

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 48TH SESSION

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TABLED ON FEBRUARY 8, 1973

REPORT OF N.W.T. COUNCIL STANDING COMMITTEE
ON LEGISLATION

MEETING THURSDAY, FRIDAY AND SATURDAY,
November 16, 17, & 18, 1972 at Yellowknife

IN ATTENDANCE:

T. H. Butters, Chairman
Councillors Lena Pedersen
James Rabesca
Lyle Trimble
Legal Advisor Frank Smith, Q.C.
Committee Secretary W. H. Remnant

Agenda:

1. Role of the Legal Advisor vis-a-vis the Legislation Committee
2. Terms of Reference - Legislation Committee Secretary
3. Registered Nurses Ordinance Draft
4. Certified Nurses Assistants Ordinance Draft
5. Territorial Hospital Insurance Ordinance Amendment Draft
6. Medical Care Ordinance Amendment Draft
7. Criminal Injuries Compensation Ordinance Draft
8. Marriage Ordinance Amendment Draft
9. Liquor Ordinance Amendment Draft
10. Public Highways Ordinance Amendment Draft
11. Municipal Ordinance Amendment Draft
12. Corrections Ordinance Draft
13. Legislation Committee's Method of Operation
14. Other Business

1. The Committee requested that a Memorandum of Understanding be drawn up for approval of the Legislation Committee Legal Advisor and the Committee Chairman which would concisely and explicitly detail the service that the territorial legal advisor would provide the Legislation Committee in fulfilling its responsibilities as outlined in its Terms of Reference approved by the Council of the N.W.T.

The Memorandum of Understanding to contain the following points pertaining to the legal advisor's responsibility to the Legislation Committee.

- (a) preparation of both draft legislation and supporting substantive material in accordance with the Committee's instructions to facilitate examination and study of such legislation;
- (b) advise Committee as to both purpose and implications of the draft legislation presented to it;
- (c) carry out instructions of the Committee as they pertain and relate to the draft legislative material being examined by the Committee;
- (d) draft changes in the legislation being studied by the Committee in accordance with the Committee's direction and requests;
- (e) present to the Commissioner the draft legislation as amended following the Committee's examination and study and indicate to him changes made by the Committee; and
- (f) following presentation of the amended draft legislation to the Commissioner to report back to the Committee members through the committee secretary the suggested changes that were not accepted by the Commissioner.

Legislation Committee members recognize that following the informing of members of disposition of the Committee's requests for amended legislation that the Legal Advisor would then be at liberty to completely and fully carry out the instructions of the Commissioner related and pertinent to the legislation that had been examined and referred by the Legislation Committee.

Action to be followed:

Drafting and joint approval by both the Legal Advisor and the Legislation Committee chairman of Memorandum of Understanding incorporating the above procedure.

2. Terms of Reference - Legislation Committee Secretary:

The Committee stressed that the Secretary's Terms of Reference should stress the ongoing aspect of his responsibility to the Committee between meetings which would ensure Committee requests and recommendations are pursued and implemented expeditiously. The Committee requested that a letter be drafted for the Commissioner's signature to be circulated to all members of the administration's Legislation Policy Committee and other senior executive of the administration who foreseeably may be approached by the committee Secretary in carrying out his responsibility.

The letter developed for the Commissioner's signature should advise senior members of the administration that they in dealing with the Legislation Committee's Secretary should afford to him all the courtesy and consideration that they would normally afford to the Chairman in the knowledge that the Secretary is acting with the full authority of the Legislation Committee.

The Legislation Committee asked that the continuity provided by the Committee's Secretary is of the utmost importance in ensuring effectiveness and the success of the Committee's operation and function.

Action required:

A letter drafted for the Commissioner's signature designating the general function and responsibility of the Secretary of the Legislation Committee outlined immediately above.

3. Registered Nurses Ordinance Draft:

The Committee noted that requests had been made for legislation by nurses practising in the territories and that the Legislation Committee had, also, requested comments from the profession regarding the purpose and scope of such a bill.

The Committee's deliberations included the examination of reciprocity, the desirability of some qualifications that overseas nurses held which were not available in Canada, such as midwifery, and the protection that should be afforded nurses who owing to isolation and emergency conditions were required to act beyond the strict limits of their qualifications to alleviate pain and suffering.

With regard to reciprocity the Committee decided the arrangement was beyond the scope of the Ordinance under examination.

In the matter of recognizing special qualifications, the Committee suggested discretion should be permitted the Commissioner as provided him in other legislation such as the Dental Therapists Ordinance recently passed by the Council. In the matter of protection for acting to ameliorate pain and suffering, the

Committee learned that nurses are presently protected if they are acting in fields in which they have had training, however, it was felt that this whole matter should be examined at some length by the proper agencies to ensure that protection was, in fact, afforded nurses who were required to practise in isolated or emergency situations where a doctor's advice could not be obtained.

