



COUNCIL OF THE NORTHWEST TERRITORIES DEBATES

56th Session

8th Council

Official Report

MONDAY, JUNE 16, 1975

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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, JUNE 16, 1975

ITEM NO. 1: PRAYER

--- Prayer

THE SPEAKER (Mr. Searle): Members of Council, turning to the orders of the day, Item 2, questions and returns. Are there any returns, Mr. Parker?

ITEM NO. 2: QUESTIONS AND RETURNS

Return to Question W27-56: Hospital, Norman Wells

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on June 12th, 1975, Councillor Barnaby asked question W27-56 concerning plans for building a hospital in Norman Wells. I have the following reply:

Health and Welfare Canada has funds in its estimates for 1976-77 to build a five-bed nursing station to replace the existing facilities in Norman Wells, subject to a further on-site review of the existing facilities next week.

Return to Question W28-56: Hunting Musk-ox in High Arctic

On June 12th, 1975, Councillor Pudluk asked question W28-56 concerning hunters in Resolute Bay being able to hunt musk-oxen in the fall season. I have the following reply:

The only musk-oxen that the Resolute Bay people have access to in the fall would be those on Bathurst Island and the few that may be present on the Grinnell Peninsula of Devon Island. During the severe winter of 1973-74 many musk-ox and caribou died on Bathurst and many other Arctic islands. As a result the Northwest Territories Fish and Wildlife Service feels that it would not be wise at this time to permit musk-ox hunting by Resolute Bay people until the musk-ox population has recovered from this drastic decline. The same is true for caribou. Our concerns have been voiced in Resolute Bay by Fish and Wildlife Service staff who have had excellent co-operation there.

Return to Question 015-56: Department of Economic Development Plans to Use Fishing Equipment

On June 12th, 1975, Councillor Pearson asked question 015-56 concerning territorial government investment in the community of Port Burwell's fishing industry. I have the following reply:

In response to the question asked by Councillor Pearson it should be pointed out that the facilities to which he referred were put in by the federal government at a time when the quota was larger than it is today. The quota then was 70,000 pounds and included 20,000 pounds of char. Three years ago Canada fisheries reallocated this char quota to Labrador although traditionally this quota had always been taken

by the people of Port Burwell. Despite efforts on the part of this government, this quota still remains allocated to Labrador. The quota now is 50,000 pounds of cod. This has to be marketed entirely in the North as it can not compete with the east coast cod which retails for 58 cents per pound with the fishermen being paid 7 cents per pound. The Department of Economic Development does not operate the fish plant but leases it to the co-operative for a nominal fee. The department funds the salary of a manager for the fishery operation and one has already been hired for this year. In addition, the department is providing suitable packages for the product which will permit the co-operative to offer for sale a more suitable product.

The vessels are under the control of the Fish and Wildlife Service, Department of Natural and Cultural Affairs and will be utilized under the supervision of Mr. Don Ransom to harvest the fish. It should be noted that the season only lasts four weeks. The question has been raised as to whether this fishery is worth continuing. This is under review as well as alternative uses for the facility. The total investment to date in the facility by both governments is approximately \$100,000.

MR. SPEAKER: Written questions?

Question W45-56: Road Between City of Yellowknife and Prelude Lake

MR. ERNERK: Mr. Speaker, in view of the fact that the sand or dust is a health hazard, at least in my opinion, may I then be advised of the road between the city of Yellowknife and the Prelude area by the Department of Public Works whether or not the people of Yellowknife and the tourists can expect to see some road improvements in the not too distant future?

There is a large sign just before you reach Giant Mine that reads "Spot Improvements Within the Next 17 Miles". What improvements -- with holes?

THE COMMISSIONER: Mr. Speaker, I will have to get an answer to this, although I would say that in the main, other than the points advertised, I doubt if there will be that much work done this year on the highway to Prelude as most of the effort is being made in the reconstruction of the road from here to Rae.

MR. SPEAKER: Further written questions?

Question W46-56: People Involvement, Housing and Welfare

MR. BARNABY: I was not finished writing it, but what I wanted to ask was if people in the communities could be more involved in running their own affairs? Could such things as social assistance money be turned over to them to handle and could they recommend a type of housing program they would like, for instance? What I would like to know is, if they could be more involved and have a say in what they get?

THE COMMISSIONER: Mr. Speaker, I believe this was part of Mr. Barnaby's reply and I think it is part of a motion that he moved last week or gave notice of moving and I believe this certainly is the object of the territorial government but it is difficult to be specific in replying to a question. It is something that we can discuss, maybe during the Local Government paper.

MR. SPEAKER: Mr. Barnaby, if you will notice in the orders of the day under Item 9, we have the Philosophy Paper on Local Government there. These sorts of questions can probably best be answered when we get into committee of the whole discussing that. Okay?

MR. BARNABY: Yes.

MR. SPEAKER: Further written questions?

Item 3, oral questions.

Item 4, presenting petitions.

Item 5, reports of standing and special committees.

ITEM NO. 5: REPORTS OF STANDING AND SPECIAL COMMITTEES

Recommended Establishment of Special Committee on Revenue

MR. NICKERSON: The special committee as required by section 5(1) of the Rules of Council has duly met and recommends the establishment of a special committee on revenue.

MR. SPEAKER: Item 6, notices of motions.

ITEM NO. 6: NOTICES OF MOTIONS

MR. NICKERSON: Mr. Speaker, I have here a notice of a motion which is to be moved by another Council Member. Is it in order for me to give notice on his behalf?

MR. SPEAKER: Yes.

Notice of Motion 12-56: Extended Hours, Council Session

MR. NICKERSON: Take notice that on Monday, June the 16th, 1975, I will ask for unanimous consent to make the following motion:

WHEREAS Council has a great number of matters to consider during the next four days;

AND WHEREAS the standing committee on finance and legislation have concluded their meetings for this session of Council;

NOW THEREFORE, I move that Council shall sit on Tuesday, June 17th, during the hours between 9:00 a.m. and 12:00 noon and on Thursday, June 19th, during the hours between 9:00 a.m. and 1:00 p.m. in addition to its regular hours of sitting.

Excuse me, Mr. Legal Advisor, by whom was this to be moved?

LEGAL ADVISOR (Mr. Slaven): Mr. Speaker, Councillor Pearson on Friday, June 13th, made the suggestion that Council should sit Tuesday and Thursday morning of this week and you directed me to prepare a suitable motion to be moved by Councillor Pearson. I may say the reason for the 9:00 a.m. to 12:00 noon on Tuesday is that the swearing in of the Executive Members is set at the court house for 1:30 p.m.

MR. SPEAKER: Members of Council, I would think that there is no magic in who moves the motion. I think when we get to motions, if Mr. Pearson is not here, I would suggest that Mr. Nickerson continue with it as if it were his motion.

--- Agreed ---

Do you have further notices of motions, Mr. Nickerson?

MR. NICKERSON: Yes, several in fact. I hope you will excuse my breach of procedure in addressing the Legal Advisor instead of yourself and I will try to correct that in future.

Notice of Motion 13-56: Establishment of the Special Committee on Revenue.

I would like to give notice that on Tuesday, the 17th of June, I intend to present to Council the following motion:

WHEREAS the special committee as required by section 75(1) of the Rules of Council recommends the formation of a special committee on revenue;

NOW THEREFORE, I move that:

- 1) A special committee to be known as the "Special Committee to Inquire into Matters Relating to the Public Revenue of the Northwest Territories" be established;
- 2) That Council names to this committee the following Members:
T. Butters,
D. Nickerson,
J. Steen;
- 3) That the chairman and such other officers as might be required be elected by Members of the committee at its first meeting;
- 4) That the terms of reference appended to this motion be approved and adopted.

Notice of Motion 14-56: Power of Commissioner to Make Interim Orders, Regulations and Appointments

WHEREAS this Council has displayed its intention of withdrawing from the "Commissioner" the power to make many orders, regulations and appointments and vesting this authority in the "Commissioner in Council";

AND WHEREAS under certain circumstances it might be necessary and in the public interest to make such orders, regulations or appointments at a time at which Council is not sitting;

NOW THEREFORE, I move that the administration be requested to study this matter and prepare, if deemed necessary, recommended amendments to the Interpretation or other ordinances which would allow, in the public interest, the Commissioner to make interim orders, regulations or appointments which would remain valid until such time as they are able to be presented to Council.

Notice of Motion 15-56: Control of Small Craft Within a Municipality

WHEREAS the increased usage of small craft, especially power-driven pleasure boats, has made it desirable that a municipality should have the power to make bylaws respecting such usage;

AND WHEREAS it appears to be unclear in the Municipal Ordinance as to whether or not a municipality has such power;

NOW THEREFORE, I move that the administration be requested by Council to study into the matter of small craft regulation within municipalities and, if necessary, prepare recommendations to Council regarding possible amendments which might be required to the Municipal Ordinance to specifically grant to municipalities the power to make bylaws respecting small craft regulation within their boundaries.

Thank you, Mr. Speaker.

MR. SPEAKER: Mr. Nickerson, rule 43 provides that no Member shall give more than two notices of motion on any one day. Now, you can either seek the indulgence of Council, the unanimous consent to waive that rule and permit you to give notice of four or you will have to hold a couple of them until tomorrow. It is entirely up to you as to what course of action you will follow.

MR. NICKERSON: Since two of these motions are just really housekeeping matters and do not require any great deal of deliberation, perhaps I could beg the indulgence of the Council for their unanimity in allowing me to move four motions, or to give notice of four motions in one day instead of the required limit of two.

MR. SPEAKER: Does Mr. Nickerson have unanimous consent to give the notice of the four motions? Is there anyone who has a contrary view? Are we agreed?

--- Agreed

MR. SPEAKER: Are there further notices of motion?

Turning to Item 7, motions.

ITEM NO. 7: MOTIONS.

MR. NICKERSON: Mr. Speaker, perhaps on behalf of Mr. Pearson I would now like to move the following motion which will require unanimous consent of the Council. Do I have unanimous consent?

MR. SPEAKER: This is the motion I take it, Mr. Nickerson, to change the hours of sitting to permit us to start tomorrow and Thursday at 9:00 a.m.?

MR. NICKERSON: That is correct.

MR. SPEAKER: Is there unanimous consent by Council to move that motion this morning, that you just heard notice of?

--- Agreed

MR. SPEAKER: Proceed, Mr. Nickerson.

Motion 12-56: Extended Hours, Council Session

MR. NICKERSON:

WHEREAS Council has a great number of matters to consider during the next four days;

AND WHEREAS the standing committees on finance and legislation have concluded their meetings for this session of Council;

NOW THEREFORE, I move that Council shall sit on Tuesday, June 17th, during the hours between 9:00 a.m. and 12:00 noon and on Thursday, June 19th, during the hours between 9:00 a.m. and 1:00 p.m. in addition to its regular hours of sitting.

Motion Carried

MR. SPEAKER: Is there a seconder? Mr. Lyall. Any discussion? No discussion. Question. All in favour? Contrary?

--- Carried

Looking at your motion books, gentlemen, it would appear that motion 11-56 would be the only motion outstanding. Mr. Steen, motion 11-56 I believe is your motion.

Motion 11-56: People of Paulatuk, X-ray Service

MR. STEEN: Thank you, Mr. Speaker.

WHEREAS the people of Paulatuk have not received X-ray services for 3 years;

AND WHEREAS these people have the same right to receive medical services as all Canadians;

NOW THEREFORE, I move that the Commissioner advise the Department of National Health and Welfare to take immediate steps to provide the necessary X-ray services to the residents of Paulatuk.

MR. SPEAKER: Is there a seconder? Mr. Butters. Discussion, Mr. Steen?

MR. STEEN: Mr. Speaker, I think that the motion pretty well covers everything and I think everyone knows that the Department of National Health and Welfare have been providing the services to each community in the North. It is just that they have neglected to come into Paulatuk and now the people of Paulatuk have told me that they are not receiving the services, X-ray services, unless the people go to Inuvik for some reason or another. I do not think everybody can go to Inuvik, they can not afford it, because there are no scheduled services into Paulatuk. I feel that the Department of National Health and Welfare should go in and carry out the X-ray services that they were doing three years ago.

MR. SPEAKER: Further discussion? Mr. Butters.

MR. BUTTERS: Just speaking in support of Mr. Steen's motion, I note in the medical reports for 1974 that tuberculosis, a disease long on the decline increased in incidence last year from 49 up to 66 persons contracting tuberculosis.

Motion Carried

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

--- Carried

Are there any further motions?

Item 8, tabling of documents. Are there any documents to be tabled?

Item 9, continuing consideration in committee of the whole of bills and other matters. I take it that you would like to continue, the administration would like to continue consideration of Bill 9-56 first? Mr. Parker, Bill 9-56 first?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Council will resolve into committee of the whole to consider Bill 9-56, An Ordinance Respecting the Installation of Electrical Equipment and Wiring, with Mr. Butters in the chair.

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

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

THE CHAIRMAN (Mr. Butters): The committee will come to order to discuss, or continue to discuss, Bill 9-56, An Ordinance Respecting the Installation of Electrical Equipment and Wiring. I would be grateful if the Legal Advisor could bring us up to date or summarize what has happened last week and get us started on the right foot.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the committee in its consideration of this bill last week made certain changes. The three words, "mechanical, metallic or" were deleted from paragraph 2 (1)(b). The words "and his decision is final, and binding" were deleted from subclause 20(3). In clause 21 the word "June" was changed to "May" and clause 22 was deleted in its entirety.

In addition, the committee brought up certain matters and referred them to the expert witnesses, Mr. Smith and Mr. Adrian, to discuss with myself. These pertained to paragraph 6(a), clause 7, clauses 15 through 18, and the possible consequential changes to clause 22. Mr. Adrian was at the witness table when this was last considered and is available today. If you wish, I suggest that the committee consider one by one the various matters that Mr. Adrian and myself will be making recommendations on, clauses 6 and 7 and the group of clauses 15 through 18.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Legal Advisor. Will the committee invite Mr. Adrian to appear before us as a witness and assist us in working over these sections?

--- Agreed

Mr. Adrian, would you please come forward? As I understand the situation, the work of the committee that remains is to consider the changes that have been made in the clauses that Council's committee referred to Mr. Adrian and our Legal Advisor for changes along the lines that we have suggested, as a result of our discussions. Before proceeding on a clause by clause examination of the new clauses, I wonder, Mr. Adrian, whether you would wish to outline for the committee the approach you took to the task that we assigned to you and Mr. Slaven?

MR. ADRIAN: Thank you, Mr. Butters. In clause 6 we felt that we should insert the words "adequate notice".

THE CHAIRMAN (Mr. Butters): Order! There seems to be something wrong with the electrical system, at least the electrical connection with the witness table.

MR. ADRIAN: Is that okay now?

THE CHAIRMAN (Mr. Butters): It seems to have corrected itself. Go ahead, sir.

MR. ADRIAN: Paragraph 6(a), we felt that we should add the words "we would give adequate notice prior to entering any premises and examining the same, or any electrical equipment". We feel that "adequate notice" would serve the purpose. We do not like to tie ourselves down administratively where we have to write letters in advance, but we feel that we should give adequate notice and we have inserted those words.

THE CHAIRMAN (Mr. Butters): Before we discuss that, I would like to mention that Mr. Adrian is just giving us an over-all view of the decisions that were taken. Go ahead, Mr. Adrian.

MR. ADRIAN: With regard to clause 7, it was suggested that we cover the private supply authority, but after discussing it and checking into it, I believe it is adequately covered in paragraph 7(b) where we could "order such an owner not to use electric energy in such electrical equipment until it is put in a condition satisfactory to the inspector". Since this would be a private person supplying his own electricity, it would be very hard for us to stop him, unless we physically disconnected the supply ourselves. We feel that it is covered under 7(b). Where there is an outside supply authority, the order can be issued against that supply authority.

The other matter under question was the whole of the clause beginning at "Inspection of Electrical Work", numbered clauses 15, 16, 17 and 18 which we looked at as a unit. We changed the words, "No supply authority shall supply electric energy to any electrical work". Where the word "equipment" appears we changed it to "electrical work".

The clause that was of some concern was subclause 18(2). This was inserted so that in areas where we do not have electrical inspectors readily available, the Commissioner may allow the supply authority to supply electrical energy to the electrical work covered by permit. The person must produce to the supply authority evidence that he has a permit covering the work. When the inspector visits the area or settlement, the electrical work covered by permits is inspected and any deficiencies would be recorded and required to be corrected. The permit system is the only logical method that we have of controlling the electrical work. Therefore, by changing the word "equipment" to "work" and leaving subclause 18(2) as is, gives us that administrative latitude that we require to realistically enforce this ordinance. I believe those are the clauses that were questioned.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Adrian. We will go down to a detailed study of each clause. I myself did not take any notes of your corrections or legal amendments, so I will ask the Legal Advisor when we come to each clause to indicate the amendment that is to be made and we will put it in our books. We will return to examine paragraph 6(a), unless there are any questions on Mr. Adrian's general statements. Mr. Legal Advisor, would you indicate to us where the words "give adequate notice" would fall in clause 6.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, paragraph 6(a) would be amended by inserting the words at the very beginning, "After giving adequate notice", so it will then read: "Any inspector may (a) after giving adequate notice at any reasonable time enter ...", etc.

THE CHAIRMAN (Mr. Butters): Are there any questions relating to the amendment that has been provided to us by the Legal Advisor, and explained by Mr. Adrian?

Are Members of the committee satisfied?

--- Agreed

Clause 7, Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, there is no change to clause 7.

THE CHAIRMAN (Mr. Butters): Is clause 7 agreed by the committee?

--- Agreed

I think we should consider the clauses 15 to 18 together. Mr. Legal Advisor, would you advise us?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, subclause 15(2) the word "equipment" in the first line is struck out and replaced by the word "work". That is the last word in the first line of subclause (2) of clause 15.

In subclause (3) of clause 15 in the middle of the second line, the two words "or equipment" are struck out.

In clause 16 the last two words "or equipment" are struck out.

In clause 17 two words in line two are struck out, the words being "and equipment", the second and third words of the second line.

The final three words of clause 17, "equipment or wiring" are struck out and replaced by the word "work".

In subclause 18(1) in the second line, the word "equipment" is struck out and replaced by the word "work", and again in subclause 18(1) the last word "equipment" is struck out and replaced by the word "work".

The final change in subclause (2) of clause 18, the second last word of the third line, the word "equipment" is struck out and replaced by the word "work".

THE CHAIRMAN (Mr. Butters): Have Members of the committee made all those changes? Does anybody wish -- whoever raised this point are they satisfied that the amendments made by the Legal Advisor and Mr. Adrian have met their requirements? Any comments?

If there are no comments, I will return to clause 15 and ask if subclauses 15(1), (2) and (3) as amended, are approved? Are Members agreed?

--- Agreed

Clause 16, deleting the last two words, do the Members agree?

--- Agreed

Clause 17, deletion of the words "equipment and wiring" and the addition of the last word in the sentence of the word "work", are Members agreed?

--- Agreed

And clause 18, the deletions and substitutions as advised by the Legal Advisor in 18(1) and 18(2). Is that clause and its subclause now satisfactory?

--- Agreed

What was the requirement to examine clause 22, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, it was originally clause 23, now renumbered 22 on page 12 entitled "offence and penalty" and you will note in subclause (2) thereof that there was a higher fine for clause 9 and subclause 18(1) and it was the committee's wish to consider this further after the necessary amendments had been made to subclause 18(1).

THE CHAIRMAN (Mr. Butters): Would the Member of the committee who was interested in discussing this further wish to have the floor?

MR. NICKERSON: I think as clause 18(1) now stands that there will be no necessary change in the new clause 22, so I think it will be okay as it stands.

THE CHAIRMAN (Mr. Butters): When you say "as it stands" you mean as the original draft was set out, is that correct, or the changes that were suggested by our Legal Advisor?

MR. NICKERSON: Yes, the new clause 22 as it now appears in the book without any amendment would appear to be in order because we have not really changed 18(1) to any great extent.

THE CHAIRMAN (Mr. Butters): Thank you. Are there any further comments on the new clause 22? Is it agreed?

--- Agreed

Then, the only matter that remains for this bill is to return to clause 1, the short title. Do I have the agreement of Members with regard to the title of this proposed ordinance?

--- Agreed

Do Members then approve the bill as a whole?

--- Agreed

May I then report the bill ready for third reading?

--- Agreed

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

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

MR. BUTTERS: Mr. Speaker, your committee has considered Bill 9-56, An Ordinance Respecting the Installation of Electrical Equipment and Wiring, and with a number of amendments that bill is now ready for third reading. With your indulgence, sir, because I am not too familiar with the exact amendments, I would be grateful if the Legal Advisor could provide them for the record.

MR. SPEAKER: Right.

LEGAL ADVISOR (Mr. Slaven): Mr. Speaker, the first amendment is in paragraph 2 (1)(b) in the second last line thereof the words "mechanical, metallic or" are struck out.

The next change is in paragraph 6(a) where the words "after giving adequate notice" are inserted right at the beginning of that paragraph.

Subclause 15(2) is amended by deleting the word "equipment" in the first line thereof and replacing it with the word "work". Subclause 15(3) is amended in the second line thereof by deleting the words "or equipment".

Clause 16 is amended by deleting the last two words thereof "or equipment".

Clause 17 is amended by deleting two words in line two, the words being "and equipment". Clause 17 is further amended by deleting the final three words thereof "equipment or wiring" and replacing them with the word "work".

Subclause 18(1) is amended in the second line by deleting the word "equipment" and replacing it with the word "work" and is further amended by deleting the final word of the clause "equipment" and replacing it with the word "work". Subclause (2) of clause 18 is amended by deleting the word "equipment" in line three and replacing it with the word "work".

Subclause (3) of clause 20 is amended by deleting the final seven words thereof being "and his decision is final and binding".

Clause 21 is amended in the second line thereof by deleting the word "June" and replacing it with the word "May".

