenance order is directed toward maintaining the children. Then you could have a later development, where virtually both parents abandon the children and they are left in the care of grandparents or someone else. I would just ask the Minister to clarify that. But as I understood it at the time, in that case the order could be filed and the government would pursue, on behalf of the children, that portion of the order that applied to them. And the guardians could implement this.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: The chairman is correct. The intent of the bill is not only to protect one or the other of the spouses if a marriage or relationship breaks up but also to protect the children. So in extreme cases, for whatever reasons, both parents essentially abandon the child and the child is with a guardian, a relative, close friend, whatever, and the administrator would ensure that the responsibility of one or both of the parents to the child is maintained and that amount of money for the maintenance of the child would go to the guardian.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Part I, maintenance enforcement office. Clause 3, maintenance enforcement administrator. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, filing of orders. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 5, withdrawal of filing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 7, payment of moneys. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8. Mr. Richard.

Individual Must Get Court Order Where Administrator Does Not

MR. RICHARD: Yes, Mr. Chairman, this clause 8 provides that this administrator who will be charged with the responsibilities of this act can seek and obtain confidential information -- well, I should not say confidential information but private information about the employment of individuals who are not paying pursuant to their responsibilities under a maintenance order, and later on in clause 8 it provides that if the employer, for instance, does not co-operate, the administrator can go and get a court order compelling that co-operation. I think that is fine, Mr. Chairman. I am sure the public administrator would not abuse that process.

However, in this new mechanism, in addition to the administrator enforcing maintenance orders, it is still allowed for an individual who is a recipient of benefits under maintenance order, to enforce his own maintenance order and it occurred to me, Mr. Chairman, that that creditor, that ordinary creditor, not the administrator, should be afforded the same opportunity to seek that employment information from the employer under clause 8 subsection (1). Clause 8 subsection (3) does provide that that kind of person, who wants to himself enforce his or her maintenance order, can go to the court and ask the court for an order compelling the employer to provide that information.

But there is an anomaly in a sense that where the administrator, the public servant who is charged with the carrying out of this act, can, in the first instance, go to the employer and get the information, the other creditor, if you will, who is doing his own enforcement of his own maintenance order, is compelled, in the first instance, to go to court to get the employer to give the information. In my view, at least, Mr. Chairman, there should be the same provision for that private individual as there is for the administrator.

I am not sure if I made my point to the Minister and his deputy, but I would ask for a comment on that shortcoming -- certainly from the point of view of the person who is enforcing his own maintenance order. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I think there are a couple of things that were anticipated in the drafting of this particular clause. One is if somebody, for instance, is not going to the administrator and is handling it on their own, they can, of course, receive voluntarily any information that is available. There are some people for which that is really enough.

But we felt that it is important to put some element of control on the mechanism of obtaining private and/or confidential information. So that, on one hand, the administrator, public servant, not emotionally involved, hopefully objectively, will seek the information, just the right amount of information, necessary to get the information he or she needs. Our feeling is that if you gave a person who is emotionally involved that same sort of power, there is some potential for it to be abused. So, the control, then, is that that person would have to go to the court to obtain it. But it is an attempt to find a balance in divulging confidential or private information. Does that answer the question, Mr. Richard?

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

Agreement Not Registered

MR. MACQUARRIE: Yes, I would like a little more clarification on that particular point. Surely, if a couple has reached an agreement and the courts are not involved and the party who is entitled to benefits under an agreement does not register the agreement, it would not be proper to call that enforcement of an order; it is simply that two people have agreed to something and the person who was entitled to benefits but might find that they are not receiving them -- I do not think that it is the intention of the law to enable them to enforce that order. If they think it needs to be enforced, just as some other contract, come to the administrator and ask him to enforce it. Prior to that time, it is just a matter of a contractual arrangement between two people and I do not think the government or the one is enforcing it on the other. Maybe in legal terms they are; I do not know.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: Another point of clarification. If the situation came up that Mr. Richard just referred to and somebody had not taken their particular case in front of the administrator and that person, for instance, asked for information about the spouse's salary, or what have you, and they were refused that information, that person then would have the option of going to court or at that point going to the administrator, so both those options would still be available to the person.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 7, payment of moneys. Agreed? Mr. MacQuarrie, did you want to say something?

MR. MACQUARRIE: Yes, thank you, Mr. Chairman. It is just, there is a little confusion in the case of individuals who have court orders, as to whether they are automatically filed or not. Could the Minister clarify that?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: I think it is in section 4(3) and so they are automatically filed but a recipient has the right not to take advantage of that, to withdraw it, under section 5.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I was aware that that was the case and so it seems to me then that if they take the action of applying or indicating that they do not want the administrator to enforce it, that they need not be entitled to the same enforcement provisions as the government has provided to the administrator. I just feel that it is not necessary to go that extra step, I guess.

