

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 53RD SESSION**

TABLED DOCUMENT NO. 9-53

TABLED ON JUNE 18, 1974

COUNCIL OF THE NORTHWEST TERRITORIES
STANDING COMMITTEE ON LEGISLATION
REPORT ON MEETING MAY 23 - 24, 1974

In Attendance: N. G. Sibbeston - Chairman
T. H. Butters - Member
J. Rabesca - Member
W. H. Remnant - Secretary
J. R. Slaven - Legal Advisor

Agenda:

1. Pawnbrokers and Second-Hand Dealers Ordinance
2. Safety Ordinance
3. Scientists Ordinance
4. Municipal Ordinance
5. Workers Compensation Ordinance
6. Planning Ordinance
7. Explanation of deletion of certain Bills from June session schedule.

1. PAWNBROKERS AND SECOND-HAND DEALERS ORDINANCE (Bill 1-53)

This Bill would provide for the licensing and control of pawnbrokers and second-hand dealers. The maintenance of required records would facilitate the tracing and recovery of stolen goods.

The Committee examined the draft legislation and recommended:

- (a) that to ensure pawners are fully aware of the provisions for redemption of pawned articles that these provisions be printed on the duplicate pawnbrokers record which is given to the customer; (sub-clause 5[3])
- (b) that a person redeeming articles be required to sign the pawnbrokers record; (sub-clause 7[2]) and
- (c) that the periods for which pawnbrokers and second-hand dealers records must be retained be the same and be set at 12 months. (sub-clauses 5[5] and 13[2])

With these changes the Committee approved the Bill.

During its consideration concern was expressed about the variation of penalties set under different Ordinances and the relatively high penalties set in some instances.

Concern was also expressed that the Administration might become too heavily involved in the operation of this Ordinance. Its only role would be the issue of licenses the Committee was assured.

2. SAFETY ORDINANCE (Bill 5-53)

This Bill would provide for on-the-job safety and protection of employees and would grant the Commissioner power to make regulations governing safety standards.

In its review of the draft ordinance the Committee recommended:

- (a) the insertion of provisions requiring an employer to ensure that his employees understand those provisions of the Ordinance and regulations which apply to his establishment; (clause 6)
- (b) that to limit the powers of a safety officer certain powers and duties described in clause 11 be assigned to the Chief Safety Officer - this recommendation was not accepted by the Executive;
- (c) the elimination of provision for submission of an oral report by a safety officer and the addition of provision for appeal of the direction given by a safety officer. (clause 14);
- (d) the insertion of a time limit within which the Chief Safety Officer shall respond to an appeal (clause 17) - the Executive directed the extension of the ten day period provided to thirty days;
- (e) the deletion of provisions for the posting of a security bond by a person filing an appeal as this procedure is now seldom used. (clause 18); and
- (f) for clarity in regard to offences and penalties that the word "Ordinance" be expanded to the phrase "Ordinance or Regulations" (clause 19).

Subject to these changes the Bill was approved.

Two points of concern were identified by the Committee during consideration of this Bill: -

- (a) the apparently broad powers given a Safety Officer which would provide opportunities for harassment of small employers;
- (b) the question of responsibility when an employee reports for work in an intoxicated condition - who is liable - the employee, the employer - the co-worker who fails to report the matter to the employer?

The Committee suggested that building plans submitted to the Territorial Government for approval should be inspected by the Safety Division as well as the Fire Marshal and other agencies.

3. SCIENTISTS ORDINANCE

This Bill would replace the Scientists and Explorer Ordinance with modern legislation.

The conditions under which a license must be obtained would be clarified and they would be modified to meet current needs. The enactment would permit transfer of the issue and control of scientists licenses from Ottawa to the Territorial Administration.

In reviewing the Bill the Committee recommended the deletion of limitations on the conditions under which a license may be issued (sub-clause 2[1]).

With this recommendation the Bill was approved.

4. MUNICIPAL ORDINANCE

This Bill would update assessment provisions and would permit municipalities to levy different rates of taxation on residential and non-residential property.

The bill was reviewed and approved without change.

5. WORKERS COMPENSATION ORDINANCE

The Committee approved a number of small changes to correct typographical errors and to clarify various clauses.

The addition of provisions to establish a limitation of actions was recommended (clause 63).