The final amendment is the complete deletion of clause 22 which results in the renumbering of the final four clauses to read 22, 23, 24 and 25 instead of 23, 24, 25 and 26.

MR. SPEAKER: From the administration's point of view, I assume the next priority is Bill 10-56?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, yes, Bill 10-56 among the bills. Mr. Speaker, if it is at all possible we would like very much to deal with the item, appointments by Commissioner in Council on the top of page 2, some time today because of the availability of staff. It would be appropriate as far as we are concerned.

MR. SPEAKER: Council will resolve into committee of the whole -- just a moment, I guess I will need a motion on this one because we have not been in on this one before. May I have a motion to resolve into committee of the whole to consider appointment by the Commissioner in Council to the Northwest Territories Water Board and to the board of Northern Canada Power Commission? Who will move that? Mr. Pearson. Seconded by Mr. McCallum. All in favour? Contrary?

--- Carried

Council will resolve into committee of the whole to consider the appointment by Commissioner in Council to the Northwest Territories Water Board and to the Board of Directors, Northern Canada Power Commission with Mr. Butters in the chair.

--- Council resolved into Committee of the Whole for consideration of Appointments by Commissioner in Council with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER APPOINTMENTS BY COMMISSIONER IN COUNCIL

THE CHAIRMAN (Mr. Butters): Committee will come to order. We are to examine this matter of appointments to the Northwest Territories Water Board. Before asking for general background from, possibly the Deputy Commissioner, I am wondering whether some knowledgeable people who are residents in Yellowknife and who are apparently members of this board are available for service as witnesses. I see Mr. Murray Morison and Mr. Joe Bergasse are members of this board. Do we have any witnesses, Mr. Deputy Commissioner?

Industry Representative on Water Board

DEPUTY COMMISSIONER PARKER: Mr. Chairman, Mr. Joe Bergasse, who is the vice-chairman and was originally appointed on the recommendation of this Council, is available and could speak to you on this subject. Could I, Mr. Chairman, draw committee Members' attention to a paper, a single sheet which was circulated several days ago? I appreciate that you have your copy. If other Members do not, perhaps we could dig them out for them. At the bottom of this paper you will note that there are two vacancies at the present time. One of the vacancies is due to the fact that Mr. Archie Campbell who was assistant manager of the Giant Mine has resigned due to moving to another location. It has become traditional that there be an industry representative on this board in order to bring a certain level of industry viewpoint and industry expertise to the board. The administration wishes to recommend to Council Members the appointment of Mr. W.H.R. Gibney who is the manager of the Pine Point operation.

Mr. Gibney, should he be approached, has indicated his willingness to accept such an appointment. Mr. Gibney has a good deal of experience in the mining industry and in the use of water. Furthermore, his company has undergone examination by the Water Board and, therefore, is not likely to be re-examined in the very near future. However, were this to happen then, of course, he would have to stand aside while those discussions took place. However, I can recommend very strongly to Members that such a person be appointed to the board.

The other vacancy was created by the resignation of Mr. Lyle Trimble, former Councillor. Mr. Trimble resigned some few months ago. There is a question as to whether or not a territorial Council Member may properly or legally sit on the Water Board and it does appear, at least the advice we have had thus far, is that a Council Member may not sit on the board, but I leave this with you and perhaps you might wish to discuss this with the Legal Advisor.

THE CHAIRMAN (Mr. Butters): Does everybody have a copy of the sheet referred to by the Deputy Commissioner on which is a list of the present members of the Water Board? Is there anybody who wishes one from the Clerk of the Council? Everybody is happy. I wonder if I have your permission to invite Mr. Bergasse, who is in the house, to attend us during this time?

--- Agreed

Mr. Bergasse, would you please join us. Mr. Searle?

Incentive for Industry to Comply with Regulations

MR. SEARLE: Mr. Chairman, if I could assist in giving a little more background on this, I was part of the committee of Council which considered originally the appointments that had to be made by Commissioner in Council. Certainly what Mr. Parker has said is correct. The reason we wanted some industry people, people directly involved in mining on the Water Board, was so that there would be a real incentive for the industry people themselves to "clean up their act" so to speak. In other words, we wanted the industry to be involved and knowledgeable and we thought that, to the extent at least, a person from a particular mine was on the board should not presumably -- we should not have to presumably worry about that operation complying. As well, of course, we wanted to make sure there was someone knowledgeable from the industry on the board because otherwise it is full

of territorial and federal civil servants who may not have a great deal of knowledge from a practical point of view as to an operating entity. In other words, you know, there are people from the Department of Environment, there are people from Department of Indian Affairs and Northern Development etc., and it was our feeling that the Minister could appoint the government representatives and what we should do is make sure we get some people from the public.

Eligibility of Council Member

Secondly, we felt that the area of resources was a very important area and water is a very important resource. Because it is such an important resource, we felt that this Council should have a direct representation on that board and that is why we appointed the then dean of the Council, Mr. Lyle Trimble, to the board. I personally favour the replacement suggested in Mr. Gibney, because that continues that continuity of mining input. But I would like to inquire further into why a Member of this Council is regarded from a legal point of view as ineligible, because that certainly does not appear anywhere in the act. You know, if this Council took the same view as the last one as to the importance of this resource, then presumably they would want to reappoint someone from this Council to the Water Board. Before it seems we can do that we had better clear up one way or another what the impediment is. I guess that is something for Mr. Slaven to tell us.

THE CHAIRMAN (Mr. Butters): I think, Mr. Deputy Commissioner, the question that has been put by Mr. Searle is of interest to all Members of the committee and I will ask the Legal Advisor to provide us with a decision on that.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, if there is an impediment, it arises because of paragraph 7 (1)(c) to the effect that no one can be a Member of Council, "who is a person accepting or holding any office, commission or employment in the service of the Government of Canada or of the territories to which any salary, fee, wages, allowance, emolument or profit is in any way attached".

Northern Inland Waters Act

I have looked through the Northern Inland Waters Act, the federal act under which the appointments to the Water Board are made, and I can not find anything in the act that provides for any fee or even for any expenses for members of the board; neither do I see a regulation-making power which specifically provides for that. However, I suppose it could be done under the general regulation-making power. I had a very short whispered conversation with Mr. Bergasse and from what he told me I take it that a fee does not necessarily attach -- he might explain to us the arrangement that has allowed a Member of Council to sit on the board before. Of course I would be quite happy to receive any comments from the Deputy Commissioner, who is familiar with the board.

THE CHAIRMAN (Mr. Butters): Mr. Bergasse, do you have any information to contribute at this point?

MR. BERGASSE: Mr. Chairman, under the rules and procedures of the board, clause 1(7) says that: "Non-government members of the board can avail themselves of a \$50 fee for professional services plus travel expenses and a \$15 per day composite allowance for meals and incidental expenses. The Department of Indian Affairs and Northern Development will reimburse members by means of a normal service contract".

THE CHAIRMAN (Mr. Butters): Thank you. I was more interested in receiving an answer as to the reasons why a Member of Council should be disqualified. If you have nothing to say on that, I will ask the Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, that is precisely what Mr. Bergasse was drawing attention to. It is neither his nor my wish to comment on whether a Member of Council should or should not sit on the Water Board but merely to advise of any pitfalls, and one of the pitfalls that must be considered is that if a Member sits on the Water Board and wishes to receive the daily honorarium which is available to him, it seems to us that he would be in conflict with the Council Ordinance. In fact Council Members may wish to see an amendment to the Council Ordinance. I do not know, but we just point this out to you for your information.

THE CHAIRMAN (Mr. Butters): It would appear from the discussion that the matter relates to the Council Ordinance, an ordinance which this body puts together and drafts. I wonder if the correct procedure might not be to refer Mr. Searle's problem to the chairman of the legislation committee to examine?

Amend Council Ordinance or Member Decline Fee.

MR. SEARLE: Mr. Chairman, I have got the answer I wanted and I think it is clear to me where the problem lies. The rules referred to made by the board itself say that non-government members of the board may, if they wish, receive a \$50 per day fee. It is clear then that one of two things have to happen if we were to appoint a Member of this Council. Either you appoint a Member who clearly understands that he should decline to receive a \$50 per day fee, or you amend the territorial Council Ordinance providing an exception therein where Members are appointed to serve on various government boards and commissions. It is clear to me that you must do one of those two things. It would seem appropriate in this committee of the whole to discuss which of the two courses of action we should take because it seems to me that this will be a recurring problem, if this Council wants to appoint persons from its own membership to these various bodies.

Suggest Council Ordinance be Amended

Just speaking to the problem, personally, I would not mind if I were the one to be appointed -- I am not suggesting I am in fact to the contrary -- but I would appoint a person without the \$50 per day fee. However, if you got into a week or two-week hearing, I might have wished that instead the Council Ordinance had been amended, because I would be required to be away from my normal employment and I could not stand that. A day or two I would not mind. Other people, depending on the person's financial situation, may be unable to be away even for a day or two, so it seems to me the only fair thing to do would be to suggest that the Council Ordinance is amended, because surely you do not want to be appointing persons on the basis of their outside financial ability. In other words, I do not think you want to remove three-quarters of the Members of this Council from being able to participate simply because they could not afford to and hence limit the participation on these various bodies to the more wealthy three or four Members. I would think, therefore, that what we need is a motion to bring back in an appropriate amendment to the Council Ordinance to permit this Council to make appointments and, therefore, exceptions. That would be my recommendation.

THE CHAIRMAN (Mr. Butters): Any further discussion on this point? Mr. Pearson?

MR. PEARSON: I do not have the list in front of me, but how many native people are there on the board?

THE CHAIRMAN (Mr. Butters): I can not identify any.

No Native People on Board

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there are no native people on the board at the present time. We have been seeking a nomination from Councillor Wah-Shee for some months now and I asked him if he would put forward one or two or three names as a recommendation that we could place before this Council. However, we did not receive such a nomination in time for this meeting.

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

MR. NICKERSON: Mr. Chairman, I would like to voice my agreement with my colleague, Mr. Searle. I think it should be a recommendation of this committee to Council that the possible amendment to the Northwest Territories Council Ordinance allowing Members to receive allowances or honorariums for serving on such boards, be made. Certainly I know in my own case that if I was ever party to a board like that where there was any amount of work involved at all it would be absolutely impossible for me to do this if I was not able to receive some form of recompense. Would it now be in order for me to move that such be a recommendation of this committee to Council?

--- Agreed

THE CHAIRMAN (Mr. Butters): I will accept the motion. Would you write it out for me, please? Until I receive the motion we can continue to discuss this matter. It will be the same discussion whether I have the motion here or not.

MR. BARNABY: What was the Water Board set up to do?

THE CHAIRMAN (Mr. Butters): Which of our knowledgeable experts can answer that?

Function of Water Board

MR. BERGASSE: The Water Board, Mr. Chairman, was set up to license the industrial usage of water to ensure maximum utilization of water as a resource, in 1972. The act was promulgated, I think, in April of 1972. The act specifically is the Northern Inland Waters Act.

THE CHAIRMAN (Mr. Butters): Mr. Barnaby, I regret that circumstances have plunged us right into a discussion on the detail and I do not wish to prevent any Members from asking general questions with regard to the management responsibility of the Water Board and the authority under which it has been constituted. Are there any further questions with regard to the operation or management of this body or the work that this body has done over the past two or three years?

MR. SEARLE: Well, just adding to what Mr. Bergasse said, this board not only considers water use, but more specifically regulates the disposal of waste materials into water and has a tremendous role therefore, as you can imagine. But leaving that, Mr. Chairman, the reason I requested the floor was that I wanted to be sure that we are talking about two vacancies, are we, that we are filling?

THE CHAIRMAN (Mr. Butters): Well, Mr. Searle, I have not formally accepted the motion and I intend to do so. But I think we should be sure that Members have the full opportunity for general discussion before we get into that.

MR. SEARLE: I am not putting forward a motion. I am just inquiring. Is it two?

DEPUTY COMMISSIONER PARKER: Two.

THE CHAIRMAN (Mr. Butters): When do you expect, Mr. Deputy Commissioner, that the names you have requested from Councillor Wah-Shee will be available? Is there an indication that they will be available to this committee?

DEPUTY COMMISSIONER PARKER: I have no idea, Mr. Chairman.

Management of Provincial Water Systems

THE CHAIRMAN (Mr. Butters): I have a general question of Mr. Bergasse while I am waiting for the motion. This relates to the reason I know that Mr. Trimble was so keen to be a member of the board and that is relative to a concern he brought before this Council, being PRIME -- I forget the whole title, but it is a management of water systems in the provinces which foreseeably or possibly could cut down the amount of water actually flowing into the Great Slave Lake and the Mackenzie River system and my question, sir, is does the Water Board have contact or communication with similar agencies in the provinces and more particularly in the province of Alberta?

MR. BERGASSE: Yes, Mr. Chairman, the Water Board through its chairman, who is a member of the Department of Indian and Northern Affairs, has contact with the provinces that would have water, that the diversion of that water could have an effect on the Mackenzie watershed. In addition to this, to the contact through the chairman of the Water Board, there is also an interdepartmental committee with representatives at the deputy minister level from Saskatchewan, Alberta, British Columbia, with representatives from the Department of Environment and the Department of Indian and Northern Affairs that meet two or three times a year to discuss plans that the provinces might have for usage of water that could have an effect on the Mackenzie watershed.

Diversion of Water.

THE CHAIRMAN (Mr. Butters): As a simplification of the question, in view of the situation that Mr. Searle outlined where water is an extremely valuable resource of the North, have there been any discussions during your membership on the committee in which diversions of water presently flowing into the northern system have been discussed and considered or recommended by any of the provincial jurisdictions?

MR. BERGASSE: Not on the Water Board, but on the interdepartmental committee, I think British Columbia and Saskatchewan indicated long-term plans that they might have, but I do not think that it has gone any further than that. Certainly, as a result of this committee which was set up or came up as a result of a meeting in June of 1972, certainly the provinces have indicated their willingness and their concern or any possible willingness to discuss this, any diversion of water and certainly they are prepared to listen. I do not think as a result of this committee that any action will be taken by the provinces without full consultation as to what the possible effects might be.

THE CHAIRMAN (Mr. Butters): How will Council learn what you people are speaking of regarding some of the direct impact of these proposals on Members' constituencies? Is there a method of reporting to Council on an annual basis by the board?

Information Bank

MR. BERGASSE: Yes, there should be, Mr. Chairman, but at the moment this committee has not discussed any possible diversion of water yet. It has met, I think, three times since 1972 and it has been concerned primarily with the building of an information bank of all the information that is available at the moment on the Mackenzie watershed.

THE CHAIRMAN (Mr. Butters): I was more interested in the reporting mechanism to Council. Further general discussion, questions of Mr. Bergasse, or the Deputy Commissioner?

Dredging of Mackenzie River

MR. STEEN: Mr. Chairman, three weeks ago there was a meeting in Edmonton, in the Edmonton Plaza Hotel, concerning dredging the Mackenzie River in eight places. I believe the territorial government was asked to attend this meeting and they have turned down the invitation. I wonder if they know anything about it.

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, can you enlighten us?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, which meeting was that again? I know it was on the dredging of the Mackenzie River, but when was this proposed to be held and who was calling it?

MR. STEEN: I am not sure who called it, but our council sent a representative down to this meeting in Edmonton and it was a federal conference, with federal people with a number of business people. The answer that was brought back to us or the news that was brought back to us said that the territorial government people were asked to attend the board but said that they did not have the time.

DEPUTY COMMISSIONER PARKER: Yes, Mr. Chairman, I know of that meeting. I must say that I did not realize that we did not have a representative there. Most years we have a representative there, our Department of Public Works, and as I say, I did not realize that we did not have a representative present. We are doing our best to restrict expenditures on travel, but I am surprised that we did not have someone there for this one because that is an important committee. We are anxious to take part in any discussions on dredging of the Mackenzie and I can not give any further explanation to the Members at the moment.

THE CHAIRMAN (Mr. Butters): Are there any further general questions before I proceed to accept Mr. Nickerson's motion? Mr. Steen, are you satisfied?

MR. STEEN: Not too satisfied, because there is no use to have a Water Board if we can send anybody on to these places where it involves areas like the Mackenzie River and also the dredging of the harbour at Tuktoyaktuk. I felt if we are going to have a committee we had better start sending these people to these invitations.

THE CHAIRMAN (Mr. Butters): In my understanding there were two different bodies involved and their responsibility is more in the sphere of the territorial government and by an oversight for which the Deputy Commissioner is very sorry, no member of his administration so attended the Water Board meeting, a meeting of an independent body of government people and businessmen or northern interests who act in a manner which I think gives them a direct responsibility to the people of the North.

Subcommittee Investigates

MR. BERGASSE: Mr. Chairman, this matter of the dredging of the Mackenzie that Councillor Steen is referring to has been discussed in a very preliminary stage at the Water Board meetings. The Water Board has set up below it a technical subcommittee which investigates and does all the initial write up of the studying of the licences or any proposals that might be coming up. This technical subcommittee is made up of -- each member of the Water Board appoints somebody or can do it himself to be on this technical subcommittee and they put the final proposal prior to a licence being granted before the Water Board, then the Water Board reviews it and either accepts the licence or drops the licence or drops it subject to certain conditions that the technical subcommittee has recommended. The technical subcommittee will be looking very closely at this whole matter. This was just a preliminary meeting.

THE CHAIRMAN (Mr. Butters): Did the Water Board have any input into the meeting that Mr. Steen was talking about?

MR. BERGASSE: Not as the Water Board, no.

THE CHAIRMAN (Mr. Butters): Would the Water Board ordinarily have any input into such meetings as Mr. Steen describes?

MR. BERGASSE: It may or may not, depending on what stage the application for the licence had reached.

MR. STEEN: Just a further thing. All I am talking about here is that these people are talking about our doorstep or backyard and I just wanted to make it clear that we should send people out to these meetings.

THE CHAIRMAN (Mr. Butters): I would think the Deputy Commissioner agrees that when Mr. Nickerson's motion is before us this will be an avenue by which Council can ensure this is done by one of its own Members. Is there any further discussion?

MR. PEARSON: Mr. Chairman, again I would just like to ask the same question: What attempt has been made by the board to name native people to serve on it? The Deputy Commissioner tells us that he has been in contact with Councillor Wah-Shee and his organization but that is only one organization in the Northwest Territories. There are many individual natives and there are many who do not belong to organizations who could make a contribution. There is the Inuit Tapirisat and Committee for Original People's Entitlement and all kinds of others. It seems to me the attempt by whoever is responsible has been very feeble indeed. When we are dealing with the Northwest Territories Water Board, there are seven members, all of them, I think without any exception, southern Canadians, except for Mr. Bergasse and Mr. Dubinsky. One wonders.

Industrial Uses of Water.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the operation of the Water Board in that it is dealing to a very great extent with industrial uses of water, as Mr. Bergasse has suggested, has been to a very great extent concerned with the Mackenzie area and perhaps that is one of the reasons why we approached Mr. Wah-Shee. In addition to that, we recognize that he is head of the Federation of Peoples North of Sixty and as such we seemed to believe that he was a very proper person to approach for a nomination.

The third point I would like to make is that it is only a matter of a few months since Mr. Trimble resigned, and although he was not active on the committee, he did not resign until relatively recently, so a vacancy did not exist until just recently. I would like to say that our administration most assuredly supports the appointment of a native person to the Water Board.

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

Possibility of Enlarging Water Board

MR. ERNERK: Mr. Chairman, my first question is I wonder why we have seven members on the Water Board and I wonder if there is any possibility of enlarging this board to, let us say, ten in the future. I am thinking about the number of companies who operate in the Eastern Arctic. There will be some development taking place in the Eastern Arctic and the High Arctic. These companies are involved with the inland waters such as the Baker Lake area, the whole Hudson Bay coast area, places like Aberdeen, Schultz Lake and Yathkyed.

THE CHAIRMAN (Mr. Butters): Mr. Bergasse, does the act permit this or would we require an amendment?

MR. BERGASSE: The Northern Inland Waters Act, I should point out, is a federal act administered by the Department of Indian and Northern Affairs. Any increase in the number of members would mean an amendment to the act. I would also like to point out that of the total nine members, six are appointed by the federal government and three are named by the Commissioner in Council under the terms of the act.

THE CHAIRMAN (Mr. Butters): Councillor Ernerk, do you feel in view of the reply you would like to see an enlargement? Possibly we could use the same approach that Mr. Nickerson will be using by a resolution.

MR. ERNERK: Mr. Chairman, my reason for asking for more members in the future, let us say, in five years from now, is that the companies who operate outside of places like Baker Lake, Rankin Inlet, Eskimo Point and in the High Arctic -- I am not about to name the companies who operate in that area -- but these people are involved with water in the inland just as much as the people in the western part of the Northwest Territories are involved.

THE CHAIRMAN (Mr. Butters): I think the committee will agree it is just now a matter of procedure, and a motion or a resolution along the lines you have suggested might be in order. Any further general discussion before proceeding to Mr. Nickerson's motion? Do I have your permission -- do you wish to state your motion, Mr. Nickerson, and then we can discuss any specifics with regard to it?

Motion to Amend Council Ordinance

MR. NICKERSON: I move that this committee recommend to Council that the Council Ordinance be amended to permit Members serving on government boards and commissions to receive compensation for their efforts as members of such bodies.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson has moved that this committee recommend to Council that the Council Ordinance be amended to permit Members serving on government boards and commissions to receive compensation for their efforts as members of such bodies. Is there any discussion regarding the need for such an amendment to our own ordinance? This is something that I believe can be drafted and referred to our legislation committee for checking and be referred back to us for approval at a later session of Council. Could it even be done at this time, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I think a great deal of thought should go into what it should contain. It occurs to me that very definitely there are boards where this Council would not want some of its Members to serve, and the public also. You may want to restrict this amendment only to boards that are appointed by the Commissioner in Council or on the recommendation of the Commissioner in Council, so Council would then have control over what boards its Members sit on. I would think likely there are boards where the public might consider there would be conflicts of interest if Council Members were on them. There would be no difficulty in preparing the draft amendment. It would only be a few words, but I think we would want to know what types of boards and bodies -- not just the types, but all the individual ones we are talking about before we make a decision to go ahead.

