



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, MAY 9, 1983

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. George Braden, Mr. Fraser, Mr. MacQuarrie, Mr. McLaughlin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pudluk, Mr. Sayine, Mr. Sibbeston, Mrs. Sorensen, Hon. Don Stewart, Hon. Kane Tologanak, Hon. James Wah-Shee, Mr. Wray

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Monday, May 9. Item 2, Members' replies. There do not appear to be any replies for today. Item 3, oral questions. Mr. Arlooktoo.

ITEM NO. 3: ORAL QUESTIONS

Question 99-83(1): Lack Of Funding For Inuktitut Courses, Lake Harbour

MR. ARLOOKTOO: (Translation) When we got through the month of April 1983 we did not have any more funding for the Inuktitut language instruction. I asked the Minister of Education why there are no more funds when we got to April 1983. Thank you.

MR. SPEAKER: Mr. Patterson.

Return To Question 99-83(1): Lack Of Funding For Inuktitut Courses, Lake Harbour

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. The local education authority in Lake Harbour must have used up their budget. Thank you.

MR. SPEAKER: Oral questions. Item 4, written questions. Are there any written questions for today?

Item 5, returns. Are there any returns? Item 6, Ministers' statements. Are there any Ministers' statements? Mr. Patterson.

ITEM NO. 6: MINISTERS' STATEMENTS

Minister's Statement On Death Of Mr. Kilabuk's Mother

HON. DENNIS PATTERSON: Mr. Speaker, I have just received some very sad news, that a lady known and loved within the Baffin region and indeed throughout the Northwest Territories has died today, the mother of Ipeelee Kilabuk, Alookie Kilabuk, at the age of 83 and I wish to express our regret to the family and particularly our colleague Mr. Kilabuk. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements? Item 7, petitions.

Item 8, reports of standing and special committees. Item 9, tabling of documents. Mr. Nerysoo.

ITEM NO. 9: TABLING OF DOCUMENTS

HON. RICHARD NERYSOO: Mr. Speaker. I wish to table the following document. In accordance with subsection 19(5) of the Electoral District Boundaries Commission Ordinance I am pleased to table on behalf of the Speaker, Tabled Document 26-83(1), Report of the Northwest Territories Electoral District Boundaries Commission to the Speaker of the Legislative Assembly, May, 1983.

Motion To Consider Tabled Document 26-83(1) In Committee Of The Whole, Carried

I move, Mr. Speaker, that this document be considered as a first item of business in committee of the whole on Wednesday, May 11, 1983.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Is there a seconder? Mr. Braden. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

---Applause

Are there any other documents to be tabled? Item 10, notices of motion. Item 11, notices of motion for first reading of bills, Mr. Braden.

ITEM NO. 11: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 33-83(1): Loan Authorization Ordinance No. 1, 1983-84

HON. GEORGE BRADEN: Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 33-83(1), An Ordinance to Amend the Loan Authorization Ordinance No. 1, 1983-84, be read for the first time.

MR. SPEAKER: Thank you. Notices of motion for first reading of bills. Mr. Braden.

Notice Of Motion For First Reading Of Bill 24-83(1): Fair Practices Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 24-83(1), An Ordinance to Amend the Fair Practices Ordinance, be read for the first time.

MR. SPEAKER: Thank you. Do you have other bills to proceed with?

Notice Of Motion For First Reading Of Bill 25-83(1): Council Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 25-83(1), An Ordinance to Amend the Council Ordinance, be read for the first time.

Notice Of Motion For First Reading Of Bill 26-83(1): Liquor Ordinance

Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 26-83(1), An Ordinance Respecting Liquor, be read for the first time. Thank you.

Notice Of Motion For First Reading Of Bill 27-83(1): Northwest Territories Housing Corporation Ordinance

Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 27-83(1), An Ordinance to Amend the Northwest Territories Housing Corporation Ordinance, be read for the first time.

Notice Of Motion For First Reading Of Bill 28-83(1): Societies Ordinance

Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 28-83(1), An Ordinance to Amend the Societies Ordinance, be read for the first time.

Notice Of Motion For First Reading Of Bill 29-83(1): Advisory Council On The Status Of Women Ordinance

Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 29-83(1), An Ordinance to Establish an Advisory Council on the Status of Women, be read for the first time.

SOME HON. MEMBERS: Hear, hear!

Notice Of Motion For First Reading Of Bill 30-83(1): Workers' Compensation Ordinance

HON. GEORGE BRADEN: Thank you. Mr. Speaker, I give notice that on Wednesday, May 11, 1983, I shall move that Bill 30-83(1), An Ordinance to Amend the Workers' Compensation Ordinance, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion for first reading of bills. Are there any others? Item 12, motions. Motion 20-83(1), Regional and Tribal Councils. Mr. Curley is not with us. We will set that aside and put it on the order paper. Item 13, first reading of bills. Mr. Braden.

ITEM NO. 13: FIRST READING OF BILLS

HON. GEORGE BRADEN: Mr. Speaker, am I required to ask for unanimous consent to proceed with first reading of bills?

MR. SPEAKER: Yes, you are required to ask for unanimous consent. Now, you can try them as a group but if it goes down as a group it cannot be reintroduced, so you may wish to do it singly.

HON. GEORGE BRADEN: Mr. Speaker, I will proceed on an individual basis with each bill and ask for consent of the House. Mr. Speaker, do I have consent to proceed with Bill 23-83(1)?

MR. SPEAKER: Unanimous consent for Bill 23-83(1). Are there any nays? You have unanimous consent for Bill 23-83(1).

HON. GEORGE BRADEN: Mr. Speaker, I move that Bill 23-83(1), Loan Authorization Ordinance No. 1, 1983-84, be read for the first time.

MR. SPEAKER: There is an apparent error here. The bill is incorrectly numbered. It appears that we had number 23 the last time we sat.

HON. GEORGE BRADEN: Mr. Speaker, according to my book I am reading Bill 23-83(1), the Loan Authorization Ordinance and if they are incorrectly numbered then I have to go back and read them all over again.

MR. SPEAKER: We have had Bill 23-83(1) already. The numbering is incorrect at this stage if you wish to move Bill 23-83(1). We will recess for a few minutes to get this clarified and then proceed correctly.

SOME HON. MEMBERS: Agreed.

---SHORT RECESS

MR. SPEAKER: I call the House back to order please. Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, I wonder if I might have the concurrence of the House to indicate that Bill 23-83(1) which I gave notice of just a few minutes ago should actually read Bill 33-83(1) in the records. Is that agreeable to the House, Mr. Speaker?

MR. SPEAKER: Is that agreeable with the House? Is there any problem with that? Then we will correct Bill 23-83(1) and it will now become Bill 33-83(1). Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, do I have unanimous consent of the House to proceed with first reading of Bill 24-83(1)?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Are there any nays?

MR. SIBBESTON: Mr. Speaker, I wonder if we could have a list of all of the bills and their numbers because in our legislation book there simply is not any of the draft legislation that the Minister is referring to. I am utterly confused.

MR. SPEAKER: I understand that we do not have the documents that you request at the present time. It is to facilitate the faster movement of business. We were not prepared to proceed with anything other than, I believe, the Liquor Ordinance today, but if we could at least get the first readings through then there is still the second reading that can deal with any problems that you may have with the respective legislation. Would that be agreeable, Mr. Sibbeston? Okay, Mr. Braden, unanimous consent being requested for Bill 24-83(1). Are there any nays?

MR. SIBBESTON: Mr. Speaker, what is Bill 24-83(1)?

HON. GEORGE BRADEN: An Ordinance to Amend the Fair Practices Ordinance, Mr. Speaker.

MR. SPEAKER: Agreed. You have unanimous consent on Bill 24-83(1) and maybe you can give us information with regard to the bills when you are asking for unanimous consent, Mr. Braden.

HON. GEORGE BRADEN: Okay. Mr. Speaker, I move, seconded by the honourable Member for Frobisher Bay that Bill 24-83(1), An Ordinance to Amend the Fair Practices Ordinance, be read for the first time.

MR. SPEAKER: Now, you are going into the reading, will you just give us the information relative to the bills when you are asking permission for unanimous consent? We have permission for Bill 24-83(1) and we are now going to Bill 25-83(1).

HON. GEORGE BRADEN: Mr. Speaker, Bill 25-83(1) deals with an amendment to the Council Ordinance and basically the purpose is to protect a witness before the Legislative Assembly or any committee of the Legislature from liability and the amendments also allow for a Member to be paid incidental expenses up to the opening day of the session. That is Bill 25-83(1) and I would ask for unanimous consent to proceed.

MR. SPEAKER: Unanimous consent being requested. Are there any nays? You have unanimous consent.

First Reading Of Bill 25-83(1): Council Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Rae-Lac la Martre that Bill 25-83(1), An Ordinance to Amend the Council Ordinance, be read for the first time.

MR. SPEAKER: The question? All those in favour? Opposed, if any? Bill 25-83(1) has received first reading.

---Carried

HON. GEORGE BRADEN: Mr. Speaker, the next bill I do not think needs any introduction, it is respecting liquor. So could I have unanimous consent of the House to proceed with first reading?

MR. SPEAKER: Unanimous consent being requested. Are there any nays? You have unanimous consent for Bill 26-83(1).

First Reading Of Bill 26-83(1): Liquor Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Central Arctic that Bill 26-83(1), An Ordinance Respecting Liquor, be read for the first time.