CHAIRMAN (Mr. Erkloo): Mr. Minister, do you want to respond to that? Clause 7, payment of moneys. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, access by administrator to information. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 9, agreements with province or the Yukon Territory. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 10, agreements with federal government. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

---SHORT RECESS

The committee will come back to order. We are on clause 11. Clause 11, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 12, enforcement alternatives. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 13, garnishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 14, attachment of wages. Mr. MacQuarrie.

Basic Exemption On Attachment Of Wages

MR. MacQUARRIE: Yes, this section is dealing with the attachment of wages and provides for an exemption on certain wages. In other words, a basic exemption would not be attached and only earnings over and above that figure would be attached. The committee felt that the figure that was at that time written right into the legislation itself was simply unrealistic and asked the government to reconsider. I note that what the government has done in the bill that is now before

the House is to state that "the prescribed exemption from attachment shall not be less than (a) the amount of \$300, and (b) where the debtor has dependent children in his custody, a further amount of \$80 for each child, for each month in which the wages that are attached are payable." So rather than setting that as the amount for an exemption it is a minimum amount, so the courts presumably could set it higher than that. And then I notice there is, I guess, a consequential change when it comes to the making of regulations in which the Commissioner could make regulations prescribing the portion of a debtor's wages that is exempt from attachment, so, yes, not the courts but the regulations could set it higher than that. I just thought I would call that to the attention of the committee, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

Setting Of Priorities

MR. RICHARD: Thank you, Mr. Chairman. Mr. Chairman, in subclause 13(9) and subsequently in clause 14 and another one, there is a priority given when collection procedures are taken. The debtor, say the defaulting spouse, may have other judgments against him and if, for instance his wages were garnisheed, this provision in subclause 13(9) provides that there is a priority attached to the maintenance order. One observation I would make, Mr. Chairman, is that this priority, that is set out, is now yet another priority that is scattered through our legislation. This government also when it legislated on the collection of premiums for workers' compensation established such a priority. I believe also when this government legislated in the labour standards field, it provided for a priority for unpaid wages and later this session we are going to be asked to provide a priority for unpaid municipal taxes.

I guess my concern, Mr. Chairman, is if all of these things are a priority, which is prior among the priority items? It is entirely possible that you could have a defaulting spouse, if you will, working for an employer and that employer has outstanding -- well, in any event, there could be any of these other priorities outstanding on the records at the courthouse or the sheriff's office or government offices, and I do not really expect the Minister or his deputy to give me today the precise list of priorities, but I simply want to observe that each time we legislate one of these priorities we are complicating the issue as to where the preferred creditors come, as among themselves. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you. Again, the Member has I think brought up a good point. Obviously, our act will not have precedence over any federal statute. That is obvious. But the intention is that, amongst all our acts, this will be given first priority. There is a consequential amendment to the Labour Standards Act, for instance that flows from this. Subclause 13(9), reads, "notwithstanding any other enactment". So our intention is that this should receive priority. If indeed there still might be some conflict with existing acts, I suppose at that point a judge would have to make a decision as to which one had the highest priority. I think the Member has made a good point and we have to be careful of giving too many priorities.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 14, attachment of wages. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 15. Mr. Richard.

Statutory Deductions Take Precedence Over Attachments

MR. RICHARD: Again here, Mr. Chairman, in clause 15, I would ask the Minister to point out that although in the attachment of wages, the priority given to the remedies in this act would have priority over other assignments or attachments, they are still going to be subject to the standard statutory deductions from someone's wages, such as Revenue Canada income taxes, UIC, CPP, those sorts of things. If the Minister could just clarify that, so that it is clear that the maintenance payments do not come off the top of the pay cheque but second to those statutory deductions. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: Mr. Chairman, the Member is correct. Those statutory deductions would take precedence over this act.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 15, priority of attachment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 16, no termination, discipline. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 17, filing with sheriff. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

Imprisonment For Refusal To Pay Maintenance Payments

MR. RICHARD: Again, Mr. Chairman, just an observation so that people are aware that we are in 1987 returning to the notion of debtors' prisons. It may be necessary but I think that the public should know that the mechanism being set up here is that if one of these bad guys comes into court and the administrator tells the court that he is defaulting and the court orders him to pay his maintenance payments and he refuses, the court can put him in jail for not paying his bills. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I recall noting that in committee as well. It seemed rather strange and unusual but it was pointed out that the prison sentence is for contempt, I guess, and not for the mere indebtedness of money. Society generally is saying that where an individual assumes family responsibilities that he has an obligation to discharge them and that the government of this society is trying to make sure that these individuals discharge them. If they do not voluntarily, the courts will attempt to compel them to and if they show contempt for the courts then they may very well be put into prison. So, I know it does seem strange and I am still a little uneasy about it but that was the explanation, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: This clause is pretty standard across the country now and I think it indicates the seriousness with which society now views people who are not fulfilling their obligation and essentially gives the act a little bit more teeth to force people to fulfil their obligations.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