THE CHAIRMAN (Mr. Butters): Is it not true that if we wish a Member of this Council to fill one of the vacancies that the amendment would have to be made during this session?

LEGAL ADVISOR (Mr. Slaven): That is correct, Mr. Chairman, unless the board changes its rules. I might also point out that the appointment is not made by the Commissioner in Council; the appointment is made by the Minister on the recommendation of the Commissioner in Council. Accordingly, you could make your recommendation now on the understanding that the appointment itself would not be made until the necessary changes had been made.

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

Member Should Start to Serve Without Impediment

MR. SEARLE: Well, it seems to me, Mr. Chairman, that we should surely refer this to the legislation drafting people. The purpose clearly is this, it seems to me: To come up with an amendment, if we can, that would permit appointments to be made either by Commissioner in Council or appointments where the Commissioner in Council recommends Members of this house, and I think it is just that simple, to ask the legislation drafting people if such an amendment can be made, because if you then go and get to stage two here, hopefully some time this morning, which is to talk about the specific appointments, assuming for a moment that you wish to replace Mr. Trimble by a Member of this Council, then I know this Water Board has many things under consideration and surely he should start to serve right away without impediment. So I suggest we proceed on that basis. I suggest that that motion contains the nucleus of the thought and that Mr. Slaven's people simply produce to a meeting of the standing committee on legislation, if they can, a draft amendment to that effect.

On that understanding, I would suggest we move on to discuss specifically -- call the question on that motion -- what we want. What recommendation has been made on Mr. Gibney?

THE CHAIRMAN (Mr. Butters): You heard the contribution of Mr. Searle with respect to the motion. Is there any further discussion on the procedure? Mr. Steen, I am sorry.

MR. STEEN: I think we should stop worrying about conflict of interest and put one of our men on there, as long as he does not say that he is unwilling to be on the board. I think we should just get to the point.

THE CHAIRMAN (Mr. Butters): The question has been called. Is there any further discussion? All those in favour of the motion and I will read it: I move that this committee recommend to Council that the Council Ordinance be amended to permit Members serving on government boards and commissions to receive compensation for their efforts as members of such bodies.

Motion Carried

All those in favour? Contrary? It appears to be supported wholeheartedly. Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I wonder if I could ask a question just as a direction to the people preparing the amendment. Is it the wish of Council that this amendment apply to members of boards and commissions appointed by the Commissioner, for example, the Liquor Licensing Board, the Highway Transport Board? These appointments are made by the Commissioner. Does Council wish only for this amendment to apply where the appointments are made by Commissioner in Council or on the recommendation of Commissioner in Council?

THE CHAIRMAN (Mr. Butters): Possibly, Mr. Legal Advisor, unless some Members feel otherwise, we could leave that as a matter of consideration for the legislation committee. The motion has been carried and we can move on now to the second area of our concern, which is the names of those persons whom we might wish to recommend for such office. We have one. I wonder ...

MR. LYALL: On a point of order. Mr. Chairman, seeing that some of us have to sit through this Council session with things like ties that we really do not like to wear, could consideration be given so that we can keep the smoking down to a minimum, pipes and cigars? We have to sit with our ties on and I would rather not have two things making me uncomfortable.

THE CHAIRMAN (Mr. Butters): Not being addicted to the weed, I can not give you any assurance that I will be cutting down. I think the suggestion is a very valid one. It is not the first time this suggestion has been made in Council and I trust that other Members will recognize that non-smokers have difficulty in such situations.

Am I correct in understanding that coffee is ready? Before beginning on this new matter of membership of the board, possibly we could have coffee. Mr. Pearson?

MR. PEARSON: I was just going to say perhaps we could have a smoking section.

MR. SEARLE: The first three rows.

THE CHAIRMAN (Mr. Butters): With your permission then we will recess for coffee for 15 minutes.

--- SHORT RECESS

THE CHAIRMAN (Mr. Butters): The committee will come to order. I remind Members that we can not sit legally as a Council or committee of Council unless there is a majority of Council present as a quorum to discuss business and that is eight Councillors present, including the chairman. As chairman on any committee I serve, I will wait until there are seven Members in their seats before beginning business.

When we broke for coffee we were beginning to look at names of individuals whom we would like to consider as potential members of this board. Just before I receive comments or suggestions on that point, I remind Members that there is the one matter of Mr. Ernerk's motion if he wishes to move it. I will try to remember to ask him at the end of the discussion whether he has a motion or amendment requesting the federal government to seek an amendment of the act to constitute a larger board.

W.H.R. Gibney Proposed as Member of Water Board .

Discussion on membership of the Water Board. Could we have the recommendation of the administration? Correct me, Mr. Deputy, is it H.R. Gibney, G-I-B-N-E-Y?

DEPUTY COMMISSIONER PARKER: It is W.H.R., as in William.

MR. McCALLUM: Mr. Chairman, just on a point of clarification, is that Dr. Frost who is also a member of the Territorial Hospital Insurance Services Board? Is it one and the same person?

MR. BERGASSE: Yes.

THE CHAIRMAN (Mr. Butters): Any other general comments or suggestions?

MR. McCALLUM: Mr. Chairman, am I to understand that under the present set-up there were nine people, six appointed by the Minister, three by the Commissioner in Council and that there is one position that is vacant under those terms?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, just to be completely clear, Council has the right to make recommendations on three members. Mr. Bergasse is a continuing member, there are two vacancies created by the resignations of Mr. Archie Campbell and Mr. Lyle Trimble. The administration recommends the appointment of Mr. Gibney and seeks the appointment of one further person and has said, with Council's indulgence, we suggest that it would be appropriate that a native person be appointed.

Tenure of Appointment.

MR. McCALLUM: Mr. Chairman, is there a tenure to the appointment? The third member from the Northwest Territories I think is a gentleman from Hay River but I forget the name. Dubinsky?

DEPUTY COMMISSIONER PARKER: Yes.

MR. McCALLUM: I would just like to know is there a tenure, is there a time or a period along the way when his time to serve on that board is up?

MR. BERGASSE: Mr. Chairman, there is no official tenure laid down under the act. The turnover on the federal members has been such that at one point in time it was not considered necessary. The three named by the Commissioner in Council, the recommendation is that these serve for the length of one Council, i.e., four years.

MR. McCALLUM: A further comment then, Mr. Chairman. Am I to understand from Mr. Bergasse's suggestion that there is no need for the feds, that they are there at the Minister's pleasure?

MR. BERGASSE: That is right, Mr. Chairman.

MR. McCALLUM: I would, Mr. Chairman, support the administration's appointment of Mr. Gibney. I think that Mr. Gibney would be a very good person to represent the Council.

THE CHAIRMAN (Mr. Butters): Is that a motion?

Motion that Mr. Gibney be Appointed to Water Board.

MR. McCALLUM: With that in mind I would be prepared to make a motion that this committee recommend to Council that Mr. W.H.R. Gibney be named to the Northwest Territories Water Board.

THE CHAIRMAN (Mr. Butters): Recommend to Council?

MR. McCALLUM: I take it that is the procedure. We are in committee of the whole and the motion would be recommended to Council.

THE CHAIRMAN (Mr. Butters): That Mr. W.H.R. Gibney -- what did you say?

MR. McCALLUM: ...be named to the Northwest Territories Water Board.

THE CHAIRMAN (Mr. Butters): There is a motion recommending that Mr. Gibney be named to the Northwest Territories Water Board. Discussion on the motion?

MR. SEARLE: Question?

MR. STEEN: I am wondering who this fellow is, who are we talking about?

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, you gave a brief resumé of Mr. Gibney's qualifications a little while ago. Could you repeat those and maybe elaborate?

DEPUTY COMMISSIONER PARKER: Mr. Gibney is the general manager of the Pine Point operations for Cominco at Pine Point. He has lived and worked in the Northwest Territories for many years, on two separate occasions, in the Pine Point area. His interest in community affairs is very well known and I must say that from the standpoint of our efforts to see northern residents gain employment in industry, Mr. Gibney has been one of the very strongest and most able supporters of that proposal. Mr. Gibney has worked very, very hard within his own operations to see that northern residents receive jobs and I can think of no one who is better qualified for this appointment, both to speak for industry, since he is a mining engineer, and as a resident of the country.

THE CHAIRMAN (Mr. Butters): Mr. Steen, is that a satisfactory explanation?

MR. STEEN: Mr. Chairman, I am wondering is he one of the guys we are going to elect to the board or is he the only guy?

THE CHAIRMAN (Mr. Butters): There are two vacancies to be filled in my understanding and this is to be one recommendation to fill one vacancy.

MR. STEEN: That answers it.

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

MR. BARNABY: From what I can see here on the list of the board, everybody is either a civil servant or else like this guy that we have just recommended, involved in exploitation of another resource. So we never can get some people in there who will protect what we have.

THE CHAIRMAN (Mr. Butters): I am not sure whether you are expecting an answer to your question, Mr. Barnaby, but I do believe that the motion passed previously to enable a Member of this Council, possibly such as yourself, to serve on the board would probably go a long way towards doing what you require.

MR. STEEN: One of the Councillors is not here at this time but he has expressed interest to sit on the board and I was wondering if we should wait until he gets here.

THE CHAIRMAN (Mr. Butters): Probably by way of clarification, maybe the mover of the motion could assist me, I am assuming that your motion is referring to one individual, and that at this point we are not compiling a list of people whom we believe we could recommend to sit on the board. This motion refers to one person, if the motion passes. Am I right, Mr. McCallum?

MR. McCALLUM: That is right, Mr. Chairman. That is one of the two people. We are going to recommend two, I am recommending one.

MR. LYALL: Can we get that motion through first before we go into discussing who we are going to recommend from this Council?

THE CHAIRMAN (Mr. Butters): Yes, this is what I was attempting to ascertain and Mr. McCallum has indicated we are talking about this one man only.

MR. SEARLE: Question.

THE CHAIRMAN (Mr. Butters): Any further discussion? Shall I call the question?

MR. BARNABY: What is there to discuss if there is only one person? I mean, everybody's mind is made up already, it looks like.

THE CHAIRMAN (Mr. Butters): All those in favour of the motion of Mr. McCallum which is to move that this committee recommend the appointment of Mr. Gibney? All those in favour? Contrary?

Motion Carried

I recognize two contraries. The motion is passed that this committee will recommend to Council that W.H.R. Gibney be named to the Northwest Territories Water Board.

What further procedure is suggested by Members to fill the second position?

MR. LYALL: Is it proper to go by nomination?

Nominations for Member to Sit on Water Board

THE CHAIRMAN (Mr. Butters): Would Members of the committee wish to make nominations or name people whom they believe should be considered for this vacancy?

--- Agreed

MR. LYALL: I would like to nominate Mr. Steen.

MR. STEEN: Mr. Chairman, I decline from the position because I am not fully aware of what the duties for this Water Board are and I think it would be a conflict of interest with my business. I feel if I get involved in too many things, I will have to drop some of my own business. So, therefore, I will have to refrain from accepting.

THE CHAIRMAN (Mr. Butters): Thank you. Further nominations?

MR. PUDLUK: I nominate Mr. Pearson.

MR. PEARSON: I decline, Mr. Chairman, thank you.

THE CHAIRMAN (Mr. Butters): Further nominations?

MR. LYALL: Mr. Chairman, when the administration says to appoint one of the natives, the thing is all of us natives on this Council right now are very new to this kind of a game that you guys play. I kind of figured that this was kind of trying to put another native person into administration or any kind of a board just to be a token Eskimo in a body of government. I do not believe this kind of -- I am sorry, I can not say it.

THE CHAIRMAN (Mr. Butters): I believe that we are nominating Members of Council without regard to ethnic background. I think we are nominating here the Member who will, in the mind of Members at this Council, best serve the interests of the people of the North.

MR. LYALL: Mr. Chairman, then I would like to nominate Mr. Stewart, the Honourable Member from Hay River.

THE CHAIRMAN (Mr. Butters): Mr. Stewart, do you accept the nomination?

MR. STEWART: Mr. Chairman, in Hay River we have enough water problems at the present time and I do not think that I could undertake any more water problems at the present time.

MR. PEARSON: Mr. Chairman, in keeping with the comments that Mr. Lyall just made, that there is no point in just putting native people on it for the sake of putting native people on it and because he is aware of this, I think that Mr. Lyall could probably express the views of the native people's will if he were nominated and I therefore nominate him to the Water Board.

THE CHAIRMAN (Mr. Butters): Mr. Lyall, do you accept the nomination?

MR. LYALL: Mr. Chairman, like I said before, I do not want to be a token Eskimo, so I could not accept.

THE CHAIRMAN (Mr. Butters): Maybe I should have started with volunteers.

MR. PEARSON: I think so. In that case ...

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

MR. STEEN: Mr. Lafferty has expressed interest but apparently he is not here today yet and I understand we can not nominate a person unless he is present. Is that correct?

THE CHAIRMAN (Mr. Butters): Mr. Legal Advisor, I am not sure.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I think you could nominate him. He would be quite free to turn it down later.

THE CHAIRMAN (Mr. Butters): I then accept your nomination, Mr. Steen, of Mr. Lafferty.

MR. STEWART: Mr. Chairman, I was wondering if in view of the problem we appear to be having with this, if we would not be well advised to set it aside and come back to it after we have had a chance to see those people who may be interested so that we could come to a proper conclusion of this matter.

THE CHAIRMAN (Mr. Butters): Is this agreeable to the committee?

--- Agreed

Deferred to Special Committee

MR. SEARLE: Mr. Chairman, why do we not defer the matter of finding suitable candidates to Mr. Nickerson's special committee? I know it is slightly outside the terms of reference of that committee because that committee's terms of reference are defined as Members who are prepared to sit on Council committees, but perhaps his committee would be good enough to undertake that. In other words, I think you have to charge someone with the responsibility. It is no good to misuse it. Possibly they could speak to Mr. Lafferty.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, would you accept the responsibility of doing that?

MR. NICKERSON: The committee is prepared to accept the responsibility, Mr. Chairman.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, just before this matter is concluded, I would just like to say that I know very well from the operations of the Water Board that no Member, whoever is appointed, would be considered as a token member. It is true that in the early meetings that any new member attends he will not have as much of an understanding of what the board is doing as he will later on, but any Member appointed or recommended by this Council will soon learn what the board is doing. I can give you every assurance that that Member will be asked to work with the board and to be a proper member and the views that he brings to the board will be given exactly as much weight as the views of any other member. I do want to give you this assurance. There is no thought whatsoever of there being a token member. The members who are now on the Water Board are there for good reason -- each of them brings to the Water

Board some particular area of expertise. You have just made a recommendation that Mr. Gibney be a member and he will bring expertise from industry. There is an equal amount of expertise sought through the experience of life in the Northwest Territories from a territorial resident and that kind of expertise is going to be very, very important to the board and that is why I said what I did about the appointment of a northern resident. I assure that person, whoever he or she may be, would not be a token member.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy Commissioner. May I report progress?

DEPUTY COMMISSIONER PARKER: You will pardon me for saying that the other half of this committee's work is to recommend a Member to become a member of the board of directors of the Northern Canada Power Commission. I could say something on that, if you wish.

THE CHAIRMAN (Mr. Butters): I am sorry. Go ahead.

Bill C-13.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there is a bill before the House of Commons at the present time, Bill C-13, and it is entitled "An Act to Amend the Northern Canada Power Commission Act". This particular bill has been the subject of a considerable amount of discussion throughout the North. In fact, Mr. Searle and Mr. Trimble appeared for this Council before the standing committee considering the bill. The bill received third reading, by the Commons, as I understand it, and then went to the Senate. I believe that in the Senate a minor amendment was made and it has now gone back to the Commons. It may have been cleared by this time. I am not sure, but as of the middle of last week, the final approval had not been given. However, one of the things in this new bill permits the appointment of a member to the board of directors of the commission, from the Northwest Territories, and one from the Yukon. Therefore, this has been placed before you now in anticipation of the passage of this bill. Were this Council to wait and make its recommendation at a subsequent session, the commission might well have been proceeding under the new act for some period of time without a territorial member.

If you would permit me to read a portion of clause 1 of Bill C-13, it is clause 1, subsection (2.1): "Of the members of the commission, other than the chairman, one shall be appointed on the recommendation of the Commissioner in Council of the Northwest Territories and one shall be appointed on the recommendation of the Commissioner in Council of the Yukon Territory".

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

MR. SEARLE: How many members are there on the board?

DEPUTY COMMISSIONER PARKER: Mr. Chairman: "The commission shall consist of a chairman and four additional members to be appointed by the Governor in Council", which is a chairman and four members and one of those members will be from the Yukon and one from the Northwest Territories.

MR. PEARSON: I wonder then, Mr. Chairman, in light of the importance of this also, if we could not possibly refer this to the committee too and let them find a suitable member, unless somebody expresses a very strong desire to become a member of that board.

Nomination of Mr. Stewart to NCPC Board of Directors

MR. SEARLE: Well, I think that would be a good idea if there were someone who, if there were not somebody who would be ideal already known and I would like to suggest that there is such a person. I would like to nominate Mr. Stewart. He is very familiar with the matter of power and power rates.

MR. LYALL: I will second that nomination.

THE CHAIRMAN (Mr. Butters): We have had duly nominated and seconded the recommendation to appoint the Honourable Member from Hay River, Mr. Don Stewart, as this Council's representative to the NCPC Board. Are there any further nominations or comments relevant to this appointment? Mr. Pudluk?

MR. PUDLUK: Mr. Chairman, let us hear the wages first and somebody else might be interested.

THE CHAIRMAN (Mr. Butters): How much wage does the appointment entail?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I believe that there are four to five meetings a year, generally held in Edmonton where the commission has its head office. The act states that each member of the commission may be paid, "such reasonable travelling and living expenses as are incurred by him in the performance of his duties under this act". I am not sure -- I see nothing else which would call for an honorarium.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, it is already a subsection 5 in the act, section 3 which says, "Each member of the commission shall be paid such sums for the services as the Governor in Council may determine". The subsection the Deputy Commissioner read out is now a further one providing for travelling and living expenses in addition to the sums for services.

THE CHAIRMAN (Mr. Butters): Just further to that, I assume the appointment of a Member of this Council to this board also requires the Council Ordinance to be amended, is that correct, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SEARLE: Surely, I did not understand you to say that we need another amendment. If we amended it once, it will be amended for this purpose as well.

Nomination Unanimous.

THE CHAIRMAN (Mr. Butters): The only thing I wanted to ensure was that there seems to be some urgency in carrying out that bill or bringing that bill into this house during this session. That was all. Are there any further questions or discussion? Do I get the feeling that the nomination is unanimous by the Members of this committee?

--- Agreed

I so recognize that the motion to recommend that Mr. Stewart be named to the board of directors of Northern Canada Power Commission is valid.

MR. STEEN: I wonder if Mr. Pudluk understood the reply and whether he is still interested.

THE CHAIRMAN (Mr. Butters): Mr. Pudluk, was the reply made by the Legal Advisor to your satisfaction, and if so, were you agreeable to support the nomination?

MR. PUDLUK: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Steen. Do I have the agreement of this committee to report this discussion to the Speaker?

--- Agreed

MR. SPEAKER: Mr. Butters?

Report of the Committee of the Whole of Appointments by Commissioner in Council

MR. BUTTERS: Mr. Speaker, your committee has met to consider the agenda item regarding an appointment by the Northwest Territories Council to the Northwest Territories Water Board and the Northern Canada Power Commission and during this discussion a motion was proposed.

There was a recommendation a legal document be drafted and brought back to this session of the house.

There was one other item decided by the committee and that is the unanimous nomination of Mr. Don Stewart, the Honourable Member from Hay River, at this Council's recommendation to serve as a member of the board of directors of the Northern Canada Power Commission. There is still another item outstanding on that and I will report progress, sir.

MR. SPEAKER: With respect to a formalization of the appointments or recommendations, Mr. Legal Advisor, should they be by way of formal motion made in formal session?

LEGAL ADVISOR (Mr. Slaven): Mr. Speaker, in both cases the term "Commissioner in Council" is used which is defined in the Northwest Territories Act as "the Commissioner with the advice and consent of Council". It would seem to me it would be proper to have a resolution that "the territorial Council does hereby advise the Commissioner to make the following appointments", and then list them. "...and does hereby give its consent thereto". And then the Commissioner would in one case name and in the other case recommend the appointments to the appropriate federal authorities.

MR. SPEAKER: Mr. Legal Advisor, would you be good enough, therefore, to prepare the necessary motions for Mr. Butters as chairman of that committee to move at an appropriate date?

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

MR. SPEAKER: As to the necessary change in the legislation I take it the standing committee on legislation will meet at an appropriate occasion to come forward with the necessary amendment to the territorial Council Ordinance?

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

MR. SPEAKER: Members of Council, with respect to the item on the order paper of proposed amendments to the Territorial Land Use Regulations, you will recall that we were having some difficulty finding an industry spokesman. The administration has located Mr. Spence and, of course, from the land use side, from the administrative side, Mr. Murray Morison will be available. Because Mr. Spence has to go back into the bush and continue work he is engaged on and because Mr. Morison's time is valuable, I have indicated to them that we would deal with that matter as a first item of business right after lunch at 2:30 p.m.

Appreciating that, then, we have an hour and a half left to do other matters. Mr. Parker, would it then be your wish to deal with Bill 10-56?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Can I have a motion that we resolve into committee of the whole to consider Bill 10-56?

MR. McCALLUM: I will so move. Seconded by Mr. Pearson.

MR. SPEAKER: All in favour? Against, if any? Carried unanimously.

