

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 54TH SESSION**

TABLED DOCUMENT NO. 17-54

TABLED ON JANUARY 21, 1975

REPORT OF THE STANDING COMMITTEE ON LEGISLATION TO THE 54TH
SESSION OF THE COUNCIL OF THE NORTHWEST TERRITORIES

The Committee met on August 28, 1974, to review legislation scheduled for presentation at the October Session.

BRANDS ORDINANCE

This ordinance which would provide for branding of livestock was prepared in response to government interest in livestock herds through the provision of loans, requests from heard owners and in anticipation of a growing need. The ordinance was approved for introduction to Council as presented.

CRIMINAL INJURIES COMPENSATION ORDINANCE

The amendments are required to bring the ordinance into line with the phrasing employed in the Criminal Injuries Compensation Agreement between the N.W.T. and Canada. The bill was approved for introduction to Council as presented.

INSURANCE ORDINANCE

E. T. Cantell, Superintendent of Insurance, Government of B.C., assisted the Committee in its deliberations.

Mr. Cantell in his review recommended a number of changes to the Ordinance which were approved by the Committee - a transcript of his remarks is being distributed separately.

The Committee approved the bill for introduction to Council as amended.

The Committee met on October 1st and 2nd 1974 to consider further legislation scheduled for introduction at the October session of Council. At this meeting the Administration was able to bring forward only the Education Ordinance and the Nursing Profession Ordinance.

EDUCATION ORDINANCE

The Commissioner, the Deputy Commissioner, the Director of Education and Mr. Blewett of that Department joined the Committee. Commissioner Hodgson in addressing the Committee reported that representations had been received by the Executive from a Tripartite Committee representing the Tree of Peace, the Indian Brotherhood of the N.W.T. and the Metis Association proposing

deferral of the Ordinance. He explained also that Inuit Tapirisat of Canada had requested the Minister to have the Bill deferred and that pressure to defer it would undoubtedly increase. If the Ordinance is deferred he said there would not be sufficient justification for an October session of Council. Mr. Hodgson then emphasized that he will be bound by the Standing Committee's decision concerning the Ordinance after it has heard representations from the various interested groups.

During its deliberations the Committee heard the following representatives of the organizations listed:

1. Dr. R. Carney - witness invited by the Committee
2. Mr. Paul Robinson - witness invited by the Committee
3. Mrs. Phyllis Watson
Mr. F. Lemieux - Yellowknife School District No. 1
Mr. D. Schindelka
4. Mr. F. S. Dornan
Mr. J. Keenan - Yellowknife Separate School District
Mr. C. E. McKinley
5. Ms. C. Wah-Shee - Native Organizations
Mr. R. Overvold Tree of Peace, Indian Brotherhood of the
Ms. G. Blondin N.W.T., Metis Association, Inuit
Mr. Gerry Sutton Tapirisat of Canada
6. Mr. Brendan Dunphy - N.W.T. Teachers' Association
Mr. Al Goller

Dr. Carney's presentation to the Committee stated that the Ordinance: -

Reflects a very southern influence;

Makes no reference to health services or a health curricula;

Does not make clear how the Rae/Edzo School Society or similar organizations would be dealt with;

Should make provision for a mandatory school lunch program; and,

Takes a legalistic rather than progressive attitude toward separate schools.

Mr. Paul Robinson raised the following matters for the Committee's consideration: -

As education is a provincial responsibility it is questionable

whether the Northwest Territories has the right to enact an Education Ordinance;

Greater reference should have been made in preparing the Ordinance to the many documents concerning cross-cultural education;

A greater degree of people involvement could have been achieved if the White Paper approach had been employed;

The provision in the Ordinance requiring that "Educational Programs in the Northwest Territories be of a standard to enable students to transfer to other parts of Canada without serious loss of academic or technical standing" is an admission of Territorial inferiority; and,

the requirement that private schools and universities be subject to the authorization of the Director is questionable.