Requirement To Serve Maintenance Order Eliminated

MR. RICHARD: Mr. Chairman, another aspect of clause 18 that I wanted to address is subclause (14). I have a concern there that this is, in my view, a serious departure from the normal procedures for court hearings and fairness to both sides that are on an issue. This would provide that a debtor could be brought into court to answer to a default that he has allegedly been guilty of under a maintenance order, and that the other side, even if that is the government administrator, is not required to establish that the debtor ever received a copy of the maintenance order.

Now, I say this particularly, Mr. Chairman, because of the wide definition of maintenance order. You will recall, Mr. Chairman, that in answer to one of my earlier concerns, the Minister indicated that the separation agreements or voluntary maintenance agreements, supposedly are brought within the definition. The Minister's response was, "Oh well, the debtor can still come to court at the time of the default hearing and ask that the maintenance order be varied before it is enforced." But this subclause (14) would eliminate the requirement that the maintenance order ever be served on the debtor and I just disagree with that. I am wondering if the Minister would consider removing that subsection.

I guess I see, Mr. Chairman, a greater harm by including it than there is harm in leaving it out. I know it will make the wheels of justice move much more smoothly but that is not always a desirable end when you consider the rights of all parties. I am wondering if the Minister would consider in that context, that there may be a greater harm in including this provision than there is harm or inconvenience in leaving it out. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: I guess it is a judgment call and I think what we have to keep in mind is that a person who has signed a maintenance agreement, or has been ordered by a court to pay a maintenance agreement, is aware of the responsibility already. So, it is not quite the same as somebody else who might not be aware that they have somehow broken the law. They know, full well, that they have not paid their alimony for three months. So I think there has to be some onus on that person and the intent here is that the administrator would try every reasonable means to get in contact with the person. I understand that this is consistent with other jurisdictions. There has been quite a bit of frustration in trying to serve somebody and the feeling is that it was necessary to put teeth into the legislation, keeping in mind that these persons already know their responsibility. They really have no excuse. If they have not paid for two months, they should expect something is going to happen.

Onus Put On Person Responsible For Payment

What we are doing here is trying to put more of the onus on the person with the responsibility and less of the onus on the person who is not receiving payment. It is quite consistent with other jurisdictions. We feel, even though there is a potential perhaps for some unfairness or some unfair application perhaps, it is overridden by the potential that the person who has been badly served will receive proper justice. That is the reason why it is consistent, Mr. Richard, in other jurisdictions.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: Well, Mr. Chairman, firstly on the point of being consistent with other jurisdictions, I do not think that is a reason for us to do anything. In fact, to paraphrase something I read recently, I do not think we should pass legislation that is simply a "mindless copy" of legislation in another jurisdiction.

But, Mr. Chairman, on the issue of the service. I note in clause 18, subclause (4), that the default hearing is triggered by notice served on the debtor. Now if the default hearing is not going to occur unless notice of the hearing is served on the debtor -- and it should not occur unless the debtor has notice of it -- then why cannot the maintenance order about which the hearing is concerned be served on the debtor? And I still ask that question. I do not see why we need subclause (14) in there.

But, while I think of it, in answer to the Minister's statement that the debtor already knows about this, I say, not necessarily. Because you have widened the definition of maintenance order, you are going to be dealing with a piece of paper that, in the mind of someone who wants to enforce it, comes within the definition as something "in writing" but the debtor may not be aware of it. The person pursuing the enforcement may be acting in bad faith and at the default hearing, I think it is entirely reasonable that the arbitrator, the judge, would ask, "Well, was this person, who did not even show up for court, served with a copy of this maintenance agreement? I do not see his signature on it. I do not know that that is his signature. How can I, as a judge or as a court, be satisfied that this person is aware of his obligations under the document that you have put in front of the court?" The obvious answer to give to the judge or the court is to say, "Because he has been served with a copy of it and here is an affidavit of the sheriff's bailiff that he has

served him with a copy of this document on such and such a day." Why are we removing that requirement, particularly when subclause 18(4), if I read it correctly, requires them to give notice to the debtor of the hearing in any event?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

Consistency Across The Country

HON. MICHAEL BALLANTYNE: I think there are two points here. First, we are not blindly following other jurisdictions in this legislation. I think the Member has to recognize in order for this legislation to work there has to be some consistency across the country and if we have a different process in the Northwest Territories it could become very confusing. I think that this debate has taken place in probably every House and a number of experts have looked at it and the feeling is that this particular clause is important.

