



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, NOVEMBER 19, 1982

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. George Braden, Hon. Tom Butters, Mr. Curley, Ms Cournoyea, Mr. Evaluarjuk, Mr. Kilabuk, Mr. MacQuarrie, Hon. Arnold McCallum, Mr. McLaughlin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pudluk, Mr. Sibbeston, Mrs. Sorensen, Hon. Don Stewart, Hon. James Wah-Shee

ITEM NO. 1: PRAYER

----Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Friday, November the 19th, Item 2, replies to the Commissioner's Address. Mr. Curley.

MR. CURLEY: Mr. Speaker, I have an oral question to the Commissioner, please.

MR. SPEAKER: Thank you, Mr. Curley. As there are no replies this morning, we will go on to Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

There has been a request for the Commissioner to attend. Are we agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Thank you, Mr. Commissioner. Mr. Curley, oral questions.

Question 92-82(3): Executive Committee Responsibility For Implementing Recommendations Of Special Committee On Education

MR. CURLEY: Thank you, Mr. Speaker. My questions concern the Commissioner's responsibility as the chairman of the Executive Committee. In view of the fact that the Legislative Assembly did pass a motion by majority in the Inuvik session that the government should introduce appropriate legislation to start implementing the recommendations of the special committee, and likewise in view of the fact that most of the recommendations were passed, with the motion specifically asking the Executive Committee to introduce legislation, and now as the chairman of the Executive Committee who is charged with responsibility for agenda to the Executive Committee, I wonder if the Commissioner would assure this House that he will, as the chairman of that committee, take equal and urgent priority, as he has done with the boundaries commission legislation, to put through the appropriate legislation to the Executive Committee's agenda as quickly as possible?

MR. SPEAKER: Mr. Commissioner.

Return To Question 92-82(3): Executive Committee Responsibility For Implementing Recommendations Of Special Committee On Education

COMMISSIONER PARKER: Mr. Speaker, the principle work to be carried out by the Executive Committee will be led, of course, by the Minister of Education, since that is his portfolio. I have every confidence that the Executive Committee will give the results of the discussion that has taken place here on the education report the very highest of priorities, and proceed as quickly as possible to carry out the recommendations that were placed before us.

MR. SPEAKER: Thank you. Oral questions. Mr. Kilabuk.

Question 93-82(3): Houses For Pangnirtung

MR. KILABUK: (Translation) Mr. Minister, this is to the Minister responsible for the Housing Corporation. I got a phone call from my constituents -- the housing association wanted me to ask whether there are to be some houses to be built in Pangnirtung. Is that true?

MR. SPEAKER: Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I am not sure at the present time what the schedule of housing is for this year. I know that there are 82 particular units, but whether there are any for Pangnirtung, I will have to check. So I will have to take the question as notice, and return.

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

Supplementary To Question 93-82(3): Houses For Pangnirtung

MR. KILABUK: (Translation) Mr. Speaker, supplementary. They were told by the Baffin region that there will be no houses for Pangnirtung, and the outpost camp people would like to move to Pangnirtung. Maybe the Minister responsible for the Housing Corporation could try to bring some houses to Pangnirtung, because the people living in the outpost camps surrounding Pangnirtung want to move to Pangnirtung, for the reason that the sealskin prices are decreasing. Maybe the Housing Corporation people could try to bring some houses to Pangnirtung in 1983? Thank you, Mr. Speaker.

MR. SPEAKER: Mr. Kilabuk, you rather bruised the rules considerably. That really is not an oral question, but a presentation. Oral questions, Mr. Curley.

Question 94-82(3): Rankin Inlet Dock Facilities

MR. CURLEY: Mr. Speaker, I have a further question to the Commissioner, a question that does not involve political questions at all. It has to do with the Commissioner's assurance that he would look into possibly trying to find funds for Rankin Inlet dock facilities. Last year there was a response that your government would be contacting the federal government about it, but no information has been getting to Rankin Inlet. I wonder if the Commissioner can at least assure the people of Rankin Inlet that he will be seeking further funds to improve the docking facilities, particularly during the sealift, and for the people of Rankin Inlet?

MR. SPEAKER: Mr. Commissioner.

Return To Question 94-82(3): Rankin Inlet Dock Facilities

COMMISSIONER PARKER: Mr. Speaker, we have made representations to the federal government. The federal Department of Public Works has the responsibility for docks on oceans and seas. However, so far we have nothing positive to report. I would like to add, though, if I may, that the federal government has, in draft form -- that is, under consideration -- a program of major dock construction which would be carried out in a fashion similar to its program for airports. However, I must emphasize that the program is just in the planning stages, and at the last time I heard, there were no funds attached to it. We will, though, be pressing the federal government for action in this area.

MR. SPEAKER: Thank you, Mr. Commissioner. Oral questions. Mr. Kilabuk -- a question this time, please?

Question 95-82(3): Assurance From Minister For Housing In Pangnirtung

MR. KILABUK: (Translation) Mr. Speaker, I will try to follow the rules this time, in a question to the Housing Corporation again. The Minister of the Housing Corporation will try his hardest, for the reasons that there are hardly any houses in Pangnirtung and there is going to be a long waiting list, to try to bring some houses to Pangnirtung? Thank you.

MR. SPEAKER: Well, Mr. Kilabuk, that is twice today. I do not think there is a question in there other than possibly, "Will the Minister try?", I presume may be taken as a question. Do you wish to answer that, Mr. Minister?

Return To Question 95-82(3): Assurance From Minister For Housing In Pangnirtung

HON. ARNOLD McCALLUM: Mr. Speaker, there were 82 particular units to be built this year. Last year we did not put any units around. We prepared particular sites for 82 units to be built this year. I am not sure where they specifically are, and if there are any specifically meant for Pangnirtung. If there are not, then you will have to get in the line-up for others in ensuing years. We do not intend to put up any more than we had prepared, and received the money for preparation of those sites from last year. In other words, we are not building any more than the 82 that we had indicated we would put up -- from the last years budget.

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

Question 96-82(3): Interpreter Trained In Sanikiluaq Dialect

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. I think this question would be directed to the Commissioner. This question was asked before, in the fall of 1981. When the BRC met in Pangnirtung they made a motion that they wanted an interpreter to be trained in the Sanikiluaq dialect, but this summer when the BRC met again in Frobisher Bay we heard that this had not been approved. I think this is still a concern of the Sanikiluaq people. I wonder what the government has done so far to resolve this and whether the Commissioner has heard about this or not. Thank you.

MR. SPEAKER: Mr. Commissioner.

COMMISSIONER PARKER: Mr. Speaker, I am aware of the difficulties that the people of Sanikiluaq have in communicating in their own dialect, but I cannot say what progress we have made in identifying someone who has special abilities in that area, so I will have to seek a response and inform the Member.

MR. SPEAKER: Thank you, Mr. Commissioner. You are taking that as notice, then. Are there any further oral questions? Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Mr. Curley.

Question 97-82(3): Executive Committee Grants And Contributions

MR. CURLEY: Mr. Speaker, I have a question to the Leader of the Executive Committee, Mr. Braden. I wish to request from the Minister the following information: What type of projects, which constituency, and how much for each project has this government issued in grants since April 1, 1982, from each government department and from the Executive Committee's grants and contributions fund?

MR. SPEAKER: Thank you. Written questions. Returns. Are there any returns for today? Mr. Butters.

Return To Question 63-82(3): Government Staff Housing

HON. TOM BUTTERS: Mr. Speaker, I have two returns, both to questions asked by the honourable Member for Yellowknife Centre. The first is a return to written Question 63-82(3), which asked, in summary, will the Minister responsible for staff housing prepare a simple, clear statement explaining the situation that occupants of staff housing in Yellowknife, both multi-units and attached dwellings, will find themselves in on November 1st, 1983?

In response to that question I advise that Yellowknife is a level one community and as such employees will be provided government accommodation, to the limit of availability, under the present arrangement, until November 1, 1983. After November 1, 1983, accommodation will only be provided to new hires and transferred employees for one year; the government owned apartments and houses will be used for this purpose. Some employees may be required to move from these units; however, this is not expected at this time. Those who must move will be assisted in finding suitable accommodation. Employees presently in leased apartments and multiple housing units will be able to remain in their units but will rent directly from the owner or from a property management firm engaged by the government. The actual arrangements will be known after negotiation with the owners. Again, employees who may be required to move will be assisted in finding suitable accommodation. Employees in government leased detached units will either be given the opportunity to purchase; rent the unit from the landlord or a property management firm; and, third, be assisted in finding suitable accommodation. The exact arrangement will be known at the conclusion of negotiation with the owners.

It should be stated here that of the 1320 employees in Yellowknife, only 34 per cent, or 451, are accommodated by this government. It is expected that over the next year a greater number of employees will move to the private market because of the lowering of interest rates and the increase in residential construction. At the present time there is no consideration being given to delaying the full implementation for another year. However, the situation will be closely monitored.

Return To Question 55-82(3): Rental Rates For Deputy Ministers And Regional Directors

Also, a return to written Question 55-82(3), with regard to rent rates for deputy ministers and regional directors, again asked by the honourable Member for Yellowknife Centre.

1) Officials who occupy accommodation not provided by the Government of the Northwest Territories are provided with the standard accommodation allowance of \$450 per month which is available to all employees. Standard accommodation allowance is also available to deputy ministers in Yellowknife who are all charged market rates of rent.

2) Rental rates paid by regional directors are calculated using the square metre rate of rent applicable to all other employees in the community. Deputy ministers who occupy staff accommodation in Yellowknife are charged market rates of rent as calculated by an independent appraiser. Each rental rate for deputy ministers and regional directors is, therefore, different, as units vary in terms of size and in the market values assigned. Rents charged to deputy ministers in Yellowknife vary from \$675 to \$1125 per month.

3) All employees pay rent on the same basis, depending upon the level of community. All employees occupying staff accommodation in level one communities pay market rates of rent and all other employees pay the rents on a per square metre basis. There is no sliding scale of rents.

MR. SPEAKER: Thank you, Mr. Minister. Returns? Mr. McCallum.

Return To Question 67-82(3): Warehouse Facilities, Pangnirtung Housing Association

HON. ARNOLD McCALLUM: Mr. Speaker, I have a return to a written Question 67-82(3), asked by Mr. Kilabuk on November 15th concerning the warehouse facilities for the Pangnirtung Housing Association.

The lack of adequate storage and warehousing facilities to store Housing Corporation materials and supplies is a major concern. In 1982, sufficient funding was available to prepare sites and develop pads for two warehouses. Frobisher Bay and Whale Cove were designated to receive the warehouses, as these communities were identified as having the highest priority. Construction of the warehouses will occur in 1983.

The Housing Corporation is currently reviewing its warehousing requirements for 1983-84. There are many communities with warehousing facilities that are comparatively poorer than the facilities available in Pangnirtung. It is therefore unlikely that Pangnirtung will receive a warehouse in 1983-84.

MR. SPEAKER: Thank you, Mr. Minister. Are there any further returns?

Item 5, petitions.

Item 6, tabling of documents.

ITEM NO. 6: TABLING OF DOCUMENTS

Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I would like to table Tabled Document 37-82(3), a letter from the president of the board of directors of the Arctic Co-operatives Limited, Mr. Bill Lyall, concerning the operation and the training program conducted by the Arctic Co-operatives Limited.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents. Mrs. Sorensen.

MRS. SORENSEN: Thank you, Mr. Speaker. I would like to table Tabled Document 38-82(3), 17th Report of the Standing Committee on Finance on Bill 2-82(3), Bill 5-82(3) and Bill 6-82(3).

MR. SPEAKER: Thank you. Tabling of documents.

Item 7, reports of standing and special committees.

ITEM NO. 7: REPORTS OF STANDING AND SPECIAL COMMITTEES

Mrs. Sorensen.

Report Of The Standing Committee On Finance

MRS. SORENSEN: Mr. Speaker, I have the report of the standing committee on finance concerning three of the bills. We still have more work to do and we will be meeting Monday, but I do have a report concerning Bill 2-82(3), Bill 5-82(3) and Bill 6-82(3). I do not propose to read the report, but I would like to move, on behalf of the standing committee on finance, that this report be moved into committee of the whole to be discussed at the appropriate time under the appropriate bill. That is a motion, Mr. Speaker.

MR. SPEAKER: There is a motion on the floor. Is there a seconder? Mr. MacQuarrie. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Do you wish to speak to it, Mrs. Sorensen?

MRS. SORENSEN: No.

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

---Carried

Reports of standing and special committees. Mr. McLaughlin.

Report Of The Standing Committee On Rules And Procedures

MR. McLAUGHLIN: Thank you, Mr. Speaker. I would like to report to you on the first report of your standing committee on rules and procedures.

Your committee has noted that the existing rules of this Legislative Assembly were first adopted in 1967. Since then they have been amended from time to time as circumstances required. This has been a continuing band-aid process for over 15 years. In these years many circumstances have changed, including the following: the number of Members has almost doubled; more than one language is now used in the House; there are seven Ministers; the House elects its own Speaker; all Members are elected; there is a large and active committee system; native Members are in the majority; sessions are much longer; the volume of business is much greater.

Your committee has identified nearly 50 areas in which changes should be made. It therefore feels that a comprehensive review and rewrite of the rules should be undertaken prior to the expiry of the term of this Assembly. Among the necessary changes are some items on which your committee feels action should be taken immediately. These amendments have been drafted and examined by your committee and are attached to this report as Schedule A. These amendments provide for:

- 1) Sitting hours from 1:00 p.m. to 6:00 p.m. on Mondays, Tuesdays and Thursdays; from 9:30 to 11:30 a.m. and 1:00 to 6:00 p.m. on Wednesdays; and from 10:00 a.m. to 1:00 p.m. on Fridays;
- 2) Identification of statutory holidays to be observed by the Assembly unless otherwise agreed to;
- 3) The attendance of the Commissioner and the Deputy Commissioner during oral question period at the invitation of the Speaker when requested by an MLA;
- 4) The inclusion in the orders of the day of an item for statements by Ministers;
- 5) The requirement that prior authorization of the Speaker is required to take photographs in the Assembly chamber;
- 6) "Replies", formerly "replies to the Commissioner's Address", be made throughout a session except on the opening and closing days.

The comprehensive review and rewrite referred to earlier could be ready for consideration by the Assembly at the fall session in 1983. Such a review could be undertaken either by the permanent officers of this Assembly or by highly qualified procedural consultants employed on contract.

Your committee, in developing the rules amendments concerning revised sitting hours, concluded that more efficient use could be made of the sitting hours available to this House by rigidly restricting coffee breaks to 15 minutes and by having only one coffee break during each sitting.

Your committee has considered the question of membership, and concluded that the maximum allowable membership of seven would be most desirable. The committee further agreed that you, Mr. Speaker, and the Deputy Speaker should both be Members of this committee. I am pleased to advise the House that the membership of your committee now stands at seven and includes both you, sir, and the Deputy Speaker.

In conclusion, Mr. Speaker, the standing committee on rules and procedures recommends the following for the Assembly's consideration:

- 1) That the amendments to the rules of this Assembly attached as Schedule A be adopted and apply beginning at the next session;
- 2) That a comprehensive revision and rewrite of the rules of this Assembly be undertaken for consideration by this Assembly at its fall, 1983, session;
- 3) That your committee be authorized to obtain the assistance of procedural consultants in carrying out the revision of the rules;
- 4) That this Assembly, effective immediately, take one 15 minute coffee break in each morning and in each afternoon sitting, and that these breaks be rigidly restricted;
- 5) That this Assembly adopt the principle that the Speaker and Deputy Speaker be automatically appointed to the standing committee on rules and procedures.