During its review the Committee heard representations from the President of the N.W.T. Bar Association concerning the exemption of lawyers and their employees from the application of the Ordinance because:

- (a) the insurance available under this scheme is not economic in comparison with commercially available insurance;
- (b) the compensation payable to a junior lawyer is not commensurate with his earning power;
- (c) there is a very low incidence of accidents in lawyers offices; and
- (d) the legal profession does not fall within the definition of employment in the Ordinance.

The Committee concluded that the exemption provisions of clause 9 meet the wishes of the Bar Association in respect to the exemption of lawyers. The Committee did not propose any changes regarding lawyers' employees.

The Committee noted that the provisions covering the compensation payable to a woman survivor of a worker on whom she was dependent require a period of cohabitation inconsistent with and in excess of that required by the Dependents' Relief Ordinance and agreed to bring this to Council's attention.

6. PLANNING ORDINANCE

This Bill would provide the means to institute planned measures and controls to achieve the orderly and economic development of communities.

The Committee heard representatives from the N.W.T. Association of Municipalities and considered a submission from that body (copy attached). The first three points the Committee agreed should be referred to Council for consideration leaving the Bill unchanged. In regard to the fourth point the Committee recommended the insertion of a statement that ownership of reserves will vest in the municipality. (sub-clause 44[1]).

In its review the Committee agreed to certain editorial changes and recommended the insertion of provisions to provide less stringent limitations concerning receipt of an appeal against the decision of a development officer or a Council (clause 23).

The Bill was approved.

7. LEGISLATION DELETED

The Deputy Commissioner met with the Committee and advised that the following Bills would not be introduced at the June Session for the reasons indicated:

LABOUR ORDINANCE - D.I.N.A. has obtained an opinion from the Department of Justice that until the Canada Labour Code is amended Council does not have the authority to pass this Bill in its present form. The principal area of conflict is in relation to the certification of Unions.

LAND TITLES ORDINANCE - D.I.N.A. has advised that an amendment to the LAND TITLES ACT OF CANADA will be required to authorize Council to enact this legislation.

EDUCATION ORDINANCE - The original draft of this Bill prepared under contract requires extensive rewriting which could not be completed in the time available.

GAME ORDINANCE - A combination of drafting difficulties and matters involved with the land claims question have made it impossible to have this Bill ready for presentation now.



N. G. Sibbeston, Chairman

NORTHWEST TERRITORIES ASSOCIATION OF MUNICIPALITIES

RECOMMENDED AMENDMENTS TO THE
PROPOSED PLANNING ORDINANCE

May 22, 1974
Yellowknife, N.W.T.

RECOMMENDED AMENDMENTS TO THE PROPOSED PLANNING ORDINANCE

✓ 1. SECTIONS 12 and 13

12. Notwithstanding anything in this Ordinance, the Commissioner may, by Order, set aside an area within the City of Yellowknife within which to carry out a scheme for the development of the Capital of the Territories.

13. The Commissioner may, for the purposes of carrying out a development scheme referred to in section 12, by Order, exercise any power given to a municipality under this Ordinance.

Recommendation

✓ We strongly urge the deletion of the provision which runs counter to the whole philosophy of the development of local government by authorizing a "carte blanche" for unilateral action by the Commissioner in areas that are the direct responsibility of the City of Yellowknife, without any provision for municipal comment or appeal. If left in, these sections, allowing for the Commissioner to supersede all municipal legislation and authority would give rise to serious doubts about the Territorial Government's commitment to local self-determination.

2. SECTION 19 (b)

A zoning by-law may

(b) prescribe a system of development permits and building permits and the terms and conditions under which a permit may be issued, suspended, reinstated or revoked;

Recommendation

The terms "development permits" and "building permits" should be defined to avoid confusion and misunderstanding.

3. SECTION 39 (4)

No plan of subdivision of land shall be approved pursuant to subsection (2) unless it has first been referred to the municipality in which the land is situated.

Recommendation

Throughout the Ordinance, the municipality is given powers of control and responsibility over development within municipal boundaries. This provision renders impotent any such control the municipal Council has over private developers, even though democratically-elected Council will be held responsible by the electorate for the future shape of the community.

4. SECTION 47

A reserve shall be used by a municipality or other public authority only for the purposes of a school, a public park or recreation area, but if it appears that a reserve will not be required for any of those purpose, the Commissioner may, upon application by the municipality, authorize the lease of the reserve or its sale in such manner and on such terms as the Commissioner may specify.

Recommendation

The disposition of reserves in subdivisions is unclear. Municipalities should have control and ownership of reserves and thereby have the power to sell reserves or receive cash-in-lieu from developers.