--- Carried

Council will resolve into committee of the whole to consider Bill 10-56 with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 10-56, Municipal Employees Benefits Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 10-56, MUNICIPAL EMPLOYEES BENEFITS ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order. I recognize in the gallery Mr. Reesor, executive officer of the Association of Municipalities. Would you like him to be called to the table as a witness?

MR. McCALLUM: Mr. Chairman, I think that we should call not only Mr. Reesor but Mr. Macleod is here as well from the department. Possibly we could have both of them. I would so recommend.

--- Agreed

THE CHAIRMAN (Mr. Stewart): Call the witnesses, please.

Is it the committee's wish that we ask the witnesses to just briefly go through the general terms of this bill?

--- Agreed

Mr. Reesor, would you like to start off or Mr. Macleod?

MR. REESOR: Thank you, Mr. Chairman. Generally, the Association of Municipalities is on record as agreeing in principle with this bill, inasmuch as it is enabling legislation to allow the establishment of a benefits program for municipal employees. Since it is just that any discussion related to the regulations which really get into the nature of the plan itself may not be appropriate at this time but the bill itself is simply enabling legislation, in our view.

THE CHAIRMAN (Mr. Stewart): Mr. Macleod, have you anything to add?

Enabling Legislation

MR. MACLEOD: Mr. Chairman, I should mention that the approach was made several years ago by the municipalities in the Northwest Territories to affiliate with the pension plan presently in effect between the territorial government and the federal government. This was not possible for legal reasons so we then turned to the province of Alberta to see if the municipal employees could affiliate with the provincial plan. Again for legal reasons this was not possible. It was, therefore, determined that the best way to solve the problem would be to initiate a plan for the employees within the Northwest Territories and the Yukon Territory. One large group would be much more economical for the participants. So we engaged a firm of consultants who evolved a plan, a pension plan, with disability benefits for municipal employees which has been endorsed by the majority of the municipalities in both territories and the legislation which you see before you, as Mr. Reesor says, is enabling legislation to authorize the implementation of the plan in accordance with the wishes of the municipalities.

THE CHAIRMAN (Mr. Stewart): Thank you. Any general discussion?

Recommendations by Legislation Committee

MR. NICKERSON: In reviewing this bill, Mr. Chairman, the standing committee on legislation made several recommendations. The first one, which we should now like to make public, is that we do not really like this type of legislation. All it says in effect is that the Commissioner is allowed to make regulations. However, in this particular case there are probably good reasons why this should be so. The first is that a lot of the provisions to be made under this ordinance are a matter of negotiation between the administration and the municipalities, various towns and cities, negotiations between the administration, towns and cities and the various insurers, pension plans and that type of thing, so at this time it would be impossible to put all this material into the actual ordinance.

However, we recommend that within a period of about four years or so, maybe by that time a lot of the material that now ends up in the regulations could then be put into the ordinance and it would give people this added protection. We really recommend that a review of this should be made in about four years time.

You will note also, Mr. Chairman, that the terms "Commissioner", "Commissioner in Council" etc., are again made in many places within this bill and it is quite probable that this committee will wish to deliberate on this particular point. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Mr. Butters?

MR. BUTTERS: Mr. Chairman, although this legislation is quite extensive I do not think that it will require a great deal of the time of this committee, the reason being that it has been drafted and brought together as a result of a request by the Northwest Territories Association of Municipalities and the two territorial governments. The draft which was developed by a firm in Vancouver has been seen by them and approved by them and this draft has also become law in the Yukon, when the Yukon Council met six weeks ago. So I do not think there is much that we should do to mess things up by tending to change this or change that at this time. The municipality which I represent is in agreement with the bill and I suggest that it go forward and changes can be made at a future date, should they be required from the experience of practice.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature on the bill? Are we ready for clause by clause?

--- Agreed

Clause 2, definitions. Agreed?

--- Agreed

Clause 3, benefits program. Agreed?

--- Agreed

Clause 4, contributions. Agreed?

--- Agreed

Clause 5, benefit payments. Agreed?

--- Agreed

Clause 6, reciprocal agreement. Agreed?

--- Agreed

Clause 7, municipal employees benefits program board. Agreed?

--- Agreed

Clause 8, Commissioners agreement. Agreed?

--- Agreed

Clause 9, regulations.

MR. BUTTERS: Examining the legislation as approved in the Yukon, I note they have one change in their ordinance which I think would be worthwhile that we consider and that is in clause 9. It reads that: "The Commissioner may make regulations..." and then they have added "...and amend them..." These few words are the additional ones to the bill we have here and I think they may be well worth considering in that it is a new bill and if a change is required, the government would have to come back to this body to have a change made by ordinance but if in implementing this they see that a change is required which can be corrected by a change in the regulations, it can be done immediately or as soon as possible in a discussion with the Northwest Territories Association of Municipalities.

Motion to Amend Clause 9.

So I think that amendment has value and I so move that we add, "and amend them" following "regulations" in the first line of clause 9.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters, that is on page 4, clause 9: "The Commissioner may make regulations and amend them for the purpose of carrying out the provisions of this Ordinance..." That is the amendment.

MR. NICKERSON: Mr. Chairman, I think maybe we should have the advice of the Legal Advisor. I always presumed that if the Commissioner was granted the power to make regulations, he also had the power to amend them whenever he wanted. Is this not a fact, Mr. Chairman?

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, that is quite correct. I am just looking for the section in the Interpretation Ordinance. It says: "The Commissioner may make regulations, he may always vary them or amend them or cancel them and replace them with new ones..." or what have you, and I am surprised that that was inserted in the Yukon ordinance. My information from the Legal Advisor to the Yukon Council was that this ordinance had gone through without amendment. He then purported to enclose some of the debates but unfortunately they were not enclosed. The words would appear to me to be unnecessary. Certainly I would not think that you would put in that he could amend the ordinance.

MR. BUTTERS: Mr. Chairman, I have as reference the draft, I do not have the debates but in the draft "and amend them" does follow "regulations".

THE CHAIRMAN (Mr. Stewart): In view of the legal interpretation are you prepared to withdraw your amendment?

MR. BUTTERS: No, I would like to determine -- the Legal Advisor is not sure but it seems logical that the Commissioner should be able to make and amend regulations but if that is so, why would they include that in the Yukon ordinance?

THE CHAIRMAN (Mr. Stewart): Thank you. While the Legal Advisor is looking at his little book here for the proper spot, do I have this committee's approval then to move on to clause 10 and to set aside clause 9 temporarily?

--- Agreed

Clause 10, commencement. Agreed?

--- Agreed

LEGAL ADVISOR (Mr. Slaven): Eighteen (e) of the Interpretation Ordinance: "Where power is conferred to make regulations, the power shall be construed as including power, exercisable in like manner and subject to like consent and conditions, if any, to rescind, revoke, amend or vary the regulations and make others".

I suppose possibly the Yukon Interpretation Ordinance does not read the same way. I am really surprised that they would make that change in clause 9 of the Municipal Employees Benefits Ordinance.

MR. BUTTERS: Mr. Chairman, may we return to clause 9?

THE CHAIRMAN (Mr. Stewart): Clause 9 referred to.

Amendment to Clause 9 Withdrawn

MR. BUTTERS: I withdraw the amendment.

THE CHAIRMAN (Mr. Stewart): Clause 9 as it stands. Agreed?

--- Agreed

Clause 9(i). Agreed?

--- Agreed

Clause 10, commencement. Agreed?

--- Agreed

THE CHAIRMAN (Mr. Stewart): May I report progress? As a point of correction there, are we agreed that I report the bill ready for third reading, rather than report progress?

--- Agreed

MR. SPEAKER: Mr. Stewart?

Report of the Committee of the Whole of Bill 10-56, Municipal Employees Benefits Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying, in committee of the whole, Bill 10-56 and we wish to report it ready for third reading.

MR. SPEAKER: Thank you. What is the wish of this Council or the administration, rather, with respect to priorities?

DEPUTY COMMISSIONER PARKER: Mr. Speaker ...

Report on Health Conditions

MR. PEARSON: On a point of order, I meant to ask you this question earlier. There is a very important document that has been tabled, the Report on Health Conditions in the Northwest Territories and I do not see any reference to it in the orders of the day or any discussion in fact of it in the past few days. Can we have the assurance from the administration that we will get an opportunity to discuss it and that they will bring the necessary parties in to discuss it, for example, Dr. Covill, I think is his name, the chief of that department, so we can have a kick at that cat?

MR. SPEAKER: Mr. Pearson, there are two ways I can see you could, as a right, discuss it. I just can not put it on the order paper. You can make a formal motion that it be discussed in committee of the whole or, if you look at the supplementary estimates, if there is anything in there on health, then you can use that opportunity, whichever you feel, so it seems to me that one or other of those methods would be the appropriate course of action.

MR. PEARSON: I would take the simplest one.

MR. SPEAKER: It is up to you, whichever way you want to go at it. Mr. Parker, I would like to get the bills off if we could and have them all ready for third reading before we get into discussion of the Philosophy Paper on Local Government. I would like that work finished so we can continue with the Philosophy Paper on Local Government until it is finished. What about Bill 3-56, the Supplementary Appropriation Ordinance?

MR. PARKER: Mr. Speaker, there is a committee meeting at the noon break on the Supplementary Appropriation Ordinance and I suspect that they will be ready soon after that. Could I recommend to you Bill 8-56, the Credit Union Ordinance?

MR. SPEAKER: Yes, and I think Bill 6-56 in fact is finished and is ready for third reading. I do not think it should be on there. I am advised that Bill 6-56 is finished and is ready for third reading, so we can ignore it. Council will resolve into committee of the whole for continued consideration of Bill 8-56, the Credit Union Ordinance, with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Bill 8-56, Credit Union Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 8-56, CREDIT UNION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to consider Bill 8-56, An Ordinance Respecting Savings and Credit Unions. Does this committee wish to direct that we have witnesses brought forth and, if so, who? Mr. Nickerson?

MR. NICKERSON: I wonder if we could wait awhile until the list of amendments has been circulated.

THE CHAIRMAN (Mr. Stewart): Thank you. It was suggested that Mr. Buchanan should be made available to this committee.

MR. McCALLUM: Mr. Chairman, I think Mr. Buchanan as well as Mr. Bergh will be coming down. Somebody has already gone to contact them.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson, are we ready for the report of your committee at this time or would you rather wait until the witnesses arrive?

MR. NICKERSON: We are quite prepared to go ahead with the report of my committee at the present time.

THE CHAIRMAN (Mr. Stewart): If you would proceed?

Legislation Committee Report

MR. NICKERSON: The standing committee on legislation made several proposed amendments to this legislation which you now have in front of you. They mainly concern withdrawal of moneys by officers prior to insolvency and also certain amendments to the way in which dissolution of Credit Union Central is to take place. I wonder if it would be in order for me to move that this committee consider the legislation as amended by the standing committee on finance so I do not have to move amendments to each separate clause. This committee could consider the whole thing as we propose it should be amended.

THE CHAIRMAN (Mr. Stewart): I personally have no objections as long as we are not going to get into a confused state of confusion by taking them all as amended. Has anybody any preference on this?

MR. NICKERSON: If I may say, instead of going -- when we go through this clause by clause, you replace a clause written in the book with the clause we suggested in committee, if that would be in order.

THE CHAIRMAN (Mr. Stewart): As we approach it on the clause by clause, I think that would be the proper way to do it, the least confusing. Mr. Butters?

MR. BUTTERS: No, sir.

THE CHAIRMAN (Mr. Stewart): Any other comments on this bill of a general nature? What is this committee's wish? Do you want to stand recessed for a few moments to wait for the witnesses?

--- Agreed

The committee stands recessed until the arrival of the witnesses.

--- SHORT RECESS

THE CHAIRMAN (Mr. Stewart): Can we call the committee back to order, please? Order in committee. I have been advised that Mr. Murray Buchanan, supervisor of the co-ops and Mr. Gene Bergh, manager of the Northwest Territories Credit Union Central are available as witnesses. Is it the desire of this committee to call these people? Agreed?

--- Agreed

Mr. Buchanan and Mr. Bergh, please? I wonder if Mr. Buchanan could start things off by giving us a general outline of Bill 8-56, An Ordinance Respecting Savings and Credit Unions.

Reasons for Revision

MR. BUCHANAN: Mr. Chairman, the revision of this ordinance was originally requested by the Northwest Territories Credit Union Central. The old ordinance was written in 1958 and had two amendments to it. Up until recently generally it was sufficient for the credit unions in the Northwest Territories. Recently there has been some activity within credit unions, particularly in those settlements around Great Slave Lake and the legislation, as it was some 15 years old or 17 years old, was rather out of date with what was happening in the provinces. The purpose was to update various provisions within the ordinance and in particular to make some changes which I will briefly outline for you.

One of the major changes was in the bond of association. The bond of association goes back to ever since credit unions were first incorporated and it means really the area in which they will operate. The old ordinance was rather stiff in its application of the bond of association. The provinces had pretty well got away from being too confining in this and it was thought by the central that we should do the same here. To do that it changed the bond of association from being so rigidly defined in the legislation to allowing the board of directors to define, within certain parameters, their own bond of association.

Another major change was the addition of corporate membership. The old ordinance -- I suppose it could have been argued but it was doubtful whether corporate membership in a credit union was allowed. This goes back to the old saving and loan associations. There was a purpose for it in those days where there was no central bank available for credit unions to fall back upon and it had to do with the availability of liquid assets. In case two or three corporations had large sums invested in the credit union and withdrew them all at once it would place a hardship on the liquidity of the credit union. With the incorporation of a central, which all the credit unions basically do their banking through, there is a pool of money available so corporate membership can now be accepted with some relative degree of ease.

Credit Committee

Another major difference is the credit committee. The old ordinance called for the election of the credit committee which is that body that approves all loan applications for a credit union. The old ordinance indicated that the credit committee had to be elected at an annual meeting. As you can imagine, sometimes this led to pressure on the credit committee if an individual had an application for a loan and knew one of them, it was easy for him to put some pressure on the members of the committee. The new ordinance removes the appointment of the credit committee from the annual meeting and places it in the hands of the board of directors, so to preserve at least some amount of anonymity, if the board of directors wish, for the credit committee.

The most significant change is in the area of what is called a mutual aid depository fund. The old ordinance and the new one both called for a guarantee reserve fund which is a statutory reserve that is provided for the credit union to write off any bad loans and also costs in collecting that loan against the guarantee reserve fund, but it did not in the case of insolvency provide any means whereby there was a reserve of cash available to guarantee the members' share accounts or savings accounts or whatever they may be. The creation of a mutual aid depository is in this new ordinance and it will be a number of years, no doubt, before there are sufficient amounts of money to really guarantee against insolvency of any credit union. Nevertheless, we must start somewhere and this is the first step in creating this mutual aid depository which all provinces have at this time.

There are other changes such as the duties and powers of the liquidator, in case it comes to liquidation, that are spelled out and they are given more extensive powers within the new ordinance.

The formation of the centrals or federations are treated in much more length in the new ordinance than they were in the old. Section 78 of the old ordinance merely said: "You are allowed to federate". It laid down no guidelines as to what you were to do or what their powers were and you will find in the new ordinance that it does. It lays out in some detail the formation of federations and the central is a federation. It is just the name difference in this case.

There is a change in the year-end. Year-ends of credit unions are stated as being all at one time. The old ordinance called for it as being December 31st. It was the central's wish and we had no objection, that because of the availability of accountants at that time of the year, it was a poor time for them to have a year-end and they wished it in September, so we have changed it in this ordinance to comply with their wish.

Throughout it you will find other minor changes, changes in wording and this type of thing but basically those are the major changes that are outlined in this ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Buchanan. Questions of a general nature on Mr. Buchanan's statements? Mr. Bergh, have you anything you would like to add?

MR. BERGH: Thank you, Mr. Chairman. I think Mr. Buchanan has covered the credit union changes quite adequately. I do not have too much to add except to say that if this is passed I will be extremely happy with it. As a matter of fact, I would suggest to you that probably we will have some of the best credit union legislation in the country.

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

--- Agreed

Clause 2. You will note here that there is an addition in the interpretations following (i), a new section (i)(1), which is being recommended by our legislation committee. The definition of the word "share money" would read: "(i)(1) 'share money' means money subscribed for shares ..." an addition to this section. Would you move this amendment, Mr. Nickerson?

MR. NICKERSON: I do but I just wondered if that is not a typing error, the (i)(1)? Paragraph (i) deals with the definition of "registrar".

THE CHAIRMAN (Mr. Stewart): I think they are trying to keep it in alphabetical order.

LEGAL ADVISOR (Mr. Slaven): Yes, that is correct, we keep them in alphabetical order and this is the type of numbering adopted up here. I am not sure but I think when this has been amended it will be retyped and reprinted for third reading and I think it may be made a "(j)" then, although there may be references to it throughout and you would have to retype the whole thing.

THE CHAIRMAN (Mr. Stewart): I think my personal opinion on this matter is that if we are coming out with a new piece of legislation that the numbering should at least be correct and they should be changed. I would suggest to the committee that we do number this "share money" as (j) and then reshuffle the balance behind it.

--- Agreed

If this is amended then clause 2 is amended with the interpretation of "share money" and the changing of definitions. Are we in agreement?

--- Agreed

Clause 3, general. Agreed?

--- Agreed

Clause 4, incorporation. Agreed?

--- Agreed

Clause 5, effect. Agreed?

--- Agreed

Clause 6, amendment of memorandum of association. Agreed?

--- Agreed

I would like to get more "agrees" from this committee. I would not like to run this thing through without at least hearing a few more agrees. Are we agreed?

--- Agreed

Clause 7, change of registered office. Agreed?

--- Agreed

Clause 8, seal, corporate name. Agreed?

--- Agreed

Clause 9, name, restrictions. Agreed?

--- Agreed

MR. NICKERSON: Mr. Chairman, perhaps the committee would like to discuss in some detail whether or not the bylaws should be made a section of this ordinance?

THE CHAIRMAN (Mr. Stewart): That is a good point. Would you like to speak on the matter, Mr. Nickerson?

Bylaws Should be Schedule to Ordinance.

MR. NICKERSON: Yes, I certainly would. I understand here that the standard bylaws of the credit union are going to be something along a similar line as the more or less standard articles of association within the Companies Ordinance, for instance. Once these standard bylaws have been drawn up, they will remain in the same form with the same wording for a long period of time presumably and there is provision made under this bill for supplemental bylaws to be made by individual credit unions so they can in effect make additional bylaws and the standard bylaws, I would presume, are going to be just the bare bones and the essential rules of operation. So I think under the circumstances that the bylaws should be made a schedule to this ordinance.

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, have you any opinion, on the point of law that is?

LEGAL ADVISOR (Mr. Slaven): Well, Mr. Chairman, the effect of it would be that if you make the standard bylaws a schedule to the ordinance then they can not be amended without an amendment to the ordinance. There is another way that it is sometimes done and this, I believe, is the way it is done in the Insurance Ordinance. You can make the standard bylaws a schedule to the ordinance now so you know what you are putting in but you can nonetheless provide that they be amended by regulation. I think before you decide to put them in the schedule now, we might have Mr. Buchanan's and Mr. Bergh's opinions as to whether changes in them will be required from time to time, because as we know it is very much easier to change regulations than it is to change an ordinance or a schedule to an ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Buchanan, have you any comments in this regard?

MR. BUCHANAN: Generally as I see it, Mr. Chairman, it is a point in law and the Council can determine how they wish to do it themselves. I understand that the procedure is maybe a little unusual, the standard bylaws being regulations are usually in the provinces held for the Lieutenant Governor in Council so that if changes are necessary in a hurry that they can be made.

We may have that situation here. Some of the items in the standard bylaws being loss exposure, and other types of articles are somewhat experimental to the North. We have tried to apply to the best of our ability some of the regulations that are used in the South but that does not mean that we are right, with the difficulties in transportation that we have with communications and with highly transient types of population it may be that some of the figures that we have used will have to be adjusted from time to time.

THE CHAIRMAN (Mr. Stewart): Mr. Bergh, do you have anything to add?

Figures Related to Liquidity

MR. BERGH: I think, Mr. Chairman, that Mr. Buchanan again has covered it quite adequately. One of the things that comes to my mind immediately that may require changes is figures related to liquidity. The figures that are planned to go into the bylaws may not be adequate or they may be too high. If such is the case then clearly rapid changes in the legislation would have to be considered.

THE CHAIRMAN (Mr. Stewart): Any further discussion?

MR. NICKERSON: Mr. Chairman, I think what could be done with this particular subclause 10(1) is that we could make it read that the bylaws "when approved by the Commissioner in Council" rather than the "Commissioner", be the wording. It is my intention as you are probably aware to bring a motion forward later on in this session that might result in a possible change to the Interpretation Ordinance which will allow the Commissioner to make interim orders and regulations etc., so that these things could then be altered quickly with the consent of the Commissioner and then they would be placed before Council at the following session for our approval.

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

MR. BUTTERS: Mr. Chairman, I realize this new Council is very anxious to look at the total business of the Northwest Territories but it seems to me there is a fine line between policy direction and administration and I think this is the area that Mr. Nickerson might be getting us into where we approve everything under the sun that is done in the North. There are many important things that this Council has to discuss, and I would say fine. If we wish to sit for two-thirds of the year as is the case with other houses, okay, but at the present time we run only six sitting weeks annually and I do not think we have enough time to discuss the really urgent things that most affect people. I do not want bylaws coming back for me to approve in committee. Let us get at the important concerns of our people.

MR. NICKERSON: Mr. Chairman, one more word to say on this matter. I do not intend to move the motion here, but I think this is rather important and it should be discussed. I see I do not really have the support of most of the committee Members here to move a formal motion or amendment, but I think such things as the liquidity requirements are verging on political matters and we should maybe have some input into this type of thing -- not if an immediate change is needed, but we should be able to review it. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Any other comments? Mr. Legal Advisor?