At the appropriate time I will move a formal motion to adopt the rules which Members have indicated they would like to take effect at the beginning of the next session. Thank you, Mr. Speaker.

MR. SPEAKER: You do have the privilege, under reports of standing and special committees, to make such a motion now, and if you can have it supported it could be dealt with. You could go by way of formal motion, if that is your desire, but then you are restricted by the rules of formal motion. So you have two choices, now: to report it as you have -- or you could move acceptance of the report, and see if you can have that done, or you can ask it be moved into committee of the whole for appropriate discussion.

MR. McLAUGHLIN: Mr. Speaker, I will prefer to move a formal motion later, and then if Members, over the weekend, consider they would like to put it in committee of the whole, then they can do so.

MR. SPEAKER: Thank you, Mr. McLaughlin. Reports of standing and special committees. Item 8, notices of motion.

ITEM NO. 8: NOTICES OF MOTION

Mr. MacQuarrie.

Notice Of Motion 31-82(3): Years Maximum Assessable Remuneration For 1983

MR. MacQUARRIE: Thank you, Mr. Speaker. I wish to give notice that on Monday, November 22nd, I will move that this Assembly strongly recommend to the Executive Committee that it consider reversing its decision not to increase the years maximum assessable remuneration for 1983, and that it immediately take whatever steps are necessary to increase the YMAR for 1983 to \$26,400 or, at the very least, by an increment of six per cent.

MR. SPEAKER: Thank you. Notices of motion. Mr. Kilabuk.

Notice Of Motion 32-82(3): Defence Lawyer For Residents Of Baffin Region

MR. KILABUK: (Translation) Mr. Speaker, I would like to make a notice of motion that on the 22nd of November, I will move that this Assembly strongly recommend to the Executive Committee that it take the necessary steps to make the service of a defence lawyer available to the residents of the Baffin region. I give notice on the motion.

MR. SPEAKER: Thank you, Mr. Kilabuk. Notices of motion. Mr. Curley.

Notice Of Motion 33-82(3): Rescind Motion 7-82(3)

MR. CURLEY: Mr. Speaker, I give notice that on November 22, 1982, I will move the following motion. Now therefore, I move, seconded by the honourable Member for the Western Arctic, that Motion 7-82(3) be rescinded.

MR. SPEAKER: Notices of motion. Mr. Pudluk.

Notice Of Motion 34-82(3): Brief From Arctic Co-operatives Ltd. To Committee Of The Whole

MR. PUDLUK: Mr. Speaker, I would like to make a notice of motion. It is that Tabled Document 37-82(3) be referred to committee of the whole to be dealt with on Monday as the first item in committee of the whole. I would like to have appear at the witness table Bill Lyall, to deal with Tabled Document 37-82(3). I am going to ask for unanimous consent for the motion. Thank you.

MR. SPEAKER: Thank you, Mr. Pudluk. I would suggest to you that if you wish unanimous consent you should have that document printed so that everybody has it. It is quite lengthy. Mr. Clerk, possibly you could look after that requirement, to see that that is typed out immediately. Notices of motion.

Item 9, notices of motion for first reading of bills.

Item 10, motions.

ITEM NO. 10: MOTIONS

Motion 19-82(3), Employee Benefits for Non-Government Employees. Mr. Curley.

MR. CURLEY: Mr. Speaker, I wish to stand down this motion until Tuesday, November 23.

MR. SPEAKER: Thank you, Mr. Curley. Motion 21-82(3), Funds for LEA Employees' Benefits, Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I would like to defer this until Tuesday.

Motion 24-82(3): Trustee For Baffin Divisional School Board, Withdrawn

MR. SPEAKER: Thank you. Motion 24-82(3), Trustee for Baffin Divisional School Board, Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I would like to withdraw this motion at this time. Thank you.

MR. SPEAKER: Thank you. That then would conclude motions. I understand that there is unanimous consent being sought to deal with one motion today. We will break then for 15 minutes for coffee while that motion is being typed.

---SHORT RECESS

I call the House back to order. Previous to recessing for coffee a request had been made by Mr. Pudluk for unanimous consent to deal with his motion. The motion reads as follows -- you all have a copy -- could you give me your seconder, Mr. Pudluk?

MR. PUDLUK: Mr. Speaker, the honourable Member for Frobisher Bay.

MR. SPEAKER: Mr. Patterson. Thank you. Unanimous consent is being requested. Are there any nays? Proceed, Mr. Pudluk, with your motion.

Motion 34-82(3): Brief From Arctic Co-operatives Ltd. To Committee Of The Whole, Carried

MR. PUDLUK: Thank you, brothers. Mr. Speaker.

WHEREAS the current state of the national economy is putting strong pressures on the northern co-operatives;

AND WHEREAS these co-operatives are a most important element of the northern economy;

NOW THEREFORE, I move, seconded by the honourable Member for Frobisher Bay, that Tabled Document 37-82(3), a brief from Arctic Co-operatives Ltd., be referred to committee of the whole for consideration on Monday, November 22, as a first item of business;

AND FURTHER, that a maximum of one half hour be allocated to this item of business;

AND FURTHER, that a representative of Arctic Co-operatives Ltd. be invited to appear as a witness when this matter is being considered. Thank you.

MR. SPEAKER: Thank you, Mr. Pudluk. Your motion is in order. Do you wish to speak to it?

MR. PUDLUK: (Translation) Mr. Speaker, I am going to make a short comment. The co-operatives in the North have a large economic input into the North, and for the northern Inuit, it is a benefit to the eastern, as well as the western areas. I think it should be a continuing practice that we have trainees in the northern co-operatives. I would just like to explain and be understood that I have been asked to refer this to committee of the whole. I would just like to get the witness to the stand to explain to us further with regard to concerns he may have. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Pudluk. Mr. Patterson, as seconder.

SOME HON. MEMBERS: Question.

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

---Carried

I would like to at this time recognize Mr. Billy Lyall, a former colleague of ours, sitting in the gallery.

---Applause

Motions. Is there any further business under motions today? Mr. McLaughlin.

MR. McLAUGHLIN: Yes, Mr. Speaker. I would like to get unanimous consent to go back to notices, so that I can give notice of the rules and procedures committee motion.

SOME HON. MEMBERS: Agreed.

---Agreed

REVERT TO ITEM NO. 8: NOTICES OF MOTION

MR. SPEAKER: Proceed, Mr. McLaughlin.

Notice Of Motion 35-82(3): Adoption Of The First Report Of The Standing Committee On Rules And Procedures

MR. McLAUGHLIN: Thank you, Mr. Speaker. Whereas the need for certain changes to the rules and procedures of this House is self-evident; and whereas the standing committee on rules and procedures has received the advice of MLAs concerning necessary changes to the rules of this House; now therefore, I move that the first report of the standing committee on rules and procedures and the recommendations contained therein be adopted by this Legislative Assembly. Mr. Speaker, I would like to give notice of that for Monday, the 22nd. Thank you.

MR. SPEAKER: Thank you. Are there any further notices of motion? Mr. Patterson.

Notice Of Motion 36-82(3): CBC Witnesses To Appear At Winter Session

HON. DENNIS PATTERSON: Yes, I would like to give notice of motion for Monday, November 22nd, that this Assembly invite Mr. Doug Ward and Mr. Nick Ketchum of CBC Northern Service to appear before the committee of the whole at the next session of the Legislative Assembly to explain the current CBC northern television broadcasting policy. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. Any further notices of motion? We have dealt with motions. I will read a telex received, addressed to the Speaker: "On behalf of the Prime Minister, I acknowledge your telegram of November the 16th. Please be assured that it will be brought to Mr. Trudeau's attention." Signed by the correspondence director. That is with regard to the First Ministers' Conference in the Northwest Territories. Introduction of bills for first reading. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, may I have consent to go back to a return to a question that Mr. Kilabuk asked this morning?

MR. SPEAKER: Are there any nays?

SOME HON. MEMBERS: Agreed.

---Agreed

REVERT TO ITEM NO. 4: QUESTIONS AND RETURNS

MR. SPEAKER: Proceed, Mr. McCallum.

Return To Question 93-82(3): Houses For Pangnirtung

HON. ARNOLD McCALLUM: Mr. Speaker, the Member asked the question about housing in Pangnirtung for next year or the ensuing years. Since I had indicated no warehousing, I am pleased to indicate to the Member that there will be site preparations for housing in Pangnirtung done this year, so that construction could follow in 1984. I cannot indicate to him the exact number, because the budget for the corporation has not been finalized, but Pangnirtung is one of the areas where there will be sites prepared for construction of housing in 1984.

MR. SPEAKER: Thank you. Are there any further returns, while we are on the subject?

Item 11 on the orders of the day, introduction of bills for first reading.

Item 12, second reading of bills. Item 13, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 13: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Tabled Document 25-82(3), Aboriginal Rights and the Constitution; Bill 16-82(3), Mining Safety Ordinance; Bill 10-82(3), Society of Management Accountants Ordinance; Bill 2-82(3), Income Tax Ordinance; Bill 4-82(3), Judicature Ordinance; Bill 18-82(3), Public Sector Compensation Restraint Ordinance; Bill 5-82(3), Student Financial Assistance Ordinance; Bill 7-82(3), Liquor Ordinance; Bill 8-82(3), Safety Ordinance; Bill 9-82(3), Public Service Vehicles Ordinance; Bill 11-82(3), Vehicles Ordinance; Bill 15-82(3), Wildlife Ordinance; Bill 17-82(3), Fine Option Ordinance; Bill 19-82(3), Council Ordinance; Bill 20-82(3), Council Retiring Allowances Ordinance; Bill 23-82(3), Wildlife Ordinance; with Mr. McLaughlin in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 16-82(3), Bill 10-82(3), Bill 4-82(3), Bill 7-82(3), Bill 8-82(3), Bill 9-82(3), Bill 11-82(3), Bill 15-82(3), Bill 23-82(3), Bill 17-82(3), Bill 20-82(3); REPORT OF THE STANDING COMMITTEE ON LEGISLATION

CHAIRMAN (Mr. McLaughlin): The committee will now come to order. We are dealing with Tabled Document 25-82(3), Aboriginal Rights and the Constitution. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the government wishes to defer consideration of this item until Monday. The reason we are deferring it is that we have had requests from some of the

territorial native organizations. They need just a bit more time to digest what is in the paper, so we would want to defer that item and go on to Bill 16-82(3).

CHAIRMAN (Mr. McLaughlin): Mr. Braden, would the government like, then, to continue with Bill 16-82(3), the Mining Safety Ordinance?

HON. GEORGE BRADEN: That is correct, Mr. Chairman.

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

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 16-82(3), Mining Safety Ordinance

CHAIRMAN (Mr. McLaughlin): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, is it agreeable to have Mr. Hewitt come into the chamber to answer some of the detailed questions Members may have?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. McLaughlin): Yesterday the committee left off at clause 9. Are there any other comments or questions? Clause 9, mine occupational health and safety committee. Any comments?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. McLaughlin): Clause 10, mine occupational health and safety board. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, Mr. Chairman. This section deals with the establishment of a board called the mine occupational health and safety board, and the first issue that arose in the committee's consideration of this was with respect to the membership of the board. The initial bill that was brought to the committee by the government recommended that it include the chief inspector and two representatives nominated by management, and two by labour. At that meeting, management representatives made the point that they would like to see a change in the composition so that the board did not simply become a sort of debating society between management and labour. The committee, having listened to the arguments of management in that case, agreed that some change in the composition was warranted, and therefore recommended that the committee be composed of: the chief inspector who will be the chairperson; one labour representative, selected by the Executive Member, from nominees of workers at the mine; one management representative, selected by the Executive Member, from the nominees of the manager of each mine; and two other persons who, in the opinion of the Executive Member, are knowledgeable -- and that recommendation was accepted by the government, and is incorporated in the bill that you see.

There was also a question in clause 10 as to the frequency of meetings that might be required. Initially it was proposed that there should be four meetings a year. On the advice of our own mining adviser, the committee decided that two such meetings a year would be more than adequate for the purpose, so that change was agreed to as well, in subclause 10(5), "shall meet at least twice a year...."

Finally, there was a concern in the last section, expressed again by management, that the bill that was proposed by government initially contained a clause that seemed to require this advisory board to possibly undertake certain administrative functions, and it was recommended to us that it should be an advisory board with a clear purpose; namely, to recommend changes to the ordinance and regulations, in so far as they relate to occupational health and safety of mines. Consequently, on recommendation of the standing committee on legislation, the government had revised subclause 10(6) so that it is clearly now an advisory board, and it deals with occupational health and safety matters and makes recommendations on those to the Executive Member. The standing committee is satisfied with the way the bill reads at the present time, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 10, mine occupational health and safety board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 11, duties of managers, foremen, etc. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 12, appointment of manager. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 13, supervision by shift boss. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. In this section, which deals with supervision by shift bosses, after discussion in committee it was generally agreed that the provision should pertain to open-pit mines as well, and subclause 13(1) was revised accordingly. There was also the question of provisional shift boss certificates -- that was something of an issue at the committee meeting. The initial bill had proposed that the Executive Member would have been responsible for issuing provisional shift boss certificates, and this section has been changed to enable a manager to issue provisional shift boss certificates. Initially the term of those provisional shift boss certificates was to be 10 days. After a great deal of discussion the committee decided to recommend that the term be 45 days. I ask Members to recognize that, at the moment, there is not a specific requirement for shift bosses with shift boss certificates -- that this is a new measure, a very desirable one, without question, but the committee felt that there would be occasions when it may be necessary to have interim shift bosses, and the committee agreed to including that provision.

With respect to this section generally, there were a couple of other concerns, and we made recommendations to the government with respect to them; that is, that there be provision in regulations for a regime to govern the issuance of shift boss certificates and provisional shift boss certificates, and we understand that the government is accepting that recommendation as well. There was also a concern expressed at that time that the examinations for those seeking shift boss certificates should not be entirely written examinations, and we recommended that there should be provision for oral examinations. I believe that the government has looked favourably on that recommendation as well. Finally, we also recommended that, when we put into the effect the provision that there should be shift boss certificates issued, we must recognize that, at the present time, there are people working in that capacity, and they do not have certificates. They will have to get them, but we asked for grandfathering to this extent; that shift bosses presently employed be given a generous amount of time to prepare themselves for formal shift boss certification. I believe the government is looking favourably on that recommendation as well. Therefore, with those comments, Mr. Chairman, the committee is satisfied with clause 13 as it is.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 13, supervision by shift boss. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 14, workers to be trained. I believe there is an amendment. Mr. Braden.

Motion To Amend Subclause 14(3), Bill 16-82(3), Carried

HON. GEORGE BRADEN: Mr. Chairman, I would like to move an amendment to subclause 14(3), which reads, "The manager, or a competent person authorized by the manager, shall personally and

continually supervise work involving unusual danger", and the amendment would read: "in an emergency situation". I believe Members have copies of this proposed amendment, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): The amendment is in order. To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Very briefly, Mr. Chairman, there are going to be times in mining where a serious accident or an emergency situation does arise, and where workers -- perhaps in order to save their own lives or the lives of their colleagues -- will have to work in what is considered to be a condition of unusual danger. You are aware, Mr. Chairman, that this bill also provides that in a situation of unusual danger a worker can refuse to be on the site and working. What we are trying to provide for here is where there is an emergency situation and where clearly it is required that men be on the job to save lives or to save their own lives, working under conditions of unusual danger is provided for when there is supervision by the manager or a competent person authorized by the manager.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Just to say that that amendment is not at all at variance with the total discussion and I believe the standing committee finds it quite acceptable.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. To the amendment. The question has been called. All those in favour, raise your hands. Down. Opposed? The amendment is carried.