The principle areas of major concern to the Yellowknife School District #1 were: -

The apparent imposition of an appointed official (Superintendent of Schools: over elected School Boards; and,

That in future School Boards should not be required to submit their financial estimates for approval by ratepayers meetings because of the domination of such meetings in the past by small pressure groups.

Representatives of the Yellowknife Separate School Board made the following main points: -

That Separate School Boards should receive a proportion of tax revenues commensurate with the percentage of children being educated in the schools being operated by such Boards;

That a revised Education Ordinance should make provision for a fair distribution of corporation taxes; and,

That Separate School Boards should be declared to have all the rights and privileges of a superintendency as set out in the Ordinance.

The representatives of the Native Organizations emphasized the following matters: -

That the proposed Ordinance not be presented at the October Session;

That the principle disagreement of the Native people with it is that they were given insufficient opportunity for meaningful input into it;

That the people in the Communities must be enabled to express their views about the Ordinance; and

That provided necessary funding is made available the Native Organizations could complete the required research in time for the legislation to be placed before the June, 1975, Session.

The Committee following completion of discussions with the various groups adopted unanimously the following motions: -

A. Recommending to the Administration

- (1) That the Education Ordinance not be proceeded with and that it not be presented to the fall session;
- (2) That a new draft Ordinance be prepared reflecting the views of this Committee and the representations made to it to be given the widest possible circulation accompanied by a precis in layman's language;
- (3) That no specific recommendation be made on the Native Organizations' request for funds;
- (4) That the Commissioner have a Teaching Profession Ordinance prepared for presentation to Council at the same time as this Ordinance; and,
- (5) That a summary of the regulations be circulated with the new draft Ordinance.

B. Recommending to the Administration that there be no fall session of Council.

Representatives of the Northwest Teachers' Association advised the Committee that: -

They strongly supported some provisions of the proposed Ordinance and strongly opposed others;

They were concerned over the lack of any regulations;

The recommend. deferral of the Ordinance;

A Teaching Profession Ordinance should be introduced at the same time as this Ordinance mentioning that in southern Canada that

there are at least three pieces of legislation relating to Education: -

- An Education Act;
- A Profession Act; and
- A Collective Bargaining Act;


The Association strongly supports the concept of cross-cultural education - the employment of native languages as languages of instruction is excellent in the lower grades but would be a mistake in the higher grades.


NURSING PROFESSION ORDINANCE

The representatives of the Registered Nurses Association appeared before the Committee for consideration of the Nursing Profession Ordinance. During the Committee's deliberations the following amendments to the proposed Ordinance were agreed to by the Committee: -

- (1) The addition to the Ordinance of a new subsection 4(2) reading "The Association shall file with the Commissioner under the Societies Ordinance a copy of each by-law of the Association and no such by-law shall become operative or have effect unless approved by the Commissioner." This was done to provide control over the activities of the Association;
- (2) That Section 33 be amended by the addition of "after approval by the Commissioner pursuant to Subsection 4(2) immediately following "shall" in line three.
- (3) That a Section 4 be amended by adding the following new paragraph "Respecting the encouragement of entry by Northerners into the profession."
- (4) That the objects of the profession as stated in the Constitution of the Association be included in Section 1.
- (5) That Subsection 15(1) be amended by the insertion of provisions concerning right of appeal in the event of refusal to grant a certificate of registration;
- (6) That Paragraph 21(d) be amended to read "permits her name to be used in connection with the advertisement of products;

- (7) That in paragraph 21(f) "discriminative" should read "discriminatory";
- (8) That in paragraph 21(e) insert "professional" preceding "confidence";
- (9) That paragraph 23(b) be deleted and that provisions to provide protection to a witness summoned under the provisions of 23(2) be inserted;
- (10) That the Legal Advisor study Subsection 22(1) with a view to amending it in order to enable persons unable to write to submit a meaningful complaint;
- (11) That Subsection 29(1) be clarified by the substitution of "when the offence was committed" for "subject matter"; and,
- (12) That "subsisting" be inserted in Subsection 27(3) immediately before "certificate" to maintain consistency.


N.G. Sibbeston, Chairman


W.H. Remnant, Secretary

21 January, 1975.