MR. SPEAKER: Ready for the question? All those in favour? Opposed, if any? The motion is carried. Bill 26-83(1) has had first reading.

---Carried

HON. GEORGE BRADEN: Mr. Speaker, Bill 27-83(1) deals with an amendment to the Housing Corporation Ordinance to increase the number of board of directors from 10 to 12, so could I have permission to proceed?

MR. SPEAKER: Are there any nays? Proceed. You have unanimous consent.

First Reading Of Bill 27-83(1): Northwest Territories Housing Corporation Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Rae-Lac la Martre that Bill 27-83(1), An Ordinance to Amend the Northwest Territories Housing Corporation Ordinance, be read for the first time.

MR. SPEAKER: Ready for the question? All those in favour? Opposed, if any? The motion is carried. Bill 27-83(1) has had first reading.

---Carried

HON. GEORGE BRADEN: Bill 28-83(1), Mr. Speaker, deals with the Societies Ordinance and it is to allow for the establishment of fees through regulation as opposed to through statute.

MR. SPEAKER: Unanimous consent being requested for Bill 28-83(1). Are there any nays? Proceed, Mr. Braden.

First Reading Of Bill 28-83(1): Societies Ordinance

HON. GEORGE BRADEN: I move, seconded by the honourable Member for Central Arctic that Bill 28-83(1), An Ordinance to Amend the Societies Ordinance, be read for the first time.

MR. SPEAKER: All those in favour? Opposed, if any? Bill 28-83(1) has had first reading.

---Carried

HON. GEORGE BRADEN: Bill 29-83(1), Mr. Speaker, concerns the establishment of an advisory council on the status of women. Do I have unanimous consent to proceed?

MR. SPEAKER: Unanimous consent being requested. Are there any nays? Proceed, Mr. Braden.

First Reading Of Bill 29-83(1): Advisory Council On The Status Of Women Ordinance

HON. GEORGE BRADEN: I move, seconded by the honourable Member for Yellowknife South that Bill 29-83(1), An Ordinance to Establish an Advisory Council on the Status of Women, be read for the first time.

MR. SPEAKER: Ready for the question? All those in favour? Opposed, if any? Bill 29-83(1) has had first reading.

---Carried

HON. GEORGE BRADEN: Mr. Speaker, Bill 30-83(1) deals with an increase with the years maximum assessable remuneration under the Workers' Compensation Ordinance. It is an amendment to that ordinance. Do I have unanimous consent?

MR. SPEAKER: Unanimous consent being requested? Are there any nays? Proceed, Mr. Braden.

First Reading Of Bill 30-83(1): Workers' Compensation Ordinance

HON. GEORGE BRADEN: I move, seconded by the honourable Member for Rae-Lac la Martre that Bill 30-83(1), An Ordinance to Amend the Workers' Compensation Ordinance, be read for the first time.

MR. SPEAKER: Are you ready for the question? All those in favour? Opposed, if any? Bill 30-83(1) has had first reading.

---Carried

HON. GEORGE BRADEN: Bill 33-83(1), Mr. Speaker, concerns the Loan Authorization Ordinance.

MR. SPEAKER: You have unanimous consent.

First Reading Of Bill 33-83(1): Loan Authorization Ordinance No. 1, 1983-84

HON. GEORGE BRADEN: I move, seconded by the honourable Member for Frobisher Bay that Bill 33-83(1), An Ordinance to Amend the Loan Authorization Ordinance No. 1, 1983-84, be read for the first time.

MR. SPEAKER: Are you ready for the question? All those in favour? Opposed, if any? Bill 33-83(1) has had first reading.

---Carried

Now we need to have first reading for Bill 24-83(1).

HON. GEORGE BRADEN: Bill 24-83(1), sir, deals with the Fair Practices Ordinance and it concerns the appointment of an officer under the ordinance to consider reports and recommendations in respect of a complaint to make an order in respect of the complaint. May I have unanimous consent to proceed?

MR. SPEAKER: You have unanimous consent.

First Reading Of Bill 24-83(1): Fair Practices Ordinance

HON. GEORGE BRADEN: I move, seconded by the honourable Member for Rae-Lac la Martre that Bill 24-83(1), An Ordinance to Amend the Fair Practices Ordinance, be read for the first time.

MR. SPEAKER: Are you ready for the question? All those in favour? Opposed, if any? Bill 24-83(1) has had first reading.

---Carried

We were slightly confused on this today, but I think it is all straight now. Are there any other notices of motion for first reading of bills? Item 14, second reading of bills. Mr. Braden.

ITEM NO. 14: SECOND READING OF BILLS

HON. GEORGE BRADEN: Mr. Speaker, might I have the unanimous consent of the House to proceed with the second reading of Bill 26-83(1), An Ordinance Respecting Liquor?

SOME HON. MEMBERS: Agreed.

---Agreed

Second Reading Of Bill 26-83(1): Liquor Ordinance

HON. GEORGE BRADEN: Thank you, sir. Mr. Speaker, I move, seconded by the honourable Member for Frobisher Bay that Bill 26-83(1), An Ordinance Respecting Liquor, be read for the second time. The purpose of this bill, Mr. Speaker, is to regulate and control the purchase, sale, use and consumption of liquor in the Northwest Territories.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? Bill 26-83(1) has had second reading.

---Carried

Second reading of bills. I presume you may wish to go back into notices of motion. If I can have unanimous consent of the House, I will put Bill 26-83(1), Liquor Ordinance, in committee of the whole today.

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Is there any disagreement with that? Rather than having the process of going back through motions and all of the rest of the delay it would cause, I place Bill 26-83(1) into committee of the whole for today. Item 14, second reading of bills. Item 15, consideration in committee of the whole of bills, recommendations to the Legislature and other matters. Bill 26-83(1), Liquor Ordinance, with Mr. Fraser in the chair. Mr. Nerysoo.

HON. RICHARD NERYSOO: Mr. Speaker, I would like to seek unanimous consent from the House to return to Item 9, tabling of documents, please.

---Agreed

MR. SPEAKER: Are there any nays? Proceed, Mr. Nerysoo.

REVERT TO ITEM NO. 9: TABLING OF DOCUMENTS

HON. RICHARD NERYSOO: Mr. Speaker, I wish to table Tabled Document 27-83(2), Recommendations Towards the Establishment of a Science Institute for the Northwest Territories.

MR. SPEAKER: Thank you. We will move to Item 15, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 15: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Bill 26-83(1), Liquor Ordinance, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 26-83(1), LIQUOR ORDINANCE

CHAIRMAN (Mr. Fraser): The committee will come to order dealing with Bill 26-83(1), An Ordinance Respecting Liquor. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I wonder if I might be able to make a few brief opening remarks and then request that a couple of my advisers be invited into this committee. We could then proceed with the general examination of this bill. Is that agreeable, Mr. Chairman?

CHAIRMAN (Mr. Fraser): Proceed, Mr. Braden.

HON. GEORGE BRADEN: In an area of law as important to the Northwest Territories as the law concerning liquor it is wise not to attempt wholesale revision of the ordinance without a great deal of thought and input. After much consideration by myself and officials of my department we are proposing a new Liquor Ordinance for the Northwest Territories. In many respects we have left the law unchanged. However we are proposing changes in the following areas. First we are proposing that the administration of this ordinance be divided into two general areas. There would be, first, an Executive Member charged with administering those provisions of the ordinance that deal with the Liquor Licensing Board, local option provisions and establishing liquor stores. There would be another Executive Member charged with the responsibility for administering what was formerly known as the liquor licensing system. This Executive Member would be responsible for the operation of liquor stores and the purchase, sale, classification and distribution of liquor in the Territories. In addition we have deleted the statutory position of general manager and assigned his responsibilities to the Executive Member.

Second, Mr. Chairman, in respect of the Liquor Licensing Board, the allowable size of the board has been increased from five members to nine. We believe this will allow more regional representation on the board, especially since the quorum has remained unchanged.

Three, in addition there will no longer be a general manager of the system to sit on the board. The proposed new Liquor Licensing Board will now be subject to policy guidelines issued by the Executive Committee from time to time and, without interfering with individual situations, the board's decisions will have to be in accordance with the policy guidelines and, of course, the provisions of the new ordinance.

Role Of Executive Member And Liquor Licensing Board

Now in respect of the role of the Executive Member, the proposed bill in accordance with the general trend of ordinances of this Legislature decreases the role of the Commissioner in favour of an increased role for the elected Executive Member. The Executive Member would now appoint members to the Liquor Licensing Board. The Executive Member would have the power to appoint an executive secretary to the board. The Executive Member would recommend regulations to be made by the Commissioner. The Executive Member is responsible for opening and closing liquor stores. The Executive Member is responsible for the conduct of liquor plebiscites and recommends to the Commissioner regulations bringing the plebiscites into law. The Commissioner because of the provisions of the Northwest Territories Act will have power to issue import permits, wine permits and special permits for the purchase and use of liquor for medicinal, scientific or other special purpose.

With respect to local option, Mr. Chairman, the proposed ordinance provides for a continuation of the local option system for the Territories. In addition we have given a statutory or legal base to the various systems that have been adopted throughout the North. Further, in addition to any other system that a community can devise the following systems can be chosen: a) an unrestricted system in which only the general liquor laws of the Territories apply; b) restricted hours system in which hours of operation of licensed premises would be limited; c) restricted quantity system in which the quantities of liquor which may be purchased are limited; d) a committee system in which a locally elected alcohol education committee decides on who can purchase liquor in the community; and e) a prohibition system that prohibits the consumption, possession, purchase, sale or transport of liquor into a community.

