



COUNCIL OF THE NORTHWEST TERRITORIES DEBATES

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, JUNE 11, 1975

ITEM NO. 1: PRAYER

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THE SPEAKER (Mr. Searle): Turning to the order paper for June the 11th, continuing replies to the Commissioner's opening address.

Item 2, replies to Commissioner's opening address. Are there Members this morning who wish to reply to the Commissioner's address? I might say that my count indicates that there are seven Members who have replied and, of course, this matter will stay on the order paper two more days. Replies would stay on two more days, so Thursday and Friday would be your last opportunities.

If there are no replies I will move on to Item 3, questions and returns. Mr. Parker, are there any returns?

ITEM NO. 3: QUESTIONS AND RETURNS

Return to Question W1-56: Rae-Edzo Liquor Restriction Regulations
(Order of 1 June 1975)

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on June 9th, 1975, Councillor Nickerson asked question W1-56 concerning the Liquor Restriction Regulations (Order of June 1, 1975). I have the following reply to that question:

1. Plebiscites were held in Rae-Edzo, Lac la Martre, Rae Lakes and Detah, January 20th, 1975.
2. Three questions were asked: i) Do you want the sale of alcoholic beverages restricted? ii) Do you want one bottle of liquor, 26 ounces, and one case of beer, 12 bottles, or one case of wine per person per month? iii) Do you want two bottles of liquor, 26 ounces, and two cases of beer, 12 bottles, or two cases of wine per person per month?
3. Results of the plebiscite. I think, Mr. Speaker, it would be easiest if I did not attempt to read this table into the record but since it will appear in the Members' books very shortly perhaps they could read it there. But in general, the answer to question number i) was that in total 60 people said "no" and 47 said "yes".

To question number ii), 339 responded. On question number iii), 45 responded. That would indicate a restriction of one bottle of liquor and a case of beer or a case of wine a month. There were 508 votes cast.

These regulations would presumably be enforced by the RCMP, assisted by special liquor inspectors to be nominated by the board and appointed by the Commissioner. The RCMP were advised of the issuing of these regulations and pending appointment of inspectors. Advertisements have been placed in local newspapers. All airline companies serving these communities have been notified of the regulations and asked to co-operate. The Yellowknife

Taxi Company has been informed and asked to co-operate. Circulars advising of the restricted areas in Fort Resolution and Rae-Edzo are to be distributed through government tourist information centres.

MR. SPEAKER: Are those all the returns, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Written questions? Are there any written questions?

Question W10-56: Young Offenders Unit in Estimates

MR. BUTTERS: Mr. Speaker, I wish to direct a question to the Minister for Social Development. I wonder if the Minister can give me assurance that a young offenders unit has been placed in the estimates under preparation for 1975-76 and for 1976-77, for the construction in Inuvik of a young offenders unit?

MR. SPEAKER: I presume, Mr. Ernerk, you wish to take that as notice, do you?

MR. ERNERK: Yes, Mr. Speaker.

MR. SPEAKER: Further written questions?

Question W11-56: N.W.T. Students Participation in Tests of Canadian Students Basic Skills

MR. BUTTERS: Mr. Speaker, I have a question for the Minister of Education. Does the Department of Education for the Northwest Territories participate in the cross-Canada Canadian test for basic skills? This test, I understand, rates student averages across the country and if the department does participate in such tests, can the Minister inform me just out of every 100 Canadian students, where the Northwest Territories student stands?

Return to Question W11-56: N.W.T. Students Participation in Tests of Canadian Students Basic Skills

MR. McCALLUM: In answer, Mr. Speaker, to the first question as far as I know, yes. The answer to the second question I would have to get the information so I will take that second question under notice.

MR. SPEAKER: Thank you. Further written questions?

Turning to the order paper then, going on to Item 4, oral questions. These are questions of an emergency nature. Are there any oral questions?

Turning to Item 5, presenting petitions. Are there any petitions to be presented?

Turning to Item 6, reports of standing and special committees. Mr. Nickerson?

ITEM NO. 6: REPORTS OF STANDING AND SPECIAL COMMITTEES

Report of Standing Committee on Legislation Concerning Bills

MR. NICKERSON: Mr. Speaker, I have here a report of the standing committee on legislation concerning certain bills introduced at the 56th session of Council.

Mr. Speaker, the standing committee on legislation has met to review the bills introduced at this session and makes the following recommendations: That Bill 1-56, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance, to provide for an increase in the size of the THIS Board, be referred as introduced to committee of the whole for consideration. The standing committee was concerned about the broad powers of appointment given exclusively to the Commissioner and felt that the committee of the whole might wish to discuss this matter further.

That Bill 2-56, An Ordinance to Amend the Petroleum Products Ordinance, to provide for the operation of self-service retail gasoline outlets, be referred as introduced to the committee of the whole for consideration.

That Bill 7-56, An Ordinance to Amend the Judicature Ordinance, to provide for the appointment of additional judges to the court of appeal for the Northwest Territories, be referred as introduced to the committee of the whole for consideration.

That Bill 5-56, An Ordinance Respecting Insurance in the Northwest Territories, which would revise the existing legislation to bring it into line with legislation in effect in most provinces, be referred as introduced to the committee of the whole for consideration.

The standing committee considered the desirability of inviting an expert witness such as Mr. E.T. Cantel, the superintendent of insurance for British Columbia, to assist Council in its deliberations. The committee felt, however, that this decision would be better made by the committee of the whole. The committee was assured, Mr. Speaker, that this legislation has been examined by previous committees and by Council of the whole on numerous occasions in the past. We were assured that expert advice has been given to the administration during the formulation of this legislation. We were also assured and heard evidence to the effect that representatives of the insurance industry had been asked for their particular stand on this legislation and we had been assured that elected Members of Council would have had every opportunity to deliberate on it in detail before.

That Bill 9-56, An Ordinance Respecting the Installation of Electrical Equipment and Wiring to revise the existing legislation and bring it up to date, be referred as introduced to the committee of the whole for consideration. The standing committee felt that the powers assigned to an inspector in paragraph 6(a) were extremely broad, could be abused and, therefore, that the committee of the whole would wish to examine it.

The standing committee will meet further to consider the remaining bills. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nickerson. It would appear, therefore, that we could safely place on the order paper for tomorrow -- unless we wanted to get into them today later on which we could do, of course, by unanimous consent -- Bills 1-56, 2-56, 7-56, 5-56 and 9-56. I notice we already have Bill 1-56 on the order paper as well as Bill 2-56. But in any case you have cleared through your legislation committee Bills 1-56, 2-56, 7-56, 5-56 and 9-56.

MR. NICKERSON: That is correct, Mr. Speaker.

MR. SPEAKER: Turning to the order paper, going on then to Item 7, notices of motions. Are there any notices of motions this morning? None?

ITEM NO. 8: MOTIONS

Going on to Item 8, motions. If you will turn to the tab "Motions" in your "Motions, Questions and Returns" book, it would appear that this morning we have Motion 1-56, and that I believe is Mr. Nickerson's motion; Motion 4-56, Mr. Butters' motion; and Motion 5-56, Mr. Ernerk's motion.

Mr. Nickerson, are you prepared to proceed at this time with Motion 1-56?

Motion 1-56: Control of Alcohol Induced Offences

MR. NICKERSON: Yes, Mr. Speaker. If you will perhaps excuse me, I have not got my speech in connection with this motion compiled yet. I did not expect us to get through the order paper quite so fast.

Mr. Speaker:

WHEREAS a good many complaints have been received from citizens of Yellowknife concerning the nuisance caused by the continuous presence of numerous intoxicated persons on the streets and other public places within the city;

AND WHEREAS the power of the police to act in such cases has been largely rendered ineffective by section 79(2) of the Liquor Ordinance;

NOW THEREFORE, I move that the Commissioner, in consultation with the RCMP and other policing authorities, take such action as is practical to prevent the further abuse of persons and property by unrestrained drunkards and to set up procedures whereby habitual offenders can, on a continuing basis, be prevented from carrying out their depredations.

MR. SPEAKER: Moved by Mr. Nickerson. Do we have a seconder? Mr. Pearson. You lead off the discussion, Mr. Nickerson.

I just might comment if I could for the information of Members, the procedure for debate of motions is that the mover, in this case Mr. Nickerson, will speak first and then each Member can then speak, but he can speak only once and Mr. Nickerson as the mover has the right to wind up the debate by speaking a second and last time and when he speaks a second and last time that closes the debate. No one else can speak after that. So that is the procedure for motions. Does everyone understand that? I believe as well there is a limit of 20 minutes -- is it 20 minutes, Mr. Clerk, do you recall?

THE CLERK OF THE COUNCIL (Mr. Remnant): Yes, Mr. Speaker.

MR. SPEAKER: Twenty minutes is the length that anyone can speak.

With that information would you like to proceed, Mr. Nickerson?

MR. NICKERSON: Yes, Mr. Speaker. This motion has been presented to Council for discussion as a result of numerous complaints received from people in my constituency. A petition to this effect contained over a hundred signatures and was presented to Council a couple of days ago. I think the reason for this motion is pretty obvious to anybody who has ever walked down the streets of Yellowknife. Matters relating to drunks, intoxicated people on the streets and other public places are now worse than any other time since I have been a resident of Yellowknife and I understand similar situations exist in other settlements and towns within the territories.

Policing Authorities Unable to Deal Effectively

Section 79(2) of the Liquor Ordinance says that while it is still an offence to be drunk in a public place, no prosecutions are allowed without the express consent of the Commissioner. This has had the effect that the RCMP and other policing authorities are unable to deal with the situation effectively. If someone is causing a nuisance, what usually happens is the RCMP are called, say, if somebody is using abusive language on the street and somebody complains of it to the RCMP and the people committing this nuisance will immediately cease and there is very little the police officer can do. Even if he is able to do something, he can only take the affected person and lock him up for a limited time at the detoxication centre and he immediately walks out the other door and continues making a nuisance.

MR. LYALL: Mr. Speaker ...

MR. SPEAKER: We are going to discuss a point of privilege.

MR. LYALL: I would like to remind Mr. Nickerson that he is going too fast for myself and I think also for the people in the booth back here.

MR. NICKERSON: Thank you, Mr. Lyall, I will try to slow down a little. The intent of this motion is to give some form of direction to the administration, to show that Council is concerned over this matter. Section 79(2) was originally put into the ordinance, I believe, so that the RCMP and other policing agencies would not pick up people who were just drunk and more or less behaving themselves and just walking home. The problem we have here is not with people who occasionally drink too much, but it is with habitual offenders who seem to have no other aim in life except getting as drunk as possible and staying that way for as long as possible. I do not personally have a real solution to the problem and I do not think anybody else has. It is obviously something that is going to be very difficult to deal with, but I personally think some other people here would like the administration to take a deep look into this and see what can possibly be done. Thank you, Mr. Speaker.

MR. SPEAKER: Further discussion of the motion? Are there additional speakers who wish to speak?

MR. PEARSON: Mr. Speaker, I second the motion because it has been a concern of mine. Nowhere is it more obvious in the Northwest Territories than in Yellowknife that we have serious drinking problems. In fact it was just a few weeks ago when I was in this hotel I happened to look out of the back window and there scattered amongst the trees and the rocks in this area here were a dozen people with two large bottles of what appeared to be cheap wine. They just went round and round and round and they sat there for it must have been two or three hours and eventually staggered off bombed out of their minds.

One comes out of the other hotel up the road to see people staggering around in the immediate vicinity. I have seen people, drunken people actually fall down in the middle of the road in front of the federal building and lie there while people of Yellowknife, white people, stand around laughing at them. They all stand and think it is a great joke while these two unfortunates are lying in the street utterly, completely unable to stand up, vehicles driving around them, opening the window and shouting at them. This kind of affair I have seen for years during my stays in Yellowknife and I think if this Council does not do something about it, who the hell can?

So, I support Mr. Nickerson's motion, although as he says, he does not have a solution but I do think that we, as responsible citizens in the community, no matter which community we are in, should not tolerate this kind of thing. These people need help obviously if they are unable to control themselves. They must be given help and if there are no volunteer organizations that will do it or can do it, then perhaps the government should have that responsibility of simply removing forcibly, detoxifying them, trying to straighten them out because they are habitual. They are not the ordinary guy who happens to get sloshed one night. These are people you see time and time again and I have been coming back and forth to Yellowknife since 1961 and I have seen the same people behaving the same way all those years and yet people in this community fail to do anything about it.

MR. SPEAKER: Is there further discussion of the motion?

MR. LYALL: I would just like to point out that we are all Canadian citizens and we have every right to do whatever we want. I do not see the reason why those people can not sit out there and do whatever they want. I think in the last six years, Mr. Pearson, if they have been doing that, that is their privilege and like Mr. Nickerson said, if we can not do anything about it, we should let them decide for themselves if they want to do that on the street and let them do it.

MR. SPEAKER: Further discussion.

MR. BUTTERS: Mr. Speaker, I think that this is only the first of a long series of debates of this Council on alcohol. As was the experience of the previous Council and the Council before that, alcohol is a problem or, rather, the abuse of alcohol and the result of alcohol abuse is always a problem. I would agree that the community or an individual should not have to suffer drunks gladly. I am rather concerned, though, that the "whereas" clause refers specifically to section 79(2) of the Liquor Ordinance which I will read here: "No prosecution in respect of an offence under subsection (1) shall be instituted except with the approval of the Commissioner."

Intoxicated People Not Criminals

Now, I think this change in the ordinance goes back to the Morrow Report on the Administration of Justice, in Hay River and the rest of the territories, and where it was suggested that people who are intoxicated are not criminals and not committing a crime, they have temporarily taken leave of their senses or their senses taken leave of them. Therefore, they should not be incarcerated or treated as a criminal or charged in our courts as a criminal.

The RCMP, and I have a great deal of respect for the way the RCMP in my community have handled this situation, they have assisted people, and I assume they do this here, taking those whom they see intoxicated home, so they are not injured on the streets, do not freeze on the streets. They are not rolled on the street. In the cases -- the police get to know the members and residents of our community very quickly -- in a case where members of our community have a penchant for brawling or beating up their wives or abusing their families and children, the police may then suggest, as they are able to under the ordinance, to contain them overnight until they recover their senses the following morning

and at that time return them to their home. I think that this procedure has worked in the community I know. I think that if it is true, and I believe it could be true, that there are instances of people sent to Yellowknife, which is low in comparison with other communities and I believe it is because our police have acted in keeping with the spirit and intent of the Morrow Report on the Administration of Justice. As I say, I do not think communities or people should suffer drunks gladly, but I do feel that in terms of agencies that this problem may also be referred to, besides the police and "other policing authorities", is the detox centre. Yellowknife is the only community that has yet established a detox centre and my understanding was that the detoxication centre was working. It is receiving money from this government, money that has been approved by this Council, and my understanding was that the detoxication centre is a productive unit and is having good effects in this community. I would be sorry to hear otherwise.

Licenses Should be Handled in Responsible Manner

The other thing, sir, I suggest this matter might be referred to the Liquor Licensing Board. I tend to feel that licences are given to individuals, to corporations, to companies, the licence to sell liquor, to trade liquor legally, to trade whisky legally, on the basis that they handle those licences in a responsible manner and in a manner which is respectful and the concern of their patrons and they do not send their patrons into the street without a mind, reeling drunk, without money. I suggest that we have law to ensure that such is not the case and I suggest, sir, that if there are licensees in this town or in any other community of the territories who act in an irresponsible manner, contrary to the intent of the direction of this Council, their licence should be removed from them.

MR. PEARSON: Hear, hear!

MR. SPEAKER: Is there further discussion? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, my honourable colleagues, this is a great concern in my riding, the alcohol abuse, alcohol and drug abuse. Myself, I have been aware of this type of problem for quite some time. Some people seem to label certain ethnic groups in society as to the abuse and use of alcohol and drugs. I would think that this is not really true. I think that the abuse of alcohol and/or drugs is a social problem and it is a community problem. I also think that it would be difficult to regulate the amount that the individual chooses to drink and for that matter it would be difficult to rehabilitate a person who is addicted to alcohol or drugs.

I believe that the person could perhaps find another way of life from that situation in which he finds himself because my interpretation of rehabilitation is to recondition a person to continue doing what he is doing in society only a little bit better. So I question the idea of rehabilitation.

Freedom Means Responsibility

I really do not know the meaning of that motion. I doubt whether it would be useful to the people because too much restriction is just as wrong in my opinion as too much permissiveness. I think that part of the fault, as Mr. Lyall indicates, is that we are free Canadians, but for people who are drinkers or addicts, it is this very freedom which is their excuse to continue doing what they are doing. I think that freedom to me means responsibility and that I am only free when I exercise the responsibility that I give to my fellow man in my community. That being said, I could swim in booze and not drink it and because of the type of people that we are dealing with in the North, many of them ignorant, it would be quite another thing to regulate them as we do in the mainstream of society outside where people are educated and have facilities in which they can find rehabilitation to continue what they are doing in their society, but up here we are in another type of society.

Should Examine Preventative Measures

I think that we should examine preventative measures rather than rehabilitation measures. I think that it is a matter of social education at community level, the responsibility of perhaps the village councils or however we can maybe make that possible through the territorial Council, but if this is the direction in which they are going, I would like to perhaps hear Mr. Nickerson's further intention on that before I decide whether I will go along with it or not. Could I have a little more information, Mr. Nickerson?

MR. SPEAKER: Is there further debate?

MR. STEWART: Mr. Speaker, I rise to support this motion. I think basically the key words, as far as I am concerned are "to prevent the further abuse of persons and of property by unrestrained drunkards". Surely, drunk or sober, no person has the right to interfere with other persons or other people's property. I agree in part as Mr. Lyall has indicated, that if the boys want to sit back on the rocks behind this hotel and drink a jug of wine, that is their business, but if they are on the streets or on people's property and causing problems in this regard, then I say they have gone too far. I think these are the key words and I certainly think there are abuses, in Yellowknife as in most other heavily settled areas.

MR. SPEAKER: Mr. Lafferty, I am afraid I can not recognize you again. You are entitled to speak only once on the motion. The only way you can rise would be on a point of order or a point of privilege which would not necessarily -- and I would not be permitted, be able to permit you to debate the motion, you could only debate the point of order or the point of privilege.

Are there further Members who wish to debate the motion?

More Responsibility Placed on the People

MR. BARNABY: I do not really know what I feel, but something has gone wrong these last few years. At one time people in the North used to be responsible people who were a part of the society that was here then. Since then the responsibility has been taken off them, I guess, and they are worried about being a part of the society. What I am saying is that especially for the native people what I said yesterday, they are losing control of their lives and I guess that might have to do with it. There are too many people's ideas that are put

in and since the native people do not accept them or these guys do all the work to make the system work. I think that more responsibility has to be placed back on the people. I hope I make myself clear, but these people used to be responsible at one time and now they are not. There is something wrong and I think we should have a real good look at it. Thank you.

MR. SPEAKER: Is there further discussion on this motion?