---Carried

To clause 14. Mr. Butters.

HON. TOM BUTTERS: Just a question of Mr. Hewitt, Mr. Chairman, on subclause 14(2). I doubt that that provision will be carried out. I am just wondering in what instances might you find a person working alone. I have worked in a mine and I can recollect very few instances where a person is required to work by himself. I just wonder what they would be, and if there is some danger associated with such occupations. Maybe we should assure that the buddy system is always in place.

CHAIRMAN (Mr. Pudluk): Mr. Hewitt.

MR. HEWITT: Thank you, Mr. Chairman. Yes, to answer the honourable Member's question, there are a number of circumstances under which a miner will find himself working in what is known as a "stope", which is a working area underground, and men do work alone and are visited at frequent intervals by their shift boss. It is a one-man job, which is why they are working alone, and it is just simply the way that mines are operated. Drilling, preparing a face for a blast, under certain circumstances is a one-man operation. So there are jobs underground where a man can quite capably do the job working alone, and does, so this provides that they be visited at prescribed intervals.

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

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. With respect to clause 14, that is, the training of workers, when the committee initially saw the bill, the bill called for trainees to be trained specifically to the satisfaction of an inspector, and in discussions in committee it was pointed out that that might be very difficult to fulfil. After listening to all the discussion, the standing committee on legislation recommended a change, and that is: "No person shall be employed in a mine unless he is a trainee and is being trained in the job he is to perform under a training program that is approved by an inspector", and it is his own supervisor who must be satisfied that he is trained at least to that level. The initial proposal stated that he "be instructed on this ordinance and the rules and regulations made thereunder" and the point was made that there are many, many rules and regulations that may not be applicable to the person on a particular job. So the standing committee accepted that argument and recommended to the government that it revise the section to read that he will be trained in the rules and regulations that are applicable to the work in which he is engaged and on the hazards associated with his work. Subclause 14(1) is now written in a way that satisfies the standing committee on legislation.

With respect to subclause 14(2), which Mr. Butters just referred to recently, in fact, subclause 14(2) was a matter of contention in the committee meetings. Management felt that the visits that were required there, or the contact with workers working alone that is required in subclause 14(2) was too onerous. On the other hand, representatives of the workers made a case to us that persuaded us that that kind of contact or visiting is possible. The committee decided not only is it possible but that it is desirable, and so even though that subclause was contentious, the committee recommended to the government that it remain as they had originally written it, and that is the way it is now in the bill that is before Members. So all of clause 14 is now written in a way that is satisfactory to the committee, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 14, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 15, restrictions as to age. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 16, hours of work. Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: Clause 16, Mr. Chairman, refers to the number of hours that might be worked underground in any one day, and the existing ordinance limits the amount of time that may be worked by workers underground. As Members may recall, this issue arose in this Assembly at an earlier date because there are those who contend that in some of the mines that are in very remote areas -- such as the Polaris mine -- workers sometimes go to a site like that hoping to be able to work longer hours, for example, 12 hours a day. It was management's contention, for instance, that because of the level of technology in mines today that it is entirely possible to work longer shifts without significant danger to workers, who might become overtired, and so on. So management was asking that the limitation on work hours be removed, or increased at least. Having been aware of that issue, the government had, in the bill that they brought to us in August, retained the old subclause 16(1) that placed limitations on the number of hours to be worked, but added subclause 16(5), that states: "Notwithstanding the Labour Standards Ordinance, the Commissioner may, upon the recommendation of the Executive Member, make rules or regulations to extend the hours of work referred to in subsection (1) in respect of any mine for such time and under such terms and conditions as he may prescribe."

The government felt that that was the best solution to the problem. At the standing committee on legislation meetings, the representatives of workers objected to that provision. They felt that the ordinance should remain as it was before -- that there should be no exceptions -- and argued quite eloquently in favour of that. On the other hand, management provided some statistics that seemed to indicate that in fact, at mines in other countries, where longer shifts are worked, there is no significant increase in accidents resulting in serious injury or death as a result of longer work hours. After having listened to all of the discussion and argumentation on both sides, the standing committee on legislation agreed that the government probably had taken the best course, keeping subclause 16(1) in, but making provision for certain exceptions in subclause 16(5). So despite the fact that that was a very contentious issue in the committee, the committee finally decided to recommend to the government that it leave those provisions as they had been drafted. That is the way they appear now, and the standing committee is satisfied with clause 16 as it is written now, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 16, hours of work. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 17, right to refuse to work. I believe there is an amendment. Mr. Braden.

Motion To Amend Subclause 17(8), Bill 16-82(3)

HON. GEORGE BRADEN: Mr. Chairman, I move that subclause 17(8) be amended by adding the words, "or the owner" immediately after the words "the worker".

CHAIRMAN (Mr. Pudluk): The amendment is in order. To the amendment, Mr. Braden.

HON. GEORGE BRADEN: Very briefly, Mr. Chairman, the government feels that the owner should have the right to appeal a decision of the committee to an inspector, and I believe this is a matter that was brought up by Mr. MacQuarrie's committee. We have decided that it is a legitimate concern, and that we will put it into the bill.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. To the amendment. Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, in fact the committee itself had recommended to the government that that phrase be included in subclause 17(8). Briefly, for Members, the situation is that if a worker refuses to work at a work site because he believes there is unusual danger, his supervisor will make a decision with respect to it. If the worker is not satisfied, he can ask that the safety committee review the situation. Once the safety committee makes its decision, subclause (8) initially simply allowed the worker to appeal that decision to an inspector if he was not satisfied with it. On discussing the whole matter, the standing committee on legislation felt that if there is right of appeal, a natural kind of justice should demand that the appeal be available to either party, and so recommended on those grounds. There was an additional thought which shaped the committee's mind, and that is that having this provision in, enabling management to appeal, might relieve pressure on the management's representatives on the safety committee, enabling them to make a fairer decision as to whether or not a work site is safe or hazardous -- knowing that if they, in their best judgment, determine that it is hazardous, their employer will still have the right to appeal that decision later. So the committee accepts and supports that amendment, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. To the amendment.

SOME HON. MEMBERS: Question.

Motion To Amend Subclause 17(8), Bill 16-82(3), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 17 as amended. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. This whole section was a contentious section in the committee's deliberations. The principle was not contended. Both labour representatives and management representatives supported the idea that workers should have the right to refuse to work in dangerous situations. So I wish to make that very clear; management accepted that as well. The point of contention was that labour representatives felt that the regime to be followed where a worker refuses to work in an unsafe situation should be spelled out in detail in the ordinance, whereas management felt that it would be sufficient in the ordinance to state that there must be a regime in place acceptable to an inspector, and then leave the establishment of that regime up to workers and management at any given mine. That was one of the issues which was outstanding after the witnesses had left, and our committee had to deal with it. After considering all the arguments the committee decided that in fact it was better to spell out the regime in detail in the ordinance, so that workers who are mobile, who travel from one mine to another, will always know very clearly what their rights are in respect of refusal to work in dangerous situations.

The government had spelled it out in the bill that it brought to our committee in August and the committee recommended to the government that it remain spelled out in the ordinance. Having said that, the committee also recognized that the way the section was written up in the previous

bill was at times a little cumbersome or confusing and recommended that the section be rewritten a little more clearly. Indeed the government has done that and I understand brought it into parallel legislation that is to be found in another bill that is before us, an amendment to the Safety Ordinance, and so they parallel one another in many, many ways.

There was another minor recommendation, that following the first refusal to work, that the supervisor should take steps to eliminate the unusual danger in the presence of the worker and that is included in subclause 17(2) and toward the end of the section, you will notice that subclause (9) states that no owner or person acting on behalf of the owner shall discharge or discipline the worker in any way for refusing to work. There was a subsection following that he stated that where a worker felt that he had been disciplined for refusing to work, that he should appeal to the chief inspector and following such an appeal the onus would be on management to demonstrate that they had not disciplined the worker for his refusal to work. Now, the standing committee on legislation, on the advice of its mining adviser, recommended that the appeal should not be made to the chief inspector, since his expertise is in mining and not in dispute arbitration. The government considered our recommendation and agreed with it and has changed the ordinance. They deleted what were subclauses (10) and (11) but have included "proceedings" under clauses 45 and 46, which we will deal with later. The standing committee is satisfied with the changes that the government has made and, therefore, clause 17, the way it is written now, is acceptable to the standing committee on legislation.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 17, as amended.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): There will be a meeting of the Members' Services Board at 11:30 today in room 211. Now this committee is going to recess until 1:00 o'clock.

---LUNCHEON RECESS

CHAIRMAN (Mr. Pudluk): This committee will come to order now. Clause 18, age and certificate required. I believe there is an amendment. Mr. Braden.

Motion To Amend Paragraph 18(1)(a), Bill 16-82(3), Carried

HON. GEORGE BRADEN: Mr. Chairman, I would like to move that paragraph 18(1)(a) be deleted and that the following be substituted under (a): "is less than the age of majority as defined in the Age of Majority Ordinance; or". Then it continues on with (b).

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, we have made this amendment because we feel that by including the provision "no person who is under the age of 21 years" could get us into some trouble with the new Canadian constitution and discrimination based on age. So, in order that we can advance a section which has some statutory recognition in the Northwest Territories, we have decided that it is most expedient to put in the amendment, which makes reference to the age of majority as defined in the Age of Majority Ordinance. Perhaps I would have Mr. Hewitt just comment in a little more detail on this, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. Mr. Hewitt.

MR. HEWITT: Thank you, Mr. Chairman. In making this change, it will not affect the owner or manager's right to hire hoist operators over and above the age of 21 years. In other words, they can still hire them on the basis of whatever criteria they apply -- experience, etc. So there is nothing to stop owners choosing to hire people over the age of 21 years, only, as hoist operators.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Hewitt. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. This is one amendment which was not recommended by the special committee on legislation and, indeed, we learned just a couple of days ago that the government intended to make this amendment and so there has not been a chance to consider all the implications and I simply wanted Members to know that, so that if Members have particular concerns they ought to voice them at this time.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 18, as amended. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. With respect to clause 18, there were only a series of word changes, generally, and words to accommodate hoist operators' certificates and medical certificates and so on and no changes of substance in clause 18. The standing committee is satisfied with the manner in which it is written now and once the vote on 18 is held, Mr. Chairman, I would appreciate it if you would give me a chance to go back to clause 16 for a brief comment, before going on to clause 19.

CHAIRMAN (Mr. Pudluk): Does this House agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Proceed, Mr. MacQuarrie.

MR. MACQUARRIE: Vote on clause 18 first.

CHAIRMAN (Mr. Pudluk): Oh yes. Clause 18, as amended.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Now we are going to go back to clause 16. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman and Members. I very much appreciate the opportunity, because I feel that in one particular aspect I did not do justice when I made my comments earlier and that is with respect to subclause 16(5), which will allow the Commissioner, upon recommendation of the Executive Member, to make rules or regulations to extend hours of work referred to in subsection (1). I should have pointed out that at the standing committee meetings the representatives of workers made a very eloquent case with respect to not making a change. They reminded the committee that working people around the world have struggled over many, many decades in order to win an eight hour working day and that it has been a struggle that was characterized by a great deal of difficulty. Therefore, I ought to have made the comment, particularly for the Minister's attention, that certainly myself, and I believe I would speak for the committee, ask the Commissioner and the Minister to think long and hard in these cases where exceptions might be made and that certainly they should be situations where it is evident that the workers themselves are making that request for change. Thank you for that opportunity.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Braden.

HON. GEORGE BRADEN: I would like to thank the Member for his reminder and rest assured that this particular provision in the ordinance is one which will be exercised with due consideration and caution. I wonder if the Member would agree that perhaps Members of this Legislature should be given the same option of only having to work an eight hour day? Would he agree to that?

MR. MacQUARRIE: Well, Mr. Chairman, here even in an eight hour day, there are considerable hazards at times, but none of them death-defying, ultimately, I think, so we can manage it all right.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 19, certificate required. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, with clause 19 we begin what is called the dust exposure section of the ordinance and there are no significant changes in this section. There had been one significant change recommended by the government, but we were also told during the standing committee meetings that the government intended to revise this section thoroughly and would be proceeding to do so in the very near future and would undertake to get input from all people concerned; workers, management and medical authorities who have a great deal of knowledge about the dangers of dust exposure. Certainly the committee feels that there should be as thorough a review of that section when the changes are made as there was to the rest of the body of the ordinance. There are, from time to time, word changes within the dust exposure section, but I do look forward to the time, very soon, when we will have an important and effective update of the dust exposure section.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 19, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 20, application. Mr. MacQuarrie.

MR. MacQUARRIE: There was a point of contention in subclause 20(3), with respect to the length of term of initial medical certificates and certainly that is an area that may and should be reviewed when the dust exposure section is reviewed, but the committee recommended that there be no change at the present time, that it be considered in the context of the whole section.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 20, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 21, notification of expiry. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 22, notification of expiry. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: In subclause 22(3), Members will note that there is a reference to applicants being free from tuberculosis of the respiratory organs. This specific reference occurs on a number of occasions in the dust exposure section. Since we were not making significant changes to the dust exposure section, we did not make any change there or recommend any change, but the standing committee does recommend that in the proposed revision of this section that special attention be paid as to whether applicants should be free from other respiratory ailments, as well as tuberculosis. It should also consider what is obviously a serious concern and that is whether present miners should be grandfathered if any change is made with respect to diseases of the respiratory organs.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 22, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 23, medical examination where miner's medical certificate expires. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 24, medical examination. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 25, production of medical records by registrar. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 26, further chest x-ray plates, medical reports, etc. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 27, registrar may order examination. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 28, registrar may cancel certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 29, delivery and custody. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 30, exemption where brief periods of exposure. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: With respect to clause 30, when the government brought the proposed bill to the standing committee, what is now subclause 30 did not appear. It does appear in the existing ordinance, but the government had felt that it would remove it. The committee recommended that since we are not making significant changes to the dust exposure section, that that section should be reinstated. The government agreed to do so, but in the standing committee's recommendation to keep it for now there is no implication that that clause should stand as it is, in the future. It ought to be subject to the same thorough review and consideration as the whole dust exposure section.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 30, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 31, radio-active materials. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, the way clause 31 was written in the bill that was presented to us was a little confusing with respect to monitoring mines, and we had recommended wording that would clarify it, and the committee is satisfied that the wording that is in the ordinance now is satisfactory.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 31, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 32, further medical examinations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 33, disposal of harmful products. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: In clause 33 the question arose from management as to whether it was necessary for owners or managers to dispose of sludge in a manner that was approved by an inspector. Management felt, and put the case very clearly, that they are subject to a great many regulations with respect to water usage and land usage and so on, and that this possibly was a redundancy -- to make it necessary to make it acceptable to an inspector as well. The standing committee recommended to the government that it investigate a little further as to whether the word "inspector" should be left there, and after such an investigation the government concluded that there were cases where it would be advisable to have this in the ordinance, that it would have to be acceptable to an inspector, and the standing committee therefore is very satisfied with the way things are, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 33, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 34, underground operation of diesel-powered machinery. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 35, fencing of abandoned mines. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 36, notices. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Mr. Chairman, there was some discussion with respect to the furnishing of information to committee members, and in subclause 36(3) we see that: "The owner or manager of a mine shall ... furnish the inspector with any other information respecting the mine that he may require..." This was the recommendation of the standing committee, that the safety committee be provided with any other information of an occupational health and safety nature that they may require. The government accepted the standing committee's recommendations, and the standing committee is satisfied with the wording. There was some concern also as to what this section actually applied to, whether the openings and closings were talking about an entire mine or merely portions of a mine. I believe, as I recollect, labour representatives and management representatives, and the government subsequently, generally agreed that it applied to a whole mine and not sections, and so subsection (2) was included to make that interpretation clear. That is it with respect to clause 36.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 36, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 37, plans. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 38, width. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, the matter of party walls in clause 38 was a matter of some mild disagreement, as to the thickness of the walls, for instance. It was pointed out by management that this seemed to be purely a technical matter that should be left to the judgment of technical people, but in discussion of the committee it was decided that it certainly had legal -- and I suppose you could say political implications as well, in a sense -- legal implications. So the standing committee agreed to recommend to the government that the provision, as they had written it, should stand with that requirement in it, and otherwise the committee is satisfied with that clause as it stands.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 38, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 39, application where suspected breach. Mr. MacQuarrie.