Point five, Mr. Chairman, is to deal with the cancellation and suspension of licences. Licences can now be suspended by an inspector for up to 48 hours pending a board hearing. Provisions dealing with the cancellation or suspension of licences have been altered to provide protection for licensees. Where proceedings for cancellation or suspension are begun the licensee must now be informed as to whether the proceedings are for cancellation or whether they are for suspension. In addition, the substance of the allegations against the licensee must now be specifically set out in the notice initiating the proceedings. Finally, in proceedings against a licensee the board is now given the power to levy a fine of up to \$5000 and suspend a licence pending the payment of the fine.

The sixth point, Mr. Chairman, has to do with discouraging impulse sales of liquor. The proposed ordinance is designed to discourage impulse sales in the Territories and as such, off-premises licences for the sale of beer in licensed premises for consumption off premises is restricted. In addition, there are provisions in the regulation-making power that provide, in appropriate situations, that liquor ordered in a liquor store may not be delivered for up to 24 hours after it is ordered. This regulation-making power would only be invoked in communities where impulse buying was creating a very serious problem.

Proposed New Liquor Control System

In respect of part two of the ordinance, Mr. Chairman, the former liquor control system will now be administered independently in the rest of the Liquor Ordinance and an Executive Member will now be responsible for reporting to the Legislative Assembly on the operation of liquor stores and the purchase, sale, classification and distribution of liquor in the Territories.

In respect of the delivery of liquor, the delivery of liquor in the Territories will be affected by the new Liquor Ordinance and it will now be an offence to complete a false or misleading mail application for the purchase of liquor.

In the matter of penalties, Mr. Chairman, the penalties provision of the ordinance have been changed in the following ways. Interdicted people convicted of drinking or persons under the age of 19 convicted of drinking can now be given community work orders at the discretion of the court. In addition, we have added forfeiture provisions to the ordinance in appropriate cases; vehicles including aircraft or vehicles if used in relation to offence under the ordinance can now be ordered forfeited by a judge.

Mr. Chairman, except for the major provisions I have just outlined, many of the provisions of the existing Liquor Ordinance have remained unchanged. Now, before I conclude my remarks, Mr. Chairman, I would just like to say that my colleague, Mr. Butters, made a commitment to the Legislature, I believe it was in February 1980 when we were in Frobisher Bay, to conduct a major review of the existing Liquor Ordinance. Over the last year and a half I have attempted to get as much input as possible and one of the procedures that the government decided was important to use was to make the bill public which I did last November here in Yellowknife. I would hope that over the last five to six months all Members have had a chance to give the issue some thought, to talk to their constituents and to get some general reaction which they could share with this committee today.

Mr. Chairman, I am not quite sure how the committee wants to proceed. Would it be the case that the committee would want to make general comments first? Perhaps it is not necessary for me to have my witnesses in at this point if there were just going to be general comments, but if there are going to be some specific questions then I would feel a little more comfortable if I could have Mr. Lal and Miss Meldazy.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. I think it is general practice to open the floor for general comments but before we do that we are going to call on Mr. MacQuarrie, chairman of the standing committee on legislation for his remarks. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you very much, Mr. Chairman. The standing committee on legislation appreciates the manner in which the government has handled the proposed revisions to the Liquor Ordinance. The committee recognized that this is a very important issue in the Northwest Territories, because the abuse of liquor is a serious problem and the government and I think the standing committee want to address that problem in as effective a way as possible in so far as legislation is able to do that.

The suggested or the initial revision was tabled in November. Subsequent to that the standing committee scheduled a meeting to deal particularly with the Liquor Ordinance in the middle of January and notices were sent out to a great variety of organizations and institutions that the committee felt might have an interest in making representations to the committee. Despite that notice there were not a great many representations made. In fact, the only group that asked to come to the committee meetings was the NWT Hotel Association. The committee also considered a written submission that it had received not directly, but through the honourable Member for Frobisher Bay, from the mayor of Frobisher Bay. At any rate the meetings went ahead in mid January and the committee did a very thorough review at that time and considered a great range of issues. Rather than dealing with those now, as we proceed through the bill clause by clause I will indicate the concerns that arose and the committee's response to those concerns at any rate.

In quite a number of areas the committee made recommendations to the government for amendment. It also, incidentally, recommended to the government that the government not proceed with the bill in the winter session to allow even more time to individuals or groups who might want to exert some influence on the final form of the bill. I am pleased to say that the government went along with that recommendation and decided to hold that legislation off until this session and so I would say that people generally in the North should have had ample opportunity to be aware that extensive revisions were planned and had ample opportunity to attempt to shape what the new Liquor Ordinance would be. Subsequent to our recommendations being sent into the government we received a revised draft of the Liquor Ordinance some weeks ago and it was apparent that the government had taken seriously the recommendations of the standing committee and many of our recommendations were accommodated and are reflected in the most recent draft.

Consideration Of Bill By Standing Committee To Continue

In view of that, as the chairman of the standing committee, I was satisfied to see the government introduce this bill for passage at this session. I must say though, regarding a meeting of the standing committee on legislation held this morning, a number of Members have unfortunately not arrived in town yet and we have a new Member on the standing committee, Mr. Sibbeston, who was not a committee Member when we met in January. He expressed additional concerns with respect to the way the bill is at the present time and as a result we will continue to look at this bill. We have scheduled another meeting for tomorrow morning and we will continue to look at the bill. At any rate it was agreed that the government should proceed this afternoon and I would recommend that, to begin with, if other Members have general comments to make with respect to the Liquor Ordinance or the liquor problem in the Northwest Territories that that go ahead first and after that, that we begin a clause by clause study of the bill. When we do that, as I said, whenever we come to areas where the standing committee particularly had a concern and discussed an issue and made a recommendation, I will point that out to this committee. I have no doubt at all that because it is such an important area in the Territories, many Members will perhaps want to see additional changes made while we are dealing with this in committee of the whole. So for the moment, Mr. Chairman, that is all I have to say.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. We are opening the floor for general comments. Mr. Braden, do you wish to bring your witnesses in now or after the general comments? Maybe we could bring them in now. Is it the wish of the committee to bring the witnesses in? Agreed?

---Agreed

HON. GEORGE BRADEN: Mr. Chairman, I recognize that Members will want to make general comments, but there may be some questions which arise for which it might be useful to have the witnesses, so I request that Mr. Lal and Miss Meldazy enter the chamber as witnesses. Mr. Lal you all know is my deputy minister and Miss Meldazy is the recently appointed chief of the legislation division. Thank you.

CHAIRMAN (Mr. Fraser): Thank you. The floor is open for general comments. We have at the witness table Mr. Lal and Miss Meldazy if the Members wish to direct any questions to them, or the Minister is prepared to answer any questions on Bill 26-83(1), An Ordinance Respecting Liquor. General comments, please. Mr. Sibbeston.

Raising Legal Drinking Age

MR. SIBBESTON: I want to just say a few words. Maybe people are a little bit shy about the subject. Liquor is a subject that I am sure everybody has feelings about, some strong, others I guess indifferent but in my case I view liquor as a very serious problem. I think it is fair to say if we did not have liquor in the North we would not have many of the problems we see today, particularly among native people in the communities, but we have to face the fact that liquor is likely here to stay and people are to an extent used to it. So it is a matter of dealing with it in as calm and sensible and rational a way as we can.

I look forward to dealing with the new ordinance. There are a number of things that I would like to see dealt with. One of the things I think we could probably deal with is the matter of the age of persons who are permitted to drink liquor. A number of years ago, in the 1960s or perhaps early 1970s, I believe the drinking age in the North was 21. Eventually it was lowered to 19 and I am wondering if there is now a possibility or enough support for raising the drinking age up to at least 20. That is one matter that I would like to see dealt with in the next few days.

Sale For Off-Premises Consumption

The other matter is that of off-sale purchasing of beer. The matter of off-sale purchasing of beer I think is very serious and one could say probably leads to or results in drinking way into the night after the bars and liquor lounges are closed. Often anyone buying beer from a bar does so in an intoxicated state and often one can say that vast amounts of liquor are brought by people who are usually under the influence. This results in people drinking at home long after the bars are closed and not being in a good position to work or do what they have to the next day. So life goes on after bars are closed. In places like Yellowknife there is no restriction on the amount of beer that can be purchased from the bar, so that is a matter that I would like to see this Assembly deal with very seriously. I am aware that the government on the one hand has indicated that there are going to be restrictions on this, but I believe the ordinance provides still for the purchase of liquor I think up until 10 o'clock in the evening. My view is that it ought not to be permitted whatsoever. So that is a subject that I am sure we will have much to say about.

Another matter is that of the inspection system. If bars and liquor lounges in the North were run and operated in a very strict, proper way, I think this would do away with a lot of the problems that we have in the North today. As it is, bars are places where people go and many people get drunk. There is no control or restriction on people who go to the bars and the owners and operators of these are not very -- you know, they simply permit people to overdrink. I suppose it is in their interest to sell as much booze to people as they can because that increases their profit margin. So it is a profit-oriented type of system now where there is not very much moral concern about the people who are drinking in the bars. Basically they just pour down or permit people to drink as much as they can without much concern as to the money they spend or what state of intoxication they are in. So I think that there must be provisions made to tighten up the inspection system in all of the bars and lounges in the North.