The Member is right; in subclause 18(4), it sets out a process and the process carries on through subclauses 18(5), (6), (7), what have you. All subclause 18(14) says is that because no proof of service was issued that this whole other process is not thrown out the window. Now, it is just a technicality but we consider that it is important and the philosophy of this is that a certain onus is put on the person who has signed an agreement. Now, the point that you made earlier was that there are some agreements that perhaps are not as clear-cut as they might be and there are some agreements in which perhaps there is some misunderstanding. At some point I think we have to make at least a fundamental assumption that if two people make a deal, even if that deal is signed on the back of a cigarette package, that that still constitutes a deal and that those people should have some understanding of what that deal is. If on the bottom of your Export A cigarette pack you agreed to \$300 a month to Sarah and you do not send Sarah \$300 for three months, you should expect somebody is going to act. What has happened in the past is that there were so many hurdles that in fact people were not fulfilling their obligations.

Basic Philosophy Not Jeopardized For Extreme Exception

I think your point is a valid one but I think the other concern, the overriding concern, makes us believe that the wording in this legislation is warranted. I do not know if that answers your question, Mr. Richard. At the default hearing he could bring that up. Also, as we said earlier, a judge can rule that that was not right, it was not fair and the judge can impose a new agreement on the parties. So, what we are saying is, for the extreme exception we do not want to jeopardize the basic philosophy of the legislation.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: Well, Mr. Chairman, I understand the Minister's responses but I still do not agree with that provision being in there and see no harm in the administrative process that this default hearing is wrapped up in when the administrator or the clerk of the court sends the notice out to the debtor saying, "Hey, you show up in court on such and such a day. Bring with you a copy of your pay cheque because we are going to ask the court to enforce this piece of paper, and here is a copy of it, so that you are well aware when you are coming to court this is what we are talking about, this piece of paper." I see no hardship in that being the standard practice and if it is not done, those who do not do it can point to this clause, subclause (14) and say, "Well, we do not even have to give the guy a copy of it."

Motion To Delete Subclause 18(14), Bill 16-87(1)

So, Mr. Chairman, I have stated my position and I understand the Minister's position. I just do not agree with it. So, I would move, Mr. Chairman, that Bill 16-87(1) be amended by deleting subclause (14) from clause 18. Thank you.

CHAIRMAN (Mr. Erkloo): Your motion is in order to delete subclause 18(14). To the motion. We have a quorum. To the motion. Mr. Wray.

HON. GORDON WRAY: Mr. Chairman, could I see a copy of that motion, please?

CHAIRMAN (Mr. Erkloo): To the motion. Mr. Wray, do you have a copy of that motion now?

HON. GORDON WRAY: Mr. Chairman, I have a written out copy here. It says, "I move that Bill 16-87(1) be amended by deleting subclause (14) from clause 18." Is that the correct motion?

CHAIRMAN (Mr. Erkloo): That is right. The motion is in order. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I have some concerns with the motion. I need some clarification before I can decide how I ought to vote on it. On the one hand, it seems very clear to me that no one should be dragged into court with the allegation that they are in default of something if, in fact, they were never aware that there was an obligation in the first place. That would be a serious concern to me. At the other end of the spectrum, I have an ongoing and continuing concern with technicalities that are placed in our laws by lawyers that make circumstances that are manifestly clear to ordinary people suddenly become complicated and sometimes set aside because of technicalities that are not observed. I would ask the Minister just to go through the process again. Is it possible at all that someone would or could be dragged into court at a default hearing and yet not have been aware that there was an agreement in the first place? If it is not possible in every case, obviously the person would have had to be aware that he was party to an agreement. The second question is, if the person was not aware of an alleged agreement but did not really respect the agreement for one reason or another, what previous opportunity might there have been under this legislation for that person to question the validity of the agreement itself prior to being dragged into court here on a default hearing?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: I think what I will do here, Mr. Chairman, is have Mr. Lal take the committee through some of the technical aspects of these particular clauses and perhaps that will clarify it for Members a little bit more.

CHAIRMAN (Mr. Erkloo): Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. Mr. Chairman, I believe that it is important to appreciate what proof of service we are referring to in subclause (14) on page 13. The provision reads: "Proof of service on the debtor of a maintenance order...". Now a maintenance order is defined in section 2 on page two. A maintenance order means "a) an order or an interim order of a court of the Northwest Territories" and presumably when that order was given the person who is obligated to make payment would be present in court when that order is made; "b) an order, other than a provisional order that has not been confirmed, registered under the Maintenance Orders (Facilities for Enforcement) Act", and again, in practically every situation, the person who is undertaking the obligation would be present and would be aware of it; and the third, c), is a situation of a separation agreement, where in most instances the party would be present and although the agreement may be fair or unfair, there is every likelihood that the person would at least recognize that there is an obligation for him or her to make that payment.

