LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES

8<sup>TH</sup> ASSEMBLY, 60<sup>TH</sup> SESSION

TABLED DOCUMENT NO. 6-60
TABLED ON Oct. 22, 1976



Tabled Document No. 6-60

Tabled Oct 22/76

October 21, 1976

## LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

## Report of the Standing Committee on Legislation Concerning Certain Bills Introduced at the 60th Session

Mr. Speaker, the Standing Committee on Legislation met in March, May and August to review the Bills introduced at this Session and made the following recommendations:

That 3ill 1-60 the Education Ordinance be revised as follows:

- by substituting "Minister" for "Commissioner" wherever possible;
- by adding provisions which would assign many of the responsibilities under this Ordinance to the Director and would permit him "to delegate any of his powers or duties under this Ordinance or the regulations" to an employee of his department;
- by inserting after "approve" the words "or disapprove" in various places to remove any suggestion that Community Education Committees or Societies may only "rubber stamp" matters placed before them:
- by revising sub-clause 7(4) to more specifically define the conditions under which a local education authority may be dissolved by the Commissioner;
- by rewriting the qualifications of candidates for election to Boards of Education to bring them more closely into line with the provisions of the Municipal Ordinance relating to qualifications of candidates in municipal elections;
- by amending clauses 25 and 27 to permit a teacher employed by one Education Authority to be elected to another;
- by revising the provisions of clause 27 to reflect the concerns of the Yellowknife Separate School Board that a candidate for election to a Separate Board should be required to be a declared supporter of such a Board;

- by revising the requirement for approval of the budget of a Board of Education by a meeting of ratepayers;
- by revising and rewriting clause 47 after examining the practices used elsewhere to remove continuing reference to specific religious denominations, and to substitute "eligible voters" for "resident ratepayers";
- by deleting reference to specific religious denominations in clause 48;
- by substituting "may" for "shall" in paragraph 51(2)(a) to provide for a more equitable distribution of tax revenues between separate and public Boards of Education;
- by including in sub-clauses 52(1) and (2) after "offence" the words "punishable by imprisonment for five years or more" to make the clause less restrictive;
- by adding to clause 60 concerning religious education the words "but any student may be excused therefrom upon presenting a written request from his parent or guardian";
- by adding a new subsection 61(6) reading "Notwithstanding subsections (2), (3), (4) and (5) within a separate school system where religious education is offered these sub-clauses will not apply";
- by deleting from clause 62 reference to specific start and finish dates for the school year;
- by adding to clause 70 provisions which would ensure that kindergartens operated by organizations such as the Tree of Peace in Yellowknife can continue in operation;
- by deleting from clause 76 sub-clauses (2) and (3) originally intended to control the "professional student" and to guard against the possibility of a particular student being persecuted by the local education authority because these matters could be better handled administratively;
- by retaining in spite of the expressed concerns of the Federal Government - former clause 83 which would have controlled the establishment of universities;
- by providing that any suspension under paragraph 86(1)(a) shall be with pay;
- by providing in the Ordinance for a means to appeal a decision of a Board of Reference.

The Committee questioned the use of "shall" in relation to the duties of Community Education Committees because of some concern that in the very small settlements the expertise necessary to carry out all of the duties listed may not be readily available.

In a number of instances the words "or guardian" were inserted after "parent".

The Committee agreed to specifically refer to Committee of the Whole for consideration the existing procedure whereby a Board of Education is empowered by clause 39 to in effect demand the funding required for its operations. The Committee felt that numerous problems could be created even though this type of wording is contained in the existing School and Municipal Ordinance.

The Committee was also concerned that the provisions of clauses 54-56 dealing with the language of instruction may cause students to have a reduced level of ability in the english language thereby excluding themselves from certain future opportunities.

The Committee also agreed to specifically refer to the Committee of the Whole for consideration the point put forward by representatives of the N.W.T.T.A. that Boards of Reference should be empowered not only to hear appeals on dismissals but also regarding suspensions, transfers and terminations of designations as principles.

Subject to the preceding comments and proposed amendments the Committee agreed to recommend that the Education Ordinance be referred to Committee of the Whole for consideration.

That Bill 2-56 the Teachers Association Ordinance be revised as follows:

- by adding in clause 5 new sub-clause (3) reading "notwith-standing sub-sections (1) and (2) the Commissioner may, at any time, declare any by-laws to be null and void, ab initio";
- by adding in paragraph l(b) immediately after "Commissioner" the words "upon the recommendation of Council";
- by providing for the appointment by the Commissioner of a lay person to the Central Executive of the Association instead of to the Central Council as it is the former body in which the real power of the association appears to be vested - it should be noted that the Minister of Education dissented in this decision;

- by adding to clause 12 sub-clause (2) reading "a teacher who for religious or other good and valid reasons does not wish to be a member may elect not to be a member";
- by deleting clause 14 as in the Committee's opinion it grants to the Association arbitrary powers which it should not have;
- by bringing the provisions of clause 26 setting out the powers of a discipline committee more into line with those contained in the Legal Profession Ordinance;
- by adding a limit of 60 days to the period for which a member may be suspended under clause 27; and
- by reducing the period during which the Central Executive shall render a decision on a discipline Committee report to 30 days.

Subject to the preceding proposed amendments the Committee agreed to recommend that the Teachers Association Ordinance be referred to the Committee of the Whole.

That Bill 4-60 the Accommodation Tax Ordinance including number of amendments, primarily of an administrative nature, be referred to Committee of the Whole for consideration.

That Bill 5-60 the Apprentices and Tradesmens Ordinance be amended:

- to incorporate provisions for a specific term of office for Board Members;
- to increase the maximum fines provided for in the penalty section from \$100 to \$500; and
- to incorporate a number of necessary miscellaneous changes;

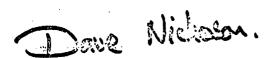
and that it be referred to Committee of the Whole for consideration.

That Bill 3-60 the Territorial Hospital Insurance Services Ordinance be amended:

- to revise the provisions relating to the method of appointment of Members of Boards of Management to ensure a greater degree of local input;
- to add provisions to give members of Boards of Management the same level of protection from legal action as public administrators; and

- to make several consequential and miscellaneous changes; and that it be referred to Committee of the Whole for consideration.

In the course of these meetings, the Committee had great difficulty on several occasions assembling the required quorum in order to carry out its business.



D. Nickerson, Chairman.

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