MR. McCALLUM: Mr. Speaker, I would like to support the motion. I realize that there are difficulties involved with it. Nevertheless, I think that two of the preceding speakers have pointed out two particular areas, and I refer to the Member from Hay River, Mr. Stewart, who talked about the responsibility, if you like, that this Council has to ensure safety to persons and property within a particular area. I think that we have that responsibility as a Council to set up the means by which people that have property and their own selves, that we stop any further abuse to it.

Liquor Licensing Board Exercise More Power.

I think as well that Mr. Butters, the Member from Inuvik, has possibly hit upon a major cause of some of the problems, of the abuse of alcohol by people in the territories. I think that is in the serving of alcoholic beverages in various licensed outlets to intoxicated people and I would hope that the Liquor Licencing Board would exercise more power in the future to ensure that these licensed premises live up to the responsibility that they have and if and when there are abuses that the business licences of these establishments be suspended or removed and I do not mean just a simple slap on the hand or wrist, but I mean that the power of the board to do something in this regard is exercised strongly. Thank you.

MR. SPEAKER: Is there further discussion on the motion? In that case Mr. Nickerson has the right to wind up the debate if he wishes to use it.

MR. NICKERSON: Mr. Speaker, first of all I would like to say that I am wholeheartedly in agreement with Mr. Lyall about his concept on individual liberties. If Mr. Lyall or anybody else, me or anyone else for that matter, wants to go home and get drunk out of their mind that is our business and nobody else's, but what has happened in Yellowknife -- and it might not be the case in Holman Island or Coppermine and probably is not the case there -- is that there are a number in this town, probably a dozen or so, habitual drunkards. As far as I can see they do very little else except drink and they do not go home and drink, and they do not go two or three miles out and do it; they go in the post office and do it, or they go into the laundromat and do it. I have had several ladies come up to me and say that they are scared to walk the streets of Yellowknife at night on account of these people. So I think that in this case these people are depriving other people of their liberties. Unfortunately, this is why we were voted here, we have to make laws and to a certain extent we have to deprive people of what might be considered their own free will and their own liberties.

Detoxication Centre.

With regard to the detoxication matter, I understand, although I am not particularly familiar with what goes on there, I have been there and asked a few questions, it is working to a certain extent. What happens is that everybody who goes there does so on a voluntary basis more or less and as soon as they are dried out sufficiently to be able to walk down the street again, out the door they go and back to the liquor store. So, with the type of people at whom this motion is aimed for a detoxication centre to be really effective, it has to be mandatory that they are required to stay there for a certain period of time. What is happening now is they just go in there for a free lunch and a free sleep and out they come the next morning bumming money on the street to get another bottle of wine.

MR. BUTTERS: Mr. Speaker, on a point of privilege again, I know that I am as much to blame as Mr. Nickerson because it is difficult to think to speak slowly. Also it is difficult to speak loudly. It is difficult, sir, to think to speak slowly and we are progressing, I think too fast for the interpreters and too fast for possibly other people, I understand.

MR. SPEAKER: I appreciate that this is very difficult to do. We will have to try to make a conscious effort. On the other hand, you have to appreciate as well that some Members have a way and a method of speaking and if we try and impair them or slow them down to such an extent, we will impair their ability to express themselves, so where the happy balance is, I do not know. We are going to have to try to reach it.

MR. PEARSON: Mr. Speaker, on a point of privilege, I have never been had up for impaired driving, but I would hate like hell to be had up for impaired speaking. I wonder if we could hear from the interpreters. After all, this is an experiment that is going on and I wonder if we could hear from them as to whether the speed at which we are speaking is fine for them or if they would like us to slow down, because I have a strong feeling that they are quite happy with the speed of the debate at the moment. I wonder if we could check with them. If you could see it in your heart to inquire, Mr. Speaker.

MR. SPEAKER: Well, we could do that.

MR. PUDLUK: The interpreter, of course, is just a few words behind. There is nothing really meaning to us right now because we are not hearing anything at all, the three of us. I do not know about Mr. Lyall, but I believe that he is getting the words too. If they do not slow down, we will walk out.

MR. SPEAKER: Would it meet with the satisfaction of Members if at coffee break I had the Clerk discuss with the interpreters this matter of what they think is an appropriate manner. I do not think that it is the appropriate manner in a formal session to ask the interpreters to come out and discuss the matter. Is that satisfactory?

--- Agreed

MR. NICKERSON: I will try to speak very, very slowly. I agree with Mr. Lafferty that over-all the problem is a social problem. Perhaps legislation is not the way to deal with the over-all problem of drunkenness, but I think Mr. Stewart hit the nail on the head and was able to see what I am trying to get at in this motion, in that in many cases there is an immediate concern in that people and property are being abused. In this case I think it properly requires police action and immediate action and decisive action.

MR. LYALL: Mr. Speaker, on a question of privilege.

MR. NICKERSON: I understand -- on a point of privilege, I am unable to understand what Mr. Lyall is saying.

MR. SPEAKER: Please be seated while we discuss the point of privilege. Mr. Lyall, proceed.

MR. LYALL: Also I would like to say, Mr. Speaker, "hit the nail on the head" and phrases such as that do not mean anything when you translate it into Eskimo. "Hit the nail on the head", to them means hit the nail on the head, so I would like those kind of phrases to be taken out when people are speaking. Thank you.

MR. SPEAKER: Mr. Lyall, I sympathize with the problem, but surely at the same time the Members are entitled to have the matter translated. On the other side of the coin, a Member speaking in his own tongue, whether it be English or Eskimo, is entitled to the full use of the language and it is a very difficult matter to suggest that I should direct Mr. Nickerson not to use the English language as he sees fit. I believe he is trying to speak simply, but he is an educated and intelligent man who has a full and complete vocabulary and I do not think it is within my power to suggest that he curb the use. If he wants his motion passed and fully understood by all Members, he has to try, but on the other hand, I think he certainly has the right to use all the flourishes he wants and run the risk, if he chooses, of not having five or six of the Members fully understand him. In other words, he himself has to weigh these considerations. I do not think I can tell him not to use certain English phrases. Do you understand?

MR. LYALL: Mr. Speaker, I understand. If he is a fully educated man, "hit the nail on the head", I think he should use something else if he is educated.

MR. SPEAKER: You are entitled to your opinion, Mr. Lyall, but I do not think I need to say any more at further risk of repeating myself. Mr. Nickerson, proceed.

MR. NICKERSON: I think my summary is now complete.

MR. SPEAKER: On the question? Question of this motion? I might say the debate is now closed since the mover has now spoken a second time. Are you ready for the question?

MR. PEARSON: Question.

Motion 1-56, Carried.

MR. SPEAKER: All in favour? Contrary? The motion is carried.

--- Carried

Let us turn now to the next motion, Motion 4-56. That is Mr. Butter's motion. Mr. Butters?

Motion 4-56: Current Budget Formulation

MR. BUTTERS: Mr. Speaker, I wish to move the following motion:

WHEREAS this Council had no input into the formulation of the current budget;

AND WHEREAS this Council was informed by the Commissioner in its last session of grievous staff cuts made in the Department of Education and more especially among the teaching staff;

AND WHEREAS this Council was more recently informed during the Commissioner's opening address on June 9th that "new goals and objectives have been implemented for the Government of the Northwest Territories" and that "the administration finds it impossible to complete all of its programs, activities and plans announced as approved in the January session";

AND WHEREAS while all the residents of the Northwest Territories have been, are being, or will be affected by such financial cutbacks, very little information on these constraints has been publicly communicated by the Government of the Northwest Territories;

AND WHEREAS this Council has not been consulted on determining the priorities and establishing the criteria by which such cuts have been effected;

NOW THEREFORE, I move that Council, at the earliest possible opportunity, consider in committee of the whole the current fiscal situation of the Government of the Northwest Territories, and the fiscal directions and action that the territorial government will be pursuing over the next 12 months.

MR. SPEAKER: Is there a seconder to the motion? Mr. Lyall. Discussion, Mr. Butters?

MR. BUTTERS: Mr. Speaker, I know that I will be subject to the same criticism, and rightly so, that has been directed at Mr. Nickerson. I will attempt to speak slowly and I will try to speak in shorter words for the benefit of all and to be sure that what I am trying to say is understood by all.

MR. SPEAKER: Mr. Butters, excuse me, but with respect to your motion, you are suggesting that a full and complete discussion of the budgetary problems take place in committee of the whole? This is really a motion to refer it there. I guess what I am saying is the full and complete debate on the budgetary problems need not take place now. Your intention is for it to take place in committee of the whole, as I understand it?

MR. BUTTERS: Yes, sir, that is correct. The reason I wish to refer it to the committee of the whole is so that we get a chance, everybody gets a chance to ask questions and go over this whole matter of money. I used the word "fiscal". "Fiscal" in simple language is money and in our life the man who has the money, the man who gets the money and the man who is directing where the money should be spent, that is very important to us.

Council Should be Determining how Money is Spent

In January, the previous Council approved a budget of some \$164 million and these were split up -- I have them here -- into various departments; Education, millions and millions of dollars for school buildings, for community services,

for Education staff, for programs that the people of the North have asked for in previous Councils. In the Commissioner's opening address he indicated to us that money has become extremely tight and that as a result of this his government has had to cut back programs, to cut back staff, and I believe all those cutbacks in some manner affect every one of our constituents. I feel that the Commissioner's address was not sufficient for us -- it was not sufficient for me to learn where those cuts were made and, more important, why those cuts were made and, more important still, how much money was cut. I suggest, Mr. Speaker, that this Council, the elected people of the territories should be determining how the money is spent so that it will work in the best interests of everybody.

MR. PEARSON: Hear, hear!

MR. BUTTERS: It should not be decided to be spent by the government, the bureaucrats; we should decide. I think if this motion is accepted, if it goes into committee of the whole and we discuss what has happened to the money, then we will all be wiser and people in the territories will have a better idea of just how big the problem is that Commissioner Hodgson and his people are experiencing to provide administration services to the people of the Northwest Territories.

MR. SPEAKER: Is there further discussion? Mr. Commissioner?

THE COMMISSIONER: Mr. Speaker, Members of Council, with your indulgence I believe that the motion is a good one. It is certainly acceptable to the administration. The very reason that I raised these issues in my address was, as I said in my address, to focus attention on the financial problems facing this administration.

Opportunity to Discuss Problems will be Welcome.

While I recognize that in the final analysis the financial decisions are my responsibility, regardless of the decisions of the Council, right or wrong, this Council or a previous Council or a future Council under the terms of the Northwest Territories Act, I have to take the responsibility for it. The administration would welcome the opportunity to discuss with Council in committee of the whole the problems and cuts that we have been forced to make in our capital program, the ramifications and the reasons for the decisions affecting the Department of Education and, finally, although we have made no further cuts or reductions on the operating and maintenance side, we have already placed in operation a number of restrictions.

Finally, I believe and I would not want anyone, particularly Treasury Board, to think that this was a move sponsored by the administration to bring pressure on Treasury Board, as I realize that in this day and age, particularly in this financial atmosphere, it is impossible to embarrass or pressure Treasury Board, which is the source of all funds for the Government of Canada and 90 per cent of the funds of the Government of the Northwest Territories.

Nevertheless, I believe that the administration, meaning us, will have to go back to Treasury Board and ask for additional funds and some of these reasons we will be in a position, I am sure, if this motion passes to discuss with the Council as a whole.

Thank you, Mr. Speaker, for affording me the opportunity to make these few remarks.

MR. SPEAKER: Just on a matter of order, Members of the Council, this, of course, is a matter that can properly be discussed when we discuss the supplementary estimates. Assuming the motion passes I would propose to put it on the order paper right after or before committee of the whole discussion of the supplementary estimates so that when we go into committee of the whole to discuss supplementary estimates we could put this matter of Mr. Butters' motion in at the same time. It is all a matter of budget and all the same people are here. So on that understanding I think it could be dealt with that way. Further discussion?

Managing Money Efficiently

MR. PEARSON: Well, I just wanted to add, Mr. Speaker, that I think it is an excellent motion and I think a matter which has certainly bothered me and a lot of people in the Eastern Arctic. We are always affected by cuts. Of course we, the Council, or Mr. Butters, produces a motion calling for a discussion with the administration of these financial difficulties as we the Council blame the administration, we, the Council, feel that they have enough money and that they are not managing it properly. They say they do not have enough money and they blame the Treasury Board for not having sufficient funds but there are people on this Council who feel that they do have sufficient funds. I have said for the past four years that I have been here that it is a question of not having enough money from Ottawa, those nasty people in Ottawa not giving us enough money, it is the fact that we in the Northwest Territories are not managing this money that we get efficiently and properly; this fantastic waste, emphasis in the wrong places. I think this would be a great opportunity to discuss this matter once and for all and I very strongly support Mr. Butters' motion if it means possibly bringing to a head some matters which have concerned me about financial management for some time.

Motion 4-56, Carried.

MR. SPEAKER: Further discussion? Question on the motion? All in favour? Down. Contrary?

--- Carried

MR. BUTTERS: Was it carried unanimously?

MR. SPEAKER: I do not think it was, it was nearly unanimous. If you would like me to recall the question if you think that is needed.

MR. BUTTERS: I would be grateful just to see if we do have the unanimous support for the motion.

MR. SPEAKER: Of course if you wanted a recorded vote, Mr. Butters, you could have asked for it. However, we will humour you this morning. I will recall the question and would you keep your hands up while I make a count, please? All in favour? Twelve. Down. It is not unanimous.

MR. BUTTERS: I notice that.

MR. SPEAKER: I believe we have one more motion. Does it meet Council's approval that I put that matter into the committee of the whole at the same time as we put the supplementary estimates in?

--- Agreed

MR. SPEAKER: Motion 5-56, Mr. Ernerk.

Motion 5-56: Construction of Homes, Schools and Other Facilities, Keewatin Region.

MR. ERNERK: Mr. Speaker, I wish to present the following motion:

"WHEREAS there is a continuing requirement for the construction of homes, schools and other facilities in the Keewatin region;

AND WHEREAS all building material, and accessories and equipment are shipped from southern Canada annually by sealift, at high freight cost and with the continuing risk of delay and damage due to weather and shipping conditions;

NOW THEREFORE, I move that the Commissioner give consideration to a feasibility study regarding the possibility of establishing a plant for the manufacture of prefabricated housing within the Keewatin region.

MR. SPEAKER: Is there a seconder to that motion? Mr. Butters. Discussion, Mr. Ernerk?

Possibilities in Terms of Employment.

MR. ERNERK: Thank you, Mr. Speaker. The idea came some time ago from various people in the Keewatin district, especially when I was over there a number of times which was in January, February and sometimes in March. I think this type of industry, if I could speak to the motion very briefly, could be a very useful one to the people of the Keewatin region. It would be the first for the Keewatin district. There would be a lot of possibilities in terms of employment of the people in the Keewatin region. I am not going to say at this time in which community it will be but I think we, the Council of the Northwest Territories and the Government of the Northwest Territories, should think very carefully about an industry that will run not only for three months of the year, but for 12 months of the year. In the future, once we get this study done, perhaps we could start to think about training people to work in the prefabricating plant if there is going to be one in the Keewatin district.

I mentioned yesterday very briefly during my speech that I have seen some parts, housing materials coming into the communities, especially in Baker Lake last year, which are damaged in one corner, the windows are damaged and it is costing quite a lot of money for the local housing associations to repair the materials that arrive in the communities. This type of prefabricating industry or plant could also be used, in my opinion, by the other districts. For example, Igloolik, Hall Beach, Pelly Bay or Spence Bay, Repulse Bay and Coral Harbour. Often it means that you must wait for your parts to arrive once a year. If you have this type of industry once it is established in the Keewatin district, for example, all Baker Lake has to do is to call maybe Whale Cove if it is going to be in Whale Cove and say "We need ten doors" or something, "Could you bring them to Baker Lake?" and I am sure in about ten days or something the ten doors would be in Baker Lake. So I beg your support in this for the reasons I have mentioned -- employment possibilities which are very much needed in the communities in the Keewatin district. Thank you.

MR. SPEAKER: Further discussion?

Construction of Houses be Done in Communities.

MR. BUTTERS: Mr. Speaker, speaking as seconder to the motion, I think this is an excellent motion. I would hope that the word "Commissioner" in the motion really means the Commissioner in the broadest sense here of Executive Committee. I would feel and I am sure that the Executive Committee as I know Members on the Executive Committee will be very active in seeing that this motion is carried out. The motion, sir, also fulfils one of the main

recommendations of the former Council's task force on housing which recommended that the construction of houses as much as possible be done in the local communities by local people recognizing that building houses is not just a need, it is business and it is a big business. In fact, my colleague who has just left, the mayor of Hay River, has recognized during his term of office and encouraged the establishment of prefabrication plants in that community.

MR. SPEAKER: Further discussion?

MR. PEARSON: Mr. Speaker, this motion is one which I wholeheartedly support and have supported the same idea and principle ever since I have been here, in fact, long before I came to this Council. This is the kind of industry that we need to establish in the Northwest Territories.

I would, however, like to amend this motion and to delete the very last two words "Keewatin region" and to put in their place "all regions" because these needs are not only in my colleague Councillor Ernerk's communities but in Baffin, Central and High Arctic and every other place and with the decentralization of some of these matters to the regions, the establishment of prefabrication plants would be a very simple matter, very simple indeed. It does not require vast sums of money, just materials. We have the people, we have fantastic unemployment. So every region, I think, can use such a facility.

Motion to Amend Motion 5-56.

Therefore, with your indulgence I would like to move an amendment to the motion that in the "now therefore" clause in the very last line "prefabricated housing within the entire Northwest Territories" we throw out the words "within the Keewatin region" and then insert the words "throughout the Northwest Territories".

I might point out that there are some prefabrication plans afoot. The Northwest Territories Housing Corporation has a log lathe that is turning out log houses now in Hay River, at least to my knowledge it is, I hope it is and so it is in fact in production in these parts. In the Western Arctic prefabrication of plywood structures, there is no reason why they should be taking place in Yorkton where it is going on again as it has done for the past many years. We need the work and so again the prefabricated housing "throughout the Northwest Territories".

MR. SPEAKER: Mr. Pearson, to make sense out of the paragraph it seems to me that your amendment would have to include the deletion of the word "a" from the second to the last line and the pluralization of the word "plant". So then the motion would read, if I might be permitted: "Now Therefore, I move that the Commissioner give consideration to a feasibility study regarding the possibility of establishing plants for the manufacture of prefabricated housing throughout the Northwest Territories." That is the effect, is it not, of your amendment?

MR. PEARSON: Yes, thank you very much for that.

MR. SPEAKER: Is there a seconder for that amendment? Mr. Lafferty. Discussion on the amendment. Any further discussion on the amendment?

Supply Problems in High Arctic

MR. PUDLUK: Mr. Speaker, I would just like to add to what Mr. Pearson was saying. I would agree with Mr. Pearson's comments because the High Arctic is having problems getting supplies up farther north, like especially Grise Fiord, and Resolute Bay is only about 320 miles from Grise Fiord. For shipping materials, the cost is different between those, only 300 miles between settlements. You know, for supplying the materials for the houses or anything like a canoe, if somebody wants to order a canoe this year they pay by the weight. The canoe will be more expensive in Resolute Bay which is only 320 miles from there. That is all I have to say right now. Thank you.