Opportunities Available To Alleged Defaulter

Now assuming that there is a default, the process is set out in subclause 18(4); where a person has failed to make a payment, the clerk of the court, shall go to the debtor and serve a notice on him to say that there is a default proceeding, that you should attend that. Now, if at that stage the person is unaware of the maintenance order, he or she simply has to go to the court and say, "I am not aware of this maintenance order. I am not aware of this separation agreement. Please tell me about it." And the court would then give that person the opportunity to do so. Assuming that he is aware of the order or the separation agreement but does not agree with the fairness of that agreement, then he has an option to ask the court to vary that order, so that he or she can pay. In addition to that, if he totally ignores the notice that has been served on him by the clerk of the court, the court has the power to issue a warrant of arrest, to arrest him and bring him before the court, to ask him to explain why he has defaulted. So that there is yet another opportunity after an arrest for this person to make the payment or to explain why action should not be taken. If during all these various stages he or she takes the position that they are not aware of the maintenance order being enforceable against them, then they will have those opportunities.

What we are attempting to do under subclause (14) is to say that, please do not let all this process come apart simply because we cannot show proof that a maintenance order was served on this person; that he or she did not have notice of it. There are so many several stages at which that opportunity is there and if you remove this provision, Mr. Chairman, then there is the slight risk

that on a technicality somebody is going to get away. The scheme of this whole act is so critical that really to allow it to come apart on that one technicality would be defeating the purpose of the act. Thank you.

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

MR. MacQUARRIE: It seems to be saying that in the absence of any concrete evidence to the contrary, in fact there was a maintenance order and this person knew about it. It seems to me that from time to time we do have provisions in other enactments that are similar to that; where our laws say that when a certain instrument is presented, the people do not have to prove again that it is a valid instrument and so on. To me, that seems to be equivalent. Not precisely the same, but equivalent. I would not want a technicality to get in the way of this kind of enforcement and I will not support the motion.

Motion To Delete Subclause 18(14), Bill 16-87(1), Defeated

CHAIRMAN (Mr. Erkloo): Thank you. To the motion. Question has been called. All those in favour? Opposed, if any? The motion is defeated.

---Defeated

Back to clause 18, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 19, restraining order. Agreed? Mr. Minister.

Motion To Amend Heading Preceding Clause 19, Bill 16-87(1), Carried

HON. MICHAEL BALLANTYNE: Mr. Chairman, Mr. Richard has pointed out a typo and it is an amendment that I could definitely support. In fact, I will make that motion. We have on page 13, "evasion of debtor". I move that we delete "of" and replace it with "by".

CHAIRMAN (Mr. Erkloo): There is a motion on the floor. To the motion. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Okay, evasion by debtor. Clause 19, restraining order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 20, arrest of absconding debtor. Mr. MacQuarrie.

Absconding Of Debtor

MR. MacQUARRIE: Just a word of caution, Mr. Chairman, to anyone who may be contemplating absconding, evading their responsibilities. Please note that this clause says, "Where it appears that a debtor is about to leave the Northwest Territories in order to evade or hinder enforcement" that a court may issue a warrant. So, if you are in the circumstances ever of being obligated to pay support, do not go out to the airport for lunch while you are carrying a handbag full of gym garments or something like that or you may find yourself...

---Laughter

MR. RICHARD: Or do not say anything foolish, like "I'll take off."

---Laughter

MR. MacQUARRIE: Yes, that is right. You must be very cautious because the appearance that you are about to leave is enough, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Clause 20, arrest of absconding debtor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 21, application of payments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 22, capacity of minor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 23, appeals. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 24, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 25, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Maintenance Orders Enforcement Act. Clause 26, repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Consequential amendments. Creditors Relief Act. Clause 27. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 29. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 30. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 31, exception. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 32, priority of arrears of maintenance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Labour Standards Act. Clause 33, wages due constitute lien. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Maintenance Orders (Facilities for Enforcement) Act. Clause 34, maintenance order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 35, provisional order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 36, provisional orders. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 37, summons to show cause. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 38, enforcement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Seizures Act. Clause 39, exception. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree Bill 16-87(1) is now read for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Thank you. Does the committee agree that we go to Bill 22-87(1), Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act, 1987?

SOME HON. MEMBERS: Agreed.

---Agreed

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

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Minister, do you wish to make opening remarks?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, you have before you the Statute Law (Canadian Charter of Rights and Freedoms) Amendment Act, 1987. This is the second bill that will amend the legislation of the Northwest Territories in order to conform with the Canadian Charter of Rights and Freedoms.

