

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 46TH SESSION

TABLED DOCUMENT NO. 18-46

TABLED ON JANUARY 25, 1972

TABLED

DOCUMENT

T.D. 18-46
Tabled on Jan. 25, 1972

The following are the main recommendations of the Carrothers Commission that have not yet been actioned by the Minister or the Department of Indian Affairs and Northern Development.

1. That the Commissioner and Deputy Commissioner be paid a stipend by authority of a federal statute as a first charge on the Northwest Territories consolidated revenue fund;
2. That an Executive Council be provided for to be composed of such persons as appointed during the pleasure of the Commissioner. (Amendment to N.W.T. Act Required)
3. The Name of the Council of the Northwest Territories be changed to the Legislative Assembly of the Northwest Territories. (Amendment to N.W.T. Act Required)
4. There be created a Northwest Territories Development Board composed of representatives of federal and territorial government administrations and Economic Council of Canada.
5. There be established a Northwest Territories Development Corporation; and
6. That the Department of Northern Affairs make an agreement with the government of the Northwest Territories for administration of Indian and Eskimo affairs by the Northwest Territories at the time when welfare administration is transferred.

REPORT OF THE STANDING COMMITTEE ON LEGISLATION

Held in Yellowknife from December 8 to 18, 1971

Members Present:

L.R. Trimble - Chairman
 Mrs. Lena Pedersen
 P.W. Kaeser (December 8 - 11 only)
 T.H. Butters (December 14 - 18 only)

Secretary: W. H. Remnant

Advisers:

John H. Parker - Deputy Commissioner
 B.C. Gillie - Director of Education
 C.R. McCurdy - Director of Administration
 K.J. Torrance - Director of Social Development
 F.G. Smith - Legal Advisor
 J.A. Severn - Chairman Liquor Control Board
 R.C. Robinson - General Manager, Liquor Control System
 P.A. Kwaterowsky - Superintendent of Game
 R. Simons - Chief, Continuing and Special Education
 F.C. Bodie - Chief, Labour Standards
 F.H. Murphy - Administrator of Ordinances
 F. Jones - Supervisor, Apprenticeship
 Mrs. O. Chesworth - Program Specialist
 J. Slavin - Solicitor, Public Services Department

The Committee examined the following proposed Legislation which is included in the Legislative Program for the January 1972 Session:

Vehicles Ordinance (amendment) (Director of Public Services)
 Liquor Ordinance (amendment) (Director of Public Services)
 Tradesmen's Qualifications Ordinance (new) (Mr. Gillie)
 Snowmobiles Ordinance (new) (Director of Public Services)
 Child Welfare Ordinance (amendment) (Mr. Torrance)
 Council Ordinance (amendment) (Mr. Remnant)
 Council Retiring Allowances Ordinance (new) (Mr. Remnant)

In addition to these items the following bills, which were not reviewed by the Committee as they follow an essentially standard format from year to year, will also be introduced at the January Session:

Loan Authorization Ordinance 1971-72 (new) (Mr. Cotterill)
Financial Agreement Ordinance 1972-73 (new) (Mr. Cotterill)
Supplementary Appropriations Ordinance No. 2, 1971-72 (Mr. Cotterill)
Appropriations Ordinance 1972-73 (new) (Mr. Cotterill)

The following is an abstract of the Committee's examination of each of the draft bills considered.

VEHICLES ORDINANCE (amendment)

This amendment would provide means to deal with abandoned vehicles and introduce certain changes found necessary in the administration of the Ordinance.

In reviewing it the Committee recommended the following alterations:

- (a) the extension of the period within which a judgement must be satisfied from 15 days to 30 days as the shorter period was considered inadequate for circumstances in the Territories;
- (b) The lessening of the severity of the provisions concerning suspension of a operator's hand chauffeur's licenses held by and the registration of vehicles registered in the name of a person against whom there is an unsatisfied judgement by directing the clause at an insured drivers only and by providing only for the suspension of the operator's license. The Committee felt that the clause in its original form could work a severe hardship on an individual but as

altered the authority still existed to remove an offending driver from the highway;

- (c) the addition of a new clause to provide a legal basis for the procedure whereby provincial operator's licenses are either held for return to the owner on surrender of his N.W.T. License (if a temporary resident) or returned to the province of issue;
- (d) the deletion of a clause which would have provided the authority for the arrest of jaywalkers;
- (e) the restriction of the classes of persons to whom the power to arrest would be extended by section 195 by substituting in that section the words "a peace officer" for "an officer.". The latter includes by-law enforcement officers or officers appointed under this Ordinance;
- (f) the inclusion in the clause dealing with abandoned vehicles of provisions to safeguard vehicles belonging to hunters or campers left at the side of the highway for lengthy periods of time from being dealt with as if they were abandoned abandoned vehicles;
- (g) the addition of a clause defining those questions asked by an officer which the operator of a vehicle is required to answer so that officers are not given too broad powers; and
- (h) the insertion of provisions in the clause concerning abandoned vehicles which provides for the payment of all costs, under certain circumstances, out of the Consolidated Revenue Fund of the N.W.T. to ensure that innocent persons are not penalized.