MR. SPEAKER: Is there further discussion of the amendment now that the motion is amended? Mr. Nickerson?

MR. NICKERSON: Perhaps in his concluding remarks, Mr. Ernerk would like to comment on how he thinks these plants might operate. Is it his intention to press for manufacture of prefabricated houses by the government or would he -- it is very difficult to say it in simple terminology, Mr. Speaker. Is he after something of this nature that the government would conduct a feasibility study and then make this available so that private individuals or firms could take advantage of the feasibility study end themselves and do the manufacturing in the plant? I personally would not like to see the government itself get involved in the manufacturing field.

MR. PEARSON: Hear, hear!

MR. NICKERSON: Thank you.

Motion to Amend, Carried

MR. SPEAKER: Further discussion? As I understand it, Gentlemen, if we call the question on the amendment and if the amendment passes, then the motion as amended is passed. In other words, the only time they would call the question on the original motion would be if the amendment were defeated. Do you understand? The motion as amended, I will just read it: "Now Therefore, I move that the Commissioner give consideration to a feasibility study regarding the possibility of establishing plants for the manufacture of prefabricated housing throughout the Northwest Territories." Are you ready for the question? All in favour? Contrary? The motion is carried.

Those are all of the motions, gentlemen, for today. Mr. Wah-Shee, I understood, maybe incorrectly, that you would be presenting a motion and I wanted to make sure that you did understand that you would have to present the motion in writing to the Clerk to be reproduced and put in the books before I can call on you to put it.

MR. WAH-SHEE: Yes, I will put it in written form, but I want to bring it up on the 18th.

MR. SPEAKER: Very well. Since it is 10:30 o'clock, I would suggest before we go on with further items that we stand recessed for coffee for 15 minutes. Agreed?

--- Agreed

--- SHORT RECESS

MR. SPEAKER: Members of Council, Council will come to order. Turning to the orders of the day, Item 9, tabling of documents, are there any documents to be tabled? No documents.

Item 10, first reading of bills. We will have to stand down, I should think, Bill 3-56, Supplementary Appropriation Ordinance because it has not been reproduced yet and it is not in your hands. I understand it will not be reproduced until the committee has looked at it, so, what is the Council's wish? Do you want to give first reading?

MR. McCALLUM: On a point of order, could you repeat your last sentence? I did not hear it about the supplementary bill.

MR. SPEAKER: I do not think it has been reproduced in sufficient copies for all Members. That was my comment. I wonder how you can give reading to something you do not have. That is my question, I guess.

MR. LYALL: Mr. Speaker, on a point of order. Could you just tell the rest of the Council what was the comment the people from the booth said during the coffee break?

Comments of the Interpreters

MR. SPEAKER: Yes. I intend to do that. The Clerk checked with the interpreters and I do not know whether I should identify the persons, but there are persons who do speak too fast and particularly too, one of whom is a speaker who uses words which are apparently too complicated. I do not know what the remedy for that is. It is just as difficult for me to speak in a language or use words I would not otherwise use as I am sure it is to interpret them. You just have to conscientiously try or run the risk, as I pointed out, of not being understood. Those are the two comments. Some Members speak too fast and some use a vocabulary of words that are too big and difficult to translate. I can indicate privately, I think, to those Members who the offenders are, but I do not think that there is any point naming them publicly. I admit that I am one of them.

First reading of bills -- should we stand down Item 10?

--- Agreed

Obviously then we will have to stand down Item 11, which is second reading.

Item 12, consideration in committee of the whole. Mr. Stewart.

MR. STEWART: I wonder if I could have the indulgence of the house and go back to questions and returns. There is a particular written question I have and it may take considerable time to get the information and this is the reason for my request.

MR. SPEAKER: Unanimous consent is requested to return to Item 3, written questions. Is there any objection to granting unanimous consent? Agreed?

--- Agreed

Unanimous consent is granted.

REVERT TO ITEM NO. 3: QUESTIONS AND RETURNS.

Question W12-56: Federal Civil Servants in the N.W.T.

MR. STEWART: Mr. Speaker, could I be advised as to the number of permanent federal civil servants working in the Northwest Territories at this time?

2. Could this list be broken down into departments and job classifications?

3. Could I have a comparable list of federal civil servants employed at the time the territorial government moved into the Northwest Territories?

MR. SPEAKER: Mr. Stewart, that will be an updating of the very same question I asked about two years ago.

MR. STEWART: Mr. Speaker, I think you might find a tremendous increase.

MR. SPEAKER: I think we can ask the Clerk in fact to take out the reply to that same question a couple of years ago and you could have the opportunity of comparing them.

ITEM NO. 12: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS.

Going on to Item 12, I notice that Bills 1-56 and 2-56 which are noted under Item 12 were cleared by the standing committee on legislation. It would therefore seem appropriate to ask for a motion that we resolve into committee of the whole to consider Bill 1-56, Territorial Hospital Insurance Services Ordinance. Do I have a motion to that effect? Mr. McCallum.

MR. McCALLUM: Mr. Speaker, I move that we go into committee of the whole to discuss Bill 1-56.

MR. SPEAKER: Is there a seconder? Mr. Butters. Any discussion? All in favour? Contrary?

--- Carried

MR. SPEAKER: Council will resolve into committee of the whole to discuss Bill 1-56 with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 1-56, Territorial Hospital Insurance Services Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-56, TERRITORIAL HOSPITAL INSURANCE SERVICES ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee of the whole will come to order to discuss Bill 1-56, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance. Is it the wish of the committee to go through this clause by clause at this time?

MR. BUTTERS: Mr. Chairman, I wonder if it might be possible for the pro tem chairman of the legislation committee to speak to this and, if possible, enlarge upon the brief remarks he gave in his committee report earlier today.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson, would you care to do this?

MR. NICKERSON: Yes, Mr. Chairman. Bill 1-56 is in effect a very simple and straightforward piece of legislation, changing legislation. The legislation committee deliberated on this last night and we could see no real reason

why the board should not be increased from three to five or more. Apparently there are certain administrative problems with a board of only three people and if the number of people on the board were to be increased, this would allow for greater representation.

One important comment made during the committee session was that under the existing legislation and under the legislation proposed here, the board members are to be appointed solely by the Commissioner. It was thought it would probably be better if board members were to be appointed by the Commissioner in Council. It was pointed out that in the case of an aircraft disaster with several board members on it there would -- if this were made so, it would not be possible to appoint new members until the next sitting of Council. This is an unlikely event, but it is possible and also there could be a couple of resignations or something of that nature.

So we discussed this in some detail and we bring it to your attention that we did this and it could either be worded as "Commissioner in Council" or "Commissioner in consultation with Council" or perhaps in some other way to enable elected people to have some representation when these positions are to be decided upon. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Any further general comments?

MR. BUTTERS: Mr. Chairman, I wonder if preferably the Minister of Social Development, but as the Minister is possibly not familiar with all the details relevant to the change in law, possibly one of the members of the administration could advise the purpose behind the bill and give some further information relevant to its amendment.

THE CHAIRMAN (Mr. Stewart): There has been a suggestion. Do I have agreement of the committee? Can we have the witness called then?

--- Agreed

Appointment of People Within the N.W.T.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, perhaps I could be of help and then if there is additional information required we could ask the director of Social Development, Mr. Torrance, to join us. I think the requirement here is quite a simple one. With a board of three members which, therefore, indicates a quorum of two members it can be at times very, very difficult to constitute a meeting. The intention, therefore, is to expand the board to perhaps five or six members in order that it will be easier to constitute a meeting in the first case and, in the second case, to give more representation on the board from northern residents. At the present time the intention would be to appoint people who are engaged in the hospital services within the Northwest Territories, and I would like to underline that, within the Northwest Territories, to serve on this board, people who are knowledgeable with regard to hospital services that are being offered.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. Does this information satisfy the Commissioner or do you wish any further explanation?

MR. PEARSON: Mr. Chairman, I think it is pretty straightforward. I do not see why we have to go through this time consuming business of asking witnesses and everything simply to expand the board. We all know the need in the territories, if we are going to have a board then it needs to be a workable board. Three is not, five is -- two more, the Commissioner in Council, very simple, let us get on with the work. This is just legislation.

MR. WAH-SHEE: Mr. Chairman, I would like to direct my question to the administration. I would like to know who is sitting on this hospital board at the present time and also, what is their term?

THE CHAIRMAN (Mr. Stewart): Mr. Deputy Commissioner, can you answer this question?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the chairman of the board is Mr. Ken Torrance who is the director of Social Development. Reverend Ken Gaetz who is the administrator of the H.H. Williams Memorial Hospital at Hay River is a board member and Dr. Bill Frost from Ottawa is the other board member. Dr. Frost has been a member of this board, I believe since its inception, certainly for many years. He is a senior person with the Department of National Health and Welfare and he has been very helpful in the kind of advice that he brings to the board. Those are the members. The appointments to the very best of my knowledge are at pleasure, that is, without any particular term attached to them.

THE CHAIRMAN (Mr. Stewart): Thank you. Does that answer your question, Mr. Wah-Shee?

Involvement of People at Citizens Level

MR. WAH-SHEE: Mr. Chairman, I would have to disagree with the Deputy Commissioner in regard to the people who are appointed on this board -- that they should be qualified in the area of hospital services. I believe very strongly in citizen participation and I think that if we have to use the kind of terms in regard to appointment to these hospital boards and other boards, of people who are involved at the professional level, then that will completely exclude the native people. We all know that the native people are in the majority at the present time in the territories and I see no need to involve all the bureaucrats on the board level nor only those who are involved at the professional level. I believe that the people of the North should be involved, particularly at the board level.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would not like to leave the impression that we would be thinking of making appointments only at the professional level. I did not say that and I would not want to imply that. I agree with Mr. Wah-Shee entirely that involvement of people at the citizens level is important and I have no quarrel with his remarks. I did say that we had had the intention of appointing people who had some experience in the area of hospital services but I did not mean to imply that they would have to be at the professional level. Certainly at least one or perhaps two members of the board could easily be people who are not directly associated with the provision of hospital services and, of course, with the present make-up, Reverend Gaetz is not a bureaucrat, he is a completely private person.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. NICKERSON: Mr. Chairman, I am glad you gave the opportunity to speak now. This is one of the few occasions when I find myself in complete agreement with Mr. Wah-Shee and I would like to be able to give him my full support on the comments he has just made. I think if this amendment was to be passed it would facilitate or make it easier for representatives such as Mr. Wah-Shee might envisage to be represented on the board. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Councillor. I find it very difficult to see you. Mr. Legal Advisor happens to be very broad, both of shoulder and of head and it is very difficult, so if you would speak up and I should happen to miss you and, secondly, if you wish to stand it is all right in committee but if you wish to sit that is fine, too. Any further comments?

Motion to Delete "Commissioner" and Add "Council"

MR. STEEN: Mr. Chairman, I would like to delete the word "Commissioner" on Bill 1-56 to read "Council". 6(1). "There shall be a corporation, to be called the Territorial Hospital Insurance Services Board consisting of not less than five members appointed by the Council."

THE CHAIRMAN (Mr. Stewart): I have no objection to taking this amendment at this time. Normally it would be after a full discussion. We have a motion of amendment to change the word "Commissioner" to "Council". Do I have a seconder? Sorry, I stand corrected, I do not need a seconder. Then, as to the amendment.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I believe that the point that the Member is seeking here would be properly achieved by use of the term "Commissioner in Council" which I believe is the usual term applied here and that would mean that the Commissioner could not make direct appointments without the advice of Council. Speaking to that point, certainly the administration would have no objection to this and the style of operation that the Commissioner has adopted in the past has been along this line. However, Members must bear in mind that people come and people go and it is sometimes very hard to keep a board constituted between Council sessions. There is a possibility of an amendment to the Interpretation Ordinance which would permit the Commissioner to replace members on the board between Council sessions. Now this is a board which has a very, very important function and the handling of hospital services in the Northwest Territories can not be achieved without having a properly constituted board. The bills can not be paid, the services can not be provided and that is the only reason that I am suggesting to you that this Council might be wise to agree to a change in the Interpretation Ordinance to permit the Commissioner to make appointments between sessions if necessary in order that the board could continue to function and only, of course, for that reason.

THE CHAIRMAN (Mr. Stewart): Thank you, Deputy Commissioner. Councillor Steen of the Western Arctic, are you agreed to change your amendment to "Commissioner in Council" as it is a proper terminology?

MR. STEEN: Mr. Chairman, I fail to agree with the Deputy Commissioner. I feel that if we are going to become self-governing to ourselves or to the North that we must start to use the word "Council" instead of "Commissioner".

THE CHAIRMAN (Mr. Stewart): Mr. Steen, I must admit as chairman I am not familiar with the ramifications. The mover has at this moment refused to change the terminology. On this basis I will have to get some legal assistance to see if we can proceed with this.

MR. PEARSON: Well, can we ask the Legal Advisor for a ruling on this legal opinion and could you also use the microphone? It is kind of hard to hear you.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Legal Advisor, can you give us a legal opinion on the position we are in at the moment? The mover of the amendment is not agreeable to change the word, and the wording as it stands now is "appointed by Council".

A Legal Opinion

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, this is the first question I have been asked at this new session of this new Council and I am going to do what I did in the January session, I am going to work to rule. I do not see in my duties that I have any right or duty to give any interpretation of rules of

debate or rules of this house. My understanding is -- and I think it is a matter of principle, the chairman and the Speaker run this committee and not a lawyer. Certainly, however, I wish to be completely co-operative and I realize that the Rules of Council on my duties will undoubtedly be rewritten.

If it is the wish of the house that I exceed my authority from time to time, I am quite willing to do so. I might also say, if we are talking about rules of the house and parliamentary procedure, that the Clerk of the Council is a most knowledgeable person.

THE CHAIRMAN (Mr. Stewart): Thank you. I am not sure for what. I would then direct my question to the Clerk of the Council. Mr. Speaker?

MR. SEARLE: When I am sitting down here, Mr. Chairman, I am not Mr. Speaker, but I would like to ask a question, if I could. Do I understand the point to be this, that a Member wants to amend that to show that the appointment being made is by the Council?

THE CHAIRMAN (Mr. Stewart): That is correct, in my understanding.

Concerning the Commissioner in Council

MR. SEARLE: Well, the problem that I have with that is that I do not think that wording would be constitutionally acceptable in that, as I understand it, and certainly the point can be researched, but as I understand it, the business of this Council is conducted by the Commissioner in Council and, if you want an appointment to be made by Council, then the legislative wording I think has to be "Commissioner in Council," which means that the Commissioner recommends a list of names which are approved of by Council. I do not think constitutionally that just the word "Council" is acceptable.

However, if the Member who wants this wants to proceed, I would think the thing to do would be to move that the amendment be to that effect and that the validity of such be inquired into. Then I will undertake to have some legal work done on it and give the Council a decision on it, but my understanding presently, as I have said, is I do not think you could just say "in Council".

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I feel we are now into an area where I can give legal advice to the committee on the legislation before it. The terms "Commissioner" and "Commissioner in Council" and "Council" are all defined in the Interpretation Ordinance. "Commissioner" of course means the Commissioner. "Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council of the Northwest Territories. "Council" simply means the Council of the Northwest Territories. Section 13 of the Northwest Territories Act authorizes the enactment of legislation by ordinances and it states that the Commissioner in Council may make ordinances, so it is certainly quite clear that only the Commissioner acting by and with the advice and consent of Council can make ordinances. It does raise a very good legal point, however, as Mr. Searle points out, regarding what the Council alone may do. The Commissioner taking many of his powers or all of his powers, if you wish, from the Northwest Territories Act and I would be very pleased to assist Mr. Searle and other legal people who might wish to research this in clearing up the point.

THE CHAIRMAN (Mr. Stewart): Councillor Butters.

MR. BUTTERS: Mr. Chairman, I welcome the suggestion of the Legal Advisor and of the Honourable Member from Yellowknife South because I strongly support the position that has been taken by Mr. Searle. I strongly believe that to attain responsibility we must seek responsibility and the amendment Mr. Steen has put forward does that. Until I receive some information from a legal source which would indicate that the amendment that Mr. Steen has suggested would contravene the federal act and therefore, not be proper law, I will support the amendment and the word "Council" in place of "Commissioner".

THE CHAIRMAN (Mr. Stewart): Thank you. Deputy Commissioner Parker.

Complete Control Lies With Council

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I am not in any way arguing with the sense of what Mr. Steen is trying to do. My suggestion merely was that the way to achieve what he wants to do is to use the standard wording of "Commissioner in Council", and as the Legal Advisor has told us, the Commissioner under those circumstances may not make an appointment without it having been recommended by Council. In other words, it puts the complete control with Council as Mr. Steen desires. We have no objection to that and in fact we support his view, but the means of achieving this are to have it as "Commissioner in Council", because the Commissioner is in fact the administrative arm of the government. He is in fact the head of the government and it is simply a means of proper procedure to use the words "Commissioner in Council". The complete control lies with the Council, even though those words are used.

THE CHAIRMAN (Mr. Stewart): Thank you, Deputy Commissioner. I think probably that this type of thing may be reoccurring and I wonder whether or not we should not take the route of reporting progress at this time until we get a complete legal interpretation so that we can deliver it to this committee because I do not think this particular matter may be dropped here. I think it is something we must have an answer to.

--- Agreed

THE CHAIRMAN (Mr. Stewart): Thank you. I shall report progress.

MR. SPEAKER: Mr. Stewart?

Report of the Committee of the Whole of Bill 1-56, Territorial Hospital Insurance Services Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 1-56 and at this time wishes to report progress.

MR. SPEAKER: Thank you. Mr. Stewart, I understand that the purpose is to obtain a legal opinion as to whether or not the wording may read "appointments may be made by Council" or whether they must read "Commissioner in Council". You want legal advice on that point, is that correct?

MR. STEWART: Mr. Speaker, that is correct.

MR. SPEAKER: I would therefore, on behalf of the Council, indicate that wish, and possibly that Mr. Slaven could proceed with that in whatever way you feel, using whatever resources are available to you to produce an opinion.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Speaker.

MR. SPEAKER: I would therefore also suggest, Mr. Clerk, that we leave that bill on the order paper in subsequent days because whenever the opinion comes back we will go back into committee of the whole and deal with it.

The next matter for consideration in committee of the whole is Bill 2-56, the Petroleum Products Ordinance. That, I understand, is another bill that has been vetted and approved by the standing committee on legislation. Is that correct, Mr. Nickerson?

MR. NICKERSON: That is correct.

MR. SPEAKER: May we therefore have a motion to resolve into committee of the whole to consider Bill 2-56, An Ordinance to Amend the Petroleum Products Ordinance.

MR. McCALLUM: Mr. Speaker, I move that Council move into committee of the whole to discuss Bill 2-56, Petroleum Products Ordinance.

MR. SPEAKER: Is there a seconder? Mr. Ernerk. Any discussion? Question. All in favour? Contrary?

