



**LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES**  
**DEBATES**

59th Session

8th Assembly

Official Report

**TUESDAY, MAY 18, 1976**

Speaker The Honourable David H. Searle, Q.C.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MAY 18, 1976

MEMBERS PRESENT

Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Butters, Mr. Wah-Shee, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Pearson, Mr. Kilabuk, Mr. Pudluk, Hon. David Searle, Mr. Nickerson.

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (The Hon. David Searle): Turning to the orders of the day, Item 2, continuing replies to the Commissioner's Opening Address. Are there any Members who wish to reply to the Commissioner's Address? Item 3, questions and returns. Are there any returns firstly?

ITEM NO. 3: QUESTIONS AND RETURNS

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I believe Hon. Peter Ernerk has the only return.

MR. SPEAKER: Do you have a return, The Hon. Peter Ernerk?

Return To Question 01-59: Pension Supplementary Allowance

HON. PETER ERNERK: Mr. Speaker, yes I do. Mr. Speaker, on May 17, 1976, Mr. Butters asked Question 01-59 concerning the reporting of possible problems in the non-receipt of guaranteed income supplement cheques and wished to be assured that such problems were not being experienced in the Northwest Territories. On May 18, 1976, our departmental representative was in contact with the regional director of family allowance and old age security, Edmonton, and was advised of the following. Some problems had arisen in parts of Canada but they did not affect the Northwest Territories. At present 1063 persons are receiving old age security in the Northwest Territories and nearly 800 were in receipt of the guaranteed income supplement in March 1976.

Recipients of guaranteed income supplements are advised well in advance of April 1 that they must reapply on the application forwarded to them if they wished to continue to receive the supplement. To date the old age security office has received approximately 700 renewal applications. It is felt that some persons may not have reapplied because they are no longer eligible and some applications may be in the mail. However, in line with established policy the old age security office will within the next two weeks be forwarding letters to each of the persons who have not as yet reapplied. Copies of these letters are sent to the appropriate social development offices so the social workers will be able to assist the persons in reapplying. It may also be of interest to know that the old age security division have within the past year started to send applications for guaranteed income supplement to every recipient of old age security. This approach has been quite successful and has resulted in an increased number of persons receiving guaranteed income supplements.

MR. SPEAKER: Are there any questions? Written questions. Mr. Nickerson.

Question W3-59: Access By Government To Depositors' Accounts In Credit Unions

MR. NICKERSON: Mr. Speaker, I have a question concerning access by government to depositors' accounts in credit unions. Am I correct in assuming that the Government of the Northwest Territories, or government employed auditors have access to the accounts of depositors in credit unions? If so, does this differ from normal provincial practice?

MR. SPEAKER: Mr. Nickerson. Would you take that as notice, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: A further question, Mr. Nickerson?

Question W4-59: Dominion Coal Blocks.

MR. NICKERSON: Mr. Speaker, I have a second question regarding dominion coal blocks. Could Members be given a brief description of the policy of the federal Department of Energy, Mines and Resources with regard to dominion coal blocks? Is there any likelihood that any such blocks are to be established in the Northwest Territories and if so has the territorial government been advised?

MR. SPEAKER: Mr. Parker?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I would like to take that question as notice and reply when I have the information.

MR. SPEAKER: Are there any further questions? Item 4, oral questions? Mr. Butters.

ITEM NO. 4: ORAL QUESTIONS.

Question 05-59: Funding News Coverage.

MR. BUTTERS: Mr. Speaker, at the last session I asked a question regarding the funds allocated to the Canadian Broadcasting Corporation for this fiscal year, for the Berger Inquiry. I note there is a reply here that says they will not give an answer but my reason for asking the question and I will now ask a supplementary to that question is that, is it true or is there any truth in the suggestion that the CBC did not receive funding for the current fiscal year to provide coverage of the Berger Inquiry and with the result the news programming of the northern service out of Yellowknife has had to cut their budget, with the result that news programming has been seriously affected?

MR. SPEAKER: Are there any further oral questions? Mr. Butters.

Question 06-59: Northern Air Tariff.