Enforcement Of Provisions Regarding Bootlegging

Another matter is that of bootlegging provisions. I can say that in Simpson, thanks to this government, we have had restrictions on the amount of alcohol that a person can buy on a daily and weekly basis from the liquor store and this has generally helped the situation, particularly among the native people. But there is still the problem of bootlegging. The way that the Liquor Ordinance has dealt with bootlegging is that there are provisions against bootlegging and there are penalties for it, but then there is nothing more. The matter of enforcement of the provisions concerning liquor or bootlegging is left with the police and it is up to the police as to how much they want to do about bootlegging, if anything. For the most part bootlegging in communities goes on undeterred and people sell, in a place like Rae-Edzo from what I hear, a little mickey bottle for \$50 and in places like Simpson 26 ounces basically goes for about \$60. Everybody in town knows who is bootlegging and the police do not do anything about it. They either are not that interested or maybe it is difficult to catch these people. So I believe that it is about time that this Assembly did something to make sure that the bootlegging provisions in our ordinance are enforced, that there is a provision for the Executive Committee to, in fact, do something about it if there are complaints from a community or a person in a community. I think it is not good enough to simply leave the matter of enforcing or dealing with bootleggers to the discretion of the police any longer.

So these are some of my general thoughts on the subject and I look forward to dealing in detail with some of the concerns and some of the provisions as proposed in the new Liquor Ordinance.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Any further general comments? Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would just like to say briefly that I think this change is very welcome and I am pleased with a few aspects of this bill which I would just like to mention. One is that I believe the Liquor Licensing Board is going to be expanded under this ordinance. I think this is a welcome provision because it will allow for better representation from the areas of the Northwest Territories outside Yellowknife. I think that has been lacking in the past, in part because the board's size did not allow that kind of flexibility, so I welcome the enlargement of the board and I am certain that it will permit better representation from the Eastern Arctic in particular. I also believe that a larger board will permit more flexibility for allowing members who do not live in Yellowknife to participate in decisions affecting their areas but not necessarily having the same travel burdens imposed on them that they might have had with a smaller board.

Local Control System

I would also like to mention that the provisions on local control I think have been amended to recognize that there is a new system that developed in the Eastern Arctic which would give a local committee control over who orders, how much they order and the ability to decide who has the privilege of using liquor on an individual basis based on conduct in the community, based on how that person uses or abuses the responsibility given to him by a local committee. I think this is an excellent system where a community agrees to accept it. It can only work if there is the kind of community spirit and cohesion that is required which would be evidenced on a plebiscite. I am pleased that the new ordinance has given full recognition to that particular option which was developed in Igloodik and I think has been applied with some success to several other communities, so this is welcomed.

As for Mr. Sibbeston's comment about amending the drinking age, I realize that this suggestion perhaps catches us all unawares since I am not sure that it had really been raised up until now, but I would like to say that I think there is certainly a lot of merit in that idea and while I am a bit nervous about coming out in support of it right now, I would like to get some views from my constituents. I think that there is a lot of merit in it and that if we are going to consider it that we should consider it now while this ordinance is under review. I would be very interested in hearing views from other MLAs on that particular subject of the drinking age. I think that if there is consensus that young people are having serious problems in connection with liquor that we might make a modest change in the drinking age with a view to reducing their exposure by another year. I think I could go along with this, subject to what I might hear from my own constituents and I think I will consult them as best I can before we finish this discussion in case Mr. Sibbeston should carry his suggestion further. I do recall that the Alcohol and Drug Co-ordinating Council made a recommendation that the age be moved to 21 to, I believe, the last territorial Assembly, the 8th Assembly, and I know it was given very short shrift by them. But I think we should take a good look at this option because I believe it certainly has some merit, so I will say that in response to Mr. Sibbeston and perhaps encourage other MLAs to offer their views on that. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. General comments on Bill 26-83(1). Mr. Arlooktoo.

Present Legal Drinking Age Satisfactory

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I just want to make a short comment on this. For example in our area the people who are at the age of 19 are married and they have kids and if we were to raise the drinking age to 20 or 21 I do not think it would be too fair to the people of the Baffin. Sometimes ordinary people do not start drinking when they are 19. They will wait until after they are 19. If we were to move the drinking age to 20 or 21 I think we would be looking at a lot more problems, alcohol problems. I am talking on behalf of the Baffin people and not the Yellowknife area or the Delta area. I do not think it is too suitable for the people of the Baffin to change the drinking age to 20 or 21. There are a lot of people that probably start drinking before they are 19 either here or anywhere else, but talking about the Baffin area I think we would rather keep the drinking age at 19.

Regarding Dennis Patterson's comments about what they would do in the communities, maybe we can look at what the community wants first and then do something about it. For example some of the communities want liquor and some of them do not want liquor. Maybe it would be better if the communities were approached and maybe get some more ideas on the communities first before putting anything into the ordinance. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Arlooktoo. General comments. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I am sorry about my voice. I, too, have a short comment to make regarding the Liquor Ordinance. I do not really agree with the drinking age being moved to 20 or 21. I would really stick with the age of 19. If they are going to change the drinking age to 20 before the election then the people who vote will decrease, so for this reason the drinking age of 19 should just stay as it is at the present time. I think we are starting to campaign now for the territorial elections and that is the comment that I wanted to make about not changing the drinking age.

Problems With Federal Government Establishments

Another thing is that, regarding the drinking establishments that are being controlled by the federal government, we have a lot of problems with those places even though they get a permit from the territorial government. Some people are restricted from going into these drinking places. If they disturbed people in the drinking establishment it would be okay for them to be kicked out of the place or forbidden to go in there for a couple of weeks or something, but you see them just in the hotel lobby or visiting in the hotels where their friends are staying, after the visiting hours. They bother the drinking establishments even though they have not been in the bar. This is a very uncomfortable situation that we experienced before and the first year if they were not allowed to come into the bar they were barred from the hotel place altogether, not just from the bar and for a whole year. I just want to know regarding the federal government who runs those places, what authority they were given to do that? Also where did they get the authority to bar people for a year from the hotel and not just from the bars? Is it the Liquor Licensing Board that has the authority to do that? This is the problem that we have had for quite some time now in Resolute Bay. There are many people who stayed in the hotel who wanted those guys to visit them, they are the people who told those guys to come in and they are the ones that do not get charged. It is the person who was asked to come in to visit the hotel who was kicked out or barred from the hotel for a whole year. I did not want to talk about this in public, but it has been a problem in my community for quite some time and I have talked to the Minister about this before and I think he knows what I am talking about. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Pudluk. General comments. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, just one comment in reference to what Mr. Pudluk just said. If you increase the age for drinking to 20 then it has nothing to do with the age of voting and I am just wondering if you are maybe getting that mixed up, because the voting age as we know in the North is 19 and that will stay as it presently is. The drinking age is the one that we are talking about and that could be changed, so I wanted to note to him the difference.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. General comments, Mr. Sibbeston.

MR. SIBBESTON: This means that if we change it to 20 that we would not have as many voters voting for us.

CHAIRMAN (Mr. Fraser): Mr. Nerysoo, general comments.

HON. RICHARD NERYSOO: I would just like to first of all express my appreciation to Miss Meldazy for the time that she spent in the Executive Committee meetings discussing this particular document. I would like to indicate that I appreciate the further hours that you took on your own behalf to work on the document and I certainly would like to thank you for that.

Community Outlets

On another matter, as has been indicated, a number of changes have taken place in the amendment to the Liquor Ordinance and I think some of the major concerns that have been expressed in my constituency over the past number of years, in particular the possibility of community outlets, have been addressed. I would like to express my thanks to the Minister for including this item in the document to allow for my communities to at least address that particular issue. I do know that the community of Fort McPherson did address that particular question recently and they are not opening a community outlet, but you have now certainly allowed them that possibility.

I would just like to indicate further to my comments that I made recently that I still am concerned about the amount of off-sales that occur in the Northwest Territories and the extent to which they occur. I think it is obvious that there has to be a limit to it, but at the same time you cannot, in my opinion, completely close the door on the issue of off-sales. You can allow for an option of that nature so that people can -- in some instances because the liquor stores are closing a little earlier you have to allow them some additional, I guess, privilege of purchasing. In the case of Yellowknife I do know that the liquor store stays open until 10 or 11 o'clock at night. In most other communities, as in the case of Inuvik which I can speak specifically for, they only stay open for a period of five hours. So a variance of liquor store hours and liquor outlet hours is already prevalent in the Northwest Territories.

While I had some problems during my discussions and with the document itself, I know the honourable Member responsible and my Executive colleagues can vouch for it, but I still think that many of the concerns I raised were either addressed in the amended version or the arguments that were brought forward by the department responsible persuaded me to make other judgments, so I think I would just like to conclude with my thanks to the department, the deputy minister and again to Miss Meldazy for her efforts in this document.