--- Carried

MR. SPEAKER: Council will resolve into committee of the whole to consider Bill 2-56, Petroleum Products Ordinance, with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 2-56, Petroleum Products Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 2-56, PETROLEUM PRODUCTS ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to discuss Bill 2-56 in committee of the whole.

MR. McCALLUM: Perhaps, Mr. Chairman, I may start this off, this discussion. I think the purpose of this bill is to repeal section 34 of the Petroleum Products Ordinance which now reads: "No person shall provide for or permit the supplying of class A petroleum products to the public by any type of self-serve method". We would like to have this section repealed, taken out, to allow for the operation of self-service retail gasoline outlets. I think that in the beginning, when the ordinance was brought about that there was a safety factor involved and because of changes in the operation of this kind of gasoline-supplying piece of

machinery that there are safety precautions now built in. I think this particular amendment does not present any safety difficulty now. For that particular reason, I would suggest that this amendment is in order. Thank you.

THE CHAIRMAN (Mr. Stewart): As a matter of procedure, I should have asked the chairman of the committee, Mr. Nickerson, for a recommendation from your committee on this legislation. I will try as a matter of procedure to do this preceding any discussions so we get a procedural arrangement laid down.

MR. NICKERSON: Mr. Chairman, if I might add this, Bill 2-56 is a very simple and straightforward piece of legislation. Mr. McCallum has just said technological advances have rendered this method of service of gasoline and related products completely safe now and the committee recommended no changes to this very short piece of legislation.

THE CHAIRMAN (Mr. Stewart): Thank you, Councillor Nickerson. Any further discussion? Are you ready then to go through it clause by clause?

Clause 1. Agreed?

--- Agreed

Short title. Agreed?

--- Agreed

The bill as a whole? Agreed?

--- Agreed

Do you wish me at this time to report the bill has been passed or should be continued? I am sorry, ready for third reading. Agreed?

--- Agreed

MR. SPEAKER: Mr. Stewart.

Report of the Committee of the Whole of Bill 2-56, Petroleum Products Ordinance.

MR. STEWART: Mr. Speaker, your committee has sat on Bill 2-56 and we now have agreed on a third reading.

MR. SPEAKER: Turning to the order paper Item 12, the next item would be the proposed amendments to the Territorial Land Use Regulations, but I understand we are still looking for an industry representative who might be available. Mr. Parker, is that correct?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, if I may be permitted to say, the two persons most closely connected with these regulations in the industry or the persons who have been studying them the most closely are both out of town for a number of days. I am seeking advice at the present time on anyone else who might like to appear, but to be honest, we are running out of contacts at this point. However, if I could make a suggestion, it might be possible to proceed with the appointments to the Northwest Territories Water Board, rather than go on with the Land Use Regulations study at this time which would permit me a few more minutes to try and locate a spokesman from the industry.

MR. SPEAKER: Well, we can certainly leave this matter on the order paper, the land use matter, for however many days are required to find a representative and assuming that is agreeable I might ask the Clerk to continue to leave it on and would suggest we proceed to the appointment -- I wonder if we are not going to get into the same problem, appointment of the Commissioner in Council. Mind you, that is federal legislation. There may be a distinction there we might want to discuss. I think we might go into committee of the whole to discuss it.

Motion to resolve into committee of the whole to deal with appointment by Commissioner in Council to the Northwest Territories Water Board and to the board of directors of Northern Canada Power Commission. May I have such a motion please?

MR. McCALLUM: So moved.

MR. STEWART: Mr. Speaker, I am sorry, could I have your comments on Bill 6-56?

MR. SPEAKER: Bill 6-56, Mr. Stewart, was not one of the bills that Mr. Nickerson indicated in his committee report. It was not one of the bills that he indicated that the standing committee on legislation had vetted. Is that correct? Mr. Nickerson?

MR. NICKERSON: That is correct, Mr. Speaker. There were certain defects found in the bill and we are awaiting advice on possible changes before we recommend that Council proceed with it.

MR. SPEAKER: I did indicate however, that in addition to Bills 1-56 and 2-56, the standing committee on legislation had vetted or approved for committee of the whole study Bills 5-56, 7-56 and 9-56. Now, those are not on the order paper, but in so far as we are running out of work I would think that it would be proper to suggest that we ask for unanimous consent to add to the order paper Bills 7-56, 5-56 and 9-56 so that we can deal with them today if we wish. Do I have unanimous consent?

--- Agreed

MR. SPEAKER: Is there anyone who does not agree? Fine, then, Mr. Clerk, we will add to the order paper Item 12, Bills 5-56, 7-56 and 9-56. Now, shall we go. We will have to stand down Bill 6-56 for the reason given by Mr. Nickerson that changes were required and we will stand down the Land Use Regulations until we can find that industry representative. That, therefore, only leaves us the appointments by the Commissioner, information items, the Philosophy Paper on Local Government and Bills 5-56, 7-56 and 9-56. Correct?

MR. STEWART: I recommend, Mr. Speaker, that we proceed with bills.

MR. SPEAKER: Is it the Council's wish that we proceed with bills?

--- Agreed

MR. SPEAKER: In that case, may I have a motion to resolve into committee of the whole and before I ask for it, is there any preference that the legislation committee would like to take? You gave me Bills 7-56, 5-56 and 9-56 in that order.

MR. NICKERSON: Yes, that is correct. Bill 7-56 is one that could probably be dealt with very easily.

MR. SPEAKER: A motion to resolve into committee of the whole to consider Bill 7-56. May I have such a motion?

MR. STEWART: I would so move, Mr. Speaker.

MR. SPEAKER: A seconder?

MR. STEEN: Secunder.

MR. SPEAKER: Any discussion? All in favour? Contrary?

--- Carried

MR. SPEAKER: Council will resolve into committee of the whole to consider Bill 7-56 with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 7-56, Judicature Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 7-56, JUDICATURE ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to discuss Bill 7-56 in the committee of the whole. Mr. Chairman of the legislation committee, have you any remarks on this?

MR. NICKERSON: Bill 7-56 is just more or less a housekeeping item. The intention is to increase the number of judges allowed to sit on the court of appeal from the present eight to now an open-ended number to be in keeping with the increasing number of judges being appointed in Alberta. The committee recommended that it be presented to the committee of the whole as it stands at the moment and we could see nothing wrong or nothing requiring further amendment to this piece of legislation.

THE CHAIRMAN (Mr. Stewart): Thank you. Discussion from the floor? Are you ready for clause by clause?

--- Agreed

Clause 1, composition of court of appeal? Agreed?

--- Agreed

Short title. Agreed?

--- Agreed

The bill as a whole. Agreed?

--- Agreed

May I report back that Bill 7-56 is ready for third reading?

--- Agreed

MR. SPEAKER: Mr. Stewart?

Report of the Committee of the Whole of Bill 7-56, Judicature Ordinance

MR. STEWART: Mr. Speaker, your committee has studied Bill 7-56 in the committee of the whole and reports that it is now ready for third reading.

MR. SPEAKER: Turning to the orders of the day, Item 12, as amended, it would seem to me to be appropriate now to entertain a motion to resolve into committee of the whole to consider Bill 5-56.

MR. NICKERSON: Mr. Speaker, we are still awaiting word from Mr. Smith as to whether an expert witness on the insurance might possibly be able to attend. If it meets with your approval, sir, maybe we should go on to consider the Electrical Protection Ordinance, Bill 9-56.

MR. SPEAKER: It has been suggested that we entertain a motion to resolve into committee of the whole to consider Bill 9-56. Is such a motion forthcoming?

MR. STEWART: Mr. Speaker, I move that we move into committee of the whole for a study of Bill 9-56.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Any discussion? All in favour?

--- Carried

Council will resolve into committee of the whole to consider Bill 9-56 with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 9-56, Electrical Protection Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 9-56, ELECTRICAL PROTECTION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to consider Bill 9-56. Mr. Nickerson, could we have a report from the legislation committee?

MR. NICKERSON: This is a bill to replace an existing one. It might be of interest if this committee were to be told by an expert witness where this bill differs substantially, but I do not think it differs substantially, but where it differs from the existing ordinance. We recommended that it be presented as is for discussion by this committee and we had one recommendation that this committee might like to study and that was under the proposed bill great powers would be given to inspectors to invade the privacy of private homes and we recommended that the committee discuss this with a view to possibly restricting these great powers. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Other comments in general? Can the administration supply us with a witness?

MR. McCALLUM: Mr. Chairman, I wonder if it would be possible then to call Mr. Smith, the chief of legal services. He may be able to help here.

THE CHAIRMAN (Mr. Stewart): Is the committee agreeable to calling Mr. Smith?

--- Agreed

I have been advised there is another witness being called, Mr. Len Adrian, but he will be a few moments.

MR. SMITH: Yes, Mr. Chairman, Mr. Adrian is on his way over.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Smith. Would you like at this time to start giving us the general changes that this new ordinance presents?

MR. ERNERK: Mr. Chairman, I wonder if it is possible for me to just go over the recommended policy and so on and where it originates?

THE CHAIRMAN (Mr. Stewart): I am sorry, I could not hear you, would you speak up?

MR. ERNERK: Mr. Chairman, I wonder if it is possible for me to just go over the information paper here and then it would come to questions afterwards.

THE CHAIRMAN (Mr. Stewart): I have no objections.

The Main Objective of the Ordinance

MR. ERNERK: Thank you. Mr. Chairman, if I could just explain it this way, that reading the information paper here this was recommended by, I believe, the safety division of the Department of Public Services and the recommended policy reads that this is to revise the existing Electrical Protection Ordinance originally written in 1956. There were minor changes in 1961 and 1969 and in 1974. The revised ordinance will follow the approved one named by the Electrical Protection Act of Alberta and the revised version will be compatible to the present Boilers and Pressure Vessels Ordinance which has proven to be acceptable legislation. The revised ordinance will be more consistent with changes that have taken place in the industry in the past 20 years.

I would also like to go very briefly into the salary, for the translation, Mr. Chairman. This ordinance repeals and replaces the existing statute. The main objective of the ordinance is to ensure that safe electrical equipment is used in the territories and that satisfactory standards of electrical work are maintained. The method used to achieve the purpose is an inspection system. We have a list of the -- I think these are the changes?

MR. SMITH: Yes.

THE CHAIRMAN (Mr. Stewart): I am sorry, Councillor. I am having difficulty hearing.

MR. ERNERK: I am sorry. Can I confer with Mr. Smith for a few minutes?

THE CHAIRMAN (Mr. Stewart): Yes.

MR. ERNERK: Mr. Chairman, I wonder then if it is possible to wait for Mr. Adrian to explain what I have on the piece of paper?

THE CHAIRMAN (Mr. Stewart): That is fine. Shall we recess until Mr. Adrian arrives or what is the committee's direction? We will step down until Mr. Adrian arrives and recess for five minutes.

--- SHORT RECESS

THE CHAIRMAN (Mr. Stewart): I would hope in these committees that we would try to have the government people here when these things are on the order paper.

MR. SMITH: Mr. Chairman, I offer my apologies to Council. Mr. Adrian returned from annual vacation at noon yesterday and I asked him to put together his proposed fee schedule so that it would be available to be discussed here with Council. This ordinance provides for fees to be fixed by regulation and Mr. Adrian has been working on that since he returned from holidays yesterday at noon and I was talking with him this morning and he was just putting the finishing touches to that and probably this is what has held him up. I apologize to Council for the delay and I will try to make sure it does not happen, as far as my department is concerned, in the future.

THE CHAIRMAN (Mr. Stewart): My apology. These were added to the orders of the day and the administration is not at fault.

Order, please. This committee will come back to order. The Chair welcomes Mr. Adrian. Mr. Ernerk, are you now ready to proceed? Councillor Ernerk, are you now prepared to proceed with anything further at this time?

MR. ERNERK: I am sorry, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): We have recognized Mr. Adrian in the chamber and are you going to have anything further or are you prepared to go through it clause by clause?

MR. ERNERK: Mr. Chairman, I was wondering if Mr. Adrian could give us an idea of what the purpose, what I was trying to explain earlier is?

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Adrian, could you give us a general view then on Bill 9-56, its purpose?

Proposed Legislation Allows Flexibility

MR. ADRIAN: The main reason for changing the legislation is to provide an up-to-date ordinance which is much more flexible than the existing ordinance. In the new ordinance, a chief inspector can approve an appliance or an installation which is one of a kind. Sometimes the manufacturers can not produce on a quantity basis and, therefore, there may be a single installation or there may be two or three of one kind of appliance. All our appliances have to be approved by Canadian Standards Association. This is not practical where there is only one of a kind. The new ordinance allows, a chief inspector to make field approvals. We feel that we need this flexibility in the Northwest Territories.

We would like to see the fee schedule taken out of the ordinance and put into regulations which again gives us flexibility. All the provinces whose legislation we studied have the fee schedule in the regulations rather than the ordinance. With the proposed increase in construction that is taking place in the Northwest Territories we feel that this would be much more viable legislation. We have patterned the fee schedule after the Alberta schedule. The rates really do not greatly alter from the present fee schedule but it is easier to administer. The advantage is that the small contractor and the person who is doing his own wiring will not have to pay as high a fee. At the present time there is a \$5 inspection fee plus a \$2 permit fee for the minimum electrical installation. This would now change to a \$2 permit fee which would include the inspection fee. We feel this is much more flexible.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other comments of a general nature?

MR. ADRIAN: There is one more area which I think was brought up about a year ago. This ordinance exercises a certain amount of control over the trades but also allows unqualified electrical workers who are in maintenance and in construction to do some wiring. Should we find someone who has a job which requires electrical work to be done on a continuing basis, we would encourage him to take his electrical apprenticeship or try to get an electrical trades licence. I think this is a very important item so that there is control over the wiring which is being done in the Northwest Territories and yet retain the flexibility required to operate in the far northern regions.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Adrian. Any other comments of a general nature? Yes?

Appliances Sold in the N.W.T.

MR. BUTTERS: Mr. Chairman, with reference to the remarks made by Mr. Adrian, I recollect that he said ---he used the word "appliances", and "appliance" I would see to be a toaster or some other electrical device which you plug in the wall and which draws power from a house's electrical circuit. He also used the word "CSA", I think, which is a government body which inspects appliances for safety to ensure that these appliances are safe. Can I take from Mr. Adrian's remarks that there are in the territories and being sold in the territories through outlets, appliances that are unsafe or appliances that have not received the mark of approval of this body? Why I raise the point, sir, is that I think we are all aware that recently the Metis Council of Canada or Mr. Tony Belcourt introduced a paper pointing out that a number of goods were being sold in the Northwest Territories outlets which were either unsatisfactory or unsafe or substandard. I was just wondering if Mr. Adrian could assure me that as far as he knows with regard to electrical appliances this is not the case.

MR. ADRIAN: The authority Mr. Butters is referring to is the Canadian Standards Association which is a testing laboratory and approves all the electrical appliances that are manufactured in Canada and also those that are imported. We insist in our code and legislation that all appliances must be CSA approved. We do find occasionally that an importer will bring in some appliances which are not CSA approved or which may have an unapproved CSA marking. If the inspection authority inspecting the factories finds that there is a problem, CSA have to withdraw their approval. The procedure followed by CSA, of which we are a member, is to notify us immediately. We send out bulletins to the fire chiefs and to the councils to see if there are any of these non-approved appliances on the store shelves. If there are, then we contact the suppliers immediately, we also contact the store and ask them to remove these appliances from their shelves. This has been done in two or three cases. The last ones were TV sets. There were several in the territories which were removed from the store shelves.

One of a Kind Installations

What I was referring to as one of a kind is a special installation which we sometimes find in the larger stores or office buildings where the installer can not purchase a CSA approved unit. It may be perfectly safe. We have the electrical inspection authority check it. This is known as field approval. This is done in all the provinces in Canada.

THE CHAIRMAN (Mr. Stewart): Councillor Butters?

MR. BUTTERS: I take it Mr. Adrian's answer to my question is that to the best of his knowledge and his people the appliances that are being offered to residents of the Northwest Territories in retail establishments are safe?

MR. ADRIAN: This is correct. Should we find something that is not CSA approved, we immediately take action to have it removed.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments of a general nature? Are you ready for a clause by clause discussion?

--- Agreed

Clause 1 ...

MR. BUTTERS: Just on a matter of procedure, maybe it was mentioned when I was not here, but have summaries of each clause been distributed in syllabics? I understood there was going to be some summary developed of legislation for the people from the High Arctic and Western Arctic whose written language is syllabics.

THE CHAIRMAN (Mr. Stewart): Just a moment, please.

Translation of Legislation Into Syllabics

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the shorter bills, for example, the Petroleum Products Ordinance, the Territorial Hospital Insurance Services Ordinance were translated verbatim, that is, word for word, into syllabics, both the clauses and the explanatory notes and the long titles. With the lengthier bills, which includes the Electrical Protection Ordinance, statements of the general purpose and summaries were made and translated into syllabics. This did not amount to a summary of each section, which presents some difficulty. Hopefully, you can summarize an ordinance -- you can not summarize an ordinance -- you can only write a précis of it.

I believe that all of the bills have been translated and distributed with the possible exception of the Insurance Ordinance, which is not the fault of the translators. We would hope during or at the end of the session to have comments from the non-English speaking Members as to how useful or worthwhile these summaries have been and any suggestions they might have as to how we could improve them.

THE CHAIRMAN (Mr. Stewart): Thank you. Do our Members from the High Arctic feel that they have sufficient information to proceed with clause by clause? Mr. Pudluk, do you have sufficient information before you to proceed?

MR. PUDLUK: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Mr. Kilabuk from the Central Baffin, do you have sufficient information to proceed with this bill?

MR. KILABUK: No, I did not get anything. I do not mind with the written documents as they are right now, I could quite well understand what has been written down.

THE CHAIRMAN (Mr. Stewart): Thank you, then I accept that as an affirmative answer that you have sufficient material to proceed.

MR. KILABUK: Thank you.

THE CHAIRMAN (Mr. Stewart): We are having difficulty here. That mike is not going through to the booth. Would you mind repeating your last comment, they did not pick it up.

MR. KILABUK: I agree with what is written. They are very understandable in Eskimo. I do not mind as to what has been given to me.

THE CHAIRMAN (Mr. Stewart): Member from Foxe Basin, does he have any comments?

MR. EVALUARJUK: There is nothing coming out.

THE CHAIRMAN (Mr. Stewart): There is nothing coming out of that microphone.

INTERPRETER: No, there is not.

THE CHAIRMAN (Mr. Stewart): Will you try again?

MR. EVALUARJUK: Yes, I understand, but I think you could explain a little further.

THE CHAIRMAN (Mr. Stewart): Thank you very much. We have enough information and can proceed. We will proceed clause by clause.

Clause 1, short title. I am sorry, I should start at clause 2.

Clause 2, interpretation. Councillor Butters.

MR. BUTTERS: Mr. Chairman, I have a question regarding the definition in clause 2 of "electrical equipment". Clause 2(b) "electrical equipment means any apparatus, appliance --" I wonder if Mr. Adrian could further enlarge on the meaning of the word "appliance". Is this a toaster or something that is a general domestic labour-saving device plugged into the wall?