The bill contains amendments to 19 different acts, including the repeal of one act, the Legitimation Act. The major change made by this bill is the abolition of the concept of illegitimacy. Illegitimacy is discrimination based on the marital status of a person's parents at the time of his or her birth. It is a form of discrimination that has caused unnecessary hardship and is contrary to the equality rights section of the Charter of Rights and Freedoms.

Since the concept of illegitimacy will be abolished, provisions on the status of a child and the establishment of parentage are needed. These provisions have been added to the Child Welfare Act. The Child Welfare Act is also amended to delete the concept of illegitimacy and to provide that the mother of a child is liable for maintenance of the child pursuant to a contribution order if the child is living with the father. Presently, only the father of the child is liable for maintenance pursuant to a contribution order.

There are a number of other acts that I will quickly go through, Mr. Chairman. The Domestic Relations Act is amended to state that both parents have a right to guardianship of their child unless a court otherwise orders. Where the parents are not living together and have not lived together during the life of the child or ten months prior to the birth of the child, the mother is the sole guardian unless a court otherwise orders; the Intestate Succession Act will allow all children to inherit from both their parents; under the Wills Act the concept of illegitimacy is abolished; the various acts respecting accountants are amended to delete any discrimination on the basis of residency; the Labour Standards Act is amended to delete the provision allowing an employer to employ a handicapped person for less than minimum wage; the Change of Name Act is amended to change a provision that discriminated on the basis of age; the Pawnbrokers and Second-Hand Dealers Act is amended to change a provision that discriminated on the basis of religion.

Mr. Chairman, it is the intention of the department to continue to examine legislation to ensure that the Northwest Territories complies with the spirit of the Charter of Rights. Mr. Chairman, I want to emphasize that we have no choice in the amendments that we are providing to these acts. If we did not amend the acts -- I think Mr. Richard brought it up when we went through the first phase of these changes -- our legislation will be open in court. So it is very important that we...

MR. RICHARD: On notice.

HON. MICHAEL BALLANTYNE: On notice, right. So it is important that we pass these particular acts. Hopefully, we will get them passed during this session. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. MacQuarrie, do you have comments as chairman of the standing committee on legislation?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: The committee did not have difficulties with this bill, Mr. Chairman, when it was reviewed. As the Minister pointed out, its purpose is to bring provisions in our act into compliance with the Canadian Charter of Rights and Freedoms. The most significant change in this entire bill is the abolishment of illegitimacy.

MR. McCALLUM: Say that slowly so we can remember it.

MR. MacQUARRIE: The abolishment of illegitimacy in the law of the Northwest Territories. That it is being abolished because the concept of illegitimacy is, in fact, in its essence, a form of discrimination against individuals based on the marital status of their parents at the time of birth. Our laws, here and there, had provisions that discriminated against children who were considered to be illegitimate. And so in the future, with the passage of this, the children will be children. That is it, regardless of the marital status of their parents when the children are born. So there will not be any discrimination in the law against them.

One other interesting fact, perhaps, to some people too, is in the Domestic Relations Act, that both parents have a right to guardianship of their child unless a court orders otherwise. I guess it is bringing a little more equality into the matter as between men and women where previously some may have felt that there was discrimination in favour of women in the past. That is it, Mr. Chairman.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Thank you. Certified General Accountants' Association Act. Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, accountancy practice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Change of Name Act. Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Child Welfare Act. Clause 5. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, child. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 9, contributor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 10, contribution proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 11, institution of proceedings to obtain contribution order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 12, summons. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 13, service of summons. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 14, recognizance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 15, corroboration of evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 16, contribution of mother. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 17, estimate of amount of payments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 18, payment of periodic payments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 20, order on non-appearance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 22, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 23, justice may rescind or vary order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 24, balance of moneys. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 26, use of testimony limited. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 27, resumption of cohabitation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 28, estate bound. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 29, leave of judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 30, variation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 31, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 32. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 33. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 34, status of adopted child. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 35. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): We go now to page 18, Criminal Injuries Compensation Act. Clause 36. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Domestic Relations Act. Clause 37. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 38, guardians. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 39, agreement on custody of children. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Institute of Chartered Accountants Act. Clause 40. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 41, accountancy practice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Insurance Act. Clause 42, family exclusion clauses void. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 43. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Intestate Succession Act. Clause 44, issue. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 45. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 46. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Judicature Act. Clause 47, abolition of distinction. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Labour Standards Act. Clause 48. Mr. MacQuarrie.