---Applause

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

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Yes, Mr. Chairman. Just a couple of other comments. With respect to the issue that has just been raised in this committee, that is, concerning the age of alcohol use, although there is no change reflected in this revised ordinance from what presently exists, I would like to inform Members that the standing committee on legislation did discuss this very matter. We have not received any representations from any group saying that we ought to change the age. However, as chairman, I felt it might be an issue that would arise in the House and so I raised the matter in our meeting and it was discussed quite thoroughly. For reasons such as those Mr. Arlooktoo outlined earlier with respect to the fact that that is the age of majority, people are allowed to vote at that age, many are married and working, therefore we felt that there should not be a change, plus the fact that in most other jurisdictions the age is 19 and in some places even 18. So the matter was quite thoroughly discussed and as I recollect all committee Members who were at that meeting decided not to seek a change in the age. So that is just for your information.

The one other thing that I should have said earlier and did not is that following our January meeting, after it was finished, I did receive a copy of a submission that was not actually sent to our committee but to the Executive Committee, with a copy to us, from the chief liquor inspector of the Liquor Licensing Board. I checked with the government later and they tell me that they did review all of those recommendations and have incorporated some and not others, but it had arrived too late for us to take account of it at our January meeting.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. General comments. Mr. Tologanak.

Community Efforts To Solve Liquor Problems

HON. KANE TOLOGANAK: Thank you, Mr. Chairman. The liquor problem does exist throughout the Territories and affects my constituency, as it affects many other communities throughout the Territories. Particularly recently Cambridge Bay has been dealing with their liquor problem as best they know how and I have been involved in meetings in Cambridge Bay as well concerning alcohol and their problems and their attempts to try and solve some of these problems. Recently they had a public meeting to try and control and to face that problem which many communities have in regard to alcohol. Their proposals are coming to my office tomorrow. I hope to be able to present to the House a petition from the residents of Cambridge Bay in an attempt to control the alcohol problem that they have. Many communities like Coppermine are starting to get into dealing with the liquor problem and there are answers for many of the problems in this Liquor Ordinance. I just wanted to mention that two communities, namely Pelly Bay and Gjoa Haven do have complete prohibition on liquor in respect to those communities. So I do support the ordinance respecting liquor and its passage will address many of the problems that do exist in the communities. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Tologanak. General comments, Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Chairman, thank you. I would like to indicate that I cannot really support increasing the age limit mainly because I think you have got to have faith in the young people. Nick has been expounding on that issue. I would like to indicate that I think that once a person reaches the age of 19 he is allowed to get into various activities and in the Dene tribe you are an adult long before you reach the age of 19. I think that Nick should appreciate that since he comes from a Dene community.

Opportunity To Be Responsible

Likewise I can indicate that I think the ordinance is flexible enough to allow people in the communities to make decisions in addressing the issue of liquor. My feeling has been that I have always found it extremely difficult to accept this concept that you have to somehow continue to isolate communities, people, particularly in regard to alcohol. It has to come to a point where people have to be given the opportunity to be responsible. You cannot continue to protect the people. Alcohol is readily available and in the long run it may be best that people have to come to grips with this problem and a different approach be taken here. I feel that no matter what age you are, whether you are 15 or 16 or even 13, that the young people do know what is going on in the communities and so this ordinance does give the communities an opportunity to exercise some flexibility in addressing the whole issue of alcohol. I do not support dealing with the issue of alcohol with a missionary zeal or almost making it into a religious issue. In some cases this is the way the whole issue has been viewed and it is totally unrealistic. Society is changing all the time and we have to adapt to it, but on the terms that people in the communities would be most comfortable with. Having had the opportunity to go through the ordinance I would say that it is a welcome change and I do support a lot of ideas contained in the ordinance. As we go section by section I may have some more comments to make, but I would just like to express my views in terms of increasing the drinking age. I do not see that as a means to address the problem. As you know, in a changing society the young people want to have more and more responsibility and denying their rights is, I feel, the wrong way to approach the issue. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Is it the wish that we go clause by clause after the 15 minute coffee break?

---SHORT RECESS

I call the committee back to order. Any further general comments on Bill 26-83(1)? Is it the wish of the Members that we go clause by clause through the bill?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 2, definitions. Mr. MacQuarrie.

MR. MacQUARRIE: In this section there is a recommendation from the standing committee that the government at least look at this section and consider exempting certain categories of store items that need not be subject to the Liquor Ordinance and could be carried in grocery stores. In the last subclause the Commissioner may make regulations exempting any type of liquid from the definition of liquor and I believe that reflects the concern that we had.

CHAIRMAN (Mr. Fraser): Thank you. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 3, definition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 4, Liquor Licensing Board. Mr. MacQuarrie.

MR. MacQUARRIE: In this section the revised ordinance that we were faced with in January had recommended a larger board. I believe they were recommending 12 members at that time and the standing committee had recommended a change to nine members. That is reflected in the present bill that is before us, but the committee had also recommended that the quorum for the board be five members. The Executive Committee has decided to leave it at three and in the committee meeting this morning government representatives explained why they felt that was necessary and the explanation seemed, at least as far as I could gather, to have satisfied the committee Members.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 5, dealing in liquor prohibited. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 6, board members not liable. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 7, board subject to guidelines of Executive Members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 8, board regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 9, sale on Remembrance Day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 10, classes of licences. Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: This section deals with various types of licences and there were a few recommendations that the committee had with respect to this. As I indicated earlier the draft that we were faced with in January had deleted off-premises licences completely. After considering the matter the committee felt that there should not be a blanket deletion of off-premises sales, that the major reason the government had decided to delete that type of licence was because of a problem in certain communities with impulse buying at the end of a night of drinking, people simply stepping up to the bar and taking more home with them. Since that was the problem and it was not universal the committee felt that there was room for off-premises sale licences.

For example, it was pointed out by the NWT Hotel Association that there are situations -- well, first of all in the beer parlors as opposed to the liquor agencies, it is possible to buy cold beer and that tourists coming through town sometimes avail themselves of that or people who are quite sober but going out to a party on a Saturday evening may choose to take a case of cold beer with them rather than pick one up at the liquor store. At any rate the committee felt that having off-premises licences was not the problem, it was any abuses that occurred with respect to that and, consequently, the committee recommended to the government that it reinstate that category of licence but that it make provision to address specifically the problem of areas where that type of licence is abused and also with provisions that might address themselves directly to impulse buying.

As a result of that recommendation the government has reinstated this type of licence. It is reflected in subclause 10(2) that the board shall set out the hours for the sale of beer pursuant to the licence but in no case shall the hours extend beyond 10:00 p.m., and so that was the government's method of addressing that. And further in subclause 10(4), "The Commissioner, upon the recommendation of the Executive Member, may make regulations specifying in which communities in the Territories off-premises licences may be granted." This is so that if there are difficulties in particular areas those particular problems can be addressed.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. Sibbeston?

Off-Premises Licences Still Available

MR. SIBBESTON: Mr. Chairman, here we come to a matter that is of great concern to me, because I am of the view that off-premises licences allowing the sale of beer should not be permitted in the North and I notice here that paragraph 10(1)(k) provides for the board offering or providing off-premises licences. Granted there are restrictions provided here, that in no case shall the hours extend beyond 10 p.m. and that only two cases per person be permitted in any one day, but I feel that these are not really great restrictions. They would still permit the sale of beer from bars and to be restricted to two cases per person is not really too much of a restriction, because a person does not go and party by himself. Invariably there are at least two, three, four, five or six and so they all buy at least two cases of beer and then you have a dozen cases which is exactly what is happening now. So if the government thinks that they are doing something by putting in these restrictions, they are not. If the government is serious about not having off-premises sales then they should simply prohibit it altogether and that would solve a great deal of the liquor problems that presently exist at the moment.

As I said, in the North here if the bars and lounges were controlled and regulated properly, where nobody is permitted to drink too much and if there are no off-sales of beer permitted or people are not permitted to buy beer when they are intoxicated and in high emotional states, then you would not have a great deal of the problems that you have today. The North, generally, would be a much better place to live and people would not be adversely affected so much by liquor. I thought that this was what we were going to do about changing the Liquor Ordinance to make it better for people in the North, but obviously it is still not provided. The good intention of government seems to be slipping by, or they are being forced or coerced into still providing for off-sale purchases of liquor. So I would like to see what other people have to say about it and if not then I will make a motion.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Mr. Wray, clause 10.

Difficulty Of Enforcing Sales Restrictions

MR. WRAY: Thank you, Mr. Chairman. A question perhaps for the legal adviser. Subclause 10(3) seems to be one of those clauses which is basically unenforceable because we are sort of putting the onus on whoever is selling the beer to recognize and keep some kind of record of anyone who

happens to buy beer at that particular store. I am just wondering how the government intends to enforce that clause? I know it is nice to have a clause like that in, but if you cannot enforce it, there is not much point in having a clause there in the first place. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wray. Clause 10. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, Mr. Wray's question was I believe directed to the Law Clerk and if Mr. Fuglsang wants to comment then he can, otherwise myself or Mr. Lal can provide an answer or comment to Mr. Wray's question.

CHAIRMAN (Mr. Fraser): I think the question was in subclause 10(3); is that right, Mr. Wray?

MR. WRAY: Mr. Chairman, perhaps I used the wrong term, legal adviser. Perhaps the government officials could tell about that clause because they are the ones who are setting the clause out. I wonder how they intend for that clause to be enforced, because it seems to me it cannot be enforced.

CHAIRMAN (Mr. Fraser): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, Mr. Lal will comment on that.

CHAIRMAN (Mr. Fraser): Mr. Lal.