MR. ADRIAN: Yes, an appliance is anything that draws electricity and a general term which is defined I believe in the codes here. I will look it up in the codes if you would like.

THE CHAIRMAN (Mr. Stewart): Clause 2, are there other questions?

MR. ADRIAN: Basically the word "appliance" is in there for the purpose of CSA approval and if we were to take that out it would effectively destroy the CSA codes under which we operate.

THE CHAIRMAN (Mr. Stewart): Clause 2, are we agreed?

--- Agreed

MR. NICKERSON: In clause 2(b), right at the end of the paragraph there, "Notwithstanding that any of such materials or things may be mechanical, metallic or non-electric in origin". I really think the word "metallic" is redundant. If you have got "metallic" in there, you should presumably have "non-metallic" in there as well. I do not think it adds to or subtracts anything from the over-all definition of electrical equipment.

THE CHAIRMAN (Mr. Stewart): Mr. Adrian, have you found the place?

MR. ADRIAN: I do not think it would take away or add to the ordinance.

THE CHAIRMAN (Mr. Stewart): Do you wish to leave it as an observation or do you wish to make an amendment, Mr. Nickerson?

MR. NICKERSON: I wish to make it as an observation.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments on clause 2?

Qualified Electrical Worker.

MR. McCALLUM: Mr. Chairman, clause 2(g) bothers me to some degree. I realize that "qualified electrical worker" would mean a journeyman. That is not really the part that bothers me. It is the addition "or such other person as may be approved by the chief inspector pursuant to section 5". My concern would be with whether this would be a helper, a private home owner or a person who is working towards his journeyman ticket. If it were a person who was working towards his journeyman ticket I have no such apprehension or concern, but with a helper or a private home owner I do have some concern about that. I think that there have been experiences where the helper or a private home owner could cause some difficulty. I wonder if Mr. Adrian would comment on that.

MR. ADRIAN: I believe the reason for putting that in there is to allow flexibility so that someone in a small settlement can perform some of the maintenance work when they can not get hold of a qualified electrician. The work, regardless of whether it is being done by a holder of a permit or by anybody else in the Northwest Territories has to meet code requirements. The inspection authority has the authority to inspect the work and if it does not meet code requirements then, of course, it has to be redone. I realize that in many areas we do not get there immediately after the work has been completed. However, that is one more reason this flexibility is required. It provides an avenue to meet emergency situations in smaller settlements.

THE CHAIRMAN (Mr. Stewart): Thank you.

Grandfather Clause

MR. BUTTERS: Mr. Chairman, the definition and the reference to section 5 are ones that were an issue of the previous Council on the basis that there are many people in the territories who learn skills over the past 30 or 40 years that may not have been licensed with paper and may be very competent and very able and may not have received paper qualifications. This is what one might describe as a grandfather clause or a grandfather situation whereby the inspector recognizing such an individual in the community could permit that individual to go ahead and work under guidance. I think it is very necessary.

MR. McCALLUM: I appreciate Mr. Butters' remarks and I am not against the grandfather, if you like, approach to it. That is not my point. The point would be that in an area where there is somebody that the inspector would be willing to grant approval to I am not against that at all. I think that would be fine, but what I would be against would be the problem of somebody doing it who does not have that particular kind of skill and would simply go ahead and do electrical wiring or service and then there is a long delay in getting any such inspection made and this does occur.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. McCALLUM: That would be an observation again. I am not looking for an amendment.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. LAFFERTY: This clause 6, powers of inspectors on inspection, clause 6(a).

THE CHAIRMAN (Mr. Stewart): Excuse me, we will be getting to that shortly. We are on clause 2 now. Clause 2, the committee's direction, please.

--- Agreed

Clause 3, application.

MR. BUTTERS: Mr. Chairman, with reference to clause 3(a) that the ordinance does not apply to installation or use of electrical equipment in aircraft or marine vessels. I was just wondering where a hovercraft fits?

THE CHAIRMAN (Mr. Stewart): I have not got a clue.

Inspection of Hovercraft

MR. SMITH: Mr. Chairman, I know that there was a meeting not too long ago by people from the federal government and people in our highway transport or registrar of motor vehicles and chairman of the Highway Transport Board with regard to hovercraft and regulations concerning hovercraft. Now, whether that means operation or whether it means inspection or what, I do not know, but there was a meeting between federal officials and our own government officials specifically on hovercraft. I could certainly make sure that the chairman of the Highway Transport Board is aware of Mr. Butters' concern with regard to inspection of those types of vehicles.

MR. BUTTERS: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 3, agreed?

--- Agreed

Clause 4, inspectors and chief inspectors.

MR. WAH-SHEE: Mr. Chairman, under paragraph, inspectors and chief inspectors, under clause 6(a), deals with ...

THE CHAIRMAN (Mr. Stewart): We will get to that particular section later. We are dealing with clause 4.

MR. PEARSON: Mr. Chairman, I doubt whether any of the inspectors would wear a uniform to indicate who they are but will they have some kind of official pass from you with regard to powers from the government, an identity card?

MR. ADRIAN: All inspectors carry identity cards and they will produce them upon request.

THE CHAIRMAN (Mr. Stewart): Clause 4, agreed?

--- Agreed

Clause 5, power of chief inspector, agreed?

--- Agreed

Clause 6, powers of inspectors on inspections. Now, Mr. Wah-Shee.

MR. WAH-SHEE: I believe Councillor Nickerson had a question in regard to clause 6. I am interested to hear his comments first.

MR. NICKERSON: That is correct, Mr. Wah-Shee. This was brought up in the committee meeting, especially with regard to clause 6(a). This could be regarded as people could come in and knock on the doors of private individuals and walk in there anytime they want. This would in effect probably give them more power than what the police have. It certainly was an item of concern that we thought certainly should be discussed in greater detail at the meeting right now.

THE CHAIRMAN (Mr. Stewart): Thank you. Discussion? Mr. Adrian, have you any comments?

Actions of Inspectors Carefully Monitored

MR. ADRIAN: I could not quite hear all the comments that were made, but at any reasonable hour -- this is a section that is in every ordinance where you have inspections. It has been in force for years and years. I should not say it is never abused, but if it is ever abused, the complaints come to the chief inspector and to the director and disciplinary action is taken, if necessary. The situation would be corrected immediately. It is a clause that is monitored very carefully.

THE CHAIRMAN (Mr. Stewart): Mr. Butters?

MR. BUTTERS: I appreciate, Mr. Chairman, that it is probably something that appears in much legislation, but it does disturb me, in fact there is the principle of a person's home being his castle. It is man's last refuge where he can run, where he can hide, as it were, and certainly to my knowledge the police respect this. They will not enter a home unless they have a search warrant I believe or a judge's written permission to search. This is my understanding and yet, here we have an inspector, "At any reasonable time enter any premises and examine the same and any electrical equipment". If you will recollect, we understood that electrical equipment could be a toaster. If this were my house and a man presented himself and I did not wish to admit him, I think it should be my right to refuse him and not be subject to a violation or a portion of this act. I think that the intent of this legislation is to work with people and not bring the law down on them but to co-operate with people and to encourage people to act in a manner through education, rather than legal pressures and powers. It just seems very strong, that is all.

THE CHAIRMAN (Mr. Stewart): Mr. Lafferty, I believe you indicated you wished to speak on this?

Prior Notice of Inspection

MR. LAFFERTY: I am rather disturbed by this clause here, clause 6(a), where the inspector can come in any time. As Mr. Butters points out, the last refuge of an individual is his home and this rather indicates to me that an inspector who has an identification card can come in almost at will just to inspect your iron, for instance. I do not know -- I have not gone into any depth in looking this over but are there any clauses in here to protect the individual's home where there should be prior notice of the inspection included here?

THE CHAIRMAN (Mr. Stewart): I do not believe there is but I will direct that question to Mr. Adrian.

MR. ADRIAN: I appreciate the concern. I believe that this clause is an administrative clause so that you do not have to produce a letter or notice each time prior to making an inspection. The procedure, as I have explained, is monitored very carefully. There is a certain amount of professional ethics involved in here. You must remember that the inspectors are appointed and if somebody abused that privilege, he could lose his appointment immediately, so there is a control factor here. I do not know of any other way I can answer this.

THE CHAIRMAN (Mr. Stewart): Mr. Butters?

MR. BUTTERS: I lost a lot of what Mr. Adrian was saying in the static. Mr. Adrian is using a poor mike. I understand that the inspector should be a reasonable person and, being an appointee or an employee of the territorial government, would obviously be a reasonable person because these are the type of people they seek out and employ. My concern, as Mr. Lafferty says, there is a procedure whereby a person could be given notice -- this is not where the inspector is seeking a fault he knows of. This is where he is going fishing, as it were, just looking around or snooping around, depending upon your attitude towards an inspector. I think what Mr. Lafferty suggests makes sense. There should be some notification from the government that an inspector of this type is going to be visiting in the community and he would be very pleased if he could have the co-operation of the householder and examine possibly some of the appliances in the residence.

THE CHAIRMAN (Mr. Stewart): We seem to have arrived at a point we are not readily going to clear off immediately. I recognize the hour as 12:30 o'clock and with your permission I will report progress. Is that agreed?

--- Agreed

MR. SPEAKER: Mr. Stewart?

Report of the Committee of the Whole of Bill 9-56, Electrical Protection Ordinance

MR. STEWART: Mr. Speaker, your committee of the whole has been reviewing Bill 9-56 and we wish at this time to report progress.

MR. SPEAKER: I was under the misapprehension that the Rules of Council said 12:30 o'clock as well and I think I misled you. It says from 9:00 a.m. until 1:00 p.m. However, as you have reported progress, I would suggest that I recognize the clock as 1:00 o'clock and we will return at the normal hour of 2:30 p.m. Is that acceptable?

--- Agreed

Council stands recessed until 2:30 o'clock this afternoon.

--- LUNCHEON ADJOURNMENT

MR. SPEAKER: Members of Council, Council will come to order. I believe Mr. Stewart reported progress and I simply adjourned Council. That being so, since the bill was not completed, it would seem to me to be appropriate to ask for a motion to resolve into committee of the whole for continued consideration of that bill. Could we have a motion to resolve back into the committee of the whole for continued consideration of Bill 9-56?

MR. ERNERK: I so move.

MR. McCALLUM: I second that.

MR. SPEAKER: Any discussion? Question. All in favour? Contrary?

--- Carried

Council will resolve into committee of the whole for continued consideration of Bill 9-56 with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 9-56, Electrical Protection Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 9-56, ELECTRICAL PROTECTION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order.

Motion to Remove the Word "Metallic"

MR. NICKERSON: Mr. Chairman, I wonder if I could have the committee's indulgence to return to clause 2 for a minute. The more I look at it the word "metallic" in clause 2(1)(b), the more it looks out of place and I would at this time like to move that the word "metallic" be taken out of that clause.

THE CHAIRMAN (Mr. Stewart): Inasmuch as this particular section now has been approved, I consequently will have to request Council to give unanimous permission to go back and make a change at this time. There has been a request that a word be deleted from clause 2(1)(b) towards the end of page 2, that the word "metallic" be removed. Inasmuch as this committee has approved this section, have I your unanimous consent to return to this?

--- Agreed

The Chair then will accept your motion, Mr. Nickerson. Your amendment -- you wish to amend by deleting this word?

MR. NICKERSON: That is correct. I am sorry, I had trouble hearing, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson is amending clause 2(1)(b) at the top of page 2, that paragraph at the top of page 2, the word "metallic". He is moving that this word be removed.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I think I would like to have Mr. Adrian's comment if we take out the word "metallic" and the word "mechanical", in other words, make it simply "materials or things non-electric". There is a rule in interpreting legislation that one word can colour the meaning of another and it might be wiser just to simply say "non-electric", but there may be technical reasons that do not occur to me.

THE CHAIRMAN (Mr. Stewart): Mr. Adrian, do you have any comments?

MR. SMITH: I would agree with the Legal Advisor, Mr. Chairman, that it should read "... notwithstanding that any of such materials or things may be non-electric in origin"; in other words, delete "mechanical" and "metallic".

Amendment to Motion

MR. NICKERSON: Mr. Chairman, I withdraw my first motion and present it again in the amended form recommended by the Legal Advisor.

THE CHAIRMAN (Mr. Stewart): The Chair understands then that that section would read "... notwithstanding that any of such materials or things may be non-electric in origin". Mr. Nickerson, this is your amendment?

MR. NICKERSON: That is so.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Discussion on the amendment? Going back then to clause 2 as amended, those in favour? Opposed if any? The motion as amended is carried.

We will return now to clause 6. At the time of the luncheon adjournment we were discussing clause 6(a) in regard to the right of entry of electrical inspectors. May we carry on from this point?

Proposed Amendment to Section 6

MR. NICKERSON: Mr. Chairman, if I receive a favourable response from Mr. Adrian I intend to move an amendment to clause 6. I intend to call clause 6 as it now stands, subclause 6(1) and add another subclause 6(2) which is intended to read as follows: Paragraph 6(1)(a) does not apply in the case of a private dwelling except when the inspector has sufficient and reasonable grounds to believe that..." and here I have two alternatives, the first being "reasonable grounds to believe that any offence under this ordinance or any regulations thereunder has been committed"; and the second alternative is "reasonable grounds to believe that electrical equipment therein constitutes a hazard to life or property".

THE CHAIRMAN (Mr. Stewart): You want to discuss this matter before you actually put it as an addition or an amendment, is that correct?

MR. NICKERSON: That is correct.

THE CHAIRMAN (Mr. Stewart): I am wondering whether it would actually be necessary to go that far, if we could not include under clause 6, "Any inspector may at any reasonable time enter any premises other than a dwelling place without due written notice" or something of this nature, keep it compact.

MR. NICKERSON: The course which I am now taking has been that advised to me by our Legal Advisor.

THE CHAIRMAN (Mr. Stewart): Right. Discussion?

MR. BUTTERS: Mr. Chairman, if Members agree that an amendment something along the lines that Mr. Nickerson has presented to us would improve this clause, then I suggest we refer the package to the Legal Advisor and let him put something together, either along the line you suggest or redraft it to meet that requirement.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman, I would prefer that course. I discussed these alternatives with Mr. Nickerson. I would appreciate an opportunity to have a good discussion with Mr. Adrian and Mr. Smith as to what would be most practicable and workable and still achieve the wishes of Council. I would not want us to narrow his field more than Council intended or to make it impossible for Mr. Adrian to operate.

THE CHAIRMAN (Mr. Stewart): Could I have the direction of Council? If this is agreeable we will set aside clause 6 for rewording, is this agreed?

--- Agreed

Clause 7, inspectors powers where installation dangerous.

MR. STEEN: You can put me in order if you think so, but I want to say something on section 6 before they reword it.

THE CHAIRMAN (Mr. Stewart): Yes, this is quite correct.

A Reasonable Time to Enter Premises

MR. STEEN: I would like to give an example of what could happen. I am referring to clause 6(a), "6(a) at any reasonable time enter any premises". What we call "reasonable" I think is a question to debate because I can give an example of when the Canadian Department of Communications wanted to come into my establishment to see my licence to operate a wireless and I told them, "You will have to come during working hours", he was debating that he has the power to go into your building at any time. This is what I mean by "reasonable time". It should be specified what is a reasonable time.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Steen. If there are no further comments with regard to clause 6 I will move to clause 7.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I hate to see Mr. Steen's suggestion left up in the air. "Reasonable", I guess is a weasel word and I do not know how that translates. It is something we lawyers in the courts use. "Reasonable time" is what any reasonable man would consider to be reasonable time in the circumstances, which does not help much. However, it would mean in the particular circumstances. Now, if I am working during the day and my wife works during the day and my children go to school, then midnight or 2:00 o'clock in the morning would be an unreasonable time to ask entry into my house. In fact it might be unreasonable in my circumstances to ask entry into my house at 10:00 o'clock in the morning or 2:00 o'clock in the afternoon when no one is home. "Reasonable time" in my case would be from 5:30 p.m. to 9:00 p.m.

However, if I were a single person working the back shift or night shift in the mine let us say from midnight until eight in the morning, it might be unreasonable in the circumstances to ask entry into my house at the time when I generally sleep, whether it is in the early part of the day or later. So if you try to put in hours, then it would not be reasonable for certain people to have to accede entry during those hours. "Reasonable" is a useful word and as I say, what is reasonable will vary in each circumstance. I would suggest that in your case, I take it, that the radios are a part of your business and I think "reasonable time" would be when you were open for business.

Communication Between Inspector and Home Owner

THE CHAIRMAN (Mr. Stewart): I am not sure that that was a reasonable explanation. I think probably to get the feeling that I have arrived at from Council that there should be some communication between the inspector and the home owner as to what time is a reasonable time to appear. Personally, I would like to see that part of that written in here, that is an agreement as to what is a reasonable time. The way I read this it is reasonable in the opinion of the inspector, so to decide what is reasonable it must be a matter of decision between the two people involved.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, in the event of a disagreement between the inspector and inspectee, it would really be the court that would decide what was reasonable as to whether a charge was laid for refusing an order of an inspector or refusing entry or what have you.

THE CHAIRMAN (Mr. Stewart): Thank you. That is more reasonable; you have got me in court already. Is there anything further on section 6?

MR. LAFFERTY: Mr. Chairman, I have a habit of coughing. Maybe it is just a little nervousness, being new. I was unaware of Mr. Steen's interest. I think that we are sort of concerned about slipping back quite a bit.

THE CHAIRMAN (Mr. Stewart): You are not coming through on this side.

MR. LAFFERTY: Not coming through?

THE CHAIRMAN (Mr. Stewart): That is a little better.

Legislation for All People in the N.W.T.

MR. LAFFERTY: As I indicated earlier, I was quite concerned about the legislation as to the invasion of private dwellings which had been brought to Council's attention as the only refuge people had and I have also indicated in my address at the opening that we are people who have been of many cultures and many values. What is reasonable to one group is not necessarily reasonable to another group. However, I feel legislating too tightly for the type of people we represent is something we should be very, very careful about. There are some people who are not in their homes. They are out on hunting expeditions at certain times of the year and so on. However, their power is turned on and many of these people are quite ignorant as to the laws of the land and I think about these people when I am considering the fact that we should not give a person too much power unless there are provisions made whereby he gives notice of his intention to come and check the power and so on in the buildings. It is all right for us people in Fort Simpson, for instance, or in Yellowknife where you have a community to take that direction because many of us have to deal with the system, but when we are legislating territory-wide we have to realize there may be different values and habits and life-styles. So, with that thought I wish we would move fairly slowly on the tightening of laws for the country. I think we should be broader than we are now and we are narrowing it rather than broadening it.

I would like to see an indication, some move anyway that public premises they can enter anytime such as hotels and what not, but private homes they should give notice about their coming. That should be indicated.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lafferty. Mr. Searle?