The Committee approved the bill presented to it, subject to these and other recommended changes, principally for clarification.

During discussion of the draft bill the Committee agreed that:

- (a) Where problems occur because of the lack of proper enforcement of existing legislation by the police the obvious solution is to contact the next higher level of policy authority; and
- (b) compulsory motor vehicles insurance is not appropriate to the N.W.T. because residents of settlements not connected to the Mackenzie Highway are required to pay the same insurance premiums as residents of those which are.

LIQUOR ORDINANCE (amendment)

The purpose of this amendment is to protect Board Members from legal action in respect of their actions as Board Members and to introduce certain changes found necessary in the administration of the Ordinance.

The Committee in reviewing the draft legislation recommended the following changes:

- (a) the inclusion of provisions to permit persons from settlements where there are no liquor outlets to purchase liquor on behalf of other residents of their home settlements when visiting communities where there are outlets and to collect the costs of purchase on delivery of the liquor;
- (b) the inclusion of restrictions whereby liquor not in possession of the purchaser could only be carried in a taxi for delivery to another common carrier for shipment to another community, this restriction would no longer allow the present practice whereby residents of communities in which there are liquor stores may order liquor for delivery to their homes by taxi;

- (c) the insertion of the words "for cause" in the clause dealing with cancellation or suspension of permits to ensure that the Board is required to give reasons for its actions; and
- (e) the insertion in the clause concerning the cancellation or suspension of licenses (amends sections 49 and 50 of the existing Ordinance) of provisions which will afford increased protection to license holders;
 - (i) the Committee felt that seven days notice of a public hearing was inadequate and recommended extension to 14 days and provision for the period of notice to commence on the date of receipt of notice by the licensee,
 - (ii) to ensure that the Board properly examines all the facts before cancelling or suspending a license, the insertion of the words "after due consideration" in that portion of the clause which would amend subsection 50 (1) of the existing Ordinance, and
 - (iii) the inclusion in the clause of provisions to guarantee the service to a licensee of notice of cancellation or suspension of his license and to ensure that such cancellation or suspension would not take effect until the date of service.

The Committee in reviewing the draft bill also:

- ((a) Considered that the inclusion in the draft bill of the clause regarding accounting procedures is an example of legislating for administrative procedures with which the committee does not agree.
- (b) recorded its dissatisfaction with the existing procedure whereby persons wishing to make beer for their own consumption

must obtain a license from the Federal Government which must also be approved by the Commissioner and are thereby required to deal with 2 governments; and

- (c) agreed that more adequate enforcement of existing liquor legislation is necessary and that greater emphasis must be placed on the Alcohol education program.

TRADESMEN'S QUALIFICATIONS ORDINANCE (new).

This Ordinance would by certification of tradesmen in trades designated by the Ordinance provide protection for the public and protection and upgrading for tradesmen working in designated trades.

While examining the draft bill the Committee recommended that:

- (a) provisions be inserted in the clause covering application of the Ordinance to ensure proper protection of workmen in small communities and to this end to make the Ordinance apply only to major settlements where there are qualified tradesmen working in the designated trades;
- (b) the designated trades should be identified in a schedule to the Ordinance and the authority for the Commissioner to designate trades should be deleted from the Ordinance as this should be done by the Ordinance not by Regulation;
- (c) some Members of Council should be included on the Board and was advised that an amendment to the Apprenticeship Training Ordinance will be presented at the June Session to increase the size of the Apprenticeship Advisory Board which is the "Board" for the purposes of this Ordinance;

- (d) the insertion in the clause dealing with appeals of the words "shall after due consideration forthwith" to ensure proper but expeditious handling of appeals; and
- (e) in the clause concerning offences and penalties that the penalties provided be substantially reduced to render them more appropriate to the offences to which they relate.

The Committee approved this bill subject to these recommendations and other less important changes suggested principally for clarity.

SNOWMOBILES ORDINANCE (new)

This Ordinance would empower municipalities to pass by-laws relating to the registration, operation, and insurance of snowmobiles.

The Committee, during its review of the draft legislation, recommended that:

- (a) The Ordinance be redrafted to provide only for those matters over which municipalities should be authorized to pass by-laws in relation to snowmobiles and that provisions of general application to snowmobiles throughout the Territories be included in the Vehicles Ordinance;
- (b) municipalities be authorized to pass by-laws regarding the following:
 - (i) registration,
 - (ii) terms and conditions of operation,
 - (iii) rates of speed,
 - (iv) restricting areas of operation,
 - (v) creating special areas of operation,

(d) the insertion in the clause dealing with appeals of the words "shall after due consideration forthwith" to ensure

- (vi) rules of operation,
 - (vii) equipment,
 - (viii) public liability insurance,
 - (ix) operators,
 - (x) duties of operators in accidents,
 - (xi) assigning responsibility for offences,
 - (xii) penalties, and
 - (xiii) registration fees;
- (c) provisions of municipal by-laws relating to registration and insurance should not apply to snowmobiles non-resident in the municipality for a period of up to 30 days;
- (d) provisions designed to prohibit younger drivers from operating high-powered snowmobiles and to establish certain controls over dealers be incorporated in the Bill; and
- (e) that a maximum weight figure be incorporated in the definition of "snowmobile" to distinguish it from Nodwells, Bombardiers etc.