Regulations Made by Commissioner Public Documents

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the Clerk can correct me but I believe I am right in that all regulations made by the Commissioner are eventually tabled in Council and they are certainly public documents available to Members of Council. I would think that if any Council Member disagreed with the content of any regulation, he could have it brought before this Council by a motion recommending that the Commissioner amend regulations or whatever. In that way, instead of reviewing every regulation that is enacted, as Mr. Butters points out would be very time consuming, you would be in effect managing by exception. You would only consider what you consider to be controversial or questionable.

THE CHAIRMAN (Mr. Stewart): Thank you, any other comments on this? Any other comments on clause 10, bylaws. Could I have this committee's direction on 10? Are you agreed?

MR. NICKERSON: I have been completely reassured by the advice of the Legal Advisor.

THE CHAIRMAN (Mr. Stewart): Agreed?

--- Agreed

Clause 11, bylaws binding. Agreed?

--- Agreed

Clause 12, capitalization. Agreed?

--- Agreed

Clause 13, purchase of shares. Agreed?

--- Agreed

Clause 14, interest. Agreed?

--- Agreed

Clause 15, minimum subscription for shares. Agreed?

--- Agreed

Clause 16, assignment, transfer and repurchase of shares. Agreed?

--- Agreed

We are getting low on "agrees" again, gentlemen.

Clause 17, liability of member. Agreed?

--- Agreed

Clause 18, I understand, is a new clause and I do not have it. Pardon me, I do have it. Do you all have a copy of the new clause intended to replace the one presently in the book on page 9? Mr. Nickerson, would you like to comment on this change? Would you like to comment on clause 18, the new clause?

MR. NICKERSON: Yes, the main reason why we recommended that clause 18 be changed was really a matter of wording. The wording just was not clear in the existing clause 18 and that is really the main reason why it has been changed.

THE CHAIRMAN (Mr. Stewart): Thank you. Do you have agreement, Mr. Buchanan and Mr. Bergh? Mr. Legal Advisor, any comment?

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman. This is the same reason we defined "share money"; it arose from discussion of clause 18 to clarify the whole thing.

THE CHAIRMAN (Mr. Stewart): So that there is no confusion on the part of the committee, we delete clause 18 completely from our book and replace it with the new clause 18 which has been delivered on this piece of paper, this clause that has been changed, do I have agreement?

--- Agreed

Clause 19, trust accounts. Agreed?

--- Agreed

I understand that there is a new clause 20 or some changes to 20. I do not have those, Mr. Nickerson.

MR. NICKERSON: Yes, Mr. Chairman. The standing committee on legislation recommends that clause 20 be amended as follows: 20 (2)(i) be amended by striking out the last words, "and shall hold membership in the Central", and also be amended by adding a subclause 20(3) which shall state: "Every credit union shall hold membership in the Central".

THE CHAIRMAN (Mr. Stewart): I was doing fine up until the second amendment. Clause 20, I presume, Mr. Nickerson, you have included these amendments?

MR. NICKERSON: Yes.

THE CHAIRMAN (Mr. Stewart): Clause 20 (2)(i) the words "and shall hold membership in the Central" are deleted and a subclause (3) will be added to read, "Every credit union shall hold membership in the Central".

Clause 20 as amended, agreed?

Government Agencies and Credit Union

MR. NICKERSON: Mr. Chairman, I think there is one item that should be -- one suggestion that should be made in public. Several people have raised a question as to whether it would be correct or not for government departments, government agencies, to deposit money with a credit union. At the meeting of the standing committee on legislation this was discussed in some detail and as clause 20 now reads, government departments and agencies would probably be prohibited from using the facilities of a credit union. One reason why we have not tried to change this, or did not really discuss the principle of whether we should change it or not, is because I think various amendments would have to be made to the Financial Administration Ordinance and it would be a very complex process if we were to do so. Perhaps, Mr. Chairman, the Legal Advisor might like to comment on this.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, Members will realize that ordinances enacted here are subject to acts of parliament, so what we can have in our Financial Administration Ordinance, and in regulations enacted pursuant thereto, have to follow within the limits and the provisions of, for example, the federal Financial Administration Act and the Treasury Board Authorities Manual which is a nine or 12 volume piece of legislation. If Council wishes, I will undertake to do a comprehensive study of our Financial Administration Ordinance and its relationship with the appropriate federal legislation and eventually report back, I suggest, to the committee on legislation at the next session or the next time they meet as to whether or not this Council could provide that the territorial government deposit money in credit unions.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Legal Advisor. Mr. Nickerson, you have heard the offer and if the committee wishes to take advantage of it, you can give our Legal Advisor direction in this regard.

MR. NICKERSON: I think there is to be held another meeting of the legislation committee and perhaps we could discuss this particular matter at that time.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 20 as amended, do I have agreement?

--- Agreed

Clause 21, borrowing powers? Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Clause 21 (1)(a) "member" should read "members". I do not have to do any legal research to satisfy myself on that.

THE CHAIRMAN (Mr. Stewart): That is the correction of clause 21 (1)(a), the word "member" should be changed to "members".

The Chair will accept that as a typographical error and put the "s" on there without any further procedure. Clause 21 with the correction? Agreed?

--- Agreed

Clause 22, powers of hypothecation. Agreed?

--- Agreed

Clause 23, real property. Agreed?

--- Agreed

Clause 24, first meeting. Agreed?

--- Agreed

Clause 25, election of directors, etc. Agreed?

--- Agreed

Clause 26, first meeting of board. Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Another small typographical error in paragraph 26 (2)(b), the first line on the top of page 14, "fewer than two other members to", eliminate the word "of" and substitute "to".

THE CHAIRMAN (Mr. Stewart): I will accept that correction as a typographical error.

Clause 26, agreed?

--- Agreed

Clause 27, returns to supervisor. Agreed?

--- Agreed

Clause 28, minimum membership. Agreed?

--- Agreed

Clause 29, entrance fee. Agreed?

--- Agreed

Clause 30, membership fee. Agreed?

--- Agreed

Clause 31, bond of association. Agreed?

--- Agreed

Clause 32, minors. Agreed?

--- Agreed

Clause 33, register of members. Agreed?

--- Agreed

Clause 34, expulsion of member. Agreed?

--- Agreed

Clause 35, withdrawal of member. Agreed?

--- Agreed

Clause 36, payment to expelled member, etc. Agreed?

--- Agreed

Clause 37, effect of expulsion, etc. Agreed?

--- Agreed

Clause 38, act of officer not invalid. Agreed?

--- Agreed

Clause 39, annual and special meetings. Agreed?

--- Agreed

Clause 40, voting. Agreed?

--- Agreed

Clause 41, meetings by directors, etc. Agreed?

--- Agreed

Clause 42, duties. Mr. Legal Advisor, on 42.

LEGAL ADVISOR (Mr. Slaven): Another small typographical error. There is a subclause (2) to this clause, so after 42 you should insert (1).

THE CHAIRMAN (Mr. Stewart): After 42 should be (1). I accept that as a typographical error or omission. Agreed on clause 42?

--- Agreed

Clause 43, jurisdiction of credit committee. Agreed?

--- Agreed

Clause 44, application for loan. Agreed?

--- Agreed

Clause 45, security. Agreed?

--- Agreed

Clause 46, loan officer. Agreed?

--- Agreed

Clause 47, maximum loan. Agreed?

--- Agreed

Clause 48, interest on loan. Agreed?

--- Agreed

Clause 49, prohibitions respecting loans and deposits. Agreed?

--- Agreed

Clause 50, unauthorized loans prohibited. Agreed?

--- Agreed

Clause 51, liability for unlawful loans. Agreed?

--- Agreed

Clause 52, repayment. Agreed?

--- Agreed

Clause 53, debts due by members. Agreed?

--- Agreed

Clause 54, duties. Agreed?

--- Agreed

Must have a full card for this one.

Clause 55, guarantee reserve fund. Agreed?

MR. NICKERSON: This is not a matter of non-agreement but I just thought that the witnesses might like to comment on why in subclause 55(2) it says "Where at the end of any fiscal year, the amount of the guarantee reserve fund is equal to at least seven per cent" etc., etc. I wonder if the witnesses would like to comment on why this is to be seven.

MR. BUCHANAN: Mr. Chairman, this does not represent any magic figure. The amount of seven per cent at this point was drawn from the provinces and was thought to be quite adequate. Our experience may bring us back to this body for a change in the amount but at the present time we see it as being all right.

THE CHAIRMAN (Mr. Stewart): Any further discussion on this point?

Clause 55, agreed?

--- Agreed

Clause 56, liquidity fund. Agreed?

--- Agreed

Clause 57, special reserves. Agreed?

--- Agreed

Clause 58, investment of reserve funds. Agreed?

--- Agreed

Clause 59, negotiable orders. Agreed?

--- Agreed

Clause 60, overdrawing prohibited. Agreed?

--- Agreed

Clause 61

MR. NICKERSON: Mr. Chairman, perhaps the committee would like to discuss whether the word "Commissioner" here should be replaced by the phrase "Commissioner in Council".

THE CHAIRMAN (Mr. Stewart): Any comment, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I may be corrected by the witness. There was some discussion in this committee about, for example, the Commissioner in Council should appoint the supervisor of credit unions instead of having him appointed by the Commissioner. I think that would be completely illegal and unconstitutional because that person is an employee of the Commissioner and the Commissioner is charged with the management of the government. I would like Mr. Buchanan's comments as to the role of this board and it may well be one similar to the Territorial Hospital Insurance Services Board where it could be by Commissioner in Council. If I may go a little further I do feel that if appointments are made by the Commissioner on the recommendation of Council this gives as much control as it does if they are made by the Commissioner in Council and avoids certain difficulties in the formalities of an appointment being made.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments? Clause 61.
Function of Board

MR. NICKERSON: Mr. Chairman, I wonder if we could have some expert advice as to what is going to be the function of this particular board.

MR. BUCHANAN: Mr. Chairman, initially, as I briefly explained in the opening remarks, the mutual aid depository fund will be very small. It will constitute maybe a couple of thousand dollars a year to begin with. It was not our purpose at this time to constitute a large cumbersome body to deal with two thousand or four thousand dollars worth of contributions. It was thought then that the people surrounding or in Yellowknife or surrounding district could just as easily be appointed to look after this amount of money to begin with and save a lot of expense for the credit union movement. If it is the wish of the committee that they extend to the Commissioner with the advice and consent of Council we have no objections to that in principle at all. It is certainly up to you.

THE CHAIRMAN (Mr. Stewart): Thank you. Further discussion?

MR. NICKERSON: We noted before that it appeared that Council was adamant in their requirement that a lot of this power that previously had been granted under such legislation to the Commissioner should now be done at least on the recommendation, or we should have some kind of input into this, and when we were discussing I think the Electrical Protection Ordinance and the Territorial Hospital Insurance Services Ordinance, this matter appeared to be of great concern to Council. I do not know whether people still have that concern or whether they do not.

Council Should be More Involved

MR. STEEN: Yes, the reason why I brought this up was that I felt that the Council should be more involved in its own affairs and control and that if you leave this thing in there you are passing the buck. Either you want control or you do not, so if we want to be like sitting puppets at this Council without the initiative to control the government we should begin to take a firm stand. That is it.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. NICKERSON: To bring this matter to a head I would like to move that the word "Commissioner" be replaced in subclause 61(1) by the term "Commissioner with the recommendation of Council" if such wording is satisfactory as far as the legal situation is concerned.

LEGAL ADVISOR (Mr. Slaven): "On the recommendation of Council".

THE CHAIRMAN (Mr. Stewart): As I have the amendment -- yes, Mr. Searle.

Care Taken in Applying Principle

MR. SEARLE: Mr. Chairman, I agree with the general principle that appointments like this should be made by the Commissioner in Council or the Commissioner on the recommendation of Council. However, I think we have to be careful how we apply it. We do not want the time of this Council taken up in large part by approving appointments to boards which are not substantially important ones, I would think. Now, when it comes to important issues that affect the territories like, say, housing, power,

Northern Canada Power Commission, these things, I can see us wanting to be involved in making those appointments because they are of vital interest to the people. I would think if the Liquor Ordinance was opened up we might want to make sure that their commission was all Council appointments but frankly, something like the credit union, mutual aid depository fund, a board to administer that, I personally, exercising my best judgment, would not regard that as an important enough board to require the involvement of this Council.

I think we have to use our judgment on which of these we want to be involved in which are so important they touch the very fibre and life of the people in an important way and I agree that should be Commissioner in Council, but just to do it blindly as a matter of course for each and every one of these, I think if you want to do that, then go back and have a general review of all legislation, pull them all out and then probably add a week per year onto your sitting term, as you sit here threshing back and forth and searching out. You see, the problem I think you will find is that it is really very tough to find people to accept appointments to a lot of these boards. It is a real tough job for the administration. There just are not hundreds and hundreds of people knocking at the door for these things and unless they are important I would say let us not get involved. However, that is only my view. Do what you want.

MR. LYALL: I would just like to say that the reason I am not really interested in these bills is that they are just legislative bills and because I feel the same way as Mr. Searle. When things like financial committees, where they spend their money, when things like that come up, housing, airport maintenance, this kind of stuff, that is where I think this Council is going to be the most effective. I do not understand any word of what they say under here until we come to a thing where I am really involved and that is going to involve the people I represent and I think the only thing here, the whole thing here, I do not know how many pages it is, but the only thing I really like to be involved is when they ask for their \$2000 or their \$4000. Thank you.

THE COMMISSIONER: Mr. Chairman, if I might state this, that I was the first person as Commissioner to break the pattern of allowing people from the general public to be appointed to boards, committees, commissions. Before I became Commissioner they were all civil servants. So I think that lays out my thinking on it.

Commissioner in Council Explained

The second point is I think you should understand what "Commissioner in Council" means. It means that the Council has a say but it also means that I have a say. It means that Council has a veto but it means that I have a veto also. How it works is simply this, that the Council nominates the people and if they are accepted by the Commissioner then they are appointed or recommended, it depends whether it is federal legislation or territorial. If they are not accepted then the ball goes back to Council again and you have to come up with some new names. This is what "Commissioner in Council" means. So, I think the point of Mr. Searle and Mr. Lyall should be given some thought to and because you could -- I do not think these up, even when it says "Commissioner". They usually come from a municipality or an association that has a special interest in it, medical health, mental health, alcohol education. It depends what the subject is. I think they have a good point, but on key things I think it is good business to have your participation and recommendations and I would suggest that 99 per cent of the time your recommendation will be in this instance rubber stamped by me.

I hear you guys telling me that you rubber stamp things but this is an example of what will happen -- I will go along with you. Things that are much smaller, you might like to be more manoeuvrable because it simply means nobody can be appointed to anything until the Council meets and, if you do not meet for six months, the whole system grinds to a standstill because of little things -- I am not saying these are not important but I am not sure this Council would want to take up all of its time in dealing with them.

MR. NICKERSON: I just brought up this point, not really because I feel myself that in this particular phrase it is that important, but I noticed we were going through the legislation at quite a fast pace and there was no way that Members were being able to read and digest every particular clause, so I thought that might be a matter that might properly be discussed. I agree with my colleague from the other side of Franklin Avenue that this particular board is not of any great political importance and maybe we should not really be bothered with this particular one. The Honourable Member from the Central Arctic made the observation that he did not think that this particular type of legislation was important. I know the Honourable Member in question has been very interested in matters relating to co-operatives and that type of thing and perhaps he does not quite understand that this is a type of co-operative, a financial co-operative, with the objective of helping people in financial matters. I know matters such as credit unions are of a great deal of interest to people within probably the larger settlements within the Northwest Territories and I personally have tried to give this legislation the care and attention which I think it deserves.

Amendment Withdrawn

In view of the general feeling among Members -- which I might add is my own feeling -- I just brought this matter up for discussion -- in view of this, I withdraw my motion or my amendment.

MR. LYALL: I would just like to say I did not say I was not interested in this. I figure there are smarter people, like our Legal Advisor there, who helped to make this up and I feel that I have enough confidence in people that I have to work with that may, knowing the law and the way it reads, I have enough confidence in them that if there are other people like Mr. Searle who, when he goes through this, if he sees something that is not right, he will put it down like we have been doing when we went on the first day to the financial committee meeting. I would like to understand everything that is going on but sometimes I do not understand some changes that have to be made and we all see it and we make the change. I believe that this is -- I am interested in it but I can not go word for word and understand it, but as I say, I understand that Mr. Searle or the Legal Advisor know whenever changes have to be made so it fits the purpose of everyone.

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

MR. STEEN: Getting back to the "Commissioner in Council" aspect of it, I think we are going to get into trouble all the time and maybe that is the wrong term to use, the wrong words to use, "Commissioner in Council". Like I have said before, we have not got an elected Commissioner and I would like the Commissioner until such time as we have one. I think it should be ignored until such time.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: My only comment is that we have a very important luncheon meeting today and it is now five or ten minutes after 1:00 p.m. and I wonder if we could not break and come back to this this afternoon. Let us report progress or simply adjourn.

MR. SEARLE: I suggest you report progress.

THE CHAIRMAN (Mr. Stewart): We will report progress.

Report of the Committee of the Whole of Bill 8-56, Credit Union Ordinance

MR. SPEAKER: Mr. Stewart?

MR. STEWART: Mr. Speaker, your committee of the whole has been studying Bill 8-56 and the committee wishes to report progress.

MR. SPEAKER: Members of Council, just before we adjourn, I would like to remind you that we have right after lunch at 2:30 p.m. a firm time and date to go into the Land Use Regulations because of the availability of witnesses, so we will leave this bill that we are working on now for awhile until we finish that. Is there an important luncheon appointment that the whole Council is going to?

MR. PEARSON: I believe it is the finance committee, Mr. Speaker, which is very important.

MR. SPEAKER: Yes.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, just apropos of that, the standing committee on finance is meeting in the Council room and lunch will be available for the Members.

MR. SPEAKER: No further announcements? Council stands recessed until 2:30 p.m.

---LUNCHEON ADJOURNMENT

MR. SPEAKER: Council will come to order. Turning to the orders of the day, Item 9, consideration in committee of the whole of bills and other matters. If we can go to the proposed amendments of the Territorial Land Use Regulations, we have witnesses here, specifically called for 2:30 p.m. You have on your desks a covering letter dated June 9th from the Commissioner re amendments and you have attached to that letter a note which deals with the proposed changes as well as the act itself or rather the proposed amendments to the regulations. Could we have a motion to resolve into committee of the whole to consider the revisions to the Territorial Land Use Regulations. Mr. Lyall, seconded by Mr. Butters. Any discussion? All in favour? Contrary?

--- Carried

Council will resolve into committee of the whole to consider the Territorial Land Use Regulations with Mr. Stewart in the chair.

--- Council resolved into Committee of the Whole for consideration of Proposed Amendments to the Territorial Land Use Regulations with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER PROPOSED AMENDMENTS TO THE TERRITORIAL LAND USE REGULATIONS

THE CHAIRMAN (Mr. Stewart): Committee will come to order. Who would this committee like to call as witnesses with regard to the presentation of this paper? Mr. Parker, could we call the administration's witnesses with regard to this paper?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, it would be appropriate for you to hear from Mr. Murray Morison who is a senior officer of the Department of Indian and Northern Affairs resident in Yellowknife and the administration of the Land Use Regulations falls under him. I would also suggest that Mr. Bob Spence, an industry representative, be asked to join the committee. While these gentlemen are coming forward with the committee's indulgence, I could perhaps just underline one or two of the reasons for these matters coming before territorial Council.

THE CHAIRMAN (Mr. Stewart): Thank you, we will call Mr. Morison and Mr. Spence.

MR. SEARLE: On a point of order, Mr. Chairman, just before we get into that, the Honourable Member here to my right says he does not have copies. Maybe the Clerk could get extra copies for those Members who do not have them.

THE CHAIRMAN (Mr. Stewart): In the interim, Mr. Deputy Commissioner, you would like to proceed with the information you have?

DEPUTY COMMISSIONER PARKER: Thank you, Mr. Chairman. On June the 9th, the Commissioner forwarded copies of the proposed regulation changes to Council Members. I believe they were distributed to Members on their arrival here. The Land Use Regulations have been in force for some time and now it is the intention of the Minister to amend those regulations and the amendments are up for consideration today.

Committee Members will note that these regulations may not be brought forward until there has been consultation with the Council of the Yukon Territory and the Council of the Northwest Territories. That is the purpose, Mr. Chairman, in laying this matter before this committee today, in order to

provide Council Members an opportunity to make their views known as advice to the Minister and then I believe that this will satisfy the requirements of the act, the Territorial Land Use Act in which this requirement for consultation is outlined. I have nothing further to add. I am confident that Mr. Morison can give a very good outline of the types of changes that are proposed.

THE CHAIRMAN (Mr. Stewart): Thank you. We are having trouble obtaining copies of these documents. What is the direction of the committee? Shall we hear the witnesses without the paper at hand or shall we wait until we have it? How many Members are short? Just one? I take it everybody has one now then. Can we hear then from the witnesses with regard to this particular paper?

The Implementation of New Regulations

MR. MORISON: Mr. Chairman, Members of Council, my name is Murray Morison. I am with the Department of Indian Affairs in Yellowknife and the administration of the Territorial Land Use Regulations comes under the jurisdiction of my -- under my section, under renewable resources. I have been the engineer designate under the regulations when I was the original superintendent of forestry in Fort Smith. The Land Use Regulations have been in effect for about three to four years now and at their inception it was the intent or the hope of the administration at that time that the regulations could cover the whole of the Northwest Territories. These were new, the concepts were new, the requirement was definitely there, but the administration of the time did not feel that they could implement these new regulations being yet untried in the whole of the Northwest Territories. And so it became evident that the way to approach this would be to implement it in those areas where the problem was considered to be the greatest and the potential for environmental damage also the most sensitive.