MR. BUTTERS: This may be presumptuous on the part of this Assembly but would it be possible for the Commissioner to approach Barry Thomson, the chairman of the Air Transport Committee, to determine whether or not the agenda of that board foresees that it will answer Pacific Western Airlines' application relative to establishing a special northern tariff for residents of the Northwest Territories?

Question 07-59: Northern Development Conference.

A second question, sir, with your permission. As the seventh national northern development council will be held later this year -- I notice in the area of human aspects -- in fact in none of the categories is there representation from the Northwest Territories involved. I recollect the Deputy Commissioner once made a presentation but there is nothing from the territories, even in the area of human aspects. Is it the intention of the administration, sir, to make some presentation to that conference?

MR. SPEAKER: Mr. Parker.

Return To Question 07-59: Northern Development Conference.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the presentations that are made at the seventh national northern development conference in Edmonton are very much the prerogative of that conference's organizers, and they do this through invitation. So far, as I understand it, the only invitation that has been extended to anyone within this government has been to the Commissioner to act as the person who will sum up the conference on its final day. This would involve the Commissioner attending each of the sessions and then, on the final day, giving a review of the conference. He has accepted that request, or that proposal from them. We have made certain other suggestions for an increased input from the North, but thus far we have not had any response. If I could just be permitted to say, at the January session this

question was raised as to attendance and the taking part in the conference by Council Members but the matter was left hanging, it was not resolved in so far as the administration is concerned.

MR. SPEAKER: I should remind Members that questions that can be put in the normal course as a written question should be put that way, that the purpose of oral questions is for urgency matters. Are there any further oral questions?

Item 5, petitions. Are there any petitions to be filed?

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

ITEM NO. 6: REPORTS OF STANDING AND SPECIAL COMMITTEES.

MR. NICKERSON: Mr. Speaker, I have two reports, one of the standing committee on legislation and the second, the report of the special committee on revenue. Since they are not very lengthy I will read them into the record.

Report Of Standing Committee On Legislation.

Mr. Speaker, the standing committee on legislation met to review the bills being introduced at this session and made the following recommendations:

That Bill 12-59, the Legal Profession Ordinance, be amended as proposed by the committee and be referred to committee of the whole for consideration. The committee agreed to draw the attention of all Members to; (a) the opposition of the Northwest Territories Bar Association to the provision that bylaws of the association must be approved by the Commissioner before they become operative; (b) the question as to whether insurance funds provided for in this bill should be voluntary or mandatory; (c) the fact that this legislation only protects the public in respect of actions taken by a lawyer acting in his capacity as a barrister and solicitor; and (d) the provisions in Part VII concerning the establishment of a law foundation to determine whether these are desirable.

That Bill 1-59, the Territorial Hospital Insurance Services Ordinance, be referred to committee of the whole for consideration. The committee recommended that the existing provisions of subsection 6 concerning the appointment of board members by the Commissioner upon the recommendation of the Legislative Assembly be retained.

That Bill 4-59, the Interprovincial Subpoenas Ordinance, be referred to committee of the whole for consideration subject to certain minor amendments.

That Bill 5-59, the Criminal Injuries Compensation Ordinance, not be introduced because it will create real hardships for certain classes of persons, for example, the totally disabled.

That Bill 8-59, the Municipal Ordinance, which complies with the requests of the Northwest Territories Association of Municipalities, be amended in certain areas and referred to committee of the whole for consideration.

That the proposed certified general accountants ordinance not be introduced. The standing committee will meet later in the session with representatives of the three accounting professions to discuss the requirements of the legislation.

That in future a minimum of 25 resident members in good standing be required before legislation relating to any particular profession be introduced.

That Bill 2-59, the Labour Standards Ordinance, be referred to committee of the whole for consideration and that various amendments be made to it. The standing committee agreed to call the attention of Members to (a) the proposal for an additional general holiday each year and the desirability of it being scheduled in August and (b) the question of the desirability of a minimum wage and the fact that as proposed it exceeds the Anti-Inflation Board guidelines.

That Bill 6-59, the Teachers' Association Ordinance, be referred to the committee of the whole for consideration subject to a number of amendments.

That Bill 11-59, the Rent Control Ordinance, not be introduced.