Employment Of Mentally Disabled People

MR. MacQUARRIE: Yes, we should just note, since this matter came up in the House earlier today, with respect to employment of mentally disabled people and job descriptions for them and that sort of thing, that here in the Labour Standards Act there is being repealed a provision that refers to handicapped employees, which said that for the purpose of enabling a person to be gainfully employed who has a disability that constitutes a handicap in the performance of any work to be done by him for an employer, the labour standards officer may, upon the application of the handicapped person or an employer, authorize the employment of such person at a wage lower than the minimum wage prescribed under section 13, and so on. That provision is considered to be discriminatory and reprehensible -- perhaps I should not use that word. I am sure people who put it in the act in the first place felt that it was perhaps a sensitive way to enable some employment. At any rate, it is now regarded as discriminatory and it is being repealed, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Clause 48. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Legitimation Act. Clause 49. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Maintenance Act. Clause 50, child. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 51. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 52, where contribution proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Marriage Act. Clause 53. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Pawnbrokers and Second-Hand Dealers Act. Clause 54, hours of business. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Perpetuities Act. Clause 55, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 56, rules as to perpetuities not applicable to employee benefit trusts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Society of Management Accountants Act. Clause 57. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 58, accountancy practice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Vital Statistics Act. Clause 59, exception. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 60, subsequent marriage of parents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 61. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 62. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Wills Act. Clause 63. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Workers' Compensation Act. Clause 64. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 65, member of the family. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 22-87(1) is now concluded and ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 23-87(1), Statute Revision Act

CHAIRMAN (Mr. Erkloo): We will now go to Bill 23-87(1), Statute Revision Act. Mr. Ballantyne.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The Statute Revision Act provides that the general public acts of the Northwest Territories are to be revised.

This revision will be of great assistance to both the legal profession and to the general public. Since the last revision in 1974, many acts have been amended. Others have been repealed and new statutes have been enacted. The revision will make statutes readily available in their most up-to-date form, with amendments included, and spent or repealed provisions removed.

Furthermore, minor changes made during the revision will allow the spirit and meaning of the law to be more clearly understood. Where necessary, changes will be made to ensure that the intention of the Legislative Assembly is expressed as clearly as possible; all the acts are written in a uniform style; the statutes can be more easily translated into French and the aboriginal languages; and inconsistencies and errors are corrected. Obviously, these changes will be of great assistance to anyone wishing to read or to understand the law.

The Statute Revision Act provides for the appointment of a statute revision commissioner, who will carry out the revision. Once the revision is complete, a statute roll containing all the revised statutes will be laid before the Legislative Assembly for approval. Then, a date will be set on which the statute roll will come into force as the Revised Statutes of the Northwest Territories, 1988. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. MacQuarrie, do you want to say something on this?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Once again, Mr. Chairman, it is a very straightforward bill and the committee largely had no problems with the bill at all except in one area. There is a section of the bill in which the statute revision commissioner has a variety of powers which are conferred, so that that officer can do the work efficiently without continual reference to others. But there are certain limitations. That is, when certain changes are to be made by the statute revision commissioner, the commissioner can exercise those powers only under the direction of the Minister responsible for Justice. There was an area that had not been included among those things for which the Minister's okay was required. The committee asked that it be included. This was the area in section 7(3)(1), which deals with the omission of any forms or schedules contained in any act and adding authority to the act for the forms or schedules to be prescribed by regulation.

The Members of the committee felt that, from time to time, certain of these schedules are critical and even the forms in which certain things are done. Members felt that before changes were made, that the Minister ought to be aware of them and make the final determination in those regards. The government has agreed and that change has been included, Madam Chairman. So the bill, as it stands now, has the support of the standing committee on legislation.

CHAIRMAN (Ms Cournoyea): General comments. Do you agree to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 3, appointment of statute revision commissioner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 4, agreements respecting preparation of revised statutes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 5, expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 6, consolidation of public general acts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 7, acts to be revised. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 8, report of statute revision commissioner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 9, schedules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 10, appendix and index. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 11, printing of Statute Revision Act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 12, coming into force of revised statutes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 13, effect of coming into force of revised statutes on unproclaimed acts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 14, repeal of acts listed in schedules A and B. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 15, effect of repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 16, certain matters not affected by repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 17, construction of references. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 18, construction where revised statutes are same as repealed acts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 19, construction where revised statutes differ from repealed acts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 20, revised statutes not new laws. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 21, explanatory notes, tables of contents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 22, evidence of revised statutes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 23, how acts may be cited. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 24, supplement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 25, style and form of revised statutes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 26, continuing consolidation of public general acts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 27, restriction on forms and schedules prescribed by regulation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 28, correction of errors in revised statutes by regulation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 29, coming into force of consequential amendments to regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Does the committee agree that Bill 23-87(1) is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 32-87(1), International Child Abduction Act

CHAIRMAN (Ms Cournoyea): Does the committee agree that we now proceed with Bill 32-87(1)?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Would the Minister have any opening remarks for Bill 32-87(1)?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Madam Chairman. The Convention on the Civil Aspects of International Child Abduction was adopted on October 25th, 1980 by the 14th session of the Hague Conference on Private International Law. Canada was a signatory to this convention but it will not apply to the Northwest Territories until we enact this legislation. The purpose of this bill is to adopt the Convention on the Civil Aspects of International Child Abduction in the Northwest Territories.