As such, the land management zones were developed throughout the whole of the territories and we end up with two parts to our set of regulations, the first part being part one, which for general governmental control regulations which applied to the whole of the Northwest Territories and the second part being that portion of the territories where permits were in fact required to be obtained prior to operations taking place.

The process of permits may be of interest to you and the applications are made to the regional engineer, the permits are referred to a land use advisory committee which is composed of interdepartmental committee including Northwest Territories government and the Canadian Wildlife Service and others. The permits are also referred to as few people throughout the Northwest Lands and Forest Service who make field inspections in the area where required and the applications are referred to communities for consultation.

That is the process to date. The changes that have been proposed would include expanding the area for permit requirements throughout the entire territories. We feel we have the experience and some of the people at least involved to carry out these regulations if the area is expanded. Also there is a requirement for the government to be in a better position to know what is going on throughout the territories, particularly in the field of exploration. There is also a demonstrated demand by local people to know also what is going on in the areas in which they have traditionally hunted and trapped.

Increasing Activity in the Eastern Arctic

In addition to that, there is increasing activity in the Eastern Arctic in the area of mineral exploration of which I am sure all of you are aware. We feel that we had better get a handle on this situation so that we can follow it through and be notified of the kinds of activities that are taking place, what potential damages environmentally might be there, what conflicts with other users of the area could be present, involved in the area in consultation of these permits and make our presence in the Eastern Arctic known. I will not go beyond that. I think I have perhaps said enough. If there are any questions the Council Members would like to ask, I would be pleased to attempt to answer them.

THE CHAIRMAN (Mr. Stewart): Any general comments from Council at this time?

MR. BUTTERS: Mr. Chairman, I am interested in the operation of the land use advisory committee. I do not know if Mr. Morison is aware of the remarks that I made in my reply to the Commissioner's address, but I indicated there that a situation had occurred in the constituency that I represent where a decision of the land use advisory committee had in effect shut down a quarrying operation, a very important quarrying operation for a period of four months. I am not going to go into the detail or argue the decision here, but what I was going to find out was that while the land use advisory committee does advise communities of permits that are being considered, they do not advise communities when amendments are made to those permits. The problem that arose in this area was that the community was not informed when the permit was requested to be extended, that a restriction was subsequently added to it and therefore they were not consulted. This, I suggest, Mr. Chairman, is an obvious gap in the land use advisory committee's consultative process. I wonder if Mr. Morison might comment on that.

Community Consultation

MR. MORISON: Mr. Chairman, I am not sure if I am personally aware of the circumstances. I think I am. The business of community consultation is recognized, certainly as an important process that we have become involved in and a very beneficial process. At the inception of the Land Use Regulations, community consultation in the time frame that that would require was not considered. Subsequently, the need for it was recognized and the community consultation process was entered into with our district people being primarily engaged in that activity making representations and receiving comments on land use activities from the various councils.

I think, I certainly do not believe that the process is perfect by any means. It was a step in the right direction and the business of handling extensions to permits has largely been left with the administrators of the permits and in many cases these are not even necessarily referred to the land use advisory committee. The intent, the initial concerns and recommendations of the communities are certainly taken into account and it would seem obvious that where a major change was undertaken that this should in fact be referred back to the councils for the consultation process.

The regulations do not provide as much time for this consultation process as did the initial 30 days. I believe it was something like 14 days for the engineer to react to the request for change. This in itself does not mean that we should not follow it through, but I think that it has been a matter of the sheer amount of work involved in attempting to bring them to the communities first of all, follow through with an explanation to

communities where it has been requested. Sometimes this is done in consultation with the applicant who also comes forward, but the requested changes, I think were carried out largely because we just really did not have the people to do this all of the time.

It has been left as a discretionary thing therefore, for the administration to elect whether they should go back or not. When left to that process I think it is obvious from time to time they are going to slip up. If this is an area of improvement that we should be looking at, certainly I would agree with Councillor Butters that we should be doing that.

MR. BUTTERS: Thank you, Mr. Chairman. I interpret Mr. Morison's remarks that in permits in future that where there is a major change that this will be communicated to the communities directly.

MR. MORISON: I think that is certainly a recommendation and we will do our very best to follow through in that way. Again I say I am not prepared at this time to say we will do it in the case of every change, but we will do it on a discretionary basis and attempt to do our best.

THE CHAIRMAN (Mr. Stewart): Further comments?

Budget for Land Use Inspection.

MR. NICKERSON: Mr. Chairman, I wonder if Mr. Morison could perhaps advise us as to what is the budget or what do you budget for land use inspections in the whole area of inspecting and approving land use applications. Also, perhaps you could tell us if these new regulations go through, how big an increase will be required in your budget and perhaps you could tell us also how many more inspectors or how many more personnel all together will have to be hired to administer these?

MR. MORISON: Mr. Chairman, I could only comment generally on that. First of all, our budget is not broken down in such a way as I could put my finger handily upon that portion which applies to the administration of the Land Use Regulations because our Northwest Lands and Forest Service operates essentially under two budgets; fire control and water, lands and forests. This also includes forestry operations and provides the whole support portion of the budget to the business of operating decentralized services and so on.

I think the water, lands and forests budget is in the neighborhood of \$1.8 million. The staff that we have in the forest service consists of some 80 persons. The fire control budget, which is added to that, would bring the total to the neighborhood of \$3.5 million, both the water, lands and forests and the fire control portion of the budget.

Now, I will not even attempt to guess just exactly how much of the initial \$1.8 million goes directly towards the administration of the Land Use Regulations. I think you can only guess at that. As far as what is going to be involved extending it, I think we are looking at somewhere in the neighborhood of eight to ten persons throughout the territories. Being as the administrative facility is largely in place and the eight to ten would be an initial complement that would be required to get the expanded area and also the fact that the threshold of entry to getting a land use permit is being lowered. Therefore, we would have more permits in the area. We are currently administering permits in as well the whole additional area in the eastern Arctic. My estimate of the number of permits -- the number we are currently issuing annually are about 350 a year. These permits are issued for two years sometimes with a years extension and then there is a year required for final plans. Therefore, at any given point in time when these new regulations, if they do come out, I would think they would have on hand in the neighborhood of 1000 to 1200 active permits that were at some stage of the process, either the applicant actively involved in exploration or the administration process of cleaning the permit up and collecting fees and so on. That is really about all I can give you. I am sorry I can not give you more specific details than that.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson.

MR. NICKERSON: Thank you very much, Mr. Morison. In the matter of how much this is costing the public you say you do not really know and it might not be possible to give anywhere near an exact figure, but could you kind of give the order of figure, is it \$100,000 or \$50,000 or would it be \$1,000,000? You know, somewhere within an order of magnitude.

MR. MORISON: Mr. Chairman, if I had to come up with a figure like that, and I certainly think it is a reasonable question, I would think it would be in the neighborhood of about \$1,000,000.

THE CHAIRMAN (Mr. Stewart): Any other discussion of a general nature on the paper? Mr. Steen.

Regional Land Use Committees

MR. STEEN: Mr. Chairman, I would like to say I have been involved in organizing the territorial land use committee in the settlements of Tuktoyaktuk, Aklavik and Inuvik. I am informed that a regional land use committee of the hamlet councils of Tuktoyaktuk and Aklavik and the trappers' associations of both of these two settlements and the delta town of Inuvik have all joined in to form a regional land use committee. I do not believe that this territorial land use committee recognizes the one that is in the delta there. The hamlets are still getting the land use permits given to them directly, and one of the reasons why the people in the delta formed this land use committee or regional land use committee, which is what it is called, is that many of the land use things were conflicting with one another. Some of the land use applications were overlapping and therefore, we saw fit to form a regional land use committee. What I would like to say is that this territorial one here refuses to recognize the one in the delta. What they are looking for is some funds and if this land use committee has a million dollars, I was wondering if a portion of that could be, a small portion -- it would only take about \$1000 a year to run this one in the delta -- \$100 a month for transportation or a little more than that. Sometimes when we were receiving these land use applications, we were getting the work as a matter of fact started before we even got replies or got the land use applications. So I am wondering -- I do not think this land use committee in the territories, this territorial one is not that good or does a proper job, a complete job. It does a good job at times, but there are times when we get our applications late to reply on and I would hope that they would try to speed them up so we get them into the communities as quickly as possible so that we can react. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. Any comment? Mr. Morison?

Issuing of Permits

MR. MORISION: Yes. I think some of the criticism that has been levelled is probably appropriate. I would like to comment also in the reverse order. One of the reasons for the changes in the new legislation is to accommodate the amount of time that is required for those permits which have to be referred to communities and the period of time now is from the date the engineer receives the application until the permit must issue is 30 days. I am sure we are all aware of some of the communication constraints that imposes upon the people administering land use permits. This is going to be expanded, at least it is recommended it be expanded to 42 days for those permits which would in fact go before communities.

The business of work having started before the land use permit or before the communities have an opportunity to comment on it, that certainly is possible, but that is because of the 30 day time constraint by and large. I could assure you, however, that in the area of Inuvik our district staff to their utmost do not only get these applications out to the communities as soon as possible, but they also carry out follow up by telephone call or whatever to see if it has in fact come before council. Councils, of course, do not regulate their activities necessarily to handle the land use situation either, so sometimes you have other time delays as a result of having gotten the applications in just after the last meeting and this sort of thing.

On the matter of the land use committee in the delta -- our department has not said in effect that we would never consider dealing with a regional land use application committee. This is certainly a possibility. I am sure you can appreciate before we deal with some new group, we must in fact ensure that the other people we were dealing with have been adequately contacted to be sure that this is in fact what they want to do. When this new land use committee was announced, we received this information but we did want to go back to the communities we had been dealing with and check with them to see if they were satisfied that this new committee would be representing their interests. This letter was sent out by our district people in Inuvik but there were a number of responses that applied and I am not sure at this time just what they say. It is possible that this new regional land use committee could replace dealing directly with communities or in fact we may find ourselves in the position of dealing with both. The door has not been closed but we do want to check with those we were dealing with first before we cut them off so to speak.

MR. STEEN: Thank you, Mr. Chairman. One of the reasons why the land use committee was formed there was that many people felt that a number of people who were on these hamlet councils did not know necessarily what was going on -- what the people wanted. We had to form this committee because the hamlet councils felt that it was none of their business, outside of their boundaries of the hamlet, so they worked with the trappers' associations and formed this thing there because they felt the trappers should have some input. That was one of the reasons.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson.

Regarding the Working of the Land Use Regulations.

MR. NICKERSON: I have one last comment in respect to this in general. I wonder if both of the witnesses could perhaps explain to us how these things are carried out in the field and whether any major difficulties have occurred and whether they are satisfied that the Land Use Regulations are working smoothly?

THE CHAIRMAN (Mr. Stewart): Mr. Spence, would you like to have first crack at that?

MR. SPENCE: Mr. Chairman and Members of Council, may I say first my name is Bob Spence. I am past president of the Northwest Territories Chamber of Mines and our membership is made up of companies engaged in mineral exploration in the Northwest Territories. Consequently, I speak on behalf of mining companies, not oil companies, but specifically mining companies doing mineral exploration in the territories.

To answer Councillor Nickerson's question, when the original regulations were put into effect some four years ago they worked rather well at first. The department had a rather high calibre of inspector and administrator but we find of late that problems have arisen indeed, that there has been a significant turnover among the staff and rather on occasion, a significant lack of standardization in the approach to the activities and while one inspector might allow a certain activity, another one would arbitrarily disallow it. So those of us who have been using and working under the regulations do indeed recognize that the regulations have to be amended and we are eager to co-operate with the department to see that the amendments will fully correct the problems that have arisen as well as to accomplish the end to which the regulations were drawn in the first place, that is, to protect the environment.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Morison, would you like to add anything to that?

MR. MORISON: Mr. Chairman, on the matter of what problems we may have had, certainly we recognize that some of the problems that have been with us in the regulations is that we have not always been able to be aware of the kinds of operations that are going on because the threshold of entry into the existing operations is fairly high. You could have a fairly significant operation going on in the area of a community which would not necessarily be passed as a land use operation. Because we have carried out a consultation process with the community for activities of this kind their first response to us is, "Well, why were we not made aware of this?" This I think has been a problem throughout the territories and is one of the things which I hope the change in the regulations would solve to some degree.

The Problem of Staff Turnover.

On the matter of turnover, certainly this is not a unique problem to our administration. We were in the unfortunate circumstance last year of having about half our field staff leave in about six months. There are a good many reasons for this but I will not go into them. What we are attempting to do now is to improve stability in standardization and direction. We had our choice of decentralizing the entire permit issuance operation to the local district officers which I think would be highly desirable to get it up closer to the field or to expand at the regional level. We are going through a process of evolution in the implementation of these regulations and the only way we felt we could go at this period of time -- and I am looking at the next couple of years really -- is to expand at the regional level. Where we had before one administrator covering the whole Northwest Territories for land use, we now have a new position entitled the head of the land use section who becomes the engineer under the regulations and he will have three administrators working under him. In addition, we have a man working specifically on highways which also is a control of the land use permits. So we are building depth into the organization recognizing that we have four or five key people working in there and with the turnover that is normally incurred in this we hopefully would maintain a longer degree and better continuity between administrators.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. SEARLE: Mr. Chairman, I am wondering, getting down to the specific purposes for which we are here, if Mr. Morison might outline the individual changes proposed, the reason for it and then as we go through it to prevent coming back and repeating it maybe have Mr. Spence give an industry comment on each one as we go and I think in that way we can probably get through them all.

THE CHAIRMAN (Mr. Stewart): Would you like to do that on a type of a clause by clause review of the proposed draft amendments?

User-Conflict Concerns

MR. BUTTERS: I do have a general comment if you are going to call a comment a question, if I may at this time, for Mr. Morison, I assume that a developer who is operating in the North and who seeks permission to operate and is obtaining a land use permit has already been given a lease or has some type of permission to be there and say, for example, we will say he has a lease. Now, let us look at the situation when this developer proposes to do some type of activity and the community, the community of people living adjacent to where this activity is going on, on receiving the permit application says, "No, there is no way this activity will go ahead. It is our land, originally it was our land, it has been our land for centuries and this development will not be tolerated by us". I wonder what your instructions are, sir, from the Minister in this situation, what do you do?

MR. MORISON: First of all, Mr. Butters, I am not aware of any specific instructions on this. The regulations are there, they are there to control the environmental concern. Certainly we have to recognize at the same time user-conflict concerns that are raised from time to time and in some areas and become more important in fact than the environmental concern. The question of authority to carry out the land use activity certainly has to be addressed and I can assure you that the first question that is addressed in any application is, "By what authority are you here?" or "By what authority do you want to do this?" This does not always meet with the satisfaction of the applicant when you ask him this kind of question but I am aware of one instance, in fact, where this was done and the authority of the company to operate in the Northwest Territories was challenged and some changes were made.

The question of community, the kinds of input they have, specifically the input of the community is one of, are they aware of any environmental concerns, do they have any environmental knowledge, concerns about wildlife that we should be aware of in conducting operations in that area? It is not a question of, "Do you approve?" or "Do you not approve of the operation?" That puts it in its most simple terms but I think by and large when the concerns are raised the company is able to either modify their program in terms of timing or the method by which they carry the work out. In some cases, where an environmental concern has been raised and the question biologically has not been answered studies in fact are implemented to attempt to determine what the answers may be, and you are probably aware of some of these.

When it comes down to a specific user conflict, we attempt to find out from the community just where the area of prime use is in relation to that community. We feel that within this area of special concern, the business of user conflict not to have an unsightly operation at the end, at the time of hunting, if that is the concern, to try and give that the highest priority. Now some of these communities have been able to identify these and we pay special concern when the area is identified. Certainly any land use operation that would be in there would be referred to them. There are some parts of the territories where there is no particular community concern and these are not brought before communities because there just is nobody using that particular location.

I think in the evolution of consultation and so on we would hope that more areas of concern would be identified. We would hope that they would be reasonable, we would attempt to come to some satisfactory resolution on how and when we would operate in those areas or in fact

if it came down to it, if we would operate. I can say that very seldom have land use permits been refused. They are usually modified and a lot of occasions, it does not meet with the satisfaction of the community, nor do they always meet with the satisfaction of the applicant when they are modified.

Advance Preparations

Another thing I would like to mention is where the companies have been operating in the past and as you know, the companies are required to plan considerably in advance for these operations, especially in the Arctic islands. They must have at least a years notice and where a concern in a special area is identified and the company had planned to occupy in there, my position is that we should attempt to give the company at least a years notice where a concern is raised on an area of special consideration is identified where they have been in the habit of operating in that area without any particular constraints in the past. We would change those modes of operation immediately if a serious environmental concern was raised but where it is a user conflict I think we have to attempt to accommodate both.

A recent case where this was done where I suggested we use the year was at Resolute on the south end of Bathurst Island and where the community identified this as being their prime hunting and trapping area. We thought that we should wait a year before we cut the company out of there during that particular hunting period and in less than that years time, the community has decided that it is not the south end of Bathurst Island they are primarily interested in but is in fact some other area. So I think a year is useful as a test and to make sure that all parties are sure of what they really want.

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

MR. ERNERK: Mr. Chairman, I am wondering if we were going down to specifics? There are a lot of questions I would like to ask in a few moments or so.

THE CHAIRMAN (Mr. Stewart): We will be studying this section by section. You could go ahead now if you like.

MR. ERNERK: Thank you, Mr. Chairman. I was going to ask Mr. Morison about a problem which we had in Baker Lake about a year ago. This is concerning a special land management zone or something which was promised to myself and a couple of other councillors in Baker Lake by the former Minister of Indian Affairs, in June 1974. The reason I am asking this question, Mr. Chairman, is because it was brought up again about a couple of months ago when I was in Baker Lake. The subject is Schultz Lake and Aberdeen area. I wonder if there is anything that has been done concerning the needs, the wishes of the people of Baker Lake within the past year or so?

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Morison, do you have any comments in this regard?

MR. MORISON: Mr. Chairman, in response to Councillor Ernerk's remarks, it is hoped that the revisions in the Land Use Regulations which I think were indicated some time ago would have been in effect by this time. That may have solved some of the concerns in the Baker Lake area. They are very much under development at this time and it will be a while before

they are in fact implemented. The concerns at Baker Lake were identified again by a recent trip of our regional director, Mr. Ritchie, who visited the community council there and we have subsequently made contact with our district people to be in that area and become more aware of the specific concerns of the people of Baker Lake. There has not been the same requirement to be in these communities because there have not been permits issued in the past.

We do have a fellow over in Rankin Inlet this year who will be operating in that area and will be into all of these communities too, first of all to identify some of the concerns and also explain some of the land use programs. Specifically on the lakes you mentioned, Councillor Ernerk, I am not aware of those particular lakes and I could not comment on them, except to say I was aware the people of Baker Lake were looking for an area to be reserved from activity for the purposes of protecting the hunting activities in those areas, that is what I understand anyway. Hopefully, we would be able to approach this in the same way we did at Grise Fiord, by having the community identify the prime area of interest and have some satisfactory basis for operations in those areas.

Consultation of Community Council

MR. PUDLUK: Mr. Chairman, I would like to ask Mr. Morison something. I have seen it happen before. Last year some of the council members received a letter for activities going on and they were not really happy because they received the permit with a letter that said, "If you have any questions, please let us know". Before issuing the permit I think the community council should be consulted first as to whether they have any questions.

MR. MORISON: I would comment on that. I mentioned before there are some considerable time constraints in the issuance of these permits and the permits have been issued from time to time in which we have not had feedback from the communities who have been contacted, even though the effort was made initially by mail or by telephone or whatever. Where we felt there was a real potential for user conflict or environmental damage in the area, we have made the effort on occasion to go to the community and be there with them to make sure that all of the permit conditions are understood. I would hope that some of this could be resolved in the new regulations by allowing a longer time for complicated permits to be brought before council. The 42 days is somewhat of an improvement from that point of view over the 30 days. I will say one thing more, that although we have issued permits in advance on community concerns, I think I can say almost without question that the industry by and large recognizes that they are very much in this community consultation process as well as government carrying it alongside them. Where a community receives a land use application and by the circumstances of time is not able to comment, but does identify a very serious user conflict or a serious potential for environmental damage, if this information is brought in after, although legally we may not be able to change that permit, I am quite sure if this is brought to the attention of the companies they would give it consideration and subsequently change or allow us to change the permit through a request from them.

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

MR. PUDLUK: I am sorry, I finished what I wished to ask.

MR. BARNABY: I would like to ask how much concern there is for the people in the area that is going to be worked on, I mean, if damage could be to the people socially as well as the land?

Development Process Causes Social Problems

MR. MORISON: The activities we are involved in with land use by and large are exploration activities. Certainly there are other activities having long range ramifications in terms of social effects, highways being one and probably the very obvious one. At this stage of the game we do not feel we are necessarily approving that an operation will be approved. For example, if someone is carrying out exploration for a potential mine, it does not necessarily follow that because we have issued the land use permit that the mine will be allowed to operate in the specific area where they would like to carry out their business.

Exploration in itself is a matter of determining what resources are available which are of benefit to most of the people. We are not in the position of wanting to curtail this activity where we are in the learning process. When you get into the development process, it is largely a development process that causes the social problems and this is another area of consideration. By and large the land use people are not involved in that kind of a process. It comes before other areas such as the Northwest Territories government or our own department where major developments are being carried out.

I am aware at the same time of certain adverse effects of exploration activities in some areas, but particularly where the exploration people may come into a small community and essentially buy out all of the groceries available or something like that. We are in contact with companies even now, even though they do not require land use permits, to advise them to go into communities and explain what they are doing and some of the problems they can bring to a community by doing something like buying up all the groceries.

THE CHAIRMAN (Mr. Stewart): There is the other angle which is coming in and buying nothing in the community which is just as disastrous.

MR. PEARSON: Which is more to the point.

THE CHAIRMAN (Mr. Stewart): I do not know whether he is for or against it, this particular situation. Does the committee want to go through this paper now, clause by clause, the same as we handle our own legislation, or how do you want to handle this? Mr. Pearson?