MR. SEARLE: Mr. Chairman, sitting here and listening to the concerns as stated by the Members I have been reflecting upon their comments and how the wording might be altered to meet the concerns stated. Though I do not purport to come up with the exact wording because that is the function of our Legal Advisor, I would like to suggest consideration of this type of wording and, if I might try, and if you just follow along with the clause 6(a), "Any inspector may...".

I would strike the first four words and I would want to say: "Any person may enter any premises and examine the same and any electrical equipment in or upon such premises upon reasonable notice and at a time reasonably convenient to the owner or tenant".

THE CHAIRMAN (Mr. Stewart): I think probably, Mr. Searle, you have the intent or the feeling I have from the committee.

MR. SEARLE: After the word "premises" I would add the words "upon reasonable notice to and at a time reasonably convenient to the owner...". I probably do not need to repeat the word "to", but "at reasonable notice and at a time reasonably convenient to the owner or tenant".

Protection for Private Residence.

THE CHAIRMAN (Mr. Stewart): The only difference I feel may be different from the feeling of the committee is that they feel the premises should be available to the inspector at any reasonable time and the protection they are trying to develop is for a private residence. I feel your suggestion really does not do that. It covers both commercial and industrial as well as residential but the intent I think, the section you have come forth with probably would certainly suffice for the residential property and possibly then it should be broken down as suggested by the legislation committee that there be another section added.

MR. SEARLE: You see, with commercial property surely reasonable notice would be to ring up someone in normal business hours that their commercial property is open between 8:30 or 9:00 o'clock and 5:00 o'clock and say "I am going to be there in an hour. Does that give you any problem?"

THE CHAIRMAN (Mr. Stewart): With the exception of the rider that it must be reasonably acceptable to the person.

MR. SEARLE: If you are open for business on a commercial basis in a normal business week, surely any time basically between 9:00 a.m. and 5:00 p.m. on any day, Monday to Friday, would be regarded as reasonably convenient, I should think.

THE CHAIRMAN (Mr. Stewart): I succumb to your wisdom.

MR. SEARLE: If you are open for business between certain hours, it is difficult to say...

THE CHAIRMAN (Mr. Stewart): I am not open for business at the present time, Mr. Searle.

MR. SEARLE: Is that sort of wording not the kind you are looking for?

THE CHAIRMAN (Mr. Stewart): I wonder if you gentlemen could continue this private discussion later and probably, Mr. Legal Advisor, you should have sufficient direction to be able to come back with an alternate or maybe more than one alternate to put before this committee.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman. I wonder, Mr. Chairman, should we put in a request for two microphones.

THE CHAIRMAN (Mr. Stewart): For all my life I have had to share my money with a lawyer and I am not sure if I am prepared to do the same with a microphone. Maybe we should be prepared to ask for two. Are we ready to proceed with section 7?

Section 7. Councillor Butters.

Supplying of Individual Power

MR. BUTTERS: Mr. Chairman, 7(e), increasingly, as the rates of electrical power supplied by Northern Canada Power Commission go up more and more people are looking at the feasibility of supplying their own power, so I wonder what the inspector would do here -- how he would shut the fellow's power down. Clause 7(e) reads: "instruct the supply authority to withhold the supply of electric energy to the premises in or upon...".

That is not included here. There is nothing that gives him permission to shut down the supply that is on the premises.

THE CHAIRMAN (Mr. Stewart): Mr. Adrian, do you have any reply?

MR. SMITH: Mr. Chairman, I would think that perhaps an additional section should be added and numbered (f) and the wording should come up to prohibit the use of any power generator until such time as the electrical equipment is in a condition satisfactory to the inspector. I think we should come up with an additional paragraph in there to cover the points Mr. Butters has mentioned, sun power or wind power or what have you that may come into effect in the future. So we could perhaps defer this section and again discuss it with the Legal Advisor and see if we could cover such situations.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments? Is it this committee's wish that a paragraph (f) should be added to clause 7? I wonder, just as a point of observation, why paragraph (e) does not indicate that a disconnect of any such equipment would not necessarily mean the cutting off of supply. It is not clearly in my mind stated there that if there is something wrong, if that equipment was disconnected so it was not in service, that the premises surely should not have to be cut off until such time as that equipment is put back in satisfactory service. I would imagine that the intent would be there of that but it does not say so.

MR. ADRIAN: That is a last resort type of action because the previous clauses cover disconnect of equipment. It is under paragraphs (a), (b), (c) and (d), especially (b), you will notice you should not use the electrical equipment. There is the possibility that it is interconnected, disconnect is a last resort.

THE CHAIRMAN (Mr. Stewart): Thank you. Could I have committee's direction? Do you wish this paragraph (f) and to instruct the Legal Advisor to come back with a paragraph (f) as described by Mr. Adrian?

--- Agreed

We will now move down to clause 8. Mr. Butters?

Amendments to the Code

MR. BUTTERS: Mr. Chairman, clause 8(2) notes: "The Commissioner may by regulation prescribe..." and I believe all Councils have wrestled with this problem of regulation because the regulation which the Commissioner draws up is just as binding and just as legal as the law and yet we never see the regulations. The regulations are to put into force that we agree to here, but sometimes these regulations can be quite restrictive. I am wondering if the regulations that accompany this ordinance have been drafted and are available?

THE CHAIRMAN (Mr. Stewart): Of course, even if they have been it does not say he can not add more to them so this in my opinion does not answer your question. Are the regulations to date ready?

MR. ADRIAN: The regulations are the same under the old ordinance that we accept the Canadian Electrical Code and the Canadian Standards Association. I can explain why 8(2) is put in there. The code is national in scope, there is an input from ten provinces and the two territories. The code committee meets twice a year in order to update the code and to make any alterations or changes required. The reason for this particular clause is that sometimes there are situations in a province or territory, especially in our territories in the northern sections where we can not apply the national code, therefore we require an alternate. We can prescribe by regulation a reasonable alternate which will still give us the intent of the code and make a safe installation.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments on clause 8?

MR. STEEN: Mr. Chairman, on clause 8(2), it is hard for me, I can not resist a poke at "the Commissioner" having the power to alter or make amendments to the code. I think he should be our elected Commissioner before he should have that kind of power.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 8, may I have the committee's direction? Are you agreed on clause 8?

--- Agreed

The Chair recognizes agreed. Clause 9, prohibition.

Prohibition

MR. NICKERSON: Mr. Chairman, according to the definition of "electrical work" given in the second section of this bill, electrical work includes things like lightbulbs and very minor jobs. I think it would probably be in order if jobs like this which are very, very minor that anybody can do if somehow they could be exempted from this section.

THE CHAIRMAN (Mr. Stewart): I understand your point, Mr. Nickerson. But if we tried to cover all these points we would have volumes of this sort of thing. I am not sure that we are in a position when we legislate -- that common sense has got to prevail but if you feel there is something here -- surely screwing in a lightbulb someone is not going to be taken to court for, but if there is some action normally used which you feel may be a danger then I think you have a point, but if not, we can get carried away with these things. It is just impossible.

MR. NICKERSON: I thought it might be a very simple matter to add after the words "any electrical work", "except that of a very minor nature" or something of that type because technically now if this bill were to go through in its present form, screwing in a lightbulb would make one guilty of an offence.

THE CHAIRMAN (Mr. Stewart): But then is the job of reconnecting a 300,000 voltage line that happens to be broken a minor job or is that a major one?

MR. NICKERSON: I guess this is one of those things that "minor" would have to be interpreted by the courts the same as "reasonable".

THE CHAIRMAN (Mr. Stewart): Would you like to present that as an amendment to this section?

MR. NICKERSON: Perhaps we could hear from Mr. Adrian or the Legal Advisor on this matter.

General Protection

MR. ADRIAN: An inspection authority generally does not include in his interpretation of the code such things as replacing lightbulbs, although sometimes even the minor things such as the repair of a light fixture can be dangerous if it is not done by a qualified person, as we found out in Eskimo Point. I think it is general protection that we are looking for. I do not know how else I could explain it here because "minor" is only relevant to the person who is making the decision or the interpretation.

MR. NICKERSON: Perhaps the Legal Advisor might help.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I happen to have discussed this point with Mr. Smith last night and he mentioned himself repairing a broken cord on a toaster which is minor, I suppose. It certainly would be minor to a handyman around the house but with the exposed wires and so on through lack of tape at the time the repair was made, the house could have burned down and people been killed. Surely I would hate to try to conduct a prosecution under this ordinance for putting in a lightbulb. I have been disagreed with by members of previous Councils, Mr. Trimble particularly did not like "reasonable" but I do think you have got to have some trust in the reasonableness, the common sense, of in this case the inspectors, but certainly of the courts.

MR. NICKERSON: Mr. Chairman, I think I have been assured on that point.

THE CHAIRMAN (Mr. Stewart): It pleases me to understand "reasonable" now. Anything further on clause 9?

--- Agreed

Clause 10.

Inspection and Approval of Plans

MR. McCALLUM: Mr. Chairman, I would like to know whether this section does apply to federal companies or organizations, for example, Northern Canada Power Commission and Canadian Armed Forces bases?

MR. ADRIAN: Mr. Chairman, the territorial electrical inspectors do not have authority in federal establishments or in Department of National Defence property. Under our ordinance however, we have an agreement with the federal government whereby all our electrical inspectors are also appointed inspectors under their acts. They then become federal electrical inspectors and act on behalf of the federal government. Thus they have the authority to inspect federal and also Department of National Defence property. There is a remuneration which we receive from the federal government for each inspection that we make on their behalf. The codes are parallel and, therefore, the protection is the same.

THE CHAIRMAN (Mr. Stewart): Section 10, are there any other comments?

MR. McCALLUM: Mr. Chairman, these organizations, or if you like groups, would they not then come under the fee structure as well, all regulations as well? You say they pay a fee for inspection services. There is a permit or a licensing fee as well. Would that also be involved?

MR. ADRIAN: Yes, the company doing work under a federal contract must take out a permit and the regulations of this ordinance apply to that contractor. The inspection fee that I am talking about is a fee for inspecting existing establishments. There is a fee structure which has been established. This agreement is an official document, signed by the Commissioner and by the Minister of Labour.

THE CHAIRMAN (Mr. Stewart): Clause 10, any further questions? No further questions. Do I have agreement on clause 10?

--- Agreed

Clause 11, permits. Agreed?

--- Agreed

Clause 12, installation permits.

MR. McCALLUM: Mr. Chairman, would this clause refer back to 2(g) in that 2(g) I think states as well that the holder of a valid electrician's certificate or such other person as this may be approved? In clause 12 it simply says: "... to a qualified electrical worker...". Am I to understand that the latter part of clause 2(g) is implied here as well?

MR. ADRIAN: Clause 2(g) and clause 5.

MR. McCALLUM: Yes, both of them.

THE CHAIRMAN (Mr. Stewart): Further questions? Are we agreed on 12?

--- Agreed

Thirteen, annual permits. Are we agreed on 13?

--- Agreed

Fourteen, residential property owners permits. Are we agreed on 14?

Residential Property Owners Permit

MR. PEARSON: On 14, Mr. Chairman, I just wonder if I can get some clarification on that. It seems to me, there may be some arguments from the professionals on that one to allow the owner of his own home to do any electrical work that he may want to do.

THE CHAIRMAN (Mr. Stewart): I am sorry, you are not coming across too clearly, Mr. Pearson.

MR. PEARSON: I find that clause 14 is a little hard to believe in this day and age, this day and bureaucratic age where I would have thought that the professionals would be the first people to jump on this one as to the fear that they may be being done out of a job. I find it rather strange that the government would see fit to allow the owner of his own home to install electrical equipment.

THE CHAIRMAN (Mr. Stewart): Thank God for small mercies. This happens to be one of them.

MR. PEARSON: I see.

MR. ADRIAN: Mr. Chairman, this particular section was also discussed with the various electrical contractors in the territories and they agreed that this in many cases is fine because many of the electrical contractors also own shops and the owner still has to purchase the electrical equipment and the owner is also defined or should be taken in the context as defined in the definition.

THE CHAIRMAN (Mr. Stewart): Anything further on 14? Are we agreed?

--- Agreed

Fifteen, inspection of electrical work.

MR. NICKERSON: Mr. Chairman, subclause 15(3), I have a question pertaining to this. I presume that the initial fee is for one inspection and one reinspection?

MR. ADRIAN: That is correct.

MR. NICKERSON: And any more inspections other than the first two, you pay for in addition?

MR. ADRIAN: This is right.

MR. NICKERSON: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 15, are we agreed?

--- Agreed

Clause 16, inspection on request. Are we agreed?

--- Agreed

Clause 17, inspector may permit supply of electricity. Agreed?

--- Agreed

Clause 18, permission required for supply of electricity? Agreed?

--- Agreed

Clause 19, municipal inspectors. Agreed?

--- Agreed

Clause 20, appeal. Agreed?

MR. McCALLUM: Mr. Chairman, I would hope again in that clause 20, subclause (2), that the matter of time would be reasonable because it is possible that there may be a problem within ten days in certain areas of the North in terms of mail service.

THE CHAIRMAN (Mr. Stewart): Mr. Searle?

Permission Required for Supply of Electricity

MR. SEARLE: Mr. Chairman, I hate to go back to clause 18, but I have just been thinking. I always get concerned in legislation where you see things like "No supply authority shall supply electric energy to any electrical equipment unless permission has been given by an inspector...". I wonder if that is really a practical section. It seems to me that you may want to state it slightly differently and say that an inspector may order a supply authority to cease supplying electrical energy to any electrical equipment. In other words, put it on the inspector to order, to stop rather than say that no energy can be supplied unless permission has been obtained. I can just see all kinds of problems in an outlying area, particularly of getting that permission in any sort of reasonable time frame, unless the administration of this is highly attuned, more highly attuned than I think it is with inspectors in virtually every settlement available almost immediately on demand. Is this not going to give you some trouble administratively, Mr. Ernerk? Whoever wants to answer it, but maybe Mr. Adrian should answer it. I am concerned with the wording of section 18, sir, that no supply authority shall supply electrical energy unless permission is obtained. Is this practical?

MR. ADRIAN: It is only if one is to expect an inspector to be located in each settlement or in every area where they generate electricity. However, it is handled through the permit system. I believe that this is an area where we have used the permit system very effectively. What we are saying is that no supply authority should supply energy to a new installation unless a permit has been applied for and granted. The supply authority, you will notice a little later on, has to have a proper permit. We are dealing with the control of permits covering the new installations as well as the hazardous existing installations. In some areas the supply authority or the settlement manager has the permits and they are working on our behalf. Administratively we have not found it to be too difficult. There may be a time coming when it will be very hard to administer, but so far we have been able to do it fairly well.

MR. SEARLE: I suppose it should not concern Yellowknife too much because they no doubt have electrical inspectors here. I was just concerned about isolated areas. It seems to me that that is over-regulating a little much. Are we not going from nothing to everything awfully quickly? However, I would just make that comment.

THE CHAIRMAN (Mr. Stewart): Mr. Searle, I believe your point is well taken. I wonder, Mr. Adrian, if there could not be some modification there, something along the line that "No supply authority should supply electrical energy to any ... unless he has satisfied himself that the installation is correct or he has permission from the inspector", to give some leeway. If they want to go by the book, that is a pretty strongly worded section and you can not really do much with it.

Exception

MR. ADRIAN: I believe it is covered under clause 18(2)(a) where it says, "Notwithstanding subsection (1) the Commissioner may prescribe areas in which a supply authority may supply electric energy to any electrical equipment if the supply authority is satisfied ..."

THE CHAIRMAN (Mr. Stewart): Yes, but you must still get the Commissioner's consent.

MR. ADRIAN: We intend to have this covered by an administrative procedure; this is taken into consideration.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. McCALLUM: Mr. Chairman, if I may just pursue that, since we are going to deal with it or we are dealing with it, would this apply to the first supply of electric energy or are you considering as well if there has been an offence and it is resupply? I would say that when it is a first supply of electrical energy there may not be any difficulty but if there has been an offence against it, then you may run into difficulties to rehook up or do you foresee any problems there?

MR. ADRIAN: That is covered under paragraph 7(e) and also the supply authority has a responsibility that they will not hook up something that is not safe, so therefore, generally the supply authority makes sure that the work described under the order has been done.

MR. McCALLUM: Mr. Chairman, the supply source would have to do that, that would not be the responsibility of the inspector?

MR. ADRIAN: It would be the responsibility of the inspector as well as the supply authority, but if there is no inspector, then sometimes it is practical for the supply authority to go ahead and hook it up, if they feel that it is safe.

MR. McCALLUM: And that could be done without the Commissioner's authority? I think that was the point of the whole exercise here.

THE CHAIRMAN (Mr. Stewart): I was wondering. I do not understand that particular section. For example, a theatre, if I were to hook up a new rectifier within the theatre building, there is no way necessarily that the supplier of electricity is going to even know that this has been done and yet the onus is on him not to supply electricity. It seems to be a very peculiar type of situation.

MR. SMITH: Mr. Chairman, any installation would have to be done by a permit and then it would be inspected in accordance -- once the permit is taken out, as the work progresses, there would be inspections done and once they were completed an inspector would then report to the supply authority.

THE CHAIRMAN (Mr. Stewart): If a rectifier burnt out in the theatre, you would have to get a permit to replace the rectifier, do you have to get a permit to do that? It is a replacement problem.

Permission from an Inspector

MR. SEARLE: I would just like to check and see if my interpretation is correct. As I read that section, what it says to me is that regardless of where I am in the territories, regardless of who the retailer of the electrical power may be, in other words, it may be Yellowknife, Plains Western or Northern Canada Power Commission or someone else, but I can not get connected up to them and it does not matter whether we are talking about a home or a commercial establishment or whatever -- I can not get connected up to them unless I produce to them a permission from an inspector that says "Yes, they may connect my home or my shop or whatever". Is that correct?

MR. ADRIAN: According to the letter of the law, yes.

THE CHAIRMAN (Mr. Stewart): I do not say that this is necessary, but I do not read it that it necessarily has to be the original hook up. It could be putting a new toaster in your house, if you want to get technical, because you are already hooked up and if you get a new toaster, you can not supply unless the electrical inspector says you can. I wonder, would this committee, because of the difficulty with this section, although it has been approved, do I have the committee's agreement to take it off the approved list and we will look it over and go back to it when we look at the other sections?

--- Agreed

MR. SMITH: I think you have to read clauses 15, 16, 17 and 18 all together and it deals with the inspection of electrical works and clause 17, for example, is referred to in clause 18 and clause 17 says, "Where an inspector is satisfied that any electrical work or equipment conforms to the standards required by this ordinance, he shall give permission to the appropriate supply authority to supply energy to such equipment or wiring". You are referring back to inspections and reinspection and a person who performs electrical work in clause 15, "... shall give sufficient notice to an inspector of the time when the work may conveniently be inspected...". I think they all have to be read together and reading them together I think you will see that the problems are not going to be as big as you may anticipate by singling out one part of clause 18. However, I have no objection to standing the clause down and we can study it and come back with our comments after consideration of the remarks made here by Members.