MR. MacQUARRIE: I see, Mr. Chairman, that all of the changes there were merely wording changes, and the type of changes that straightened out lines of communication and authority. There was nothing of substance. The committee is satisfied with that clause, as it stands.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 39, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 40, recommendations to chief inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 41, notification of accident. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, Mr. Chairman. In this section, a question arose as to who might have the responsibility to inform the Royal Canadian Mounted Police in the case of accidents causing loss of life, and the committee asked the government to investigate that more closely. The government has now written the bill to make it very clear that that will be a managerial responsibility to inform the Royal Canadian Mounted Police as well as other people, including the inspector, the coroner, and each member of the committee of mine safety.

The final subclauses in 41 are also in the bill that was presented to the standing committee. There was a little bit of confusion with respect to the type of inquiry that would occur if there were an accident involving serious injury or loss of life, and the committee recommended to the government that this area be rewritten in order to spell out very clearly who ought to do what, and how. So in subclause (4) we see that an inspector carries out an investigation of the circumstances surrounding the accident, and he submits his report of the investigation to the chief inspector. The committee may carry out an investigation relating particularly to occupational health and safety circumstances surrounding the accident, and it may submit a report of its investigations to the manager of the mine, and the chief inspector, and the focus of its recommendations would be particularly with respect to occupational health and safety in the mine. Again, the standing committee is satisfied with the way this section is now written, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 41, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 42, notice of special occurrences. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: With respect to reporting accidents in and about a mine, in the last part of subclause (1), the time limits that had been imposed on management were felt to be a little stringent, particularly providing written notice. So the standing committee recommended, as it had at an earlier place in the ordinance, that a distinction be made between oral notification and written notice. The government agreed to that distinction and has written the bills now so that the owner, manager or agent of a mine shall, within 24 hours after such occurrence, give oral notification to an inspector and the committee, and within 72 hours after such occurrence send notice of such occurrence in writing and in duplicate to an inspector and each member of the committee, and shall furnish them with particulars. The committee is satisfied that that distinction was necessary, and accepts the wording as it is now, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 42, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 43, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 44, mine rescue training. I believe there is an amendment. Mr. Braden.

Motion To Amend Subclause 44(2), Bill 16-82(3)

HON. GEORGE BRADEN: Mr. Chairman, I move that subclause 44(2) be amended by deleting the word "maintenance" and substituting the word "operation".

CHAIRMAN (Mr. Pudluk): The amendment is in order. To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the reason that we have put this amendment in is that I think it is a bit unreasonable for the law or the government to be expecting that hoist operators be trained in the maintenance of respiratory equipment. I could perceive or foresee a situation

where an accident occurred and because the respiratory equipment was malfunctioning, that the hoist operator would be considered liable for the equipment not functioning properly. So as opposed to putting the word "maintenance", what we have done is to substitute the word "operation", which we feel is more in line with the intent of this particular clause in the bill. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Again, this is an amendment that is proposed by the government and was not recommended by the standing committee on legislation, and therefore the standing committee has not examined all the implications, although I would say that this matter was discussed during the standing committee meetings. I recollect that the word "maintenance" at that time was felt to be a good word, simply because it was felt that people in particular situations that are very important to the health or safety of other workers such as a hoist operator, ought to be very knowledgeable about whatever equipment they are operating, and ought not only to be trained in the use but in the maintenance, so that if there are emergency situations which require some quick repair or something like that, that they ought to be able to do it.

Now, as I say, that is not necessarily against the word "operation" that you are proposing to substitute, because it was not an issue in the committee in the way of deciding whether or not to use the word finally. Therefore I am unable to decide on this short notice whether the change is a good one or not, but I alert other Members of the committee of the whole that they may have some concerns about that particular word.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I am not disputing what the Member is saying, and I appreciate his comments on the meetings that were held that addressed this particular subject. I am not familiar with respiratory equipment, but I would suspect that there are times when a fairly knowledgeable individual is required to maintain this particular equipment. Now, there are obviously situations where a hoist operator can do certain checks to make sure that the equipment is in proper operation, and that if he feels that actual maintenance work is required on it, maybe in an emergency situation he can do a few things, but there may be other conditions where the hoist operator just is not qualified to do the maintenance work, and in fact he should not be doing it, because you need someone who has that specific background. So this is the intent of the modification in the particular clause, and I see that Mr. Hewitt wants to talk, so, Mr. Chairman, I would ask that he be asked to make a few observations.

CHAIRMAN (Mr. Pudluk): To the amendment. Mr. Hewitt.

MR. HEWITT: Thank you, Mr. Chairman. I would just draw the committee's attention to clause 43, subclause (3), which states that a mine rescue superintendent is responsible for the maintenance of mine rescue equipment in good and serviceable condition at all times.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Hewitt. Mr. Nerysoo. To the amendment.

HON. RICHARD NERYSOO: Yes. I was just going to ask, with regard to the question of maintenance -- and I think that the answer has been supplied -- the only problem that I see and the question I might have would be whether or not there was a standard for the maintenance of such equipment; particularly, its necessity at times and importance in the area of rescue work. Good and serviceable condition may mean that you have half a tank of oxygen, for instance, in a tank, and that is serviceable, and the condition may be proper at that particular time, but I think that there has to be a little more to it than just being in proper working condition and serviceable. I think there has to be some standard that is set out for the equipment that is there. Otherwise you could have a situation that could cause some serious problems.

CHAIRMAN (Mr. Pudluk): Mr. Hewitt.

MR. HEWITT: Thank you, Mr. Chairman. I wish to advise the honourable Member that the mine rescue superintendent who reports to the chief inspector of mining safety regularly provides commonly applied standards for mine rescue equipment, standards that apply throughout the country since the equipment is quite standardized, and that the maintenance is reviewed by him during his visits to mines. There are also provisions which are followed for mine rescue practices at mines, at which time the maintenance factor is referred to with regard to the mine rescue equipment. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Hewitt. To the amendment.

AN HON. MEMBER: Question.

Motion To Amend Subclause 44(2), Bill 16-82(3), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 44 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 45, commencement of prosecution. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MacQUARRIE: The last sections on offences and penalties are very important. I will call the attention of the Members to subclause (2). First of all, subclause (1) states that no prosecution shall be commenced for an offence against this ordinance unless it is by an inspector -- and that is a very important point which I will return to later -- a member of the Royal Canadian Mounted Police, or any other person authorized in writing by the Commissioner to do so. Then subclause (2) says that subsection (1) does not apply to a prosecution for an offence under subsection 17(9). I will remind Members that that is the subsection which refers to a worker who has refused to work in what he considers to be dangerous circumstances. Subclause 17(9) -- again I will refer to it, just so that there is no mistake -- stated that no owner or person acting on behalf of the owner shall (a) discharge or threaten to discharge a worker; (b) discipline or suspend or threaten to discipline or suspend a worker; (c) impose any penalty on a worker; or (d) intimidate or coerce a worker or take any other disciplinary or discriminatory action against a worker because the worker has acted in compliance with this section. So subclause (2) of 45 is saying that if a worker feels that he has been disciplined as a result of his refusal to work in a dangerous circumstance, that he would have the right, by laying information, to commence a prosecution under the ordinance.

As I reminded Members when we were going through clause 17, the government had initially proposed that such a worker have the right to appeal to the chief inspector, saying that he had been disciplined for his refusal to work, and that when the appeal was being carried through, the onus would be on management to demonstrate that it had not disciplined the worker for that reason. The standing committee on legislation recommended that the appeal not be made to the chief inspector, as I said earlier, because his expertise is in the area of mine engineering and mine safety, and that he was not qualified, particularly, as a dispute arbitrator, unless he was simply a wise person, which he may very well be -- yes, Solomon -- but not especially qualified as a dispute arbitrator, and therefore we felt that it was unfair to expect of him to arbitrate in that kind of matter. The government, therefore, decided to drop that clause and leave it in the area of legal proceedings, and not place the onus in those legal proceedings on management to demonstrate that it did not discipline the worker for refusing to work.

When I noticed that change, first of all, I was somewhat concerned, and so was the remainder of the committee when we discussed it in committee, because we want to be sure that there is as much protection as possible for the worker in those circumstances. After discussing the matter thoroughly the other day in committee with legal counsel representatives of the government, the committee was satisfied that the situation that does exist in this section is adequate to protect the worker -- incidentally, the government felt they should not include the reverse onus provision because of the Charter of Rights, which frowns upon that sort of thing -- but we were assured on several counts that what is being recommended is adequate. Number one, we have here an offence which is a quasi-criminal matter. In other words, it would be a very serious offence for a manager or owner to discipline a worker for his refusal to work and, therefore, it is most unlikely that management will do it. If, however, a worker finds that he is demoted suddenly -- he refused to work in a dangerous place this week and next week he finds that he has a job that pays less than what he had before -- number one, he himself may lay an information with respect to that. It will be a simple matter for him -- much simpler than under an arbitration system -- once he lays the information with an inspector, with the RCMP or with the federal prosecutor's office, the Crown. If they feel that there is prima facie evidence that this happened, they will proceed

entirely from there and the worker will not have to carry the ball or the expense in that case and it should be noted that it could be an inspector who lays the information -- not only the worker himself, but the worker, simply on verbal complaint to the inspector, may persuade the inspector that there has, in fact, been a violation and these proceedings would get under way at that time.

As I said, then, the standing committee generally feels that there is sufficient protection for the worker under this ordinance. Its genuine concern is that no worker should be harassed as a result of this and consequently, again, we would call the Minister's special attention to this matter. We would hope that the advisory committee, which will be advising the Minister from time to time, should be alert to any situations where this might have happened to workers and the workers did not receive adequate redress, because if that happens, then it is to be hoped that the mining advisory committee would recommend a change in regulations, because it is certainly the intent of the standing committee on legislation, and I believe of the government, that workers absolutely should be protected in this right and it should not be a cumbersome and costly process for them to exercise this right. So, having said that, Mr. Chairman, the standing committee on legislation is satisfied with clause 45 as it is written.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Clause 45, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 46, offence and penalty. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 47, offence by corporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 48, repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 49, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): I would like to thank Mr. Hewitt for appearing at the witness table. Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. Just before we conclude the discussion on this I would like to thank my colleague, Mr. MacQuarrie, and, indeed, all my colleagues on the legislation committee for their hard work in this area. I would like to thank representatives from the Department of Public Services, who have done a lot of hard work on this as well and finally -- and there are some of them sitting in the audience here today -- representatives of industry and of government -- I see Mr. Repchuk, Mr. Geravelis, Mr. Daniels and I believe Mr. Donnelly are in the audience. There are a number of others from the Territories who have contributed to this process over the last year and a half and I think that all of them deserve a lot of credit for getting us through this first stage. The next stage -- given this input, the commitment will be to make the ordinance work. So I would just like to say that. Thank you very much, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Chairman, I said thanks to other people earlier and so I need not repeat it, but I would like to say thank you to the Members of my own committee, the standing committee on legislation. It was a difficult and tedious process. It required a lot of reading, a lot of hard work and a lot of thought, but Members stuck with it all the way and I am very appreciative of that.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Now we are going to go back to Bill 10-82(3), Society of Management Accountants Ordinance.

Bill 10-82(3), Society Of Management Accountants Ordinance

Clause 12, designation of members. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, as I understand it there was some mix-up in the bill as it was placed in Members' binders and Mr. MacQuarrie is prepared to move an amendment which will clarify that, except in respect of the designation of initials of certified management accountant and CMA. I have also brought someone this afternoon who has a lot more knowledge than I do about accountants, and that is Mr. Jim Nelson, who is the comptroller for the Government of the Northwest Territories. So, just in advance of consideration of clause 12, I would ask this committee's permission to have Mr. Nelson sit as a witness, to answer any questions that Members may have about the accounting profession.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Sergeant-at-Arms, would you invite in Mr. Nelson? Welcome, Mr. Nelson, to appear in the House. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. The bill that was presented to us, in subclause 12(2) it is stated that a member may use the designation and initials "certified management accountant" and "CMA", whereas the bill that had been tabled in Inuvik and the bill that was subsequently distributed to interested parties and the bill which the standing committee on legislation reviewed in August used the words in that section "registered industrial accountant" and "RIA"; and also, whereas the committee was aware that this was a major point of contention on the national level between accounting organizations and also, whereas the representatives from the Society of Management Accountants at that standing committee on legislation meeting in August did not vigorously urge the committee to change the designation to CMA at that time, but rather indicated generally to the committee that RIA was satisfactory for the time being, and since we did not really consider the arguments pro and con, I believe that it is most fair that we proceed with the designation that had been studied and reviewed. I will therefore move an amendment to subclause 12(2), Mr. Chairman. I believe copies have been distributed, have they?

Motion To Amend Subclause 12(2), Bill 10-82(3), Carried

Mr. Chairman, I move that subclause 12(2) be amended to read as follows: "(2) A member may use the designation and initials 'Registered Industrial Accountant' and 'RIA', but such use shall be strictly in accordance with the by-law."

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment, Mr. MacQuarrie.

MR. MacQUARRIE: I believe I have spoken to it before I moved the amendment, so I need not say any more, Mr. Chairman.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 12, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 13, accountancy practice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 14, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 15, unbecoming conduct. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 16, discipline committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 17, rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 18, initial review. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 19, powers in preliminary investigations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 20, result of preliminary investigation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 21, appeal to council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 22, recommendation for investigating committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 23, investigation committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 24, proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 25, publicity. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 26, evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 27, notices to attend and produce documents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 28, witness fees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 29, disobedience to notices. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 30, representation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 31, findings and penalties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 32, conclusion of investigating committee proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 33, action by secretary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 34, consideration by council of investigating committee proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 35, result of council finding, members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 36, result of council finding, students. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 37, appeal to supreme court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 38, court's decision in appeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 39, conviction for indictable offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 40, publication of suspension or striking off. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 41, reinstatement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 42, protection for members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 43, protection from defamation action. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 44, inspection of books and records. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 45, auditors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 46, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 47, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): The bill as a whole. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, just before we vote on it finally, I would say that if the society at some future time feels that it wishes to make a case as to why the designation ought to be changed, I am sure the government and the standing committee on legislation would be willing to hear that. Thank you.

AN HON. MEMBER: No.

MR. MacQUARRIE: Maybe they would not; I do not know.