That Bill 7-59, the Education Ordinance, be amended in various areas especially to reflect the existence of a Minister of Education. While considering this bill representatives of the Northwest Territories Teachers' Association, Yellowknife School District number 1, Yellowknife Separate School District and the Tripartite Committee on Education appeared before the standing committee.

Finally, that Bill 3-59, the Wages Recovery Ordinance, be referred to committee of the whole for consideration with minor amendments, provided that the administration is of the opinion that the legislation is still required in light of the amendments to be made to the Labour Standards Ordinance.

Special Committee On Revenue

The following is the report of the special committee on revenue. The committee has met several times since the last session of the Legislative Assembly. Minutes of these meetings are available to any Members of the Legislature. The most significant event has been the meeting held with Mr. John Parker, Deputy Commissioner of the Northwest Territories and Mr. M. Miller, Assistant Commissioner of the Yukon. As a result of this meeting I think we have made significant progress in the fields of resource revenue sharing and should the Members of the Legislative Assembly look favourably on the recommendation to Council to be presented later by the Hon. Arnold McCallum, I think we can look forward to having our own territorial income tax as opposed to the present federal surtax in the near future. Thank you, Mr. Speaker.

MR. SPEAKER: Are there any further reports?

MR. BUTTERS: On a point of order, sir. I think the last meeting referred to by the Hon. Member was not a full meeting of the committee. I do not think it had a quorum, sir.

MR. NICKERSON: That is quite correct, Mr. Speaker. It was scheduled that the meeting be held in Whitehorse but apparently certain difficulties were met especially with the people from the Yukon for the meeting to go through as scheduled and for that reason a meeting on a much reduced scale was held in Yellowknife.

MR. SPEAKER: Item 6, reports of standing and special committees. Are there any further reports?

Item 7, notices of motions.

Item 8, motions for the production of papers. Excuse me, Mr. Nickerson, did you want to give a notice of motion?

MR. NICKERSON: No, sir.

MR. SPEAKER: Motions for the production of papers. The question on that yesterday, Mr. Butters, Rule 44 (a) is the rule that deals with this matter. Are there any motions for the production of papers? Item 9, motions.

HON. PETER ERNERK: On a point of order, Mr. Speaker. I wonder if I could ask you to speak slower. It seems to be a little too fast for the interpreters.

ITEM NO. 9: MOTIONS

MR. SPEAKER: Are there any motions? Motion 1-59, Mr. Butters.

Motion 1-59: Consideration In Committee Of Whole, Nunavut Proposal

MR. BUTTERS: Mr. Speaker:

WHEREAS the Inuit Tapirisat of Canada did on February 27, 1976, present to the federal cabinet a land claim proposal entitled "Nunavut";

AND WHEREAS the Minister of Indian Affairs and Northern Development has requested comments on this proposal from each Member of this Legislative Assembly;

AND WHEREAS Dr. Norman Ward, an outstanding Canadian political scientist, is preparing a detailed analysis of this proposal, dealing especially with its political aspects, which will be made available to Members of this Assembly during this session;



AND WHEREAS it is of the utmost importance that this Assembly publicly endeavour to reach a consensus regarding this proposal during the current session;

NOW THEREFORE, I move that this Assembly resolve into committee of the whole on an appropriate day during the second week of this session to consider the Nunavut proposal and Dr. Ward's analysis thereof.

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

MR. BUTTERS: I will be very brief, sir, but this just puts into a formal package a reply to the Minister of Indian Affairs and Northern Development, to the Hon. Judd Buchanan's invitation to us individually to give him some advice or some comment on the Nunavut proposal. By doing it through this motion and in this Legislative Assembly the attitudes and feelings of Members will be heard in public and if there is a consensus or if there is a division that will be determined and communicated to the Minister, sir, and at the same time we will have the advantage of comments of an objective independent nature.

MR. SPEAKER: Any further discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question. The question being called. Mr. Steen.

MR. STEEN: Mr. Speaker, I wonder if we could be told what time we are going to bring this debate up?

MR. SPEAKER: Mr. Steen, I did not understand you, I did not hear your question. Perhaps you could try again.