MR. LAL: Mr. Chairman, the clause provides that no person shall be entitled to purchase or rather that no person shall sell "more than twenty-four 341 millilitre bottles of beer to any one person on any one day pursuant to an off-premises licence". I agree with Mr. Wray, Mr. Chairman, that such a provision can be abused and relies solely upon the ability of the bartender or whoever is selling the liquor to make sure that he is not selling this quantity twice over to the same individual. However, it is a provision that makes it illegal to purchase or to sell more than that quantity and in the circumstances it is perhaps the best way of addressing it. We considered this problem very carefully and could not think of a better way of putting it across than the way it is placed here.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Mr. Wray.

Regulations Unfair To Licence Holders

MR. WRAY: Thank you, Mr. Chairman. I still have great difficulty with it because it seems that we are putting an unfair onus on the establishment to somehow try and remember the faces of the people who are buying the beer. It is one thing to set out regulations, but if we set out regulations that the licence holders cannot observe then really it is basically unfair to those premises, because we are saying to them, "Here is a restriction; conceivably if you break this restriction you could lose your licence." But at the same time we are not giving them a way to enforce the restriction. I have great trouble with this, because it seems to me that any premises could lose a licence for something that is really outside of their control, particularly in the larger centres, say like Yellowknife or Pine Point or Fort Smith where you have a lot of people and for a bartender or whoever is selling the beer to remember the faces of everybody who is buying that beer is almost an impossible task and I think we are asking an unfair question of the licence holders. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wray. Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, I appreciate that this could cause some problems for the licensee. However, we would hope that by working with the board to perhaps examine some alternative ways for conducting off-sales that the licensee would be in a better position to ensure that this particular provision of the law was not abused. I am not at liberty at this point to discuss something specific, but in our discussions of this in the legislation committee the approach used in the Yukon was brought up whereby I believe, since I have never bought off-sale liquor in my life in the Yukon, I believe that they have a separate section of the premises where one has to go to purchase any off-sale liquor. This particular subject was addressed as one possible way in which a licensee could exercise some control over the off-sale provision.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Supplementary, Mr. Wray.

MR. WRAY: Just a comment, Mr. Chairman. I am not pursuing this because I might have this problem in my constituency, but because, I would suggest, the Members who represent the larger communities should look at this problem because conceivably this clause could be used to remove a licence from any of your establishments for reasons totally outside their control. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wray. Mr. Sayine.

MR. SAYINE: Thank you, Mr. Chairman. I just wanted to comment on the comments made by Mr. Sibbeston earlier regarding complete restriction on off-sales. As you know, we have all experienced liquor problems and I have concern with this complete restriction because, as we all know, as soon as a bar closes not everybody is going to go home to bed because there are no more off-sales. We have had problems in the past about bootlegging and people that were drinking almost anything they could get their hands on so that is a concern I have about this complete restriction on off-sales because I know for a fact that it will create problems.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Braden.

Ban Would Encourage Bootlegging

HON. GEORGE BRADEN: Thank you, Mr. Chairman. If I could just comment on some of the remarks made earlier by Mr. Sibbeston, I can understand his feeling concerning attempting to take certain steps which hopefully would reduce the alcohol abuse problem, one step being banning off-sales outright. However, the arguments that we have received from some people, and I am not just referring here to the licensees who would be affected, the arguments we have received from some people say by banning off-sales what the government would be doing is encouraging bootlegging. I have already gone through one particular situation where the government wanted to take certain steps which we hoped would reduce alcohol abuse and bootlegging and it turned out that it was just the opposite. Now I am in a bit of a dilemma. I know there is a lot of conviction and strong feeling about taking strong measures, but on the other hand I think some good arguments were made by people who said that by taking this step we will in fact be encouraging bootlegging in our communities. So that is the kind of dilemma the government is faced with and we did give this a lot of thought.

Again based in part on Mr. MacQuarrie's committee which indicated to us a number of months ago that they would take strong exception to removing off-sale licences altogether, we have proposed the kind of provisions that you see in subclauses 10(2), (3) and (4). The limit on the hours we think is a positive step forward, similarly, provisions with respect to quantity of purchase and finally, if it is the case that the Executive Member feels that off-sales are having a really damaging effect upon a particular community the Executive Member can make regulations which provide that off-sales would just be cut off altogether in a particular community. We think this will provide sufficient flexibility to provide that where there are certain communities where impulse buying and alcohol abuse is a problem that we can overrule the board, overrule the citizenry and just proceed to make regulations to remove any off-sales. Unfortunately, we have to compromise in this particular situation. These are the proposals that we are advancing and they have been public now for I believe about six weeks. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Clause 10. Mrs. Sorensen.

MRS. SORENSEN: Thank you, Mr. Chairman. My question is following up on the comments that Mr. Braden has just made with respect to subclause 10(4). Can you explain to me perhaps, Mr. Braden, how the Executive Member would come to the point of making the recommendation that a community be discontinued having off-premises services? Would there be a plebiscite in a community? Would it be simply a matter of the MLA raising the issue or a group of concerned citizens? Can you explain that for me, please?

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Minister.

HON. GEORGE BRADEN: I will let Mr. Lal comment a bit on the more technical parts of it, but if it is the case that the community leaders, police, social workers and so on indicate that a particular community has a really significant alcohol abuse problem, one of the measures that could be taken would be to ban off-sales. It is up to the Executive Member to make the kind of judgment on whether or not this step and others would provide some ameliorating effect in the particular community in question. So all I can say is that it would obviously involve some measure of consultation with members of the community to come to some conclusion. Could you just give me about one minute to consult with my deputy minister?

CHAIRMAN (Mr. Fraser): Go ahead, Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, Mr. Lal will comment on another alternative.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. As the Minister indicated subclause 10(4) gives him the authority to make recommendation to the Commissioner for cancellation of an off-premises licence. He could do that at his discretion or, alternatively, under clauses 45 and 46 of the Liquor Ordinance, under clause 45 the community could seek the cancellation of a licence through a local options program where there would be a plebiscite that would be held. Subclause 46(2) which deals with all types of models that are available to a community to vote on under a plebiscite, could also be used by a community setting forth a proposal or a plan under which only off-premises licences restrictions would be imposed. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Mrs. Sorensen, supplementary.

Banning Off-Premises Licences

MRS. SORENSEN: I would then say, Mr. Chairman, that with respect to off-premises sales that there is protection for the problem that Mr. Sibbeston raises and that is abuse of the off-premises sales. There seems to be fairly adequate protection in that the banning of off-sales can be done at the Minister's discretion which is I think a fairly open-ended clause to have in here, but nevertheless it means that the Minister can act quickly to address a problem that may arise in a community of great abuse.

With respect to subclause 10(3) I certainly have the same concerns that Mr. Wray has raised and I personally though have not had any representation made to me as a Yellowknife MLA by those who are in the business with respect to that. I would like to hear whether the standing committee on legislation did hear representation. Mr. MacQuarrie has indicated that at least one or two groups did come before him and I would like to know whether that issue of identification of who was buying off-sales liquor was raised, in particular the difficulty that might arise as a result of changing in staff and different time spans over the day. Could I hear from Mr. MacQuarrie, Mr. Chairman?

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. The representation that we heard from the NWT Hotel Association was that, as I said earlier, the draft that we were dealing with had deleted that type of licence entirely and they wished to see it restored. When the committee discussed it, the majority in the committee felt they did not just want to restore it entirely as it was before, but asked the government to consider the problem that existed and itself make some recommendations as to how it could be controlled. So what I am saying is that at that time we were really not faced with this specific provision and it was not therefore addressed by that association.

I should indicate as well that, again after the committee had dealt with this matter, I did receive one letter from a Yellowknife constituent who wanted to see off-sale licences deleted entirely. They liked that provision but we had already dealt with the matter at that time. That was the only other representation that I received.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Clause 10, Mrs. Sorensen.

MRS. SORENSEN: I would ask the Minister, if a licensed premises did sell more liquor than this clause allows to one individual in a day, would that be sufficient to have their licence removed?

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Minister.

HON. GEORGE BRADEN: Mr. Lal will comment on that, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. Such an action on the part of a licensee would be an infraction of the licence requirements and presumably would give rise to a hearing before the Liquor Licensing Board. It would be for the board to decide what appropriate action to take, taking into account all of the circumstances under which the alleged infraction took place, including such matters as how careful or careless the licensee was, how often such infractions have taken place, have there been previous warnings given to the licensee and similar evidence. The licensee would, under the ordinance, be given notice to show cause why the licence should not be suspended or cancelled and the ordinance provides that the rules of natural justice would be obeyed so that he would have the right to present his case to the board and the right to be represented by legal counsel if need be. It is only after the board has considered all of these aspects that it would make a decision and the board's decision is further subject to appeal to a court of law.

CHAIRMAN (Mr. Fraser): Thank you. Clause 10, Mr. Wray.

MR. WRAY: Thank you, Mr. Chairman. I just want to clarify one thing. I am not saying the clause should be removed, because I think the goal that the clause attempts to achieve is a worthy one, but I would ask that the Minister perhaps convey to the board our concerns. Perhaps one of the first things he can do is try and address the question and see if he can come up with some type of system that will help the licensee enforce this clause, because I think we have to be fair in these matters and if the board can address this then I would be happy with it. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wray. Clause 10, Mr. Sibbeston.