Pertinent to the draft legislation, the Committee requested that the qualification section of the bill be re-written by the Legal Advisor. The Committee recommended that the Administration would provide a registration service only under the Ordinance and not issue licenses to registered nurses eligible for registration in the N.W.T.

Action:

Amendments as suggested in a number of sections be made with Sections 4 and 5 and 11 to be redrafted by the legal department and mailed to the Committee members as soon as possible for examination and comment.

4. Certified Nurses Assistants Ordinance Draft:

In discussing the purpose and implications of the legislation, the Committee requested that the legislation should not be a mechanism to protect jobs for nursing assistant trainees in government sponsored programs. The concern raised at this juncture paralleled that which council members raised in the 46th session when discussing the Tradesmen's Qualifications Ordinance.

To ensure that persons presently working in the N.W.T. hospitals and nursing stations in an assistant capacity to nurses would not lose their employment as a result of this legislation, the Committee requested that the bill be entitled the Certified Nursing Assistants Ordinance rather than the Nursing Assistants Ordinance as drafted.

Action:

Amendments to the draft ordinance as requested by the Committee to be reviewed and checked by the Committee Secretary and a new Section (6) (2) to be drafted and returned to the Committee members as soon as possible for examination and approval.

5. T.H.I.S. Ordinance Amendment Draft:

Two amendments of a "housekeeping" nature were considered and approved by the Legislation Committee.

Action:

None required.

6. Medical Care Ordinance Amendment Draft:

The Committee considered one amendment to the Medical Care Ordinance to permit the standardization of the eligibility and portability requirements to bring it into line with other medical care and hospitalization plans presently offered in Canada. Amendment approved as presented.

Action:

None required.

7. Criminal Injuries Compensation Ordinance Draft:

The Committee approved the principle behind the introduction of the Ordinance but questioned excluding injuries sustained as a result of criminal use or neglect related to the operation of a motor vehicle.

The Committee requested the Legal Advisor to examine the schedule of crimes under the terms of the ordinance and ensure that other criminal acts had likewise not also been excluded.

The draft legislation was approved by the Committee with only minor changes.

Action:

The Legal Advisor to examine the whole spectrum of criminal acts catalogued in both the Criminal Code and Territorial Ordinances to ensure that the draft legislation under consideration provides as complete coverage as an innocent victim of a crime is entitled to receive. The Legal Advisor to report his findings to the Committee members prior to Council's convening in January 1973.

8. Marriage Ordinance Amendment Draft:

The Committee studied the amendment proposed to enable all Justices of the Peace to perform marriage ceremonies. The Committee approved the draft amendment as presented.

Action:

None required.

9. Liquor Ordinance Amendment Draft:

The Committee examined two amendments to the Liquor Ordinance.

The amendment pertaining to the constitution and membership of the Liquor Control Board was approved as presented.

The amendment dealing with reducing the penalty provisions for minors consuming alcohol was approved in principle with the request that the matter be fully discussed in the January Council Session and a possible alternate amendment considered as more applicable to the offence.

Action:

Draft an alternate amendment to bring penalties for minors consuming into line with the reduced penalties for adult drunkenness recommended by the Morrow Commission.

The amendment is presented to the Committee to be redrafted also to include an imprisonment provision if desirable by the sentencing court.

10. Public Highways Ordinance Amendment Draft:

The Committee did not consider the draft amendment but referred it back to Council for examination since the legislation was originally a Private Members Bill and therefore considered initially by Council as a whole.

Action:

Referral.

11. Municipal Ordinance Amendment Draft:

The Committee approved a "housekeeping" amendment dealing with the ordinance's definition section.

The Committee requested that the portion of the Municipal Ordinance dealing with procedures pertaining to nominating candidates for municipal councils be redrafted and presented to Council in keeping with the legislation pertaining to both federal and territorial election practices.

The Committee approved the legislation as presented dealing with the holding of in camera meetings by municipal councils.

The Committee approved draft legislation presented which afforded protection to members of municipal councils from civil action or prosecution in pursuit of their municipal responsibilities.

The Committee recommended pertaining to the conflicts of interest draft amendment that legislation restricting and effecting municipal councils should be standardized and pertain comparably to the Territorial Council.

The Committee approved the draft amendment permitting the Commissioner to authorize the Council to enact a bylaw for the purpose of debenture financing without the approval of ratepayers where the general revenues of the municipality will be required to bear no part of the cost of the project.

Action:

Amendments to the municipal ordinance as requested by the Committee to be redrafted by the Legal Advisor and checked by the Committee Secretary.

12. Corrections Ordinance Draft:

The Corrections Ordinance draft as examined by the Committee in the main contained the same legislation as presented by the administration at the June 1972 Session of the N.W.T. Council. Major amendments to that draft legislation occurred as a result of Council's request that a number of aspects proposed for disposition under the regulations should be included in the body of the bill since they affect and impinged upon personal freedoms of citizens.

Action:

Amendments to the draft ordinance as requested by the Committee should be reviewed and checked by the Committee Secretary.