THE CHAIRMAN (Mr. Stewart): Thank you. I think I have the agreement of the committee to set clause 18 down. We have to come back to this particular bill anyway, so we can have a further explanation at that time. Mr. Searle, instead of getting ahead we are going backwards. Would you just behave yourself over there?

Installation of Electrical Equipment.

MR. SEARLE: Mr. Chairman, if I could just continue, the thing that bothers me about subclause 18(1) is if you read it strictly, it says: "No supply authority shall supply electric energy to any electrical equipment...". If you see how "electrical equipment" is defined, that is, anything electrical in nature, so presumably if you want to put in a dishwasher or a deep freeze or anything like that in your home, you should get authority to do so. I would sooner see the thing turned around and give the inspector authority to direct that equipment not be hooked up. In other words, put the onus on him because, if you do not do that, you get into the offence and penalties section where there are \$500 fines and imprisonment presumably for not having had the authority, for not having hooked something up safely.

MR. SMITH: Mr. Chairman, again, I stress that you must read these sections together. We are not talking about plug-in equipment. I think an installation of a dishwasher or an installation of a stove may require -- certainly, I would not attempt to install a dishwasher and I would not attempt to install a stove, but I think you would require some form of permit, either a home owner's permit or some other form of permit in order to effect that installation. Once the installation has been made, then if it is made properly, you would have no reason to go back to the permit. If, as Mr. Adrian said, you would go to -- it would go to the power supply authority, a copy of it, and the inspector would be there to show that it had been made.

THE CHAIRMAN (Mr. Stewart): Mr. Smith, the two examples you have used, there are dishwashers and electric stoves that are just a matter of plugging in the wall. They are not really much more involved than plugging in an iron so it gets rather difficult.

MR. SMITH: The plug-in equipment is not considered. You do not need any permit to buy and plug in an electric toaster.

MR. SEARLE: How did they miss it?

MR. SMITH: That goes back into the Canadian Electrical Code which is the authority under which this ordinance operates with amendments that may be made to it by the regulations of the commission.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, possibly the difficulty can be overcome if we make it more clear that subclause 18(1) really does not refer to electrical equipment, it refers to electrical work as referred to in clause 15. I think if we can make it clear that subclause 18(1) or 18 refers to electrical work and subclause 15(1) equipment installed pursuant to that electrical work, it may meet the reservations of Council.

THE CHAIRMAN (Mr. Stewart): Thank you. Then on this committee's advice I am striking approval from clause 18 and we will discuss this later. Back to clause 20.

Concerning Appeals

MR. NICKERSON: Mr. Chairman, I wonder if it would be possible to ask whether an appeal lies from the chief inspector to the court or is that the final appeal, to the field inspector?

THE CHAIRMAN (Mr. Stewart): Do our advisers have an answer to that question?

MR. SMITH: I have not had that much experience, Mr. Chairman, as a practising barrister but I would think there would certainly be one or two methods whereby an appeal from the chief inspector could be taken into court, either by mandamus or some other form of remedial proceedings to compel the chief inspector to make an order or to rescind an order.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, Mr. Smith is quite correct, there is a lot of legislation that states the decision of a chief inspector or what have you is final and binding. Lawyers and courts are very ingenious in finding ways to upset improper decisions and as Mr. Smith mentions, the various prerogative writs, the mandamus which forces someone to do something, for example, issue a permit or certiorari which quashes a decision of an inspector. Generally, though, the court can only intrude if it can find that the inspector exceeded his authority, the chief inspector reached his decision on improper grounds without considering the merits, for instance, or just because he did not like the person. However, I do not think a court would go into the merit of the technical decision that the chief inspector made.

Motion to Amend Subclause 20(3)

MR. NICKERSON: Mr. Chairman, I do not think that it is proper that people should have to resort to such roundabout ways of appealing the decision of the chief inspector. I would rather think that the last words from this particular paragraph should be struck off and I think I would have some support in this field and I would like to formally move that the last seven words be struck off from this particular section.

THE CHAIRMAN (Mr. Stewart): That is under subclause (3)?

MR. NICKERSON: That is subclause 20(3): "The chief inspector may amend, vary or revoke any order or decision appealed from under subsection (1)..." and then the rest is to be deleted.

THE CHAIRMAN (Mr. Stewart): Did everybody note the amendment? That is under clause 20, subclause (3) on the top of page 11, the words: "...and his decision is final and binding" shall be deleted. With the amendment to clause 20, are we agreed?

--- Agreed

Clause 21, report to be made.

Report to be Made

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I note that the report is to be submitted prior to the 1st day of June. I would ask Mr. Adrian if that date is chosen so that the report can be tabled in the June session. If that is the case we might well want to change that to May 1st and we may in fact have to do a survey of all our ordinances to see if there are similar dates that will in the future be inappropriate.

MR. ADRIAN: That is just a chosen date. We felt that it would be suitable so that we would have our report to the Commissioner prior to the June session. I do not think it would really matter whether May 1st or any other time would be chosen. Our fiscal year ends on March 31st. We could make it May instead of June. We keep an up to date monthly report, so it does not really make that much difference to us.

Amendment to Clause 21

THE CHAIRMAN (Mr. Stewart): In that there may be some changes in the sitting date, this may be more compatible. I understand that our advisers and our Legal Advisor indicate that we should change the word "June" to the word "May", is that correct?

--- Agreed

With this amendment to clause 21, are we agreed?

--- Agreed

Clause 22, offence and penalty.

MR. McCALLUM: Mr. Chairman, I note that this absolves the inspector or inspectors of any and all liability. In the case of a piece of work being done that there is complete failure on the part of the inspector to go over it, what recourse does a home owner or anybody else have -- through private insurance? Or again, is that a situation of reasonableness?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, this is a very typical and usual type of provision that a person can not be sued for simply doing his job. In my opinion, it would not protect an inspector who was negligent or grossly negligent in his job and the inspector would have a higher standard of performance to achieve than an ordinary layman would. It would be a reasonable performance of duty by a reasonably competent person but I can not see that it would protect him where he had obviously failed to inspect, if you wish, and put in a report without looking at the thing and this sort of thing. However, we read about the difficulties doctors are having in the United States with malpractice suits. There is a great danger of people being sued simply for doing their job.

Concerning Negligent Actions.

MR. SEARLE: Mr. Chairman, I want to say in the most emphatic way that I am totally and completely opposed to section 22. What annoys me is that here we set up an ordinance that requires you to go and obtain a permit from an electrical inspector, you are required to submit to each and every one of his demands and his whims and his requirements, you are required in fact to wire your home or your business in compliance with his directions and then, presumably because of his negligence, the place burns down. You can not then sue him. (a) you are required to deal with him and (b) you are required to do what he says and then (c) if he is negligent he just says, "Oh well, I made a mistake". You know, really if you deal with anybody else on any kind of a basis, firstly with most professions or trades you do not have to deal with them; in other words, you have a choice, secondly, if they are negligent you can sue them. Now, I do not see why, particularly where you have to deal with somebody by law, that he should not have to meet the normal standard of making sure that his actions are not negligent. It is difficult enough even without this that you would have to sue him in the federal court because the Commissioner is the Crown and that is who you would sue. But in addition to that, to pile on this sort of protection I am perfectly opposed to and I know if left to the administration this would be in every ordinance with respect to every inspector and every public servant. I do not go for it. It is not something that any of the professions or trades or anybody else enjoys. You have to be right, you have to stand up and be counted, you have to be insured and you have to make sure you are not negligent. For my money, I would just take section 22 right out and make sure that a normal standard of care is required. After all, you have to submit to their jurisdiction.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Searle. Any further comments?

MR. SMITH: Mr. Chairman, I do not think you can take paragraph (a) out because paragraph (a) refers to a defect in any electrical equipment and I do not think you could hold an inspector liable or responsible for a defect in electrical equipment.

MR. McCALLUM: That would be the manufacturer I would think.

MR. SEARLE: Well, I think that if it was out he would not be held responsible. I think that is probably just restating what the law is. That is just a declaratory statement.

THE CHAIRMAN (Mr. Stewart): Mr. Butters, do you wish to speak?

MR. BUTTERS: Just to agree with the point that Mr. Searle is making.

Motion to Delete Clause 22.

MR. SEARLE: I would move that clause 22 be deleted and the other clauses renumbered consequently.

THE CHAIRMAN (Mr. Stewart): I have a motion that clause 22 be deleted. May I have this committee's direction? Are you agreed? Opposed, if any?

--- Agreed

Clause 22 is deleted.

Clause 23 now becomes 22, the new 22, offence and penalty.

MR. STEEN: I would like to say that the penalty there of \$500 or in default he goes to jail, I would like to say the jails in the Northwest Territories are still well furnished with good meals and good beds and very good recreation, so what do we mean by "penalty"?

THE CHAIRMAN (Mr. Stewart): Your remarks have been duly noted. Do I have any others?

MR. BARNABY: Does this penalty apply to private homes as well as public buildings?

THE CHAIRMAN (Mr. Stewart): The way I would read it, yes, it would, but I will ask for legal advice.

LEGAL ADVISOR (Mr. Slaven): Yes, certainly, Mr. Chairman, the penalties apply for any offence in the ordinance, whether they are committed with relation to a public or a private building.

MR. BARNABY: I do not think we were elected to oppress the people in any way and I think that what Mr. Lafferty brought up about there being a lot of difference between settlements in the territories is true and I think it should go through the settlement councils or hamlet councils, especially in regard to legislation such as this which affects the people themselves. I hope I have made myself clear.

THE CHAIRMAN (Mr. Stewart): The only comment I could possibly make at this point is, of course, these are maximum fines and it is generally the jurisdiction of the courts and in certainly small, out-of-the-way places for small contraventions there would not be any types of fines like these at all. These are maximums.

MR. BARNABY: Up to this time most civil servants seem to have more rights than the people of the North so I would like to see that sort of attitude changed if I could.

THE CHAIRMAN (Mr. Stewart): Is there anything specific you would like changed or reworded in any way? Would you like to have this sent back to the legal department for rewriting?

MR. BARNABY: I wanted to bring this out so maybe the Members can think it over. I would like to see this go through the councils of each community maybe.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Barnaby. We will take this as an opinion. Any other remarks on clause 22?

MR. NICKERSON: Mr. Chairman, I think we decided with clause 18 that it was to be reconsidered. In that case clause 22, too could be reconsidered at the same time. Is that not a fact, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Legal advice, please.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, it would appear simply that offences against clause 9 and subclause 18(1) are considered more serious than the other offences that are sprinkled throughout the ordinance. I agree, depending upon the extent of the changes made to subclause 18(1), it might persuade you to make consequential changes to 22(2).

THE CHAIRMAN (Mr. Stewart): On the basis of this, the Chair recognizes this problem and will set aside clause 22 unless there is an opposite opinion by this committee.

--- Agreed

Concerning Regulations.

Clause 23, the new clause 23, regulations. Mr. Steen? Do you have any comments?

MR. STEEN: No comment at this time.

THE CHAIRMAN (Mr. Stewart): Clause 23, may I have this committee's direction, please?

MR. STEEN: Mr. Chairman, the thing is there again, but I would prefer not to say anything because I would like to see if anybody else thinks the same way as I do.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Steen.

MR. NICKERSON: Mr. Chairman, would I not be right in reading into the provision for regulations here the time it takes in which a permit is supposed to be issued, you know, whether it is within 30 or 40 days or six months or something like that is entirely up to the discretion of the Commissioner; is that correct?

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor. I am getting very tired of sharing my thing with you.

LEGAL ADVISOR (Mr. Slaven): Mr. Adrian or Mr. Smith might want to add something to what I say. I do not see that there would be any regulations regarding time of issue. Once the requirements for a licence or permit in any ordinance are complied with then the licence or permit should be promptly issued.

MR. NICKERSON: I wonder, Mr. Chairman, if Mr. Adrian could give us some idea of the time it usually takes for these things to be issued, depending of course on how big a project is involved.

MR. ADRIAN: Do I get your question correctly that you are interested in the time it takes to issue a permit from the time of application to the time of issue?

MR. NICKERSON: Yes, that is correct.

MR. ADRIAN: Depending on where you are. I mentioned before we are establishing areas in which permits can be made available. They are available in all the recognized areas at the present time. As you know, we are working under the old ordinance in which we have inspection areas. Permits are available either at the supply authority or else at the government office and in Yellowknife they are available in our own office. The time -- just long enough to fill out the application, payment of the fee and the person receives the permit. Here is a permit form. The applicant just fills this out, pays the fee which is receipted and that is it.

MR. NICKERSON: Thank you very much. I wonder if it would be possible for you to circulate that permit application form.

MR. ADRIAN: I have three here. There are two different permits; one for wiring installation used by certified electricians and the other is for home owners as required under the existing ordinance. I would be pleased to circulate these.

MR. NICKERSON: Thank you.

Inspection and Approval of Electrical Equipment

THE CHAIRMAN (Mr. Stewart): That will be circulated amongst the Council then, please. I was wondering, as a point of information under (g) the sale or other disposal of any specified electrical equipment. What is the intent of that section?

MR. SMITH: This would cover equipment where we received knowledge that it did not have Canadian Standards Association approval and we could prohibit anyone from advertising that specific piece of equipment for sale until it had been inspected and approved. For example, if a certain radio may come on the market that is liable to be dangerous from the point of view of electrocuting people, if it is not Canadian Standards Association approved, we would prohibit anyone from advertising that radio for sale until it received approval through the Canadian Standards Association.

THE CHAIRMAN (Mr. Stewart): Thank you. Can I have the committee's direction on the new clause 23, regulations, are we agreed? Mr. Searle?

MR. SEARLE: Mr. Chairman, I had understood Mr. Smith previously to have said the definition of electrical equipment did not include things that you plugged into the wall. Did I hear it correctly?

MR. SMITH: That was for permit installations, Mr. Chairman.

MR. SEARLE: There is only one definition of electrical equipment, is there not?

MR. SMITH: Well, again, Mr. Chairman, if we are referring back to 15, I think we got off the track as the Legal Advisor pointed out, when we got into speaking about clause 15 of electrical work and that does not include plug-in electrical equipment, electrical work. Then, in clause 18 we referred to electrical equipment and the Legal Advisor pointed out perhaps the solution there is to change the words "electrical equipment" to "electrical work" so those two clauses read together. Electrical equipment, the definition of electrical equipment of course does include appliances for the purpose of having the plug-in appliances comply with the Canadian Electrical Code, but for the purpose of electrical work they are not.

THE CHAIRMAN (Mr. Stewart): The committee's direction on the new clause 23, regulations, are we agreed?

--- Agreed

The new clause 24, repeal, are we agreed?

--- Agreed

The new clause 25, coming into force, are we agreed?

--- Agreed

May I report progress?

--- Agreed

Report of the Committee of the Whole of Bill 9-56, Electrical Protection Ordinance

MR. SPEAKER: Mr. Stewart?

MR. STEWART: Mr. Speaker, your committee has been studying Bill 9-56 and we wish to report progress at this time.

MR. SPEAKER: Coffee time, Mr. Clerk, is when?

THE CLERK OF THE COUNCIL: Four o'clock.

MR. SPEAKER: We have gone 15 minutes over coffee break. Council will stand recessed for 15 minutes for coffee break.

--- SHORT RECESS

MR. SPEAKER: Members of Council, examining the orders of the day, Item 12, with respect to the proposed amendments to the Territorial Land Use Regulations, we just do not yet have industry and other persons available. As to the appointment to the Northwest Territories Water Board and directors to Northern Canada Power Commission there is some information, I am advised, that is yet to be obtained with respect to Northern Canada Power Commission.

The Insurance Ordinance is a large piece of legislation. We could start it, but we would only have less than an hour to work on it. The Philosophy Paper on Local Government is a large document and you may want to read that this evening before we get into it. In the end, therefore, I would like to suggest we move on to information items. I believe there are two of those and to that extent, therefore, I would like to suggest that we resolve, have a motion to resolve into committee of the whole to consider information items which I think we could then complete today. Mr. McCallum?

MR. McCALLUM: Mr. Speaker, can I move that we resolve into committee of the whole to consider the information items.

MR. ERNERK: I second that.

MR. SPEAKER: Moved and seconded. All in favour?

--- Carried

Council will resolve into committee of the whole to consider information items with Mr. Butters in the chair.

--- Council resolved into Committee of the Whole for consideration of Information Items with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER INFORMATION ITEMS.

THE CHAIRMAN (Mr. Butters): The committee will come to order.

Before we examine any particular one, I will read the six of them. There is an item on female offender facilities, mental health in the Northwest Territories, services and facilities for the elderly, arsenic fall-out in Yellowknife, single local housing in Frobisher Bay, and a petition on single accommodation in Tuktoyaktuk.

This is in the information book which you should all have in your side pocket. It has a white claw binder.

I will just pause a moment while Members find them and take a look through the six items that I mentioned and possibly the committee can advise me whether I should begin on one and go through the six or whether there is some particular item which Members wish to discuss first.

MR. PEARSON: I would have thought it rather important, Mr. Chairman, that no matter what manner we discuss these, we have to have some witness here to discuss them with. Who is presently in the house? Then we can determine which one we will discuss, I think.

THE CHAIRMAN (Mr. Butters): In view of your suggestion I will ask the Deputy Commissioner if he can examine the number of people in this room and determine if there are witnesses here who might assist us or maybe he could answer for the government until such time as some other witness appears.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, of course the situation may be that Members may not wish to ask any questions on these items, but I am afraid that other than for arsenic fall-out in Yellowknife, and having experienced it myself for more than 20 years, I am considered to be an expert in it, beyond that, we are pretty shy of expertise in the areas of services for the elderly and mental health, likewise female offenders.

I think it would be placing perhaps an undue strain on Mr. Ernerk to ask him to speak to all of those items on short notice.

The other two matters are housing matters and we would have to send out for someone from the Housing Corporation.

THE CHAIRMAN (Mr. Butters): The question proposed by Mr. Pearson has reduced our problem to one, or at least has reduced our subject matter to one which is arsenic fall-out in Yellowknife.

MR. PEARSON: I think perhaps one and a half because I just see Mr. Sid Hancock hovering around the door, the chairman of the Housing Corporation.

THE CHAIRMAN (Mr. Butters): I see Mr. Hancock has just entered, so we have three then to offer Members, I would suggest. Do you have any preference -- arsenic, or Frobisher Bay housing?

MR. PEARSON: I might say that Mr. Parker has been living with arsenic for twenty years. He has not got long to go so we had better do that now.

DEPUTY COMMISSIONER PARKER: Do not get your hopes up.

THE CHAIRMAN (Mr. Butters): Are all Members satisfied to look at the information item on arsenic fall-out in Yellowknife? First, does this meet with your approval?

--- Agreed

MR. ERNERK: I was wondering whether it was possible to invite the director of Social Development and perhaps he could speak to female offenders and facilities and social services for the elderly and so on.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Ernerk. I will ask the Clerk if he will advise Mr. Torrance that we are on information items and there is a slight possibility that he might be called this afternoon, although we only have forty minutes left to go in our allotted time period, but if the Clerk of the house will inform Mr. Torrance of this matter.