Motion To Delete Paragraph 10(1)(k) And Subclauses 10(2), (3) And (4), Bill 26-83(1)

MR. SIBBESTON: Mr. Chairman, I will just move that paragraph 10(1)(k) and subclauses 10(2), (3) and (4) be deleted. Really it is all of the sections dealing with off-premises sales that I am suggesting be deleted so that the board would not have the power to grant such licences.

CHAIRMAN (Mr. Fraser): A motion on the floor to delete paragraph 10(1)(k), and subclauses 10(2), 10(3) and 10(4). To the motion, Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, I will not support the motion. I am satisfied that there are a good number of firms that use this licence responsibly and a good number of individuals who use the provision responsibly and if it is a question of not liking the fact that alcohol leads to abuses then perhaps we should be out of the business entirely. If we are going to remain in the business then we try to write laws and regulations that try to ensure as far as possible that alcohol will be used responsibly and, therefore, we should not needlessly strike down privileges so long as they are used responsibly.

In addressing this matter earlier Mr. Sibbeston had expressed a concern about people who are intoxicated after drinking for an evening in the bar, going up to the counter and getting more beer to take out, but I do know that subclause 91(1) makes it an offence for anyone to serve liquor to people who are intoxicated and perhaps it is that which has not been stringently enough enforced in the past. As a matter of fact our committee recommended to the government that it provide better training for liquor inspectors so that they are very knowledgeable about the ordinance and about their rights and about the aims and the concerns of this government and hopefully that provision will be enforced. I note also that there is a penalty clause in subclause 100(4) that provides for a fine of up to \$5000 for serving liquor to someone who is intoxicated, so that partly also addresses the problem.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston, to the motion.

MR. SIBBESTON: Mr. Chairman, I guess I just want to say to Members here that if you support the deletion of the clauses as I outlined, I think it will help the drinking problem very greatly in the North and that is the way that I see it. As I see it, it is a chance for us people here, leaders in the North, to do something that will very definitely help the alcohol situation in the North and the issue is whether we have the guts or the heart or the bravery or the political will as it were, to do that. No one can deny that it is going to make it worse. The issue of bootlegging is always brought up, anytime you try to curtail or restrict, the argument that bootlegging is going to come into the situation and make things worse is always, always used, yet it is not the case. Everybody will agree that people always say that liquor is a big problem in the North and here is an opportunity to do something about it and let us not let the occasion slip by us.

We in Simpson had alcohol and liquor problems and we dealt with it and generally the situation has improved and it took a great deal of determination, but we were able to put in restrictions. I say that we are further ahead in Simpson than many communities in the North that have not dealt with the problem. There are communities in the North here that have no restrictions, that are drinking a lot and sometimes the leaders drink along with them which does not help, and I say that these communities are going to feel it someday. They are feeling it now and there will come a day when they will really feel the effects of it, a whole group of people just drink and the community generally is known to be a drinking community and nothing good comes out of a situation like that.

We in Simpson used to have a situation that was very bad, we dealt with it and I think many of us are glad that we have dealt with it and we did it by placing restrictions on the amount of liquor that you can buy from the liquor store. In Simpson all you can buy on a weekly basis is 26 ounces or one case of beer and the liquor store is only open for two hours a day three times a week. There are two bars where you can drink but the hours have been limited and there you can only buy one case of beer per week, so there are restrictions there. Whereas initially there was some grumbling, people I think have got used to it and people accept it. There is a certain standard that has been set in town and it has improved the alcohol situation greatly in the community.

Liquor Off-Premises Sales Add Greatly To Alcohol Problem

I know that the off-sale of beer from bars adds greatly to the drinking, alcoholism and drunkenness that exist particularly in the large centres that have lots of bars. I know what happens; people start drinking in a bar and end up drinking a great deal to the point where they are high or drunk. Whereas initially they would not have thought of drinking any more, by the time it is closing time people in a state of intoxication or feeling high, decide to buy more beer. So the whole drinking situation does not end when you leave the bar but continues for hours and hours on end, away into the night. This results in people not going to work or if they are meeting-goers are not able to attend meetings. I know that if there were restrictions, that if this were cut out completely that it would help the situation greatly, if you did not have off-sales. People at midnight or 1:00 o'clock, whenever the bar was closed, would have no alternative but to go home.

Of course there will always be a few people who can go to bootleggers, but I would say not the bar full of people would do that. As I said, the excuse of bootlegging is an easy out for people who do not want to deal head-first with the issue and that is the argument that is always used any time you try to impose restrictions. So I say that if we do delete all the provisions in respect of off-premises sales that it will do a great deal to do away with drinking and alcoholism in the North and that I will agree that there is going to be some bootlegging, but it will not be so bad. The benefits will outweigh the ill-effects of doing away with the off-sales licences.

Controlling Bootlegging

I say that if this government wanted, if we as a Legislative Assembly wanted and the government wanted, we could actually do a great deal more about bootlegging. It is a situation that exists in all the communities, in Rae-Edzo, in Simpson, really everywhere where there is liquor, but the police do not deal with it in a very determined way. Occasionally when there is a little bit of concern raised by the leaders they take some steps and some initiative, but really the police do not deal with it as determinedly and as effectively as they could. In Simpson everybody knows who bootlegs and yet the police are not able to do much about it. People buy from the bootleggers practically on a daily basis but yet the police do not do much about it. If we as an Assembly wanted to do something about this, we could provide more specific legislation insisting that the police control bootlegging and if this were done I think it would do away with part of the concern that some people have that if we cut off the off-sales that there would be more bootlegging.

So I just urge Members to be bold and do what is necessary to deal with the drinking and the alcoholism that exists in the North. Otherwise do not say anything. Do not make out that you are greatly concerned, you are worried about the alcoholism, the drinking. Do not, because to say so you would be a hypocrite because you have a chance now and if you do not do anything about it then just shut up. Do not talk about it when the occasion presents itself. Otherwise you are just trying to make yourself look good, trying to give the impression that you are concerned but really you are not because when the chance is before you, you are not taking the opportunity to make things better.

CHAIRMAN (Mr. Fraser): Mr. Nerysoo, to the motion.

HON. RICHARD NERYSOO: Mr. Chairman, I guess I would have to suggest to Mr. Sibbeston that for the sake of being bold one can be bold, but for the sake of being bold and at the same time logical and ensuring that good law is established, you have to have sensible dialogue and come up with some sensible law. The only way to do that is to recognize the problems that have existed over the past number of years and I realize that your concern is being addressed in one way. The situation in the Delta, we tried to address in another way. It did not succeed and I think that to suggest that people are not concerned about the idea of alcoholism and alcohol abuse is wrong. Just to indicate to you one of the problems that I see, if you completely stop all off-sales then you have another problem, the problem of people going to the liquor store and stocking up and then bootlegging from their stock. You have indicated a problem that has existed in the Northwest Territories for a number of years, but you tell me which individual is going to go before the RCMP and tell the RCMP that their friend is bootlegging. It is not likely. Though we have tried in the sense of passing two separate types of laws in this House, we have improved that situation, maybe not to the extent that a lot of people wanted it to occur, but it has occurred.

The argument of increasing bootlegging is a very valid one in the case of our situation in the North, in the Mackenzie Delta, where you had a \$30 bottle go from \$30 to \$60 up to \$100 and in some cases you had \$350 being paid for bottles so it is not the individual that you are selling to that is going to suffer in the long run. It is the family and the children of that individual who is buying. So when you are trying to suggest new changes or changes to law you also have to worry about that particular possibility.

Decreasing Amount Of Liquor Purchases

The other one is the idea of decreasing the amount. I know for a fact that individuals have sometimes abused in my opinion, the right to purchase more than their lot and I can vouch for individuals buying 17, 18, 20, 22 cases of beer. I think that is a hell of a lot worse than to suggest an individual going in and buying two, because it cuts down I think on the amount that they can purchase. I do suggest to you that in your situation, the way that your region has been able to deal with it has been successful. In other regions that may not be likely and I think that we are trying to in some way address that particular issue. I know that for a number of weeks and a number of months this issue has been on the discussion agenda for the Executive Committee. I have raised this issue with them as well but I really think that outright banning of the possibility of some off-sales -- at least diminishing the amount -- you would have a difficult, difficult time with it. I would be somewhat more cautious as to the approach and the way which we try to decrease the amount of purchases by people in the Northwest Territories because you are certainly not going to, in my opinion, cut down the ability to purchase but what you might do is increase the dollar value and I mean in the case of some bootlegging. I think that you want to cut that as well so you have got to try to do both at the same time and you cannot do it with the kind of suggestion that you are making, particularly if you know for a fact that you do have individuals who have a lot of money. I say individuals, I do not say there are a lot of people in the Northwest Territories that make a lot of money, but in our situation in the case of the Mackenzie Delta and the Beaufort region there are people who make a lot of money and we all know the reason why. They all work for the oil industry. They work with the services associated with that so they are in fact well paid and it is not peculiar, it is not a situation that is the same all over the Northwest Territories. I think that is the only problem that I see with the motion that you are putting on the floor here.

CHAIRMAN (Mr. Fraser): To the motion. Thank you, Mr. Nerysoo. Mr. Patterson.