MR. STEEN: Mr. Speaker, it says in the motion that some time during this Legislative Assembly session in committee of the whole we will discuss the Nunavut land claims and I was wondering whether we could be told on what day we will be discussing this.

MR. SPEAKER: Well, I would think Mr. Steen what would happen is, let us assume for a moment that the motion passes, then I would take on the responsibility of putting it on the order paper at a day when we could secure Dr. Ward's attendance, I should think. So if this passes I think that will be the next step, find out when he can be here and then put it on, I should think next week some time, perhaps Wednesday or Thursday. Now, would not that be the way we might attack it, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Is that clear?

MR. STEEN: Agreed, Mr. Speaker.

MR. SPEAKER: Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I wonder if the president of the Inuit Tapirisat of Canada could be present also?

MR. SPEAKER: I am sorry, I am having some difficulty, there is a fan right over me. You were wondering what?

MR. PUDLUK: Mr. Speaker, I was wondering if the ITC president could be present also when we are discussing this?

MR. SPEAKER: Well, I would think if you wanted him here you could ask if he would care to come. Just thinking of facilitating that, you might offer an amendment to the motion which would simply add "and that we ask Mr. James Arvaluk to be in attendance" and that would be a way, Mr. Pudluk, to achieve that if you wished to do so. Mr. Butters.

MR. BUTTERS: Speaking to the amendment I think we should probably invite rather than ask because it is rather presumptuous on our part to ask him to be here.

Motion 2-59, Postponed

MR. SPEAKER: There is no amendment yet, Mr. Butters, I can not put one. I am just offering advice to whomever wishes to take it, if they wish to take it, but that is how we would achieve it by amending this motion. Members of the Legislature I rather expect that Mr. Pudluk may want to put that amendment forward. Can we simply stand down that motion for a while, go on to Motion 2-59 and when we have worked it out we can come back and call the question on it?

---Agreed

Motion 2-59, Mr. Nickerson.

Motion 2-59: Patriation Of The Canadian Constitution

MR. NICKERSON: Mr. Speaker, patriation of the Canadian constitution, Motion 2-59.

WHEREAS it has been made known that the Government of Canada is considering the patriation of the Canadian constitution;

NOW THEREFORE, I move that:

I. this house believes the consent of the provinces to be a necessary prerequisite to the patriation of the British North America Act and to any formula for its amendment; and

II. the Legislature of the Northwest Territories should be represented at any conference called by the Government of Canada and to which the provinces are invited to discuss the patriation of the Canadian constitution.

MR. SPEAKER: Moved by Mr. Nickerson. Is there a seconder? Mr. Stewart. Any discussion? Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, before I get into a discussion of the motion I would like to make some comments on the word "patriation". I do not think it occurs in any dictionary but I have it on very good authority that the word has been used in the House of Commons to describe the act of repatriating something that was never here in the first place.

#### Constitution An Act Of Foreign Legislature

We must all admit that it is an anachronism that Canada is the only sovereign nation whose constitution is an act of a foreign legislature and I think everyone would agree that eventually Canada must enact its own constitutional legislation. Nevertheless, the present system works and, indeed, it works quite well and I think that it provides a needed degree of protection for the various constituent parts of the country and, although this is an important matter, I do not think there is any real need that we have to operate overnight on this, this is something that could be left for a period of time.

I believe that the advantages of the federal system of government outweigh the disadvantages and therefore I would not like to see a constitution imposed on the provinces that would allow their relative authority, vis-à-vis Ottawa, to be significantly decreased without their consent. The provinces originally united under the terms of mutual agreement and I think it is only proper that any rearrangements of the terms of union should be negotiated in the same way.

#### Assembly Has Expertise

The second part of the motion rather puts us in a difficult position because there is no obligation, obviously no obligation, on the part of the federal government to invite us to take part in any such discussions. So what it is really saying is that we would like to be invited. I think that we certainly have a valid interest in being there in that eventually, sooner or later -- and hopefully sooner -- we will become a province that is if we do not become a part of the people's republic of Nunavut first. Also I think that within this Assembly we have expertise in constitutional matters and that we would be able to give valuable assistance, both to the federal government and to the provinces at any such conference which was called to discuss this matter. Thank you, Mr. Speaker.