The Committee approved the bill subject to these and other comparatively minor changes it recommended.

The Committee also recommended the repeal of section 34 of the Vehicles Ordinance (requiring the painting of identification numbers on the roof of Bombardiers etc.) as it is now seldom, if ever, complied with.

CHILD WELFARE ORDINANCE (amendment)

This amendment would enact changes to certain sections of the Ordinance, in the light of experience, to make it a more relevant and effective piece of legislation.

The Committee in reviewing the draft legislation was provided with explanations of several clauses and recommended the inclusion of provisions, as previously requested, to ensure that grandparents, provided they are aware of the child's existence, be notified of the proceedings, and be given, if suitable, the first option to adopt the child.

The Committee approved the bill subject to this change and others proposed mainly for clarification.

COUNCIL ORDINANCE (amendment)

This bill would amend the Ordinance to provide legislative authority for monthly payment of member's indemnities, to increase members daily living allowances, to institute a daily living allowance for the member residing where the session is held; an incidental expenses allowance for appointed members, and to permit payment of committee indemnities on a portal to portal basis.

During the examination of the draft bill the Committee recommended the following changes:

- (a) In the clause concerning living allowances the deletion of reference to a maximum period (three weeks) for which such an allowance may be paid;
the clarification of the wording in the clause covering committee indemnities to ensure that these indemnities may be paid for the period of the meeting travelling time and for any period a member unavoidably spends at the location of the meeting immediately before or after the meeting because of airline scheduling; and

- (c) the insertion of a clause to make the proposed changes retroactive to January 21, 1971.

The Committee approved the Bill subject to these and certain minor changes required for clarification of meaning.

The Committee, during discussion of this bill also:

- (a) received copies of letters from the Chairman of the Standing Committee on Indemnities and Allowances replying to the Chairman's letter concerning the possibility of make the provisions of this bill retroactive to January 21, 1971; and
- (b) agreed that a letter be sent to the Chairman of the Standing Committee on Indemnities and Allowances drawing to his attention the need to consider increasing Incidental Expense Allowances because of the high costs of constituency travel.

COUNCIL MEMBERS RETIRING ALLOWANCES ORDINANCE (new)
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This Ordinance would establish a contributory Pension Plan for members of the Council of the Northwest Territories.

The Committee, in its consideration of the draft legislation, recommended the following changes:

- (a) that September 17, 1951, the commencement date of the first Council of the Northwest Territories which included elected representation, be used as the date of service;
- (b) that the terms and conditions of payment of any contributions in respect of any previous service for which a member elects to contribute be included

- in the Ordinance instead of being dealt with by regulation as proposed in the first draft bill;
- (c) the alteration of the clause concerning the amount of allowance to provide for a maximum pension of 75% of indemnity on completion of fifteen years service on Council;
 - (d) that the minimum service necessary to become eligible for an allowance be increased from the six years shown in the draft bill to seven years;
 - (e) that the provisions establishing a minimum age of 55 years at which former members, if eligible may begin receiving an allowance, be deleted so that all allowances become payable immediately after retirement from Council; and
 - (f) that the clause concerning the payment of allowances to widows and dependent children be completely redrafted to state the provisions in a more easily understood form.

The Committee approved the draft bill subject to these recommendations and to certain minor changes:

The Committee was of the opinion that the clause establishing the Council Retiring Allowances Account is unnecessary but agreed to retain it.

PUBLIC UTILITIES ORDINANCE (amendment)

The Committee considered the possibility of the Ordinance being amended in June to provide for franchising of fuel oil distributors who frequently enjoy a virtual monopoly situation will

be compelled to provide a satisfactory service at a reasonable price.

GAME ORDINANCE (amendment)

The Committee examined this Ordinance with a view to removing from it all specific references to "Indian" and "Eskimos" provided this could be done without removing any privileges or rights presently enjoyed by either group. The Committee, after examining such references with the assistance of the Superintendent of Game, concluded that this could be done and requested preparation of a preliminary draft bill.

The Committee in examining this draft:

- (a) recommended that the period of qualification for resident licenses be reduced to six months and that the exemption of residence qualification, now extended to R.C.M. Police and Armed Forces personnel be deleted; and
- (b) recommended the repeal of the provisions permitting the issue of free Trading Post Licenses to religious organizations and requested that the views of Bishop Piche and Bishop Cook concerning this matter be obtained.

FINANCIAL AGREEMENT ORDINANCE (new)

The Committee, with the assistance of the Deputy Commissioner, briefly discussed several matters including:

- (a) Federal-Provincial income taxing methods;
- (b) the desirability of the N.W.T. being granted the same powers in this area as provinces;

(c) methewavailability of records showing the amount of
income tax paid by non-residents on income earned
in the N.W.T.; and

(d) problems relating to law enforcement and police
services provided by the R.C.M. Police.