Information Item 1-56: Arsenic Fall-out in Yellowknife

With your approval, arsenic fall-out in Yellowknife, to open the discussion, I wonder, Mr. Parker, if you could provide a background of material to the reason for this appearing as an information item and also some of the history regarding the concerns about arsenic in this community.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, this matter was considered in some depth at the January session with the previous Council. You may recall that just at the start of that session a certain radio program determined, or its researchers, I should say, determined, that there was a report which had been made some years previously on the matter of arsenic contamination which had not been made public and shortly after, information was released by the radio station. This old report was drawn forward and made public. It was a time of some public concern because the experts who were consulted at that time and acting with inadequate and incomplete information drew some rather startling conclusions.

Since that time there has been a great deal of work done, much of it of an interdepartmental nature, that is, the Department of National Health and Welfare, Department of the Environment, and the Department of Indian and Northern Affairs and the territorial government, plus some other agencies have been working very closely together to determine the true extent of the situation.

Results of Arsenic Tests

The Department of National Health and Welfare carried out a program of collecting samples of hair from people who volunteered to be tested in Yellowknife and have had these samples tested for arsenic. The results of this testing have been released since the preparation of this information item and what has been indicated is this; that first of all it is clearly indicated that the water supply used by Yellowknife people is completely secure and safe.

Secondly, that the only persons who appeared to have higher than normal levels of arsenic in their bodies are people in certain occupational groupings and in particular those associated with work in one of the gold mills here in Yellowknife. Pretty well everyone else came into the category where they were either just up to normal or around a normal concentration of arsenic in their bodies.

For those persons who have been indicated in this initial sampling to have a higher amount than normal of arsenic in their hair, a further testing program has been undertaken by Health and Welfare, in fact, it is underway now, and in the case of each of these people, a very complete medical examination is being made and other tests carried out to determine the accuracy of the hair sampling and to determine what, if any, the effects of the arsenic contamination may have been.

I think in summary, it has been clearly indicated and revealed by the press and radio that the situation which at first had been reported to be alarming was not alarming at all, but there is a continuing concern for the one occupational group and it is on that group that the testing is being carried out particularly and further results will be made known.

There is not that much information available, as far as we can determine, on the effects of this kind of pollution, arsenic pollution. This is not particularly unusual. There are all sorts of substances in this world that we have been living with, perhaps not knowing that we have and the effects

have never been catalogued or studied in any detail. I would not be able, therefore, to say whether the testing program will be able to say accurately what the effects are on people. However, the matter is being given very, very serious attention by all agencies. The committee that the territorial administration set up under the chairmanship of Mr. Dan Billing, our emergency measures officer, has functioned very well, and is continuing to meet and to look at data and to co-ordinate testing programs which are under way.

There is a major air sampling program under way this summer, there is a major soil sampling program under way and of course this medical review is being carried forward.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Deputy. If there are any Members who wish to comment or ask questions or make a statement would they just indicate? Mr. Wah-Shee. Before I permit Mr. Wah-Shee the floor, before you speak just catch my eye so that I can write your name down and I will not forget you.

MR. WAH-SHEE: Mr. Chairman, in regard to arsenic fall-out in the Yellowknife area, the Deputy Commissioner has indicated to some extent the tests that have been carried out and returned. These tests indicate that some of the tests were showing a higher than normal level of arsenic in the hair samples particularly in occupational groups in the mining industry as well as the people who use the water services that were provided in Yellowknife.

Native People and Arsenic Pollution

Now, what I am concerned about here -- or rather it is a question -- what about the native people in the old town and the people who live in Detah village who have used the water in Yellowknife Bay? What is the indication of the testing that has been carried out for the native groups who have used the water at Yellowknife Bay?

THE CHAIRMAN (Mr. Butters): Can you answer those questions, Mr. Deputy?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I can perhaps give a partial answer. Dealing first with the over-all situation, to the best of my knowledge there was not more than one or two of the people sampled or in fact, I think that there was only one who exceeded the nominal five parts per million in the hair sampling who would fall into the category of being Latham Island residents and Detah residents.

The situation at Detah is such that the water supply there is entirely safe. Any arsenic that enters Yellowknife Bay near the head of the bay has become so dilute by the time it reaches Detah that it simply is not a hazard. It has been tested and will continue to be tested, but it is well below permissible limits.

With regard to the area around Latham Island, the best information we have there is that the people have been unaffected. They have not been affected. We would have wished that there would have been a greater response to the volunteer hair sampling program. It is very difficult to insist that people take part in a survey, but in any event, for those who did volunteer to take part the results were gratifying. There was no high incidence of arsenic.

Water Testing Programs

The testing program that was carried out on the water and the ice in mid to late January indicated that the water was at about the limit, or below the limits, which have been set internationally for arsenic content. The problem that does arise is that in the spring with the melting of snow, there does then become a concentration of arsenic in puddles, but I think it would be most unusual to find people who would be using water drawn under those circumstances. The water delivery system, I think, has been improved to the extent where no one is denied delivered water because of his or her economic circumstances. There has been a limited amount of testing of fish taken from Yellowknife Bay and there again it has been indicated that it is well within permissible limits.

When I say "permissible limits", I think you must realize that in all sorts of different places in the world there are concentrations of things like arsenic and mercury and so forth. Therefore, there is a fair background of knowledge as to what has been eaten and used in the past and has been found to be safe.

THE CHAIRMAN (Mr. Butters): Mr. Wah-Shee, further questions?

MR. WAH-SHEE: No.

THE CHAIRMAN (Mr. Butters): Mr. Barnaby?

North Needs Different Attitudes on Pollution

MR. BARNABY: Yes. I just want to make a statement. I feel that nobody should be let off who is polluting the water, land or air, or anything. I think that the people should have learned a lesson from the South with all the pollution that was there. I believe the people are more important than money that is made out of the mines and since the North is a new frontier, I think we should have different attitudes and maybe more concern for each other instead of all trying to make as much as we can.

MR. PEARSON: Hear, hear!

MR. BARNABY: I think that if there is something wrong or, if there is any doubt that there is something wrong, there should be some action taken instead of excuses being made on all fronts. Thank you.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Barnaby.

MR. SEARLE: Mr. Chairman, Yellowknife, part of it at least being my riding, I am deeply concerned with this problem. I am, of course, encouraged by what Mr. Parker said. As I recall various news releases, however, there was a recent release that indicated or disputed, rather, some of the things I think that we can say, or assurances that this committee has given us. As I recall it, it was as a result of a study done I think by the Indian Brotherhood. I am wondering if Mr. Wah-Shee can help me because I am not actually sure who did this study. As I say, I think the Indian Brotherhood may have and I would be pleased to hear, since I did not get a copy of it, what the result of that study was. On the other hand, I would be pleased to receive a copy of it as well if it could be located, if the administration has it. All that I recall was a news release of some kind disputing the findings of this committee and asserting that it was still a problem here. I appreciate that I probably should not ask Mr. Wah-Shee because he is not sitting here as the president of the Brotherhood but rather as a Member, but he might be able to shed some light on this other information. If there still is some doubt, I would be most anxious to see further examination done to find out exactly what the truth is.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Searle. I would suggest rather than directing questions to Members, if you would put them through the Chair and I will attempt to see that your wishes are fulfilled. I think I will direct the questions to the Deputy Commissioner because certainly the Deputy is responsible to us and the Indian Brotherhood is not responsible to us. First I will direct the question to the Deputy: Do you have the report that this recent news story was based upon by either an organization or an independent scientist?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I am not aware of it, but I could not say that Mr. Billing may not have received a copy. I think he would have shown it to me, unless he received it very recently but I do not know of the study to which Mr. Searle has made reference.

Arsenic is a Matter of Degree.

I would like to say that I am not sitting here making excuses or apologies for anyone. I am simply trying to supply the best information that is available. This matter of what people eat and what is taken into their bodies is not something that can be defined exactly. It is not like a court of law where you can say this is right or this is wrong. It is all a matter of degree and I know this is sort of an engineering approach but you can not define it down to the finest thing. You can not say exactly what the effects of this or the effects of that may be. You can not say that you can take in water that has so many parts per million in it but not if it has one more part per million in it, so these are inexact things and I think we must always keep that in mind when we are talking about them.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy. Could you approach Mr. Billing to determine whether he has something specific along the lines Mr. Searle was speaking and, if he has, make it available to Mr. Searle and possibly Members of this committee? Before I ask another Member, Councillor Wah-Shee, you have the floor if you wish to make a statement of any kind.

MR. WAH-SHEE: Yes. In reply to the Honourable Member of Yellowknife North -- or is it South?

DEPUTY COMMISSIONER PARKER: South.

Involvement by Indian Brotherhood

MR. WAH-SHEE: Excuse me. The Indian Brotherhood is particularly concerned about the arsenic situation in the Yellowknife area, not only for the present time that this particular situation has occurred, but also it should caution the approach for future industry in other areas. We have not carried out a study into the arsenic situation but, rather, I understand that the federal and territorial agencies have got together and they are carrying out testing of the arsenic situation in the Yellowknife area. National Health and Welfare has requested that we let the native people know that they are carrying out this testing and that we let the people in the Yellowknife area know the services are available. That is the extent to which we have been involved but we are not directly involved in the territorial committee that co-ordinates this testing.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Wah-Shee. Mr. Searle, you still have the floor if you wish to carry on.

MR. SEARLE: I am very pleased to hear the Honourable Member's comments. Maybe the news release was in error because I had understood -- I only heard it very quickly, but I thought that it said the Indian Brotherhood had taken some independent samples or had access to samples and had had independent testing done, one or the other, and that the results differed from the results of the committee. I take it that I am wrong in that understanding and if there was a difference I guess I am saying I would like to know why, but if there is not, if the information I have is wrong, I am pleased to hear it.

MR. WAH-SHEE: The Indian Brotherhood is, I would say, considering the idea of going and acquiring assistance from other professional sources which would do testing which could be compared to the testing carried out by the territorial committee. This is not only the feeling of the Indian Brotherhood but I believe that there are other groups who have similar interests as well.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Wah-Shee. Mr. Nickerson?

MR. NICKERSON: As the second Member for Yellowknife, I also share my colleague's concern over the matter of arsenic in Yellowknife. I might also point out that I am the representative of the people who are responsible for much of the pollution in this town. It is reassuring to hear from the Deputy Commissioner that there does not appear to be any real great danger caused by arsenic in Yellowknife. It would appear, as far as I can understand at this time, that there is no danger associated with the water, soil, etc., except perhaps from the melted ice-water and the dust collects over the winter and it could be dangerous having a high arsenic content in melted snow.

Miners Working in the Mill

It is also reassuring to know that the testing done to date would seem to indicate that nobody in Yellowknife, with the exception of certain people working in the mill in intimate association with arsenical dusts have high, or unduly high, arsenic concentrations in their hair. I would like to inquire, however, with regard to the people who do work with arsenic and arsenical ores, people at the mill. The people who were found to have high concentrations, are they still doing the same jobs as before or, as a result of these tests have recommendations been made so to speak that they only perform the duties which bring them into contact with arsenic for limited periods of time?

THE CHAIRMAN (Mr. Butters): Before I ask the Deputy, it seems to me the question relates to one of your constituents and possibly we should have a word from them, but can you answer the question, Mr. Parker? Are you familiar with what is being done?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I do not think that any of those persons who have shown high arsenic levels in the initial testing program have been warned to reduce their time on the job or anything like that. They will have been told to be more careful in their practices, in the manner in which they carry out their work. I must tell you this, that the hair sampling program is a sort of a strange program in that it simply measures the amount of arsenic in and on the hair.

Arsenic on the Hair

Now, that arsenic can have come there in two different ways; one, through ingestion, that is, through something they have eaten or breathed, or by simple fall-out, that is, simply falling out of the air onto their hair. Well, anything that falls out of the air onto their hair is not going to harm them at all. The only thing of concern is what has been actually taken into their bodies. However, the arsenic testing program on the hair can not differentiate between the arsenic that is ingested and the arsenic that falls on their hair.

If there is no, or only nominal amounts of arsenic revealed to be in your hair, then it does not matter where it has come from. It is proven that you are safe. Do you see what I mean? Whereas, the next step is to determine whether or not the arsenic actually exists within the body. Now, you might say, "Well, why did they not just wash the hair samples?" I am advised that it is not as simple as that. Arsenic fall-out attaches itself to the hair in such a fashion that it can not be washed out, so the next step in the procedure is to conduct other medical experiments including a 24 hour urine test to determine how much arsenic actually exists in the body.

Therefore, you very easily could have had a person with a very high arsenic level from the hair testing who would have either a nil or very low levels of arsenic in his body and therefore, there can be no definitive conclusions reached from this initial testing program. All it did was eliminate a certain number of people who do not need to be examined any further. I know this is a very complex matter but you must understand that no conclusions can be drawn just yet.

The second step is going to be the more important one from the standpoint of determining the actual arsenic levels. There is some indication that some workers may have not obeyed the rules that the companies have set down for wearing protective clothing and perhaps for that reason they may have a higher arsenic level. You know, you can only monitor these sorts of things a certain amount of the time.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, that may be more than you asked for, but do you have anything else?

MR. NICKERSON: I am sorry, I just did not catch the last.

THE CHAIRMAN (Mr. Butters): You heard the Deputy's reply. Was that sufficient to answer your question?

MR. NICKERSON: I think so, yes.

MR. McCALLUM: Mr. Chairman, I would just like a point of information as to what group are conducting the testing program that will, as it says in the information sheet, bring to the Yellowknife area an investigative intensity probably unequalled anywhere in the world? Would it be a group that is on a contract or how does it come about?

Departments Conducting Further Tests

DEPUTY COMMISSIONER PARKER: Mr. Chairman, work is being done by a number of people employed by federal departments. The medical work is being done by National Health and Welfare, the air testing program and soil testing program is being done by officers and employees of the Department of the Environment. The Department of Indian and Northern Affairs are conducting tests related to what the mine is producing itself and is co-ordinating and co-operating with the other agencies. The Department of Fisheries is looking into the matter of arsenic levels in things like fish and so forth, so it is a multi-departmental approach.

MR. NICKERSON: How many Ph.D.'s do you expect as a result of this?

THE CHAIRMAN (Mr. Butters): Mr. McCallum, are you satisfied?

MR. McCALLUM: Yes.

Vegetables Grown in Yellowknife

MR. SEARLE: Mr. Chairman, one other comment I recall hearing recently, again through the media and I have absolutely no knowledge to whom this was attributed, but the comment as I recall it was something like this, that the people in Yellowknife should not -- and I emphasize "not" -- first of all, grow and then of course secondly, eat vegetables. I remember hearing that comment. I assume from the head-shaking that is going on either that you did not hear that comment or you did not disagree with it. Mr. Chairman, I assume that is the position, Is there any truth in that statement?

THE CHAIRMAN (Mr. Butters): Mr. Deputy, was your head shaking?

DEPUTY COMMISSIONER PARKER: Well, I guess that was the opinion of one person. The vegetables that are grown in the Yellowknife area I think through testing that has been carried out and will be carried out, will be shown to have a higher than average content of arsenic. However, it must be borne in mind that if the family grows its own lettuce, it is going to eat that lettuce over a period of perhaps a month during the year and any review of quantities I think will prove to the Member that you would have to eat so much lettuce for it to have any appreciable effect on your body that it is not likely to be a concern.

Now, I have to hedge that and say, "Not likely". For that purpose there is a program that will be undertaken as the vegetables become ripe and useable for the testing of them and further advice will be given to the public. But as one long-time resident, a resident of 35 years told me last night, he has been eating his own lettuce and Swiss chard for every year of those 35. He lives on the Giant property within about four stone-throws of the smoke stack and he is in very good health and the arsenic test on his hair was 13 parts per million which is only three parts per million above the recognized norm.

THE CHAIRMAN (Mr. Butters): Mr. Searle.

MR. SEARLE: Well, with those sorts of volumes of lettuce I imagine you would have to be mainly rabbit to be affected.

THE COMMISSIONER: I think the rabbits could be affected.

THE CHAIRMAN (Mr. Butters): Are there any further questions with regard to Information Item 1-56 or comments?

THE COMMISSIONER: I think one of the saddest parts of this whole situation is the way that the press and media, particularly in the South got carried away with the situation. I have just finished planting my own garden and I propose to harvest it and eat it as it matures. As a sailor over 30 years ago they used to inject us with arsenic. It was used as a cure and I guess if they had not discovered penicillin and antibiotics they would still be injecting us with arsenic.

Position of Territorial Administration

Now, I think we have to monitor it, watch it and all the territorial administration is attempting to do is co-ordinate this massive investigation and massive interest and point it where it will do the most good, but despite that it is a free world and a free country and I suppose everybody has the right to express an opinion. Again I state that cartoons and sensational reports which always seemed to come from the South by people who have never been here sometimes tended to excite relatives and friends who do not live in Yellowknife but who got very concerned about it.

So, I think in the main we will try to do our very best to co-ordinate the investigation and information and will keep the community and certainly this Council informed as best we can.

THE CHAIRMAN (Mr. Butters): Further questions or comments on Information Item 1-56? If Members will agree that as it is approaching the time for our evening adjournment, may I report progress to the Speaker and advise him that Information Item 1-56 has been discussed and has been completed?

--- Agreed

MR. SPEAKER: The Council will come to order. Mr. Butters?

Report of the Committee of the Whole of Information Items

MR. BUTTERS: Mr. Speaker, your committee has discussed the agenda information items and completed discussion of Information Item 1-56, Arsenic Fall-Out in Yellowknife. Leaving Information Items 2-56, 3-56, 4-56, 5-56 and 6-56 for discussion and on that I report progress.

Orders of the Day

MR. SPEAKER: Turning to the orders of the day, Mr. Remnant, could we have the orders of the day for June 12th?

THE CLERK OF THE COUNCIL: Orders of the day, June 12th, 1975, 2:30 p.m. at the Explorer Hotel.

1. Prayer
2. Replies to Commissioner's Opening Address
3. Questions and Returns
4. Oral Questions
5. Presenting Petitions

6. Reports of Standing and Special Committees
7. Notices of Motions
8. Motions
9. Tabling of Documents
10. First Reading of Bill 3-56
11. Second Reading of Bill 3-56
12. Continuing Consideration in Committee of the Whole of Bills and Other Matters: Bill 1-56, Bill 5-56, Bill 6-56, Bill 9-56

Proposed Amendments to the Territorial Land Use Regulations.

Appointment by Commissioner in Council to the Northwest Territories Water Board and Board of Directors, Northern Canada Power Commission.

Information Items

Philosophy Paper on Local Government

Motion 4-56 Current Budget Formulation

MR. SPEAKER: There would appear to be only one announcement, unless someone else has any. The one I have is that would those Members interested in attending the procedural briefing suggested in the Council caucus please give their names to John Steen, the Honourable Member for the Western Arctic immediately after adjournment today so that the necessary arrangements may be made. Are there any other announcements?

Council, therefore, stands adjourned until June the 12th at 2:30 p.m. at the Explorer Hotel.

--- ADJOURNMENT

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