CHAIRMAN (Mr. Pudluk): Thank you. The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. I would like to thank Mr. Nelson. He was pretty quiet, but I would like to thank him. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I had made an arrangement with the Member for Yellowknife South, the chairman of the standing committee on finance, to just hold off on Bills 18-82(3), 2-82(3), and 5-82(3). I expect that she will be back in the House this afternoon, so with your indulgence and the indulgence of the committee, could we now turn to Bill 4-82(3), the Judicature Ordinance, and then move to Bills 7-82(3) and 8-82(3), in that sequence?

CHAIRMAN (Mr. Pudluk): Does this House agree? Back to Bill 4-82(3)?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 4-82(3), Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, before we proceed on these bills, I wonder if I could get Mr. Lal at the witness table for Bill 4-82(3) and Bill 7-82(3) to explain the details if there are questions?

CHAIRMAN (Mr. Pudluk): Is the House agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Sergeant-at-Arms, please.

Bill 4-82(3), Judicature Ordinance

HON. GEORGE BRADEN: Okay, Mr. Chairman, Bill 4-82(3) is An Ordinance to Amend the Judicature Ordinance. The purpose of this amendment is to repeal the provisions of the Judicature Ordinance that provide for the manner in which interest accruing from the date of a judgment of the court is to be determined. A decision of the supreme court of the Northwest Territories has determined that this government does not have the jurisdiction to enact this legislation, and I will have Mr. Lal explain what that means in plain English, please. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. Under the existing Judicature Ordinance, there is a provision, section 21, which provided for post-judgment interest. It sets out the rules that a court may apply in determining the post-judgment interest, which is an interest to be payable to a judgment creditor. It is the interest payable on a judgment after the date of the judgment. In a recent case, Mr. Chairman, the supreme court found that this provision was in contravention of the federal Interest Act. The proposed amendment will ensure that that conflict is removed. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Lal. General comments. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, the bill was reviewed by the standing committee. No difficulties were found. It was agreed to refer the bill, as it is, to the committee of the whole.

CHAIRMAN (Mr. Pudluk): Is the House ready for the clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, retroactivity of section 20. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Bill 7-82(3), Mr. Braden.

Bill 7-82(3), Liquor Ordinance

HON. GEORGE BRADEN: I have just a few opening remarks, Mr. Chairman, with respect to Bill 7-82(3). The Northwest Territories Act provides that the Commissioner in Council may make ordinance in relation to intoxicants, which is a big word for liquor or booze. This government has passed the Liquor Ordinance, which provides that the Commissioner may make regulations controlling the buying and selling of liquor in liquor stores that we run, or that we have an arrangement with -- a private business.

It is clear that the Commissioner has, as part of his mandate, the duty to regulate the consumption of liquor in the Northwest Territories, and the control and operation of liquor stores and agencies. The Commissioner has made regulations permitting him to carry out this obligation. The regulations provided that he could, by order, prescribe the amount of liquor allowed to be purchased from a designated liquor store. Such regulations are in conformity with his power to regulate intoxicants in the Northwest Territories, as this power is contained and stated in the Northwest Territories Act.

Orders made pursuant to these regulations are in keeping with this power, and are necessary if the Commissioner is to fulfil his duties under the Northwest Territories Act. Now, the purpose of this amendment, Mr. Chairman, is to clarify the status of the Commissioner's power to pass regulations to control the purchase of intoxicants. The amendment is not designed to, nor does it, grant to the Commissioner any more power than he presently enjoys under the Northwest Territories Act. The present Liquor Ordinance does not spell out as clearly as desirable the Commissioner's power in this area. The purpose of this amendment, Mr. Chairman, is to remove any misunderstanding that may have been created by the present wording of the ordinance and regulations and I might note, Mr. Chairman, that it is retroactive in nature, and it is intended to apply to decisions that have been made as far back as 1980, I believe it is.

CHAIRMAN (Mr. Pudluk): General comments and questions. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation did review this bill and considered very carefully the government's position that it is clearly empowered to do under the Northwest Territories Act what is here being clarified, and the committee noted particularly the government's contention that this is not adding power, but rather clarifying the Commissioner's power with respect to a particular action.

Having heard those arguments, the committee did discuss a matter which it was aware of, and that is that there is a legal case pending concerning this very matter, and that was of some concern to the committee, and a fair amount of discussion ensued surrounding that matter; but in the final analysis, the committee agreed that because the abuse of liquor is a very serious problem in the Northwest Territories, and the government is seeking to bring it under control in a way that seems to have the consent of a great many people in the Northwest Territories, that that outweighed any other consideration, and therefore the committee decided that it would in fact accept this proposal. It noted as well that there is a complete revision of the Liquor Ordinance which was tabled the other day which will be distributed widely throughout the Northwest Territories, and which the standing committee on legislation will certainly review very thoroughly. Of course it is possible for people at that time who have a concern about this particular provision to express their concerns. Therefore, having considered all of these things, the committee agreed to refer this bill to the committee of the whole as it stands.

---Applause

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. General comments and questions. Does this House wish to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, retroactive effect. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ready for third reading, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Now we are going to go to Bill 8-82(3). Mr. Braden.

Bill 8-82(3), Safety Ordinance

HON. GEORGE BRADEN: Mr. Chairman, I would like the consent of the House to bring Mr. Hewitt in to assist me in the discussion of amendments to the Safety Ordinance.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Thank you, Mr. Braden. Would the Sergeant-at-Arms invite in Mr. Hewitt? I would like to thank Mr. Lal, wherever he went. He must have flown off or something. Thank you, Mr. Hewitt. General comments.

HON. GEORGE BRADEN: Mr. Chairman, could I make some opening remarks, please? The purpose of this bill, Mr. Chairman, is to amend the Safety Ordinance in order for it to reflect contemporary or current terminology, practices and legislative reform. The terms "worker" and "work site" are introduced and used in the bill, and will, of course, be used in regulations. A statutory authority for the establishment of joint work site, health and safety committees is provided for in the amendment. The amendment also provides workers with the right to refuse to work in situations of unusual danger and where a worker is wrongly discharged, suspended, or disciplined for exercising his rights to refuse to work, the court is given powers to award compensation and to reinstate the worker.

The fine for an offence under the ordinance has been increased under the amendment. The fine for every employer, person acting on behalf of the employer, or a person in charge of an establishment has been increased to a fine not exceeding \$10,000. Second, the fine for an offence by a worker has been increased to a penalty not exceeding \$1000. Third, a fine for an offence by a person who condoned an offence by an employer has been increased to a fine not

exceeding \$500. That is all I have to say in terms of opening remarks, Mr. Chairman, on that basic intent of the amendments, except to say that I will be moving an amendment to clause 5, subsection 14.1.(9), when we get to that section, and I believe Members have received copies of that amendment. Thank you, sir.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Braden. General comments and questions. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation reviewed this bill and agreed to refer it to committee of the whole as it is.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. MacQuarrie.

MR. MacQUARRIE: Yes. Thank you, Mr. Chairman. I wanted to be recognized again not as the chairman of the standing committee on legislation, but as the Member for Yellowknife Centre. Although I was bound by the committee's decision to review this bill and to recommend it to the committee of the whole as it is, I have a personal concern that this is a significant amendment which will have an impact on many industries and businesses in the Northwest Territories, or could, and that in fact they do not even know -- or they may have in this past week become aware -- that this is in the offing. While it should be obvious from my discussion with respect to the Mining Safety Ordinance that I in principle support the intentions that are in this bill, it is the kind of bill, I really believe, that should have been tabled at this session and made available to people throughout the Northwest Territories, alerting them to the fact that these significant changes were being made in the Safety Ordinance, and giving them a chance to respond in some way. That was not done. I am bound by the committee's decisions. I regret that. However, I still have my own personal feelings about it, and I wanted to express them, and I will at least abstain on the voting in this bill because I feel that way.

CHAIRMAN (Mr. Pudluk): Thank you. General comments and questions.

SOME HON. MEMBERS: Clause by clause.

CHAIRMAN (Mr. Pudluk): Clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, safety officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, joint work site health and safety committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, right to refuse to work. Mr. Braden.

Motion To Amend Clause 5, Subsection 14.1.(9), Bill 8-82(3), Carried

HON. GEORGE BRADEN: Mr. Chairman, I move that clause 5, subsection 14.1.(9), of Bill 8-82(3), be amended by adding the words "or the employer" immediately after the words "the worker".

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, very briefly the purpose of this amendment is obviously to bring it in line on the one hand with a general provision which is contained within the Mining Safety Ordinance, but it is also, as we indicated there, to provide that an employer may have the right to appeal, and I would ask Mr. Hewitt if he would want to articulate on this in any further detail.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. Mr. Hewitt.

MR. HEWITT: Thank you, Mr. Chairman. No, we have no problem with this provision whatsoever.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Hewitt. To the amendment. Question has been called. All in favour? Down. Opposed? The amendment is carried.

---Carried

Clause 5 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, offences by employer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 8-82(3), ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. We are going to go to Bill 9-82(3), now. I would like to thank Mr. Hewitt. Mr. McCallum.

Bill 9-82(3), Public Service Vehicles Ordinance

HON. ARNOLD McCALLUM: Mr. Chairman, the amendment is to the Public Service Vehicles Ordinance and very specific -- to increase the board membership from three to five members, to establish a new section that recognizes a quorum for the board, and to specifically allow the board to issue trip permits. Those are the three amendments to the bill, sir.

CHAIRMAN (Mr. Pudluk): Thank you. General comments? Mr. MacQuarrie.

MR. MacQUARRIE: The standing committee reviewed this bill, Mr. Chairman, and agreed to refer it to committee of the whole as it is.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Are you ready for clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, appointment of highway transport board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, quorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, permit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 9-82(3), ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Now we are going to go to Bill 11-82(3). Mr. Butters.

Bill 11-82(3), Vehicles Ordinance

HON. TOM BUTTERS: Thank you, Mr. Chairman. This bill rectifies an oversight in our legislation with regard to vehicles. We have in the past not required that trailers be insured and all this legislation does is make that requirement mandatory. I would note, though, that if the amendment is accepted, that it provides that the requirement for insurance on trailers would apply only to those trailers being registered from January 1, 1983, onward. So it has grandfathered the existing situation. I defer to the chairman of the standing committee on legislation.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Butters. Mr. MacQuarrie.

MR. MacQUARRIE: Yes. The standing committee reviewed the Vehicles Ordinance and agreed to refer it to committee of the whole as it is, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Are you ready for clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, insurance required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, proof of insurance required for registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, expiry or cancellation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, compliance with subsection 18(1) necessary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, motor vehicles and trailers to be insured. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 11-82(3), ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Bill 15-82(3). Mr. Nerysoo. Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Chairman, at this point either because we have been going so very quickly or because the secretary to the standing committee is slow -- one reason or the other and I do not know which -- we are overrunning the point where I have notes to work from and we have done that for some time. I would appreciate that we break early so that I can get together the notes for the remaining bills and certainly it is not just a ploy. I acknowledge openly, right now, that Bill 15-82(3) is a point of contention between the government and the standing committee on legislation and I would ask, in the interest of fairness, that we take that break now.

SOME HON. MEMBERS: Agreed.

HON. TOM BUTTERS: For how long?

MR. MacQUARRIE: Well, it is coffee break, nearly. It is just about 25 past now.

CHAIRMAN (Mr. Pudluk): Okay. Let us take 15 to 20 minutes coffee break now.

---Agreed

---SHORT RECESS

Bill 15-82(3), Wildlife Ordinance

CHAIRMAN (Mr. Pudluk): Bill 15-82(3). Mr. Nerysoo.

HON. RICHARD NERYSOO: Yes, Mr. Chairman. As has been indicated, there seems to be, some question and some concern with regard to the amendments that have been proposed. The concern with particulars of the bill has not been indicated to me, and I guess it is a bit difficult to deal with the concern if the particulars are not brought forward and addressed by myself. I did have an opportunity to speak to the standing committee on legislation, but I see that I was unable to convince them that the amendments were necessary to ensure that our Wildlife Ordinance was amended so that it can ensure some base workability. I think that some of the amendments are basically for administrative purposes. There are no real changes with regard to the right to hunt or taking away any privileges with regard to hunting and if that were the case, then I think that I would recognize the need to delay the bill, but it is basically for administrative purposes, as well as to ensure some consistency within the laws that exist right now.

There are a number of provisions within the bill that have been amended. Number one, definition of wildlife, where we are now including the egg within that definition or any part of such vertebrates, which would include the young ones. We are making a certain amendment to, I guess, allow the administration to pass regulations which would allow the superintendent of wildlife to change forms that were necessary for administrative purposes. We were a bit concerned as well that there have been situations where we have been unable to request from hunters, an indication whether or not they do hold a valid licence to hunt in the Northwest Territories, and, in fact, some concern that we may have hunters from other jurisdictions that will be coming into the North and not holding valid licences and we are unable to find out whether or not that is the case.

We are amending, as well, for biological purposes and I guess, to ensure that the hunter has some protection in the sense of being able to provide us with biological information and not having a burden placed on that individual, and particularly in the case of hides, allowing them not to be required to bring in hides when it is really not necessary. The other point is for allowing individuals to carry guns that are unsealed now through research camps and other camps without having to have them registered. That is causing some concern with us administratively and, as well, for the sake of the safety of the individuals that are involved. We are, as well, a bit concerned about the present ordinance in that people who do hunt at the moment are the only ones that can be charged for throwing away food -- meat that can be humanly consumed, and we think that it is necessary to be able to charge those people that are given meat and throw that meat away.

The other amendment is to amend a section where we require the outpost outfitters or guides or other camps to now submit to us information that they had not been required to submit previously, and that is the intent. I intend to move a further amendment when we get into the bill clause by clause.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. Bill 15-82(3). General comments. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I would say, first of all, that the standing committee on legislation, by motion, asked the government not to proceed with this bill, and so informed them by letters on November 4th and November 16th. I now specifically ask, publicly, for the Minister of Renewable Resources to agree not to proceed further with this bill.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Nerysoo.

Amendments Proposed For Administrative Purposes

HON. RICHARD NERYSOO: Well, Mr. Chairman, I would withdraw it if the chairman of the standing committee on legislation would give me some specific areas and major concerns that he sees within the bill. I do not see, within the bill, a major issue of contention that would restrict or inhibit the rights of the people of the Northwest Territories to hunt or, in fact, to pursue their traditional lifestyle -- and if that were the case then I would accept the request being made. What I have indicated is that the amendments are for administrative purposes. We have run into some serious problems and concerns over the past few months, and I think that it is basically responding to the kinds of concerns that we have, to ensure that our department functions properly. I think that I would be prepared to repeal it if that was necessary -- those sections that were very controversial. I would be prepared to do that, but I do not think that the bill in itself totally is controversial, and I think that that is the issue that I would be prepared to address.

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

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. The committee attempted to explain to the Minister why it wished the Minister not to proceed at this time, and since we cannot generate different arguments I take that as a no, that he is not willing to withdraw it. Therefore I would like to make general comments with respect to the bill and the situation surrounding it. In August, at the standing committee meeting, the government indicated that it did have some amendments that it would like to proceed with at some point, but declared that it was not at that time ready to proceed. The standing committee is in a position where we appreciate knowing ahead of time that there may be some legislation pending, but the standing committee really cannot deal with it until we have a draft bill which the government indicates they wish to proceed with. Otherwise we would be doing a lot of pointless work, because it could be that we would review some pending legislation and then find that after we had done all of the work, the government has decided not to proceed with it. At the August meeting we were told that the government was not ready to proceed, therefore, we did not review any of the ideas that they had alerted us to at that time.