MR. SPEAKER: Further discussion? Mr. Butters.

MR. BUTTERS: Mr. Speaker, I support the motion. I am not really as concerned with regard to the constitution probably as my colleague is. However, I do feel that Members of this Assembly or a representative from this Assembly should be present should a conference of the type that he envisages take place. However, this house on many occasions in the past eight years has passed motions similar to this requesting that when federal-provincial conferences take place on energy or whatever is of mutual interest shared by the provinces and the federal government, that representatives from this jurisdiction be present. The experience in the past has been that the request has been totally ignored.

#### Territories Should Be Included

The situation this time around and relative to this motion should be different. If not in this motion, at least some kind of representation at federal-provincial conferences should now be a little different because our sister territory I believe for the first time sent a representative in the person of Mrs. Flo Whyard, Minister of Social Development to a federal-provincial conference. Admittedly Mrs. Whyard felt that she was given pretty shoddy treatment by the two senior, older jurisdictions, but the fact remains, sir, that a representative of a territorial government was present at a federal-provincial conference. I think that while it may be difficult for us to demand and expect a seat at a constitutional meeting or a patriation meeting such as this or on energy, I think we should be involved where social development or education are being discussed because we have representatives of this house responsible for those portfolios. Similarly if you will remember the Minister's first statement to us, that

they would be responsible for one or more portfolios, so I would suggest that for the four program departments, wherever provincial or federal meetings occur on education, local government, if such exist, social development and economic development, that our representatives be present.

MR. SPEAKER: Further discussion? Hon. Arnold McCallum.

Conferences Have Included Territories

HON. ARNOLD McCALLUM: Mr. Speaker, just pursuant to what Mr. Butters has said, that within the last three or four months an interprovincial manpower ministerial conference was held and I indeed attended on behalf of this government with the ministers responsible for Manpower in every province. I think it was just about two weeks ago that I was at another one in Toronto with the ministers responsible for Manpower from every province in Canada as well as the senior minister, the federal minister responsible for Manpower, Mr. Andras. There are to be further meetings dealing with this and at the meeting in Toronto it was the first time that people, elected persons from both the territorial governments were able to sit at the same table as other particular ministers throughout the provinces. I think that this goes along with what Councillor Butters has indicated. I know of no other committee of provincial ministers who do indeed have the representatives, the elected representatives from both of the territories at such conferences, but they do indeed treat us as equal participants.

MR. SPEAKER: Further discussion? Mr. Stewart.

MR. STEWART: Mr. Speaker, I seconded this motion. However, after closely reading it I wonder as a matter of question whether or not the intent of this motion is that the consent of all provinces would be required. Then this would set up of course the veto of one province to stop such an action. If this is the intent of the motion, then I can not accept the motion. I would like clarification on this point.

MR. SPEAKER: Unfortunately, I can not permit that until everybody has had a go because if Mr. Nickerson speaks, he closes the debate. Presumably he may wish to answer you, though, in his winding-up comments. Is there further discussion? No one further? Mr. Nickerson.

MR. NICKERSON: Just in answer to the Hon. Member for Hay River's query, this is not the intent. If that is the way it reads, I am afraid it is poor drafting on my part. The intent would be that the provinces, between themselves, with the federal government would work out a formula for the amending of the constitution and the formula would probably say that they would require eight out of the ten provinces or seven out of the ten provinces or a two-thirds majority or something like that and once that type of arrangement had been made, then presumably they would be obliged to follow it. That is the way that I would see things happen.

MR. SPEAKER: Question?

SOME HON. MEMBERS: Question.

Motion 2-59, Carried

MR. SPEAKER: Question being called. All in favour? Down. Contrary? The motion is carried.

---Carried

I understand from the Clerk that we may now return to Motion 1-59 and that Mr. Pudluk is ready with an amendment. Mr. Pudluk.

Motion 1-59, Amended

MR. PUDLUK: Mr. Speaker, I wish to amend the motion by adding the following words to the end of the motion as proposed: "That Mr. James Arvaluk, the president of Inuit Tapirisat of Canada be invited to be present when this discussion takes place".