Most Manifest Liquor Abuse In Yellowknife

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. After the challenge from Mr. Sibbeston to shut up unless you are going to support his motion, I had to say something. I am afraid I cannot

support his motion and I would just like to explain why. I have given this a lot of thought and I must confess that at first because of what I see in Yellowknife I was inclined to say there should be no off-premises sales. I would like to say that I think, and I have done a lot of travelling in the Northwest Territories in the last couple of years, I think the most manifest liquor abuse in the Northwest Territories is seen in Yellowknife. I think it is shocking that in the capital city one should see so much evidence of, particularly, abuse of the off-premises sales. It seems to me that there are always broken beer bottles on our main streets in Yellowknife and I think a lot of it arises because people who are intoxicated are allowed to purchase beer over the counter just before the last call. I think it is a disgrace and I think the people of Yellowknife should worry about it perhaps more than they appear to now.

So I support generally the notion of some controls on off-premises sales, but I would like to suggest that it really should be up to the community that is concerned and Mr. Sibbeston has spoken about community initiatives and says his community is the most progressive in this regard. I am not sure I would agree with that, since my own community of Frobisher Bay took a big step in 1976 in controlling liquor abuse in that community by closing the liquor store and I think that probably took a lot more courage than what they have done in Fort Simpson. I think that these amendments should be seen as having quite a lot of flexibility and I particularly point to subclause 10(4) which Mr. Sibbeston wants to remove, which allows the Executive Member to make recommendations as to which communities might have the privileges of an off-premises licence and I am quite certain that Mr. Braden or any other Executive Member who has this responsibility would respond positively if Fort Simpson or Frobisher Bay were to say "We do not want any off-premises sales in our community." I think that is what the people of Frobisher Bay would say and I feel that is what the people of Fort Simpson would probably say and that is why we do not have off-premises sales permitted there now. So there is a flexibility to prohibit off-premises sales without completely eliminating the possibility.

I would also like to note that the board may make regulations under clause 8 on the operation of licensed premises and I agree with the idea that off-premises sales should be handled outside the licensed premises themselves, that there should be a separate wicket and a separate place where people purchase from licensed premises other than in the bar itself. I am pleased to hear the Minister acknowledge that as probably a good idea and I feel that the ordinance again allows us the flexibility to perhaps, with a little notice to licensed facilities, require them to make changes so that you would not have people on the same floor getting up and purchasing right in the bar itself.

I would also like to say that I think we have to sometimes compromise in politics. Some people say politics is the art of compromise and I think we have to recognize that off-premises sales are allowed in Yellowknife. There was quite a significant lobby, I believe, against any restrictions whatsoever on this, but I think the 10:00 p.m. rule should be seen as quite a step toward controlling this, in that presumably those people who become very intoxicated near the end of the night, who want to continue drinking, will at that point no longer have the opportunity to buy from the licensed premises and I think that may well reduce significantly some of the abuse that is pretty plain to see in our capital city.

Ordinance Allows For Community Flexibility

So because I think that the ordinance really allows an awful lot of flexibility and because I think communities can still, through this House and through a politically accountable Executive Member, limit off-premises sales where the majority do not want it, I am not going to support this motion, perhaps a little reluctantly, because I think I see where Mr. Sibbeston is coming from and I do have some sympathy with what he is saying. I am not going to support his motion because I think the means are there within the ordinance as it is and we do not have to use a sledgehammer approach here to accomplish his goals for his communities. Thank you.

CHAIRMAN (Mr. Fraser): To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, thank you, I would be very interested to know Mr. Patterson's breadth and depth of experience that enables him to determine that in the late evening off-premises sales are abused in Yellowknife.

HON. DENNIS PATTERSON: I get up early in the morning.

MR. MacQUARRIE: I have no doubt in my mind that if there is abuse it must be visitors and not the good citizens of Yellowknife.

---Applause

I commend the honourable Member for at least saying that it is a community concern and that each community should address it. Mr. Sibbeston does not seem to be taking that approach and I absolutely reject his arguments about the rest of us not having the guts and heart to deal with this matter adequately. If there were a motion to prohibit alcohol entirely in the Northwest Territories then perhaps Mr. Sibbeston's statements would ring more true, but in the absence of his presenting that kind of a motion the questions that face us all, if there is going to be liquor, then who, when, how, where and so on. Again I absolutely reject his remarks, they smack of self-righteousness to say that because on one of these items we do not entirely agree with him as to how and when certain items should be handled, that we simply have a superficial concern about the problem while he has a deep and genuine concern.

I certainly would not want to create a situation where in Mr. Sibbeston's own riding there were problems. I do not think we are creating that type of situation. I have a question for the Minister. Could you tell me, Mr. Minister whether off-sales -- I see under the proposed ordinance they would be limited in specific areas -- could you tell me, Mr. Minister, if you know at the present time whether there is a problem with off-premises sales in Fort Simpson at the present time? Could you tell me if they even allow off-premises sales in Fort Simpson at the present time?

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

HON. GEORGE BRADEN: Well, in response to the second question I am told, and I believe Mr. Sibbeston commented on this earlier on, that off-sales are allowed at one of the hotels, one case per person per week. Now, with respect to the former question concerning the alcohol problem in Fort Simpson, I have received a report done recently which does suggest that an examination of the alcohol abuse problem in Fort Simpson is much more complex than just looking at the off-sales issue.

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

MR. MacQUARRIE: Yes, I appreciate the complexity of that, but it seems to me that at least here we are building an ordinance that will allow for flexibility in different situations and if it is a specific problem there that will be able to be addressed adequately by what we are doing and Mr. Sibbeston therefore need not have undue concern about other areas. It is up to representatives from other areas to be concerned about that. It is thoughtful, but unnecessary.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. Sibbeston, to the motion.

Dealing With Alcohol Problems On A General Basis

MR. SIBBESTON: I just want to say that sometimes it is easier to deal with a problem like alcohol on a wide territorial basis rather than deal with the problem of one specific area at a particular time. I have been involved in liquor, in trying to do something about the alcoholism and drinking in Simpson and it has become very difficult. Even though people have problems, some native people have drinking problems, whether they will bring themselves to recognize it and do something about it -- it is very difficult and to get the restrictions we got in Simpson took a great deal of work and energy and it was very difficult to do.

So what I was trying to do was deal with it on a general basis where there would be no off-sales throughout the North and you do not have to deal with it on an individual basis, because obviously the people who are drinking and having lots of problems with drinking when you talk with them on a Monday morning when they are sober of course they agree with you. But try to tell them this at 12:00 or 1:00 in the morning just before they buy the off-sales, then they will punch you for there is certainly no rationalizing, there is no thinking going on very much except to do everything to get the liquor. So that is what I was trying to do, to just deal with it on a general basis since it is a general problem for everybody. Everybody says drinking is a problem and this is one way of helping with the problem -- not making liquor available to people who are half-cut or high or drunk, so that they can go home instead of continuing on through the night.

CHAIRMAN (Mr. Fraser): Mr. Nerysoo, to the motion.

HON. RICHARD NERYSOO: Question.

CHAIRMAN (Mr. Fraser): Are you ready for the question? Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Chairman, I would just like to indicate that I think under clause 10 there is a certain amount of flexibility that gives the opportunity for communities, if they want to have off-sales. Like I say, I think I would prefer to deal on the premise that people are responsible and I think that we should allow that kind of flexibility for the people in the communities to decide and determine for themselves as to how they would like to address the issue of liquor availability. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Are you ready for the question?

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): We will maybe just have the Clerk read out the amendment to clause 10, Bill 26-83(1), Mr. Clerk.

CLERK OF THE HOUSE (Mr. Hamilton): The motion is to delete paragraph 10(1)(k) and subclauses 10(2), (3) and (4).

Motion To Delete Paragraph 10(1)(k) And Subclauses 10(2), (3) And (4), Bill 26-83(1), Defeated

CHAIRMAN (Mr. Fraser): Do I hear question? To the motion. All those in favour? Down. Opposed? The motion is defeated.

---Defeated

Clause 10, Mr. Wray.

MR. WRAY: Mr. Chairman, I would make a motion we report progress.

CHAIRMAN (Mr. Fraser): The motion is not debatable. All those in favour to report progress? Down. Opposed? The motion is carried. I report progress.

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 26-83(1), LIQUOR ORDINANCE

MR. FRASER: Mr. Speaker, your committee has been dealing with Bill 26-83(1) and I wish to report progress.

MR. SPEAKER: Thank you, Mr. Fraser. Are there any announcements from the floor? I understand that the Minister of Northern Affairs will be in Yellowknife on Wednesday and it is my intention to handle his speaking in the House in the same way as we handled it the last time, that he address the House from inside the ropes. He has agreed to one hour in committee of the whole at the House's wish. If we have agreement generally to the principles of handling the matter the same as we did last time that is my intention. Is there any objection?

SOME HON. MEMBERS: Agreed.

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

CLERK OF THE HOUSE (Mr. Hamilton): There will be a short meeting of the standing committee on finance at 4:00 o'clock in room 211 this afternoon. At 9:00 a.m. tomorrow morning there will be a meeting of the standing committee on legislation in the caucus room. At 10:00 a.m. tomorrow there will be a meeting of the Management and Services Board in room 211.

ITEM NO. 16: ORDERS OF THE DAY

Orders of the day, Tuesday, May 10th.

1. Prayer
2. Members' Replies

3. Oral Questions
4. Written Questions
5. Returns
6. Ministers' Statements
7. Petitions
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motion for First Reading of Bills
12. Motions
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bill 26-83(1)
16. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., Tuesday, May 10th.

---ADJOURNMENT

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