When Bill 15-82(3) arrived, just shortly before the beginning of this session, I as the chairman read it very carefully, and could not see that it was an urgent bill. Therefore, at a November 4th meeting we asked Mr. McCallum, who was the government's representative, to explain why he felt that it was urgent and should proceed at this time, and he gave us an explanation -- partly that some of the items in this bill were necessary. Now, I would say, Mr. Chairman, that all legislation presumably is necessary. Hopefully, governments do not advance legislation that is not necessary.

HON. ARNOLD McCALLUM: Correct.

Government Requested Not To Proceed

MR. MacQUARRIE: However, the question is, is it urgent? That is a different question. After hearing the Minister's remarks the committee decided, firstly, that the items in Bill 15-82(3) were not urgent, and secondly, that there were items in the bill that Members felt they would like their constituents to have the chance to hear about before we moved on the bill. So Members of the committee felt that if the government tabled it now, people in the communities could be alerted to what was proposed, and the bill could be dealt with at the winter session. The committee therefore moved a motion deciding not to review the bill in detail, and recommending to the government that it not proceed with the bill, and that letter was sent on November 4th. Outside of the meeting, the Minister, Mr. Nerysoo asked if he could come to a committee meeting and speak to the committee and explain from his point of view why it was urgent and why he wanted to proceed with it. The Minister was given that chance at a November 16th meeting. He explained his reasons, and subsequent to that the committee again discussed whether it wished to abide by its earlier decision or not, and a motion was passed at the November 16th meeting reaffirming the committee's earlier decision that it would not make specific recommendations with respect to the bill, and that it would again ask the government not to proceed. The government was so informed by letter dated November 17.

Now obviously, Members and Mr. Chairman, the government has decided to proceed, I am sure in all sincerity believing that it has the lawful right to control legislation, and indeed that is a long-standing tradition in parliament. But after all, governments must be answerable to Assemblies, and a standing committee of this Assembly had asked them not to proceed, largely because Mr. Chairman, the standing committee is trying to establish a policy for a sane and rational approach to dealing with legislation, which asks that the government present its bills to the standing committee at least six weeks before a session, so that the committee will have, firstly, ample time to digest the bill and to review it thoroughly; and secondly, so that people who might be impacted will have the chance to be alerted to the possibility of that legislation being passed. The committee is not attempting to be obstructive, and has stated clearly that if a bill is urgent, or if a bill is a direct response to a motion passed in this Assembly, that the committee will waive that six week rule and deal with the legislation as quickly as it can. I repeat, it does not want to be obstructive but the committee sincerely finds it very difficult to arrive at a session and be confronted with 15 or 20 bills about which it has no previous knowledge.

Thorough Review Impossible On Short Notice

Now, what this means, Mr. Chairman and Members, is that it is very difficult to comprehend all the issues that are involved. This is not a House of parties, where parties have their own research experts to quickly look into the implications of bills, as they would in provincial legislatures or in the federal parliament. This is not a House of parties, where a party can designate a specialist for wildlife legislation, or for mining legislation. What it means, Mr. Chairman and Members, is that the Members of the standing committee on legislation, arriving in Yellowknife, are suddenly confronted with bills on a great variety of topics, and asked to review them thoroughly -- well, I hope that "thoroughly" is implied. We are asked to review them...

HON. ARNOLD McCALLUM: Always.

MR. MacQUARRIE: ...and that is not easy for us to do. We have the language problem in addition to all of these other things -- each of us individually trying to research, trying to find out who is concerned about it and why, and trying to make thoughtful recommendations about it. That is impossible to do on short notice. What it means is that we are having meetings in the morning before the regular session, or in the evening afterwards. Members are tired and sometimes reluctant to come. For example, at the last meeting we had, on the evening, I believe, of November 16th, two very reliable Members of my committee did not appear, and it is not because they are irresponsible. They have been responsible all along, but they are tired, and simply not able to cope, and on that same evening two Ministers asked if they could be excused from coming to the meeting, because the bills that they had pending were not particularly important. I try not to be an unreasonable man, and I agreed in those circumstances that the Ministers should be excused if there were some competent person there to deal with it. So I am not really complaining about the fact that they asked, but I am simply trying to point out that people get tired and harried, and have so many other things to do, that it is hard to give proper attention to the deliberation of these bills. It is also hard on the staff -- our secretaries, our interpreters, working from one end of the day to the other. So that is generally a major concern with respect to it, and why we are trying to change the pattern of the way bills are brought in.

Public Should Be Informed Of Proposed Legislation

However, the second major concern is that people ought to know what is being proposed. We are making laws that will bind people in many ways and they ought to have the chance to know that the government is proposing something, such as with the Mining Safety Ordinance. That was really a delight and a treat to work on, because of the time frame. I believe that the Liquor Ordinance will be treated in the same way. I am not saying that all bills require that extensive review, but they do require, not just an assumption that nobody is going to be impacted, but a thoughtful assessment of whether they will be or not and then alerting those people to the possibility. So in short, Mr. Chairman, the committee has asked the government not to proceed because it wishes to establish a rational procedure for handling bills. It does not wish to be obstructive at all.

The committee asks Members of this House to understand what it is trying to do and to support the committee in what it is trying to do, because it is possible that in the case of Bill 15-82(3) you may even agree with the things that are in the bill. That is true. I certainly do myself. But the point is that some day there may come a time when you wish the standing committee was able to insist that important bills come to it six weeks ahead of the session, because there may be some bill that you wish your constituents had the chance to see before it was passed.

Committee Requests Support For Deferral Of Bill 15-82(3)

The committee will be asking for your support, and here is specifically how it asks for your support. Since the government intends to proceed, I, as the chairman of the standing committee on legislation, ask all Members who are not Executive Members to abstain from voting on the bill. When the chairman of this committee asks whether the bill is ready for third reading, I will ask that not just the word "agreed" be used, but that there be a vote, and at that vote I will ask Members of this House to abstain -- not to oppose it, because we do not necessarily oppose the meat of the bill -- but to abstain, to show support for your committee. Then I alert the Executive Committee to the fact that when the bill is proposed for third reading, I will move a motion of deferral. I will move that the passage of that bill be deferred until February 18th, 1983, and I will ask all Members who are not Members of the Executive Committee to support the standing committee on that vote. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Nerysoo.

HON. RICHARD NERYSOO: Well, I will not speak on the process, and I do not disagree with Mr. MacQuarrie, but I guess if the vote is such that it is in the negative, then I assume that that means a loss of some confidence in my ability to suggest amendments to an ordinance under my responsibility.

Amendments Required To Deal With Current Problems

Now, I have no serious questions with regard to the bill. I understand the bill. I met with the committee to explain to them what the situation was. There are a number of amendments that in fact resulted from serious situations that occurred over the past year. In the case of the amendment to the Wildlife Ordinance where it includes "egg", we had a very serious situation that occurred in the Baffin region, involving people who were finally charged for taking gyrfalcon eggs. Now, the situation would not have arisen if the Inuit people that were involved had not gone to the RCMP, apparently, to report that they had not been paid for helping the man, guiding the man, to these nests, and if the law said that that was a protected part of the animal, then maybe that situation would not have happened, but it is not the case at the moment.

The situation right now with regard to gyrfalcons or falcons is that we do have a quota in the Northwest Territories for falcons. Now, if I am going to negotiate, particularly with regard to the Inuit associations, then they have to know what the laws are, and you can be assured that that situation will arise again. So I am responding in some sense to an urgent situation that occurred already. Sure, the argument is that the eggs will not be laid tomorrow, but you delay this until March and April, or February and March, then it takes a lot longer to get the laws into place again. When you look down at the kind of changes that are being made, they are responding to some of the major concerns we have. I do not disagree with the principle of what Mr. MacQuarrie is talking about, that you should give notice, but when the situation is such that we are trying to review concerns and issues -- I had something like 18 amendments to the Wildlife Ordinance, and I have come forward with only seven after serious discussion with the Executive Committee.

Now, I realize it is an ordinance that requires some very thorough thought, and thorough discussion, but the amendments I am trying to put forward are not controversial in nature, and I really think that if anything occurred and there were major concerns, I would respond properly. But to suggest on a principle of a six week notice -- I think it is a bit ridiculous to ask, after all the work that I have gone through, to try to put the thing into focus on seven particular amendments -- you know, I am not responsible for the process. Mr. McCallum is responsible for that, and maybe he can respond, but you can be assured that it is not my intention to bring forward amendments at this time which are extremely controversial in nature...

AN HON. MEMBER: Hear, hear!

HON. RICHARD NERYSOO: ...and in fact affect the hunting traditional lifestyle of people in this room or in the communities. Some of the major concerns are on the highways we are talking about here in the amendment, and you may not have that situation in the High Arctic or the Eastern Arctic, but you still have situations where people are hunting who do not have licences. The complaints do not come to you; they come to our wildlife officers that when these people are asked, they say, "Well, I am with my friend here", and that is now the situation and it is occurring on a daily basis.

Now, I do not intend to challenge Mr. MacQuarrie. I think it is his prerogative, and the committee's prerogative, to suggest to me what the changes might be. No major changes have been indicated to me, and it is most difficult for me to respond and make changes properly if the concern is not for the bill but for the principle of giving six weeks notice. I would accept that, but there are no changes to the bill. I guess I am a bit concerned that that is the approach that we want to take, because you want us to provide a better service; we are trying to make amendments so we do. Then I am caught between choosing, you might say, my Alamo and Mr. MacQuarrie's Alamo, in the sense of on a bill, less than controversial. It might have been a different situation if it was on the Mining Safety Ordinance or the Safety Ordinance, where there were major changes...

AN HON. MEMBER: Hear, hear!

HON. RICHARD NERYSOO: ...but in this situation that is not the case, and I think that we should review the bill in that context.

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

Procedure Followed To Review Legislation

HON. ARNOLD McCALLUM: Well, Mr. Chairman, I think that I should respond to the comments on the process of how the government keeps the standing committee on legislation involved with proposed legislation, draft legislation, and what it plans to do. I wrote Mr. MacQuarrie on August 20th, indicating to him that there were a number of legislative proposals -- amendments to seven particular pieces of legislation. I indicated to him as well at that time in the same letter the draft legislation -- enumerated in the letter -- the bills which his committee would be considering in November, and talked about two other bills that were left over from the previous session. On October 13th I wrote Mr. MacQuarrie as chairman of the standing committee on legislation that we thanked him for the recommendations and observations on certain bills, indicated that where recommendations were not substantive in nature they would be incorporated into the bills prior to their introduction into this House and that we would deal with changes of substance during the time of debate in committee of the whole. As well, I enclosed copies of a number of other pieces of legislation, ranging from the Student Financial Assistance Ordinance to the Wildlife Ordinance. I indicated to him as well that there would be restraint legislation drafted and it would be sent to him upon completion.

I also, at the request of some Members, and specifically the Member for Western Arctic, at a caucus meeting -- I cannot remember the date but I sent a letter to every Member of this House, indicating to them what the business of the House would be in this session, and giving each Member an idea of what was being proposed in these pieces of business which included legislation. I received from Members thank you notes indicating that it was very helpful, so they would be able then to deal with this business when they talked to their constituents prior to coming here in November. At the same time, Mr. Chairman, I recognized the work that the standing committee must do, in terms of looking at the legislation. I do not hold that it is meaningless or frivolous. It is a serious undertaking. We would not, as a group, have standing committees unless we thought they were necessary.

Six Weeks Notice Not Always Possible

I had indicated to Mr. MacQuarrie as chairman of the standing committee that I would attempt as far as possible to stay within that particular time frame of six weeks, but at times, Mr. Chairman, it is not possible. He knows, as well as I know and every other Member knows, that it is not always readily possible to bring together people in meetings, and as Members of the committees and as MLAs know, everybody is involved with a lot of meetings. There were some Ministers that were not able to get to the meeting the other night, but there were Ministers there at that meeting. As I recall, when I left it was 10:20 p.m. or somewhere around there.

I think that the ideal of the process is good, but it is an ideal that I think we should strive for, and I would assure the chairman of the standing committee that I, as chairman of the Executive subcommittee on legislation, would hold to that particular arrangement as far as humanly possible, but the government has certain particular amendments to bring in that are of an important and urgent nature and it may not be able to give the standing committee sufficient lead time on it.

As I say, I do not dismiss the process lightly. I know Mr. MacQuarrie is a man of high ideals and principles are important, but principles are important to a number of people and I think that in this particular case, these amendments to this particular bill have been in the works for some time as the result of many particular inquiries through Mr. Nerysoo's department. I think to simply delay it on that one principle of not having had it in time, and then to indicate, as chairman, that he is suggesting to his Members that they should not proceed with it and obviously putting Members that are now present in the House who may be part of his committee in a very difficult position, I think is rather unfair at this time. We do not, as Mr. Nerysoo has indicated, bring forth bills that are not important. The bills that we are proposing are important and I would suggest, sir, that we could move along with it because stopping it, on the principle of not having six weeks lead time on it, is not sufficient in this case to delay the passing of the amendments of this bill.

CHAIRMAN (Mr. Pudluk): General comments. Bill 15-82(3). Mr. MacQuarrie.

MR. MacQUARRIE: To respond, Mr. Chairman, to a couple of comments that the Minister for Renewable Resources made, I would state that I have not asked Members to vote in the negative. I have asked that they abstain during the period when voting goes clause by clause and I did say that when we reach the point where it is asked whether Members agree that the bill is ready for third reading, instead of just saying "agreed", I will ask that a vote be taken and I will ask Members to abstain, not to vote against. I did say, further, that when the bill is proposed for third reading I will move a motion that it be deferred until February 18th, 1983, and so, I will not be asking Members to vote against the bill, but merely to defer it. In that process, to me and I think to the committee, it is not a question of confidence in the Minister, since the Minister is merely following what has been a traditional pattern of introducing legislation and, therefore, personally is not to be faulted or to feel it a question of confidence if the bill finally should be deferred.

Further Amendment Being Proposed To Bill 15-82(3)

Finally, Mr. Chairman, I would just alert Members -- if they will look on their desks, they will see that the government is proposing another amendment to Bill 15-82(3). I would ask Members to note that that amendment is the substance of Bill 23-82(3), which already has second reading in this House. I would respectfully suggest that the reason it is now being proposed as an amendment to Bill 15-82(3) is because it is truly an urgent issue and the standing committee on legislation has already recognized it to be such, reviewed it absolutely in haste and agreed to refer it to the committee of the whole as it was. So the question must be asked, "Why is the government now proposing that what is in Bill 23-82(3) become part of Bill 15-82(3)?" I would say the obvious answer is that they want to introduce now an element of urgency into Bill 15-82(3) which, in fact, does not exist and thereby dissuade Members from abstaining on the vote and if they proceed with that amendment, Mr. Chairman, I would see it as an act of very bad faith.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Nerysoo.

HON. RICHARD NERYSOO: I am not going to argue with the individual. It is not my intention to show a lack of good faith. If that was the reality I would have withdrawn Bill 23-82(3) already, but that is not the case. In fact, if the situation was such that Bill 15-82(3) did pass, then the amendment that included Bill 23-82(3) would be in order. Now, I do not want to debate the merits of Bill 23-82(3), because it is a reality and a major concern to some of the people in this House. I guess it is sort of becoming a major debate between Mr. MacQuarrie and myself on this particular bill and I think I will end that and allow the clause by clause discussion to take place.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Nerysoo. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I understand some of the concerns that Mr. MacQuarrie has. However, the bill is not a lengthy one and perhaps for this time, you know, it may be wise for us to proceed with the bill. I have one concern in regard to the general definition of wildlife sanctuary. Is a bird sanctuary also included in that definition of wildlife sanctuary? I would venture to say that there is a matter of some urgency on that, but the paragraph 7(1)(c) is something that I am concerned about -- not necessarily that it should not be in there, but it being in there, I would like to see that discussed and that we proceed with this bill for this time, since it is not a lengthy bill and it would not necessarily take a lot of imagination to cross-reference the changes that are intended. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin, general comments.