MR. PEARSON: I just wanted to clarify something in my own mind about Mr. Morison's comment. Did I understand him to say that a road did not have the impact that other development has on remote areas?

MR. MORISON: Mr. Chairman, Councillor Pearson, if I said that, I surely did not mean to say that. I think certainly roads have the greatest impact of many of the activities that we get involved in, both environmentally and socially.

MR. PEARSON: Roads more so than any pipeline, I think are going to have in terms of impact on people in the North. This road proposed from here to the coast will have a real impact, nothing like what the pipeline would have. Or, rather, it would have ten times the deleterious effect that any pipeline or two pipelines or three pipelines.

THE CHAIRMAN (Mr. Stewart): Thank you. With the committee's approval, I will direct your attention to the draft proposed amendments, subsection 2(b).

MR. MORISON: I would like to comment on 2(b). Because these were written about a year ago, at least parts of them, subsequent to that some changes have been made in our organization and in fact the regional superintendent of the Land Use Regulations in the Northwest Territories will be the head of the land use section in Yellowknife.

THE CHAIRMAN (Mr. Stewart): I take it you are saying that the words "Fort Smith" should be deleted and "Yellowknife" inserted?

MR. MORISON: Essentially, that is right.

MR. McCALLUM: One more down the drain.

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

Administration of the Land Use Regulations

MR. SEARLE: Just going back a little while in history, by that I mean just a year or so ago, as I understood it, Mr. Chairman, the persons administering the Land Use Regulations were in Yellowknife. Then I understood they were moving to Fort Smith to be with the forestry people. Does this mean that they are all back or moving back or have you got it split with a few at Smith and here or -- I would like to know what the situation is.

MR. PEARSON: So would I.

THE CHAIRMAN (Mr. Stewart): The interpreters are having a difficult time following us, we are speaking a little bit too fast and I would ask everybody to cut down the speed a little, please. Mr. Morison, would you care to answer that question?

MR. MORISON: I would be pleased to comment on that. As I mentioned when I first introduced myself, I have been involved...

THE CHAIRMAN (Mr. Stewart): You are in high gear. Slow down a little.

MR. MORISON: I have been involved in both ends of this operation in Fort Smith as regional superintendent when the land use unit left Yellowknife and came to Fort Smith and then I was involved in the process of bringing it back to Yellowknife. The intention at the time to have it in Fort Smith was that closer contact would be made with the Northwest Lands and Forest Service staff who carry out the field inspections that are required on each of these permits in the application stage and during the operations. The difficulty found in doing that was that we found ourselves removed from other sources of information which were essential to us, being those members of the land use advisory committee who are resident in Yellowknife; Canadian Wildlife Service, Fisheries and Marine Service, Northwest Territories government and so on. Certainly we were able to maintain our meetings with them and we did on about a bi-weekly basis with some considerable difficulty, I might add, in travelling and so on.

Perhaps more important than that was the fact that there was, because of the distance, and this was part of our regional office in Yellowknife, but essentially, Fort Smith was regional too, it was just a lot further down the hall because the way we were trying to operate. In fact the communication problems sometimes developed where land use permits that should have been screened by our lands people or carried out in co-operation with our water people in issuing water authorizations became difficult. Also, it became very apparent that whenever a problem arose, and most of the problems we have are people problems, the problems came back and rested directly in Yellowknife and very seldom was Fort Smith able to become involved at all because of the separation; the need to respond quickly was directly to the community or whoever was concerned or to our people in Ottawa.

Some of these things happen fairly quickly as you can appreciate and we felt that we could get a better co-ordinated action by having all of our regional resource people in one location. As such, the move of the original land use unit from Fort Smith which consisted, I believe, of about seven people at Fort Smith when all the positions were filled, transferred back

here and has incorporated other persons who were operating in support of that unit, such as our highways officer and our environmental scientist. We have added to that unit the three administrators that I have described, and an engineer.

Number of People Involved in Administration

MR. SEARLE: Just following along the line of that if I might, just in terms of the number of people I am wondering if Mr. Morison could tell us how many people are presently involved in total in the administration of these Land Use Regulations.

MR. MORISON: Mr. Chairman, Councillor Searle, the land use unit as it sits in Yellowknife and being operational very shortly will consist of some thirteen permanent staff persons. As I mentioned to you earlier the need for an expanded unit, more administrators than one, became apparent because when we started this business off in 1972 the first year we received maybe 250 applications for permits. They were by and large in effect the next year and we received 350 more and the third year we received some more. So we had an accumulative effect of not only dealing with 250 permits a year or 350 a year, but actually carrying over permits that were issued earlier, so we are now in the neighborhood of 800 to 900 active permits. So the need to expand the unit administratively became apparent.

The choices of where we expected to fill that requirement were addressed and it was determined that in fact at this point in time the logical place for expansion was at the region. Hopefully, the kinds of operations that are being carried on at the region now will eventually be done in districts. The issuance of land use permits in my view, and looking at a provincial-style organization, is largely a district concern and a district work problem.

Now, the numbers of people we have in the field, I mentioned there were some 80 persons in total in the forest service. This included the 13 give or take a couple. I think at the present time with this change there will be roughly 70 persons in the forest service, some of those are obviously support positions and I think we have in the neighborhood of 30 to 35 inspectors.

MR. SEARLE: So then the total number at headquarters and in the regions will be 70 to 75 or 70 to 75 plus the 30 that you mentioned?

MR. MORISON: Mr. Chairman and Councillor Searle, I would say that a rough figure, and it has to be rough because you can appreciate these people are not engaged wholly in land use operations, they are also in fire control and forestry and lands work, but the number of persons that we have in the field would in the four districts being Inuvik, Fort Simpson, Fort Smith and Yellowknife would represent about 60 people in those four districts. Those are all field positions and operate under our district superintendent. All of those 60 are not field inspectors nor are they field people; they are support people. Let us say that there are some 35 and then in addition to that the land use unit in Yellowknife as it would be constituted with 13 more would bring it in the area of 45 to 48, somewhere around that involvement in land use.

The Right to Establish a Mine

MR. NICKERSON: I have a question on a rather unrelated topic which I hope you will rule in order. It concerns Mr. Morison's reply to Mr. Barnaby. I have been thinking about this and I kind of read something rather sinister into it.

If I understand correctly Mr. Morison said that because a company had been given permission to do exploration work in a certain area that would not necessarily mean that they would have a right to establish a mine there or operate an oil field. Especially in regard to mining it would be very difficult for a mining company to be told to move the mine ten miles down the road because the only place where you can have a mine is right where the ore body is and under the present Canada mining regulations made under the Territorial Lands Act there is implied in these regulations that there is a right to mine. That means that if you have properly staked claims, you do the required amount of work on them etc., etc., you can get a lease which will allow you to go into production under certain well-defined, well-known terms and so long as you keep to these terms you can put a mine there.

Now, I suspect that there might be thinking within the department to alter this right to mine. I suspect from Mr. Morison's reply that the department might be thinking of something along the terms of the production lease which is required in British Columbia and everybody knows what has happened to the mining industry and a lot more industries in British Columbia and I would certainly hate to see the same thing happening here. So, I wonder if Mr. Morison could elaborate on the thinking within the department on matters relating to this question.

MR. MORISON: Mr. Chairman, Councillor Nickerson, I realize the way in which I responded to that particular question of Mr. Barnaby. I may have left unsaid some things which were required for clarification. My real intent was to say that the process of exploration does not necessarily indicate for certain that a mining operation or some subsequent operation is going to take place. That I suspect is fairly obvious because it depends on how successful you are on your exploration. At the same time, the only comment I intended to make as far as if in fact a mine potential is discovered and somebody wants to go into operation as I understand it, it is essentially as you have explained; the mining regulations provide for certain privileges and they are there to be used.

The site specifically and the kinds of operation that would be going on in that mine, the method of handling environmental concerns at that time do not necessarily come under the Land Use Regulations depending on whether a lease is issued or not. There are other features which are involved such as the Northwest Territories Water Board issuing water licences and so on. I can assure you I was not indicating or intending to indicate that anything sinister was going on. If you discover anything sinister I would be pleased to be informed.

MR. NICKERSON: Thank you.

Superintendents in Regions

MR. McCALLUM: Mr. Chairman, I wonder if I might direct a further question to Mr. Morison just as a point of clarification. The district is situated in Yellowknife and that there were four regions, Inuvik, Fort Smith, Simpson and Yellowknife and that you have superintendents in each of these areas?

MR. MORISON: Mr. Chairman, I will attempt to clarify that. We operate a regional office in Yellowknife. In addition to that there is the regional office of the superintendent, the regional superintendent and the Northwest Lands and Forest Service which is located in Fort Smith. Now, these two offices constitute the regional entity if you want,

even though it is split into two locations. In addition to that, our field people are located in districts. There are four districts at the present time and with a fifth district being proposed in the Eastern Arctic. The four districts are Inuvik, Fort Simpson, Yellowknife and Fort Smith. So, in Fort Smith we have both district and regional offices and also in Yellowknife we have district and regional offices.

THE CHAIRMAN (Mr. Stewart): Thank you. I direct this committee's attention back to subsection 2(b) on the amendment. Are we agreed? Agreed?

--- Agreed

I suppose the next amendment although it is shown as (b) I suppose it should be 20(1)(b). That is the maximum vehicle weight reduced from 20,000 pounds to 10,000.

MR. NICKERSON: Mr. Chairman, I wonder if we could have industry's comments on the further alterations that are to be made under section 2 which, as I understand it, is a reduction from 300 man days of 100 man days, the amount of fuel that can be stored in a cache which is to be reduced to 300 gallons which as I understand it is less than one Twin Otter load and then also on the reduction of the maximum vehicle weight.

THE CHAIRMAN (Mr. Stewart): Thank you, I will direct your question to Mr. Spence, please.

MR. SPENCE: Mr. Chairman, I would like to take this opportunity to elaborate a little broader than the question required because industry through the chamber was advised of these proposed amendments early this year and since being advised we have held at least five meetings among ourselves and with the other chambers and with the officials of Indian and Northern Affairs. This has presented an evolution to the point where now we have among ourselves a joint task force with representatives from each of the four chambers and from Indian and Northern Affairs and this joint task force has been set up with the approval of the Assistant Deputy Minister to come up with restrictions such as those that have been just questioned that would be more acceptable to industry and still accomplish the end which is to protect the environment and to find out the interests of local residents.

Consequently, the restrictions that you see before you will not necessarily apply and I believe you have been given some subsequent material, some additional material that shows what restrictions would apply for two kinds of permits, an "A" permit and a "B" permit. You will see that for one kind of permit it would cover a very involved and extensive sort of project and the other permit would cover projects of a lesser extent.

It would be much easier to obtain, one permit would take up to 42 days to obtain and the other one would normally be obtained on demand and in rare cases might take ten or 15 days. These limits for the "A" and "B" permits have been arrived at through consultation with this task force and, while industry does not necessarily wholly accept the need for Land Use Regulations or for the restrictions being placed on our activities, we do recognize that we are going to have to live with them and we have agreed to these specifics.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Nickerson?

Departmental Policy.

MR. NICKERSON: Mr. Chairman, I think it was not made quite clear to many of us whether or not the possible amendments to the Land Use Regulations or the amendments to the amendments by way of the paper you all have in front of you defining the "A" and "B" type permits, whether that was the departmental policy or not. I wonder whether Mr. Morison would like to elaborate on this?

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

MR. MORISON: Mr. Chairman, to say that it has evolved that we now have an "A" and "B" type permit and that this is in fact departmental policy would really be premature for me to say. Certainly through the task force that Mr. Spence is on, this has been suggested as one of the possible solutions to the problems associated with the issuance of permits and the great number of permits that would be involved. We are very much in the developmental stage of these regulations. The requirements are changing fairly quickly and I think that what we are really looking for, I guess, is your general comments on the philosophy, if you want, behind the regulations and the kinds of problems you may have experienced in the operation of the old ones and whatever recommendations you might have for improved operation in the future. The task force, industry has agreed to this type of "A" and "B" permit and that in itself does not necessarily mean it will be incorporated in the regulations, but it certainly represents industry's input.

THE CHAIRMAN (Mr. Stewart): Thank you. This appears to me to change the ball game considerably. I had assumed that industry and your department had more or less agreed on the amendments as presented to this committee. I understand now that, although the basic figures and so on have been placed in these amendments, you have a task force that is looking into them and these may be altered. If this is the case, I just wonder whether this committee should not speak more in generalities and agree in principle possibly and not really clause by clause, if these clauses are not really necessarily what will be set up. Could I have direction from the committee?

MR. SEARLE: Mr. Chairman, I understood originally, because I was involved then in appearances before the people who designed and set these up, but I understood originally that essentially the Land Use Regulations, the zone concept -- in other words, they would apply to a certain zone, that they were essentially designed to apply to the very fragile conditions which existed primarily in the High Arctic and along the Arctic coast. Essentially, therefore, they applied to the operations of oil companies and the exploration for oil and gas. I know the mining industry at that time felt a lot better when they found this out because essentially, of course, the mining activity has taken place in or around the Precambrian Shield which, as we all know, if we tried to walk over this, it is difficult if not impossible to destroy. In other words, it did not have the same fragile conditions as the Central and High Arctic. What I see happening is, however, if I read this correctly, the activities of the department by virtue of the land use operations, are being extended and slowly but surely, by hook or by crook, fair means or foul, if I may say, the operations of the mining industry are being brought under the Land Use Regulations. I can see it if they are operating in a terribly fragile area, but what bothers me is I can not for the life of me see the need to get involved particularly in the Precambrian Shield area in the way that is being done here.

Government Regulation Requirement.

What could possibly be the justification? Is oil and gas activity slackening off? Are there a lot of people who need to be occupied or --? You know, the philosophy is what bothers me. We are getting down into the mining industry. It is not as though we had much of it here. Why do we have to suddenly get involved in this area where essentially I think Mr. Morison will agree with me that the mining industry really was not bothered by the Land Use Regulations? What has happened recently that requires governmental regulation to this extent? What traumatic thing has occurred that suddenly requires this tightening down and this involvement in these other areas with respect to mining?

MR. MORISON: Mr. Chairman, in response to Councillor Searle's question certainly it is a legitimate question. When the original Land Use Regulations were proposed it was quite conceivable at that time that, had the resources been available, the whole of the Northwest Territories would have been incorporated at that time. That is not sufficient reason in itself certainly for going back now and changing the regulations throughout. However, there are other things that are associated with the land use operation that require some control. Land use activities, while they may not be particularly detrimental to the large amount of exposed bedrock you may encounter in the Eastern Arctic areas, there are in fact a number of areas which are, to use the word "fragile", although that is not by and large used as much as we used to use it at one time. Stream crossings, for example, they are an area of high ice content in the soil and so on.

Another area of concern is the wildlife in the Eastern Arctic and the effect that land use activities could possibly have on wildlife and caribou migration, migratory birds and the like. In addition, the increasing concern of local people to know, feeling they have a right to know what is going on and where it is going on and who is doing it, is certainly another reason why we feel we must have some kind of control over the activities that are taking place in the Canadian Shield area. In addition, there have been a number of complaints from time to time about debris being left behind operations and, although by and large most operators are fairly conscientious this way, inevitably from time to time large accumulations of debris occur and we are being asked, "Who was there and who should clean it up?" and so on. It seems the only way we can prevent this from occurring is to know that the operation is going on and to get in contact with the people before the problem arises, rather than trying to chase after them after it has happened. A permit also does provide for, if some damage is done, to know who the party is and to be able to get corrective action.

THE CHAIRMAN (Mr. Stewart): The Chair recognizes Foxe Basin as wanting to speak but the hour is now 4:00 o'clock and we will recess for 15 minutes for coffee.

--- SHORT RECESS

THE CHAIRMAN (Mr. Stewart): Committee will come to order. Did I have an indication that the Member from Foxe Basin wanted to speak just prior to our recess?

Granting of Permits

MR. EVALUARJUK: At the present time the people who are sitting, are they giving these permits to the oil companies or the mining companies when they are about to operate? Are these companies given these permits once they are about to go up to the areas concerned?

THE CHAIRMAN (Mr. Stewart): Would you care to answer that question?

MR. MORISON: Mr. Chairman, in response to the Councillor's question as to are the companies given permits when they are about to operate, the question of authority was raised earlier this afternoon where I indicated that the first question in assessing the validity of an application is to determine whether or not the company or the applicant has the authority to carry out the operation in the given area in the first place. These authorities are, by and large, given under other acts or regulations such as the Canadian Mining Act or the -- perhaps the Oil and Gas Conservation Act or whatever. Having received the authority to carry out exploration, the companies then come to us and say, "We have the authority. This is where we would like to operate. This is how we would like to operate and this is when we would like to operate".

The regulations as they now read require us to respond to that request or application within a period of 30 days. Therefore, the company has no responsibility to advise us in advance of their operation any more than the 30 days required by the regulation. From time to time, some of the larger companies do come to us to explain a seasons program. I can give you, for example, Panarctic who will be meeting with us tomorrow to discuss the results of their entire last winters program and also how they plan to operate this coming winter season. Panarctic is not the only company who do this, but I simply give it as an example.

I believe that in some of the areas of the delta, that is the Mackenzie Delta, the companies there also appear before councils sometime prior to their operations taking place to explain their entire proposed program as it is known at that time to the community involved. I have attended one of these meetings or two of these meetings in Sachs Harbour where more than one company is involved and they all get together along with the governmental representatives and discuss with the council in Sachs Harbour the entire winters program.

In this way, we are aware of programs planned in advance of the 30 days and this helps us to sort out operational problems that may be apparent. There is no regulatory requirement on the part of companies to do this, but they can see the obvious advantages in this and it helps the communities and ourselves to get the entire picture clear before start up.

THE CHAIRMAN (Mr. Stewart): Thank you.

Northern People Know Their Land

MR. EVALUARJUK: I want to thank you very much for a very good answer. The reason I have perhaps asked this question about what I have heard from some other settlements where they do not agree with, and they say what they do is those people looking for minerals or petroleum they have to get a permit first. It seems that Inuit people are usually told after they have already purchased their

permit. The reason why I am talking about that subject is the people in the North know their land more. They know where the wild game is. I think this particular subject has to be done. I think it is better that before there are any permits given to any companies the people in the settlements should be told about it. Is this all right?

THE CHAIRMAN (Mr. Stewart): Thank you. I am at this committee's direction how you wish to proceed any further.

MR. SEARLE: Mr. Chairman, I have one or two questions I would like to ask if I could.

THE CHAIRMAN (Mr. Stewart): You have the floor, sir.

MR. SEARLE: I get the feeling from what Mr. Spence said that the business of having an "AB" type of permit would be more acceptable to the people involved in mining, and the proposals or changes contained in the regulations, am I correct in that?

THE CHAIRMAN (Mr. Stewart): That was my assumption. I will ask Mr. Spence.

MR. SPENCE: Mr. Chairman, Councillor Searle has the right interpretation. We find that these "A" and "B" type permits which we negotiated in our task force would certainly be more acceptable to the mining industry than the amendments proposed in the documents you have in front of you. In fact the restrictions that would be involved in the single type permit would be so onerous that I think many exploration projects would have to be delayed a year or more in this country. I am afraid that many exploration companies would be discouraged from doing work in the Northwest Territories. I think it is that serious. Consequently, we have persuaded, as I mentioned earlier, the department officials that we set up this task force so that the mining industry in particular would have some input into the evolution of these proposed regulations, proposed amendments and so that there would be less danger of our being severely handicapped by the regulations and less danger of discouraging exploration activity. Consequently while the "A" and "B" type permits were originally proposed by officials of the Department of Indian and Northern Affairs, we do indeed agree with them.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. SEARLE: To try and bring the discussion to a head it seems to me that the sort of thing that this Council might consider doing is lending its support through a motion to the creation of the "A" and "B" type permit situation.

Motion to Approve the Definitions of Land Use Permits

MR. NICKERSON: In view of what Mr. Spence has been saying and also because of some other views which I wish to elaborate on afterwards, I have prepared a motion which will go in with what Mr. Searle was just saying and if I have your permission, Mr. Chairman, I would like to move as follows: That this committee approve the definitions of land use permits under the Territorial Land Use Regulations which outline the requirements for types "A" and "B" permits and request that the Department of Indian Affairs and Northern Development take into consideration this Council's recommendations that such definitions be incorporated into any amendments being made to the Territorial Land Use Regulations.

THE CHAIRMAN (Mr. Stewart): The motion is on the floor. Discussion on the motion? Mr. Nickerson.

MR. NICKERSON: May I speak to the motion?

THE CHAIRMAN (Mr. Stewart): Yes.

MR. NICKERSON: It would seem to me there is an obvious difference between certain types of mining operations. If you are in a position where you are going to drill a \$5 million oil well, something like that has real potential for environmental damage and should obviously be controlled to some extent. Also, if you are going to do something like drill an oil well, sink a mine shaft, these are things that you do not bring up overnight. There is plenty of leeway there when you are deciding that you are going to go ahead on these things, so it is quite possible in those cases to give the environmental people a fair bit of advance notice. But there are, however, other land use type operations which, as Mr. Morison has said, with a lowering of the threshold of the definition of land use operation, they will now come under the land use operation and really there is no real great potential for environmental damage.

The Need for Two Types of Permits.