The object of the convention is to provide a procedure through which children who have been abducted and taken to another country may be returned to the person from whom they were taken. In most cases the return of the child is to be accomplished without any hearing on the merits of existing custody rights, provided the applicant can establish that the child was living with the applicant immediately before the abduction and that the applicant has a right to custody of the child that is recognized in the applicant's home jurisdiction.

The convention only applies to those countries which have adopted it, with the exception of states that are within the same federal jurisdiction. Therefore, the convention would apply between the Northwest Territories and another country but it would not apply between the Northwest Territories and a province of Canada.

This bill will provide significant protection to children by authorizing procedures that will ensure the prompt return of the child to his home country, in order that the issue of custody may be decided in that jurisdiction, with as little disruption to the child as possible. Thank you.

CHAIRMAN (Ms Cournoyea): Thank you, Mr. Minister. General comments. Mr. Richard.

MR. RICHARD: Thank you, Madam Chairman. I just have a question. Have the provinces all adopted it without reservation?

CHAIRMAN (Ms Cournoyea): Mr. Minister.

HON. MICHAEL BALLANTYNE: Yes, as far as we know, we are the last jurisdiction and it already has caused a fair amount of national concern. All the other provinces have, in fact, adopted it.

CHAIRMAN (Ms Cournoyea): General comments. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, again, the standing committee did review the bill and had no difficulties with it at all. I think it was noted at that time, although it seems remote because it deals with international matters, that in fact, this past year in Yellowknife there was a case where a man had run away with his three year old daughter, from California, I think it was, and brought her to the Northwest Territories. So it is that kind of circumstance that is being addressed in this bill. And of course it works both ways; not only those that would flee to the Territories, but from the Territories to other countries as well.

CHAIRMAN (Ms Cournoyea): Mr. Minister. General comments. Does the committee agree Bill 32-87(1) is ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 2, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 3, adoption of convention. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 4, request to ratify convention. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 5, restriction to convention. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 6, central authority. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 7, application to court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 8, publication of date. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 9, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 10, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Schedule. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Does the committee agree that Bill 32-87(1) is ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Mr. Minister and the witnesses, we thank you for appearing. Does the committee agree that we may dismiss the witnesses?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 33-87(1), Public Service Vehicles Act

CHAIRMAN (Ms Cournoyea): Does the committee agree that we proceed with Bill 33-87(1), An Act to Amend the Public Service Vehicles Act?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Ms Cournoyea): Mr. Wray.

Minister's Opening Remarks

HON. GORDON WRAY: Thank you, Madam Chairman. This amendment is to provide for a fixed term for members of the Highway Transport Board. The current legislation does not provide for that and so we have brought in a simple amendment to provide for a fixed term of three years. Thank you.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: The standing committee on legislation had no difficulty with the bill at all, Mr. Chairman. We recommend it to the committee of the whole.

CHAIRMAN (Mr. Erkloo): Does the committee agree that we go clause by clause, now?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1, Highway Transport Board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 33-87(1) is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Thank you. What is the committee's wish now? Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, I move we report progress.

CHAIRMAN (Mr. Erkloo): There is a motion on the floor. All those in favour? Opposed, if any? The motion is carried.

---Carried

I will rise to report progress.

MR. SPEAKER: Order! Mr. Erkloo.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 4-87(1), CHILD DAY CARE ACT; BILL 16-87(1), MAINTENANCE ORDERS ENFORCEMENT ACT; BILL 22-87(1), STATUTE LAW (CANADIAN CHARTER OF RIGHTS AND FREEDOMS) AMENDMENT ACT, 1987; BILL 23-87(1), STATUTE REVISION ACT; BILL 32-87(1), INTERNATIONAL CHILD ABDUCTION ACT; BILL 33-87(1), PUBLIC SERVICE VEHICLES ACT

MR. ERKLOO: Mr. Speaker, your committee has been considering Bills 4-87(1), 16-87(1), 22-87(1), 23-87(1), 32-87(1) and 33-87(1). Mr. Speaker, I wish to report that Bills 22-87(1), 23-87(1), 32-87(1) and 33-87(1) are ready for third reading. Further, Mr. Speaker, I wish to report that Bills 4-87(1) and 16-87(1) are now ready for third reading as amended.

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. Thank you.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Mr. Clerk, announcements and orders of the day.

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 8th 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: Bill 9-87(1); Bill 5-87(1); Fourth Report of the Standing Committee on Public Accounts
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Monday, June 8th at 1:00 p.m.

---ADJOURNMENT

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