MR. McLAUGHLIN: Mr. Chairman, I also, like Mr. MacQuarrie, have some concerns that we are going to go ahead with this bill despite the committee's request that we be given some sort of notice on these things. There were several bills that we really did not get notice on. We looked at the ones that were urgent and agreed to go ahead with them. Even if it had been indicated to us at our earlier meeting, before the session started, the seven or eight areas where they were going to make changes, it would have been adequate; but if this is consensus government I think maybe we should have been more involved earlier. The other thing is, if you begin to set precedents like this where, you know, stuff comes at the last minute and the committee is expected to pass it, then -- when we do not have consensus in here, I think it will set some bad precedents and will make a legislation committee not even worth-while having. So I am going to oppose the passage of this bill in this House and hope that it gets deferred to the next session.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. Curley.

Access To Game Sanctuaries Not Included

MR. CURLEY: Mr. Chairman, I only have one question. I am surprised somewhat, though, that the bill would be introduced without taking into consideration some of the recommendations that this Assembly has passed by way of motions and formal motions. For instance, we have been urging the Minister of Renewable Resources to amend the Wildlife Ordinance to enable the people of Baker Lake to be able to hunt and trap in game sanctuaries, particularly the Thelon Game Sanctuary, but that is not reflected. I think there have been some requests from the communities in that area, as well, that the regulations be improved, to allow the people of Baker Lake and Repulse Bay to be able to hunt musk-ox with a decent control quota and I am, again, surprised that these are not reflected. I do not know why. Maybe it had to do with the fact that we do not have a lot of representatives in the Executive Committee, but I would be surprised if that is the case, because the principles have been debated in the House and maybe the Minister of Renewable Resources can help me as to why he did not include that change, with respect to game sanctuaries. Thank you.

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

HON. RICHARD NERYSOO: Well, I am not sure whether or not a change is forthcoming. I do believe that that issue is being discussed right now as a major amendment. The other point is that, with regard to increases in quotas in particular -- I believe, we have increased, the quota, in one particular area in the Keewatin region, and we are looking to see if the studies we have are appropriate enough to add other areas in that particular region. So we have done some work in that area. I do not think we have increased to the extent that they probably have wanted it, but we have moved in that particular area.

The other thing is that with regard to the sanctuary, as has been indicated, we are not in the process of trying to press charges for those people that are presently there now. We think that they should continue. Our concern with that sanctuary, is that if we opened it to everyone we might have a situation of having too many people in a particular region. The mechanism we should be using is, if we open it, to have it restricted to particular people that are in the particular region, rather than just opening it completely to everyone -- for their protection as well. Certainly, as I indicated, I am prepared to look at it in that context, maybe, and in fact protect those people that are there now rather than to open to everyone. Perhaps the suggestion may be that we have to look at opening it completely, but I would be a bit concerned if that were the situation. I am prepared to look and as I said, protect those people that are there now, and ensure that their well-being is protected. So I am looking seriously at that situation.

CHAIRMAN (Mr. Pudluk): Thank you. Bill 15-82(3), general comments. Are you ready for the clause by clause? Mr. Curley.

MR. CURLEY: Yes, Mr. Chairman. Maybe the Minister can explain exactly what clause 2 means, because that likely will have a tremendous impact on some of the people in my riding. Could he explain to me exactly what it means, particularly the last part of paragraph 2(1)(z.2) of the amendment?

CHAIRMAN (Mr. Pudluk): Mr. Nerysoo.

HON. RICHARD NERYSOO: Can I also bring in Mr. Monaghan as a witness to help me clarify some of these issues?

CHAIRMAN (Mr. Pudluk): I think Mr. Minister is asking for Mr. Monaghan to be in this House, for the questioning. Is that agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Sergeant-at-Arms, please. I would like to welcome you, Mr. Monaghan, to appear in this House. Mr. Nerysoo.

HON. RICHARD NERYSOO: I think I would like to respond. With regard to the concern that Mr. Curley has, and it is certainly not our intention to include the definition of wildlife as part of the International Migratory Birds Convention. I think that is what you are most concerned about.

Our situation with regard to including the eggs, particularly in this case, was with regard to the situation that arose in the Baffin region, of gyrfalcon eggs that were taken out of the Northwest Territories. That was the response -- that we had to revise the definition to include the egg as part of, you might say, the vertebrate, the animal. That was basically our concern.

CHAIRMAN (Mr. Pudluk): Thank you. This House was agreed that we would go on clause by clause. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, wildlife. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, issue, renewal, qualifications and fees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, Mr. Nerysoo.

HON. RICHARD NERYSOO: I would like to move an amendment.

CHAIRMAN (Mr. Pudluk): Could you wait a second? I think that Ipeelee Kilabuk would like to go back to clause 3 before we go on to clause 5. I think he has a question. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Chairman, what I was trying to say is that there are different licences for fish and other wildlife, with different dates. I think our general hunting licence expires in the month of June, but some of them are different, in that they are issued or renewed at a different time. It was mentioned that some of the residents were concerned that it would be better to have the licences start in April. Would that be possible, to move them to the month of April?

CHAIRMAN (Mr. Pudluk): Mr. Nerysoo.

HON. RICHARD NERYSOO: Well, I do not see any serious problem with that at all. If that is a suggestion that the Member wishes to make to me, I will certainly take it into consideration, and give a reply to him as to whether or not that could occur.

CHAIRMAN (Mr. Pudluk): Clause 5. Mr. Nerysoo, do you have an amendment to that?

Motion To Amend Bill 15-82(3) By Adding Marginal Note To Clause 5, Carried

HON. RICHARD NERYSOO: I move that Bill 15-82(3), An Ordinance to Amend the Wildlife Ordinance be amended by adding to subsection 14(3) of clause 5 the following marginal note, "where a licence or permit is not available for examination".

CHAIRMAN (Mr. Pudluk): Your amendment is in order. To the amendment, Mr. Nerysoo. Are you ready for the question?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): The question has been called. All those in favour, please raise your hands. Down. Opposed? The amendment is carried.

---Carried

Clause 5 as amended, hunting with licence or permit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, evidences of age, sex and species. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, sanctuaries. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, in regard to clause 7, the new wording is "No person shall hunt in, commence to hunt in or continue to hunt in a wildlife sanctuary." In the definition of "wildlife sanctuary", would that also include a bird sanctuary, and if that is the case, then where is the protection for people who are presently hunting in bird sanctuaries?

CHAIRMAN (Mr. Pudluk): Mr. Monaghan.

MR. MONAGHAN: Mr. Chairman, the definition of "wildlife sanctuary" does not include a migratory bird sanctuary, which is covered independently in the federal legislation.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 7. Mr. Curley.

MR. CURLEY: Yes. Mr. Chairman, I certainly would have liked to have studied the bill further, too, but this is not possible now, as indicated by the chairman of the standing committee on legislation.

Motion To Amend Clause 7 Of Bill 15-82(3), Withdrawn

I would like to add an amendment to Clause 7, and that amendment would be, right after paragraph (c), add: "(d) except for holders of general hunting licences."

CHAIRMAN (Mr. Pudluk): Mr. Curley, could you read that amendment again, please?

MR. CURLEY: Yes. My amendment is to add, in clause number 7, after paragraph (c), add the following paragraph "(d) except for holders of general hunting licences."

CHAIRMAN (Mr. Pudluk): We are going to look at where that amendment could be fitted in. Let us take a 15 minute coffee break, and we will come back to it after coffee.

---SHORT RECESS

I call the committee back to order. Order in the gallery. Mr. Curley.

MR. CURLEY: Thank you, Mr. Chairman. I will withdraw my amendment. I would like to speak to clause 7, please.

CHAIRMAN (Mr. Pudluk): Yes, Mr. Curley.

MR. CURLEY: I am concerned with the continuing erosion of the privileges which were once enjoyed by many of the native people. I think that was the original reason that they were issued general hunting licences at one time, so they could carry on their livelihood, but when we see ordinances to amend the existing ordinances, we continue to see the erosion of the rights that the native people used to enjoy. For instance, once the federal government arrived and the territorial government established its authority in the NWT, the native people were able to at least enjoy much more than they used to prior to that. Prior to 1966 the whole area of the Arctic Islands and many parts of the NWT were called Arctic game preserves, Arctic Islands game preserves, and part of the reason was to allow the native people to carry on their livelihood and enjoy that part of the tradition.

Motion To Amend Subclause 7(1) Of Bill 15-82(3)

I continue to have difficulties with bills that would erode those rights, so I want, Mr. Chairman, to move an amendment to subclause 7(1). Right after the word "person" insert the following words, "other than the holders of general hunting licences". I will rephrase the word "holders" to "other than a holder of a general hunting licence". Can you indicate whether that is in order or not?

CHAIRMAN (Mr. Pudluk): I am going to ask the Clerk to read it and see if we have it right.

CLERK ASSISTANT (Mr. Hamilton): The amendment is in clause 7, subclause (1), after "no person" to add "other than a holder of a general hunting licence".

CHAIRMAN (Mr. Pudluk): Is that what the amendment is? Your amendment is in order. Mr. Curley.

MR. CURLEY: I think if that amendment goes through, the wording would then be that "no person, other than a holder of a general hunting licence, shall (a) hunt in, commence to hunt in or continue to hunt in a wildlife sanctuary." I am not trying to suggest, you know, that people ought to go and hunt as much as they please in the wildlife sanctuary, but in my area people continue to hunt in a few game sanctuaries. It may be illegal, but in many cases wildlife officials are not able to keep track of people hunting in game sanctuaries. I put that particular amendment because any regulations that we see are continuing, as I said before to erode the hunting rights of the native people, and it seemed to me that the general hunting licence is no longer applicable -- it has no meaning at all. At one time it was what it was supposed to be -- a general hunting licence, but now more and more we see that you must have a permit to do this and a permit for that, so my motion would protect the interests of those people who hold general hunting licences. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Curley. To the amendment. Mr. Nerysoo.

Protection For Hunters Presently In The Region

HON. RICHARD NERYSOO: Yes. I certainly do not have any opposition. I think, to what Mr. Curley is stating with regard to hunting and the rights of native people to their traditional lifestyle. I would never argue that case. What I would caution Mr. Curley on is the fact that, if you opened it up in the sense of the particular sanctuary, it would not in fact be then a sanctuary in the legal context. If the concern is particularly with regard to the Thelon Game Sanctuary -- there are additional options that we should pursue to try to resolve this particular issue. If it means that it is a matter of protecting those people that are there now and have been there for a number of years, my additional concern would be that, as I stated before, if you were to open that particular sanctuary up to those that are holders of general hunting licences, you may in fact get people that have never been there before, now able to go there and, in fact, have an effect on those people that are pursuing their lifestyle in that sanctuary. So with that in mind I would hope that we could resolve this particular issue, because I think that that same issue is an issue in Snowdrift, particularly the east Great Slave area where there are people from Snowdrift that in fact presently pursue their lifestyle in that particular region. That would be my major concern in that it is opening it up to too many people. That would be my caution to you.

CHAIRMAN (Mr. Pudluk): To the amendment. Mr. Curley.

MR. CURLEY: Yes, I just wanted to assure the Members here, that I think allowing holders of general hunting licences to hunt in game sanctuaries is not as critical or complicated as it could appear to be. If you look at them from a wildlife species point of view, there are quotas established for either big game or polar bears and musk-ox, for instance, so even if you open it up for holders of general hunting licences, people are still controlled by regulations. For instance, you cannot trap after May of each year, this kind of thing. So I am not convinced that enabling a person to hunt when he is a holder of a general hunting licence is going to create a problem at all. It means that he is going to be able to carry out his trapline in that area, and that he is going to have to abide by the existing rules and regulations which the Commissioner and the Minister can establish at any time. If the Minister has any problems with it, I would think he is going to be able to correct that with the existing legislation by establishing a regulation to a particular problem area. So I would want to urge the Members to support my amendment. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Are you ready for the question? Are you ready for the question?

SOME HON. MEMBERS: Question.

Motion To Amend Subclause 7(1) Of Bill 15-82(3), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour -- to the amendment? Down. Opposed? Down. The amendment is carried.

---Carried

Clause 7 as amended, sanctuaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Mr. MacQuarrie.

Request For Recorded Vote For Third Reading Of Bill 15-82(3)

MR. MacQUARRIE: Mr. Chairman, is this the point at which you would ask whether the bill is considered ready for third reading? I would ask for a recorded vote on that.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Now the bill is ready for the third reading. It has been asked for a recorded vote. All those in favour of Bill 15-82(3), ready for third reading, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Patterson, Ms Cournoyea, Mr. Curley, Mr. McCallum, Mr. Wah-Shee, Mr. Butters, Mr. Nerysoo.

CHAIRMAN (Mr. Pudluk): Down. Opposed?

CLERK ASSISTANT (Mr. Hamilton): Mr. Evaluarjuk, Mr. Appaqaq, Mr. McLaughlin.

CHAIRMAN (Mr. Pudluk): Down. Abstain?

CLERK ASSISTANT (Mr. Hamilton): Mr. Arlooktoo, Mr. Kilabuk, Mrs. Sorensen, Mr. MacQuarrie.

CHAIRMAN (Mr. Pudluk): Now the bill is ready for third reading, seven in favour, three against.

---Carried

Now we are going to go to Bill 17-82(3). Mr. McCallum. I will thank Mr. Monaghan.

HON. ARNOLD McCALLUM: Mr. Chairman, since we are on wildlife, perhaps you could deal with Bill 23-82(3).

CHAIRMAN (Mr. Pudluk): Does the committee wish to go to Bill 23-82(3)?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 23-82(3), Wildlife Ordinance

CHAIRMAN (Mr. Pudluk): Mr. Nerysoo.

HON. RICHARD NERYSOO: Yes. The amendment is not withdrawing the idea of presidents of hunters and trappers associations being ex officio wildlife officers. What it does is it allows some of the hunters and trappers association presidents who wish not to be ex officio wildlife officers to be exempt from the paragraph in the ordinance by a matter in regulation and I guess that is basically what I have to say on this issue. However, I still want to add an amendment, as well.

CHAIRMAN (Mr. Pudluk): Thank you. General comments and questions on Bill 23-82(3). Mr. MacQuarrie.

MR. MacQUARRIE: Yes. The standing committee on legislation examined this bill, Mr. Chairman, and recognized the urgency of the amendment, in that a previous amendment to the ordinance establishing certain categories of people as ex officio wildlife officers had the effect of making them wildlife officers whether they wished to be or not. Certainly we would want to preserve the right of people to make that determination for themselves and it was serious because, of course -- and this was noted in the committee -- if a person who were in that position were to violate a section of the ordinance it would be a much more serious matter than for an ordinary person to do it. The committee certainly felt that that was not a fair situation and supported the government's intention and the committee voted to refer Bill 23-82(3) to the committee of the whole as it is.

CHAIRMAN (Mr. Pudluk): Thank you. General comments and questions. Mr. Curley.