The type of things that I am really thinking about here, are say, the operations of an individual prospector. Say for instance, the Fort Norman co-op had a contract to cut 50 cords of wood half a mile or a mile or so outside the village. Now, what would happen if these Land Use Regulations went through? Fort Norman co-op would have to go through Yellowknife, they would probably need expert advice from somebody in applying for a land use permit and there would be telephone costs that would be very difficult for them to do that. In many of the small settlements there are no people who are really competent to make detailed applications on this type of thing, so I am thinking particularly here, not necessarily of the mining or oil companies, because most of their major operations would require a type "A" permit, I guess, the one that requires 42 days notice, but I am thinking more in terms of co-ops, settlement councils, say a settlement council would like to award a contract for somebody to go and haul some gravel and do a little bit of land fill work around the settlement -- these types of things should be permitted very easily and more or less on demand. I do not think it is the intention of the regulations or certainly would not be the intention of this Council to impose upon people such as prospectors or settlement councils, co-ops, very small businessmen, especially those operating in the settlements, and especially those businessmen who are just starting out and maybe have not got a lot of formal education and can not really speak English very good, it would be very, very difficult for them to go through this rather complicated application process. Therefore, I think that there is a real need for two types of permits. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. At this time I have an important long distance call and I would like to call on Mr. Butters to take the chair in this committee for a few moments.

THE CHAIRMAN (Mr. Butters): Further discussion on the motion?

MR. SEARLE: I would like to support fully what Mr. Nickerson has said.

THE CHAIRMAN (Mr. Butters): As there is no further discussion on the motion I will read the motion. "I move that this committee approve the definition of land use permits under the banner of Territorial Land Use Regulations which outline requirements for type "A" and "B" permits and request that the Department of Indian Affairs and Northern Development take into consideration this Council's recommendations that such definitions be incorporated in any amendments being made to the Territorial Land Use Regulations."

Motion Carried

All those in favour? Contrary?

--- Carried

Further discussion? I am not quite sure where we were. We get off the detail.

MR. LYALL: On a point of order, I would just like to state that sometimes when you call for a show of hands the question is not finished yet in translation. If you could wait just a few more seconds before you call.

THE CHAIRMAN (Mr. Butters): Right, thank you.

MR. SEARLE: Frankly, I think with that motion we have completed the discussion, all of the discussion that is necessary and I think it is just a matter of reporting it out.

THE CHAIRMAN (Mr. Butters): The committee has heard the suggestion. Is there any further discussion? Any more discussion on this? Mr. Barnaby?

MR. BARNABY: What changes have been made so far in the Land Use Regulations that we have been discussing here?

THE CHAIRMAN (Mr. Butters): Mr. Barnaby, we have not made any changes and I do not think that the committee can make any changes as it is federal legislation. The only thing we have done is approved the motion which I just read suggesting that two different types of permits be set up, one which would relate to bigger companies and another which would permit smaller individuals to operate without getting all tied up in government red tape.

MR. BARNABY: There has been a lot of discussion going on and I think something should be done if there are concerns being brought up by the Members.

THE CHAIRMAN (Mr. Butters): I agree there has been a lot of discussion going on but this is the only action of this committee, the motion that has been put forward by Mr. Nickerson. The committee awaits your suggestion as to anything else we can do on this matter.

MR. LYALL: Mr. Chairman, I do not quite understand, like maybe Mr. Barnaby does not either, what really are you trying to do? Are you just trying to see if all the Members agree to have "A" and "B" type permits? I mean I figure when the motion was on the floor and then everybody voted for it and then I think there is no further discussion. Is that it?

THE CHAIRMAN (Mr. Butters): My understanding is the discussion of the detail relevant to this item appeared to be not advancing the cause very much and it was suggested that the committee report progress. Maybe Mr. Searle could clarify for me if there was some other approach to the suggestion I should take. I thought we would report progress on it at this time.

In Support of a Two-Permit System

MR. SEARLE: Well, Mr. Chairman, my interpretation of that motion was that by saying that we support the two-permit system we are making the regulations easier on smaller types of operations such as those discussed by Mr. Nickerson, yet they remain in full force and in effect against the large petroleum operators and that this meets the approval of the mining industry as stated by Mr. Spence. If we did not recommend that, it would make it very difficult, if not almost impossible. So that I think is the effect of the motion, a recommendation to the Minister to have the two-permit system.

It seems to me that that is really as far as we need to go. That is a position we have taken in principle and I would think that it would be appropriate now for the chairman simply to report that the matters have been considered, the regulations have been considered and this motion has come out of it and it be communicated to the Minister. Then we will go back to our other bills that we were about half way through when we started this discussion on the Land Use Regulations. That is, I think, where we are at, but it is subject to any Member discussing anything else that they want to about the Land Use Regulations.

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

Increase in Time Allowed

MR. NICKERSON: I have two other fine technical points and I thought Mr. Barnaby might like to think out what he wanted us to discuss. I think he has some serious reservations about this, but the two minor points are in section 20 of the regulations. One, it says "The Engineer shall within 42 days after acceptance of an application ..." and I was wondering about the significance of this word "acceptance", should it not be "receipt"? And the second point is subsection 20 (2) where it says "Where the Engineer has notified the applicant that he has ordered further studies or investigations pursuant to paragraph (1)(c), he shall within 12 months after the date of acceptance..." and the word "acceptance" again.

I wonder why 12 months is required and I see there has been a substantial increase in the time period allowed and I wondered if the representative of industry might like to comment on this and also whether Mr. Morison might like to comment and perhaps advise us that he is going to come back next year and ask for 24 months.

MR. MORISON: Mr. Chairman, dealing first of all with the use of the word "acceptance", in section 20, the present regulations have somewhat the same terminology and what it means is that prior to the period of issuance or as is the case of the present regulations, the commencement of the 30-day period, there is a period of time in which the engineer can review the application to determine its completeness so that it in fact can be entertained as a valid application. By and large, the ten-day period as is in the current regulations does not constitute any sort of problem to us in that most of the companies we are dealing with have had enough experience in submitting applications that they are in fact complete when they arrive and the 30-day period essentially starts when they are received as Councillor Nickerson has indicated.

I think there is a requirement to use the word "acceptance" so that applications can be reviewed for completeness if it is in fact necessary. I would suggest that administratively speaking this is a required tool, even though it seldom comes into play in the actual permit processing business.

If I may carry on, Mr. Chairman, I will also comment on the business of, I believe, the terminology which is something to the effect of going into study or whatever for a period of 12 months. The existing regulations provide for the engineer, within the 30-day period, to declare that a study shall be carried out by the inspector or by the company at their expense. This has from time to time been implemented where more information was required or where a formal environmental study was required on behalf of the applicant. The six months is recognized as being a rather short period to be able to effectively study the habits, for instance, of an animal in a proposed operations area where in fact a minimum of one year would be required in order to determine its annual behaviour. So that, I believe, is the substance behind the change from six months to a year and even though it is not invoked, often it is a useful tool when we find ourselves in an area of environmental concern and not really knowing what the real answers are, but, rather, having to react to supposed concerns. It gives us a chance to have qualified people go to the site and look at what is happening and to report back.

THE CHAIRMAN (Mr. Butters): Mr. Spence, do you wish to comment?

Objection to a Delay

MR. SPENCE: Thank you, Mr. Chairman. I think it is obvious that industry chafes at the bit and any kind of delay is serious for us. But we have been assured by the administrators of the Land Use Regulations that this kind of delay will rarely be invoked and especially not for most of our types of mineral exploration, that the impact of our activities is such that studies are not needed on the ecology. We object to even a ten-day delay, let alone a 12-month delay.

THE CHAIRMAN (Mr. Butters): In terms of procedure the two options open to us are to continue study of this Federal-Territorial Lands Act or the amendments. Mr. Lyall?

MR. LYALL: You go ahead.

THE CHAIRMAN (Mr. Butters): To continue study on a clause by clause basis of the proposed amendments to these Federal-Territorial Land Use Regulation, or to move back to the territorial legislation. Since we have passed this request that the Minister set up two special permits, one for the oil companies and one for the little people in the territories. Mr. Barnaby, did you have a question?

MR. BARNABY: No.

MR. LYALL: Mr. Morison, speaking of qualified people, do you recognize the people who live on the land as qualified people and do you recognize the people who formed their own land use committee around the delta area?

Utilizing Local Knowledge

MR. MORISON: Mr. Chairman, Councillor Lyall, unquestionably as part of the process of determining the behaviour of animals in any particular area where there have been persons in that area who have become familiar with their habits, the qualified people or people carrying out these studies would ask the local people what their knowledge was of the habits of these animals so as to be

cognizant of what they were and to perhaps use it as a guide for them as to how and where they might carry out their studies. I think it has been the practice in the past on occasion to employ native people during these studies because of this obvious benefit. Certainly local people are very well equipped to tell investigators what is happening because of the experience they have gained and the information that has been related to them from other persons in the community. It does not always necessarily follow and certainly with no discredit intended toward the people who utilize the animals, but do they always know why things are happening the way they are happening? Very often these investigations attempt to determine why, so I will conclude by saying that the local people certainly have a good deal of knowledge to offer and that from time to time they certainly do know much but it does not always necessarily follow that they know why and this is what professional investigators attempt to determine.

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

MR. LYALL: Then I would like to know why the federal government would not give them assistance dollar wise when they are having their meetings and trying to meet with your people and trying to get a member of their people into your committee. I can not see the reason why they can not because of the fact that you say you have 17 people working right out of this region and you have something like 60-some-odd people. I feel that some of this money that you guys are using should go to them and also I feel if you have too many people standing around doing nothing there is lots of garbage that they could go and clean up around the Bay Chimo area that has been left there for the last ten years.

MR. NICKERSON: Mr. Chairman, I have just had a brief discussion with Mr. Barnaby and it is Mr. Barnaby's intention to move a motion and I have here Mr. Barnaby's motion. The thoughts are his although the words are mine. I wonder if it would be in order, Mr. Chairman, if I were to read this motion out and you would be able to consider it as having come from Mr. Barnaby? If that meets with your approval, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Go ahead.

Motion to Take Concerns of People Into Account

MR. NICKERSON: Mr. Barnaby's motion reads as follows: "I move that this committee express its grave concern over matters relating to the environment of the Northwest Territories and reiterate its position that the concerns of the people of the Northwest Territories are of the utmost importance and should be carefully taken into account."

THE CHAIRMAN (Mr. Butters): You have heard the motion which has been put on the floor. Is there any comment relative to that motion?

MR. LYALL: Mr. Chairman, would you like to read that motion again slowly?

THE CHAIRMAN (Mr. Butters): I will: "I move that this committee express its grave concern over matters relating to the environment of the Northwest Territories and reiterate its position that the concerns of the people of the Northwest Territories are of the utmost importance and should be carefully taken into account." Any comment? Mr. Pearson, you looked like you were ready to spring.

MR. PEARSON: No, I was ready to go the other way. I am ready to cash and burn as we say in the appliance business. I think it is an excellent motion, it is a motherhood motion you might say and I support it.

THE CHAIRMAN (Mr. Butters): Did I cut you off, Mr. Lyall? Do you wish to comment?

MR. LYALL: No.

THE CHAIRMAN (Mr. Butters): Further comment on the motion?

MR. STEWART: Mr. Chairman, I think as a northern resident it scares us when we see the federal government coming up with a detailed, very restrictive type of ordinance and regulation that is really over and above our control. We have had some experience in the Hay River area relative to this new environmental kick that is on. I think Mr. Pearson said it is similar to a motherhood type of thing. I certainly agree

that the environment must be protected but to start a department and flood it with people -- and people by nature are going to take the regulation in hand and interpret it as it is written. If it will mean people within their own municipality telling us more or less what we can do and what we can not do or where we can go and where we can not go and this type of thing, it makes it very difficult. I am deeply concerned that we do not get ourselves tied up in a position where we are overregulated with the types of things that we may not be able to live with and this to me seems to be that type of legislation. Yet, I agree that certain controls for the larger industry is essential, particularly in the High Arctic. It still seems to me that we are developing, or the federal government is developing another mammoth department to possibly do the work that three or four well-intentioned and well-grounded people who know their subjects could look after. So I support the motion of my colleague.

THE CHAIRMAN (Mr. Butters): Further comment on the motion? If there is no further comment ...

MR. ERNERK: Mr. Chairman, I would just like to say that I support the motion very much.

THE CHAIRMAN (Mr. Butters): If there is no further comment I will read the motion again and call the question: "I move that this committee express its real concern over matters relating to the environment of the Northwest Territories and reiterates its position that the concerns of the people of the Northwest Territories are of the utmost importance and should be carefully taken into account."

Motion Carried

All those in favour of the motion? Contrary?

--- Carried

MR. SEARLE: Mr. Chairman, there is something about these regulations which has been deep rooted as a canker to me for each and every day of each and every year that they have been in force and effect. I may as well get it off my shoulders because I think the other Members should start thinking about it as well.

The Division of Responsibilities Between Federal and Territorial Governments

The division of responsibility generally between the federal and territorial governments has always been this, that the territorial government has the responsibility of the people, and the things that people do, whereas the federal government whether we like it or not has the responsibility for resources.

This particular piece of legislation regulates the activity of people in respect to resources but I suggest that it basically regulates the activity of the people and that I do not see how we could ever hope to have an effective Department of Economic Development or do anything in the area of economic development as a territorial government for so long as these types of regulations are not only enacted and made by the federal government but are enforced by people outside of the territorial government.

SOME HON. MEMBER: Hear, hear!

I think it is a real shame that this Council is directly cut out of this area and so is this government. I think that the sort of thing we should press for is legislative amendments to the Territorial Lands Act that would put us in these areas of being able to enact ordinances and have them enforced by forces under our own control.

So I think coming to the very root of it what I think we should be looking for possibly is not only expressing our feelings with respect to these changes and other changes but each and every time we are asked to do so, I think we should say that this legislation should be territorial legislation and that that is really what we want.

THE CHAIRMAN (Mr. Butters): Further comments?

MR. STEWART: Mr. Searle, if you would be prepared to make up such a motion certainly you would have the support of this house.

THE CHAIRMAN (Mr. Butters): Is that a formal motion or a motion in committee you are recommending?

Motion to Convert Land Use Regulations into Territorial Legislature.

MR. SEARLE: Mr. Chairman, I think that it can properly come out as a motion of this committee reported along with the other motions and to that end I would, therefore, move that we recommend in the strongest possible terms to the Minister that legislative action take place to convert in effect the Land Use Regulations into territorial legislation passed by this Council.

THE CHAIRMAN (Mr. Butters): Mr. Searle, I followed you for a way but I got lost on the last ten words. I will just wait for the motion to be written out. Mr. Searle has already spoken to this motion. Is there anyone who wishes to speak to the thrust of it? I will read the motion again: "I move that we recommend to the Minister that legislative action take place to in effect convert the Federal Land Use Regulations from federal to territorial legislation." Discussion on the motion?

MR. PEARSON: Mr. Chairman, I would just like to add to Mr. Searle's comments that I find it repugnant to have to sit here and amend and agree with these regulations that we have had absolutely no input into whatsoever, imposing restrictions and hardships on people who are trying to develop an economy in this country, for example the mining industry. Whilst I wholeheartedly support Mr. Barnaby's stand, at the same time, he I am sure along with his fellow councillors will agree that there has to be an economic basis or otherwise we do not have anything, but with restrictions such as these which I do not feel that qualified to be able to decipher and to make intelligent comments on will impose restrictions on the mining industry. I am sure that if gold were \$1000 an ounce it would be almost impossible to make a paying proposition out of a gold mine with these kind of restrictions and impositions that are placed on these people. It seems to me that a lot of these restrictions are developed and devised by these white devils that live in southern Canada, not in the North.

Concerns of the People.

MR. BARNABY: I think that if there is to be any kind of development it has got to be well balanced out and that the concerns of the people have to be taken into consideration. There are a lot of things more important than money and I think especially the native people in the North have had their lives all mixed up by so-called progress and development and I think that should be taken into consideration when developers come in.

THE CHAIRMAN (Mr. Butters): Thank you. Further comments?

MR. SEARLE: I think Mr. Barnaby's concerns really go to the very reason for this motion and that is that when you are dealing with the activities of people with the things that people do, surely the most knowledgeable body to set out the rules is this legislature, not parliament when you are dealing with activities out on the land. Nor, worst yet, regulations brought into force simply by the signature of a federal minister. So, the real reason for my motion, Mr. Chairman, if I can answer Mr. Barnaby, is to see that the representatives of the people of the Northwest Territories are deciding how restricted activity on the land should be.

THE CHAIRMAN (Mr. Butters): Further discussion on the motion? Mr. Stewart?

MR. STEWART: Mr. Chairman, it was my understanding when this Council was moved into the Northwest Territories, the move took place to put the government of the people closer at hand, to give us some type of self-determination. I certainly did not get nearly as much as I had hoped for at that time, but surely to God if land use is not part of the jurisdiction of this Council, the land use of the Northwest Territories can not be part of the control of this Council, really what in hell are we doing here? We live here and this is the land we know something about and, if this is going to be dictated to us by Ottawa, then I am not sure at all why they bothered to move this government to Yellowknife.

SOME HON. MEMBERS: Hear, Hear!

THE CHAIRMAN (Mr. Butters): Further comments on the motion?

MR. McCALLUM: Anything, Mr. Chairman, any other Councillor might add would just be overstating the obvious. I think we are ready for the question.

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

MR. BARNABY: I support the motion and I would like to add that it would be good to get the people of the settlements to have enough say, more than they have right now.

THE CHAIRMAN (Mr. Butters): Thank you. I accept it is the feeling of this Council that I call the question on the motion. I will read the motion that we have been discussing: "I would therefore move that we recommend in the strongest possible terms to the Minister that legislative action take place to convert in effect the Land Use Regulations into territorial legislation passed by this Council."

SOME HON. MEMBERS: Question!

Motion Carried

THE CHAIRMAN (Mr. Butters): If the interpreters have completed the translation, all those in favour of the motion please raise their hands. I recognize that the motion is unanimously carried.

--- Carried

Is there any further discussion on the question before we move off this subject? With your indulgence, I have a question which I would like to pose. I can not do this from my own seat. Four years ago, four and a half years ago before the Territorial Lands Act came into being and the regulations came into being, federal people came before this Council and a committee under Mr. David Searle was formed and it made recommendations to the federal people, none of which were observed by the federal people to my recollection. But the first and prime recommendation of Mr. Searle's committee was that in a multiple land use situation where native people or people who are taking their life from the land have their livelihood diminished or jeopardized there would be compensation made by the federal government in such situations. My question is: What was ever done, if anything, to fulfil the objective of that recommendation of Mr. Searle's committee? I address this possibly to you, Mr. Morison.

MR. MORISON: Mr. Chairman, I am afraid I can not comment on that, not having been made aware of the recommendations made by Mr. Searle and the committee prior to the Land Use Regulations being developed.

THE CHAIRMAN (Mr. Butters): It was on the last day of the 44th Council. May I report progress to the Speaker then? Pardon me, report the discussion concluded and the three motions you have approved?

--- Agreed

MR. SPEAKER: May I on behalf of this Council thank you, Mr. Morison, for coming and being with us today and as well, Mr. Spence. We appreciate your counsel and thank you very much. Mr. Butters?

Report of the Committee of the Whole of Proposed Amendment to the Territorial Land Use Regulations

MR. BUTTERS: Mr. Speaker, your committee has considered the general proposed amendment to the Territorial Land Use Regulations. I have three motions, sir, to report back. The first: I move that this committee approve the definitions of land use permits under the Territorial Land Use Regulations which outline requirements for type "A" and "B" permits and request that the Department of Indian Affairs and Northern Development take into consideration this Council's recommendations that such definitions be incorporated in any amendment being made to the Territorial Land Use Regulations."

The second motion: "I move that this committee express its grave concern over matters relating to the environment of the Northwest Territories and reiterate its position that the concerns of the people of the Northwest Territories are of the utmost importance and should be carefully taken into account."

The last motion: "I would therefore move that we recommend in the strongest possible terms to the Minister that legislative action take place to convert in effect the Land Use Regulations into territorial legislation passed by this Council."

The latter motion, sir, was unanimously approved by the Council.

MR. SPEAKER: With respect to the Land Use Regulations, the act requires consultation. I assume that the administration will convey those motions by letter to the Minister indicating that the consultation has taken place and these are the feelings of Council.

DEPUTY COMMISSIONER PARKER: Yes.

Announcements

MR. SPEAKER: There will be a very brief meeting of the standing committee on legislation immediately following adjournment today. Will the Members of the committee please remain in the chamber after the others have left? Since there are only ten minutes remaining, I think we could adjourn early and let that committee meet for their brief meeting. Are there any other announcements? Mr. Parker?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, thank you very much. I have a notice here to advise Members that the standing committee of the House of Commons on immigration will arrive in Yellowknife on Thursday, June 19, at 10:30 p.m. by Mackenzie Air charter and will leave at 12:15 noon the next day. This information was received from the person who I believe is the secretary to that committee.

MR. SPEAKER: One further matter, if we just might, so we can get the motions ready. Mr. Nickerson, if we were to return to Item 5, reports of standing and special committees, I believe you are in a position to report as to your nomination or second nomination for the Water Board?

MR. NICKERSON: That is correct, Mr. Speaker. Do we have unanimous consent to return to that item?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I rise with some hesitancy, but after the conclusion of the discussion this morning, I received a bit of additional information that might have a bearing on this subject and I have not had a chance to present it to Mr. Nickerson.

MR. SPEAKER: We can leave it until tomorrow and when we come to Item 5, you can rise then.

Mr. Clerk, orders of the day for the 17th of June.

Orders of the Day

THE CLERK OF COUNCIL (Mr. Remnant): Orders of the day, June 17, 9:00 a.m., at the Explorer Hotel.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Presenting Petitions
5. Reports of Standing and Special Committees

6. Notices of Motions

7. Motions

8. Tabling of Documents

9. Continuing Consideration in Committee of the Whole of Bills and other matters: Bill 3-56, Bill 5-56, Bill 8-56.

Appointment by Commissioner in Council to the Northwest Territories Water Board

Information Items

Philosophy Paper on Local Government

Motion 4-56, Current Budget Formulation

Motion 7-56, Maintenance and Operation of Airstrips

MR. SPEAKER: Council stands adjourned until 9:00 a.m., the 17th day of June, 1975, at the Explorer Hotel.

--- ADJOURNMENT

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