Amendment Discriminates Against One Group

MR. CURLEY: Yes. Thank you, Mr. Chairman. I appreciate the remarks from the chairman of the standing committee on legislation, but my question is -- maybe I could direct it to the Minister of Renewable Resources -- the question on principle that I have with this particular section is why allow the Commissioner to be able to make a regulation only to that one group of ex officio officers? Why not include all -- whether RCMP or the superintendent or the fisheries officers -- subject to this regulation? It makes me curious, as a native person, who is probably eligible as a president of a local hunters and trappers association to be a subject of the Commissioner's regulatory authority. Why not apply that same provision to the other ex officio officers, not only the presidents of hunters and trappers associations? I am not sure whether or not this particular provision is giving equality of treatment to different groups of people in the NWT. I would have to maybe ask the legal adviser whether or not this provision is giving only special treatment or preference, or giving the Commissioner authority to be able to make regulations to one ethnic group in the NWT. I would want that to be possibly the case, but I would think that any regulations should apply to all other ex officio officers in that category in the regions.

The question then is, does that create any implications to the rights of the people, because that section, if passed, would enable the Commissioner to make regulations to one group of ethnic or native people, and not to the other people?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Yes, Mr. Chairman. Clearly, if this ordinance were passed, regulations could be put in place exempting certain people and not others. I do not think that on its face it is discriminatory to an unacceptable degree because it leaves discretion with the Commissioner as to who he may exempt, although I think, from the discussion that I have heard on the subject, that the intention was for those presidents of hunters and trappers associations who wanted to be exempted from the provision under the ordinance that exists now, they would have to make some sort of an application. To answer really the question directly, I do not think that this is offensive in that it is totally discriminatory against one small group of people, knowing the background and the intention. I hope that helps the Member. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Law Clerk. General comments. Mr. Curley.

MR. CURLEY: Yes, Mr. Chairman, I do not want to prolong the discussion. I think it is probably a good idea that there is a provision in the ordinance that gives the Commissioner an option to appoint an ex officio officer, but I would think the same could apply to other officers, like fisheries officers. There may be a case where local hunters and trappers may not want to see the fisheries officer as the ex officio officer of the wildlife ordinance, so I do not want to see that just the native people, through that ordinance, are subject to this regulation. That is my contention. I think if the Commissioner is going to be able to make a regulation exempting presidents of hunters and trappers associations, I think he should be able to apply it across the board. He should be given authority to be able to exempt RCMP, as the case may be, wildlife officers, and fisheries officers, to make an exemption where that particular provision could likely be abused. A wildlife officer, if he has some dispute or disagreement with the hunters and trappers association, may try to find all kinds of reasons why the president of the hunters and trappers association should be exempted from being a wildlife ex officio officer of this ordinance. I think that could be subject to abuse by the wildlife people. I am not saying they do, but it would be possible that the wildlife officer might find reasons that are questionable that the hunters and trappers association president should not be the ex officio officer. So, on that basis, if this ordinance were to give equal powers to the Commissioner to be able to exempt fisheries officers, I would be very much more supportive of the bill. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Curley. Mr. Nerysoo.

HON. RICHARD NERYSOO: Mr. Chairman, just in response to the comments by Mr. Curley, it was not our intention to be discriminatory in the issue of amending the Wildlife Ordinance. The concern, I think, is one that has been brought forward and to my attention by Members in this House, as well as from hunters and trappers association presidents, and some of the chiefs that are in the Mackenzie Valley, in that there were additional requirements in becoming ex officio officers. Further we really need to assess the effect of the amendment we made to the ordinance a year ago. In fact, what could end up happening is that some of the advice that has been given both at the leadership and at the community level may be in fact contrary and contravening some of the laws that exist. It is a concern to me, and to the other Members of this House, and, as I indicated, it is not an intention to be discriminatory at all. In fact, we are just responding as quickly as we can to a concern that has arisen from this House, and from discussions at the community level. I will be prepared to respond on that particular issue of ex officio officers, including the fisheries officers and the RCMP as well, at the next session.

CHAIRMAN (Mr. Pudluk): Thank you. General comments on Bill 23-82(3). Ms Cournoyea.

Presidents Put In Difficult Legal Position

MS COURNOYEA: Mr. Chairman, I urge the Members of the Legislative Assembly to support this motion. In our area we have some grave concerns regarding the role of the president of a hunters and trappers association who is put in a very complex situation whereby he becomes an enforcement officer rather than an advocate for the hunters and trappers association. As it is, many times a hunters and trappers association, under the direction of the president, would advocate changes in law, or be aware of hunters and trappers from his community, who are in fact not totally abiding by the law, and being in the official position of wildlife officer, the president, knowing

that someone is working against the law, could himself in fact be charged for neglect of his duty. I urge everyone to support this change in the wildlife ordinance on the basis that it does not automatically exempt -- it would be by request, and perhaps there would be some associations who would prefer to continue that role as an ex officio game officer. However, in my area, in Paulatuk, Sachs Harbour, Holman Island, Tuk, as well as in Aklavik and Inuvik, many of the hunters and trappers are refusing to be presidents of the organization because they do not want to be put into a difficult legal position. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you, Ms Cournoyea. For the record, this motion is dealing with Bill 23-82(3). Any general comments? Mr. Nerysoo.

HON. RICHARD NERYSOO: Mr. Chairman, if we are going to deal with this one clause by clause, I would like to move an amendment to the bill.

CHAIRMAN (Mr. Pudluk): Is this House ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Okay, thank you. Clause 1. Mr. Nerysoo.

Amendment To Clause 1 Of Bill 23-82(3), Carried

HON. RICHARD NERYSOO: Yes, I move that Bill 23-82(3) be amended by deleting clause 1 and substituting the following: "(4) Notwithstanding paragraphs 3(c) and (d), the Commissioner may, by regulation, exempt a chief elected in accordance with the provisions of the Indian Act (Canada) and the president of any hunters and trappers association from the application of paragraphs 3(c) or (d) as the case may be."

CHAIRMAN (Mr. Pudluk): Thank you. The amendment is on clause 1. Is that correct? I will ask the Clerk to read it for me.

CLERK ASSISTANT (Mr. Hamilton): The amendment is to Bill 23-82(3). The bill is amended by deleting clause 1 and substituting the following: "1. The Wildlife Ordinance is amended by adding immediately after subsection 4(3) the following subsection: "(4) Notwithstanding paragraphs 3(c) and (d), the Commissioner may, by regulation, exempt a chief elected in accordance with the provisions of the Indian Act (Canada) and the president of any hunters and trappers association from the application of paragraphs 3(c) or (d) as the case may be."

CHAIRMAN (Mr. Pudluk): Your amendment is in order. I am going to ask the interpreters to read that amendment in Inuktitut. He was reading too fast. Thank you. To the amendment. Are you ready for the question?

AN HON. MEMBERS: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, raise your hands. Down. Opposed? The amendment is carried.

---Carried

Clause 1 as amended, exemption. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 23-82(3), ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Bill 17-82(3), Mr. McCallum.

Bill 17-82(3), Fine Option Ordinance

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to proceed with Bill 17-82(3), Fine Option Ordinance. Mr. Chairman, the Minister is not here in the House, but I believe that I could indicate to Members, as I am sure they already know, the substance of this particular piece of legislation. It has been a topic of much discussion in this House on a number of occasions, specifically when we are dealing with the budgets of Social Services and Justice and Public Services. The bill simply provides a framework for a fine option system that would allow participation in community service work as an alternative to incarceration for failure to pay a fine for a summary conviction. I do not have any further comments on the bill, Mr. Chairman. I suggest that we can go through it clause by clause.

CHAIRMAN (Mr. Pudluk): Mr. MacQuarrie. General comments.

MR. MacQUARRIE: Thank you, Mr. Chairman. With respect to Bill 17-82(3), Fine Option Ordinance, this was another bill which, after I had read it through as the chairman of the standing committee on legislation, I recommended to the committee that it not deal with this bill, because it did not seem to be urgent and did not respond to a specific motion of the Assembly, although I agree that a number of Members, including myself, have at one time or another suggested that something like this was necessary. At any rate, after a preliminary overview the committee agreed and passed a motion asking the government not to proceed with this bill. Following that, the Minister responsible for this bill, Mr. Kane Tologanak, asked if he could come to the committee in order to speak in favour of the bill. I agreed and just as Mr. Nerysoo had done with the wildlife bill, Mr. Tologanak came and spoke to our committee as to why he felt this bill was so very urgent -- I simply would like to note, Mr. Chairman, that Mr. Tologanak is not in the House right now -- but at any rate, he did speak as to why the bill was so urgent and persuaded Members that there perhaps was some urgency in view of the fact that our jails are overcrowded. As a result of that, Mr. Chairman, the committee decided to rescind its earlier motion and decided that it would refer this bill to committee of the whole, but without specific recommendation at all and wished me to note simply that there may very well be implications for communities that might have to implement a fine option system. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. No questions? Mr. McCallum.

HON. ARNOLD McCALLUM: I have already given any general comments that I have, Mr. Chairman. I think that we can go clause by clause on it.

CHAIRMAN (Mr. Pudluk): Does this House agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Chairman, just as an individual Member -- this has nothing at all to do with the committee -- noting the time, I think I will ask if we might report progress.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): You have to make a motion.

Motion To Report Progress, Defeated

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

CHAIRMAN (Mr. Pudluk): The motion is not debatable. All those in favour, please raise your hands. Down. Opposed? I think some people have been voting twice. I am going to call the vote again. All those in favour, please keep your hands high. There were six. Now there is five. Now, opposed? The motion is defeated.

---Defeated

Clause 3. Mr. MacQuarrie.

MR. MacQUARRIE: Just, then, as an individual Member, I can see the concern that in establishing this fine option program that we are -- I think it is basically a very good idea. What it simply means is where people are sentenced to pay a fine, at the present time if they are unable to do so, many of them go to jail and the purpose of this bill is to try to alleviate the situation in our jails and to try to give an alternative to people who have to pay fines and that is by having them work in the community under the supervision of some agency. I just feel, as an individual Member, that this does have implications for communities in many parts of the Northwest Territories. I know personally that right now there is a community that has been trying this on an experimental basis and is finding it impossible to deal adequately with the people that are placed on this system. It was because of that kind of knowledge that I felt the government should not proceed with this bill now and allow the communities the chance to hear what was proposed and to be able to have their input as to whether they thought it was desirable and if the details of the bill were the kinds of things that they would like to see in order to implement it effectively. So I am faced with a dilemma in a sense now. I do certainly support the intent of all this, but I am concerned that not enough is known about the implications to be able to support it fully, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 3. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, just to make a comment. We are not talking about community service orders. We are talking about a fine option, and we are talking about establishing a system. A community may or may not take part in it. Community service orders are part of probation. We are talking here about a fine option, establishing a program, and giving a community the option of whether they want to participate or not, and I think there is a difference.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 3, program established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, refusal to comply with program. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, Executive Member may contract. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 17-82(3), ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

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

Bill 20-82(3), Council Retiring Allowances Ordinance

HON. ARNOLD McCALLUM: Mr. Chairman, could we deal with Bill 20-82(3), Council Retiring Allowances Ordinance? This bill is an amendment to an existing ordinance that has been passed in the House. It allows the Members' Services Board of this Legislature to delegate the administration of the ordinance itself. I have nothing further.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Chairman. The committee had studied this bill and agreed in principle and agreed to refer the bill to committee of the whole as it stands, but it did also wish to alert the standing committee on finance that there could be some financial implications in that the Members' Services Board may appoint such professionals as it requires. Upon questioning, the government was unable to say the approximate cost of engaging such professionals, so we did wish to alert the standing committee on finance that there may be some financial implications, but from the point of view of our own committee it was acceptable.

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

HON. ARNOLD McCALLUM: Mr. Chairman, this is an amendment to an ordinance that has already been passed. It allows us to administer it. I do not see it has anything to do with the standing committee on finance, and the amount of money that is required within it to administer it is within the pension fund itself, and it is roughly three per cent.

CHAIRMAN (Mr. Pudluk): Clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Bill 20-82(3), ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Mr. Braden.

Motion To Report Progress, Carried

HON. GEORGE BRADEN: Mr. Chairman, I move that we report progress.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): The motion is not debatable. All those in favour, please raise your hands. Down. Opposed? The motion is carried.

---Carried

I wish to report progress now.

MR. SPEAKER: Mr. Pudluk.

REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 16-82(3), MINING SAFETY ORDINANCE; BILL 10-82(3), SOCIETY OF MANAGEMENT ACCOUNTANTS ORDINANCE; BILL 4-82(3), JUDICATURE ORDINANCE; BILL 7-82(3), LIQUOR ORDINANCE; BILL 8-82(3), SAFETY ORDINANCE; BILL 9-82(3), PUBLIC SERVICE VEHICLES ORDINANCE; BILL 11-82(3), VEHICLES ORDINANCE; BILL 15-82(3), WILDLIFE ORDINANCE; BILL 23-82(3), WILDLIFE ORDINANCE; BILL 17-82(3), FINE OPTION ORDINANCE; BILL 20-82(3), COUNCIL RETIRING ALLOWANCES ORDINANCE; REPORT OF THE STANDING COMMITTEE ON LEGISLATION

MR. PUDLUK: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bills 16-82(3), 10-82(3), 8-82(3), 15-82(3) and 23-82(3) and wishes to report these bills ready for third reading as amended. Also, Mr. Speaker, your committee has been considering Bills 4-82(3), 7-82(3), 9-82(3), 11-82(3), 17-82(3) and 20-82(3) and wishes to report these bills ready for third reading. In addition, Tabled Document 25-82(3) was deferred until Monday, November 22. I wish to report progress.

MR. SPEAKER: Thank you, Mr. Pudluk. I understand that Mr. Appaqaq has a point of privilege.

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. This is an information item. I would like the Members to be aware that during this November session my wife has been sick since I have come here. The hospital is taking good care of her. However, for that reason, I will be departing tomorrow, until we meet again in the next session. I will not be resigning. I want you to be aware of that. Thank you.

---Applause

MR. SPEAKER: Thank you. I am sure I join the other Members in wishing your wife a speedy recovery, and thank you for the information. Are there any further announcements for today? Mr. Clerk, announcements and orders of the day, please.

CLERK OF THE HOUSE (Mr. Remnant): The standing committee on finance will meet at 9:00 a.m., Monday, November 22nd, in Katimavik A. Monday evening, open dance at the Elks Hall, 8:00 p.m. to 12:00 midnight, being sponsored by the Yellowknife MLAs, and tickets are available from MLAs.

HON. ARNOLD McCALLUM: Did you tell them the price?

MRS. SORENSEN: Five bucks!

CLERK OF THE HOUSE (Mr. Remnant): Five dollars. Cash bar. Mystery entertainment.

HON. ARNOLD McCALLUM: The Duchess is going to dance.

ITEM NO. 14: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, Monday, November 22, 1:00 p.m.

1. Prayer
2. Replies to the Commissioner's Address
3. Oral Questions
4. Questions and Returns
5. Petitions
6. Tabling of Documents
7. Reports of Standing and Special Committees
8. Notices of Motion
9. Notices of Motion For First Reading of Bills
10. Motions
11. Introduction of Bills for First Reading
12. Second Reading of Bills
13. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Tabled Document 37-82(3), Tabled Document 25-82(3); Bills 18-82(3), 2-82(3), 5-82(3), 19-82(3), 6-82(3), 12-82(3) and 22-82(3)
14. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., Monday, November 22nd.

---ADJOURNMENT

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