MR. SPEAKER: Is there a seconder? Mr. Butters. The amendment as I have it is to add the words, "That Mr. James Arvaluk, president of the Inuit Tapirisat of Canada be invited to be present when this discussion takes place".

Is that correct? Moved and seconded. Is there any discussion on the amendment?

SOME HON. MEMBERS: Question.

Motion 1-59, Carried As Amended.

MR. SPEAKER: Question being called on the amendment. All in favour? Down. Contrary? The amendment is carried. Therefore, on the motion as amended? Question being called. All in favour? Down. Contrary? The motion is carried as amended.

---Carried

Those are the motions. Are there any other motions? Item 10, tabling of documents.

Item 11, second reading of bills. Bill 6-59, The Hon. Arnold McCallum.

ITEM NO. 11: SECOND READING OF BILLS

Second Reading Of Bill 6-59: Teachers' Association Ordinance

HON. ARNOLD McCALLUM: I move that Bill 6-59, An Ordinance Respecting the Northwest Territories Teachers' Association, be read for the second time. The purpose of this bill, Mr. Speaker, is to revise the Teachers' Association Ordinance to extend self-government and self-regulatory powers to the Northwest Territories Teachers' Association.

MR. SPEAKER: Moved by Hon. Arnold McCallum, is there a seconder? Hon. Peter Ernerk. Discussion in principle is all that is permitted at this stage. Is there any discussion? The question.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? It is carried.

---Carried

Bill 12-59, The Hon. Peter Ernerk.

Second Reading Of Bill 12-59: Legal Profession Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 12-59, An Ordinance Respecting the Legal Profession, be read for the second time. The purpose of this bill, Mr. Speaker, is to revise the existing Legal Profession Ordinance to grant legislative sanction to the Northwest Territories Bar Association and to allow the association to govern its own affairs including registration and discipline of members.

MR. SPEAKER: Moved by Hon. Peter Ernerk. Is there a seconder? Hon. Arnold McCallum. Any discussion? The question. The question being called. All in favour? Contrary? Carried.

---Carried

Bill 1-59, The Hon. Peter Ernerk.

Second Reading Of Bill 1-59: Territorial Hospital Insurance Services Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-59, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance be read for the second time. The purpose of this bill, Mr. Speaker, is to delete provisions of the Territorial Hospital Insurance Services Ordinance that refer to charges to be made directly to patients for in-patient insured services. The Territorial Hospital Insurance Services Board would be increased from three to five members.

MR. SPEAKER: Is there a seconder? The Hon. Arnold McCallum. Any discussion.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Carried.

---Carried

Bill No. 2-59, The Hon. Arnold McCallum.

Second Reading Of Bill 2-59: Labour Standards Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-59, An Ordinance to Amend the Labour Standards Ordinance be read for the second time. The purpose of this bill, Mr. Speaker, is to update the Labour Standards Ordinance to bring its provisions into line with comparable labour legislation elsewhere and to provide for an orderly method of the collection of wages.

MR. SPEAKER: Is there a seconder? Mr. Pudluk. Any discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Carried.

---Carried

Bill 3-59, The Hon. Arnold McCallum.

Second Reading Of Bill 3-59: Wages Recovery Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 3-59, An Ordinance to Amend the Wages Recovery Ordinance be read for the second time. The purpose of this bill, Mr. Speaker, is to make various amendments to the Wages Recovery Ordinance to bring it into line with today's wage rates.

MR. SPEAKER: Is there a seconder? Mr. Nickerson. Any discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Carried.

---Carried

Bill 11-59, The Hon. Arnold McCallum.

Second Reading Of Bill 11-59: Rent Control Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 11-59, An Ordinance for the Temporary Control of Rents in the Northwest Territories be read for the second time. The purpose of this bill, Mr. Speaker, is to enact legislation which would limit rent increases on residential property. The program would be administered by a rent regulation officer with appeals to a rent review board.

MR. SPEAKER: Any discussion in principle? I am sorry, is there a seconder first. Mr. Kilabuk. Any discussion? Mr. Nickerson.

#### Ordinance Would Encourage Inflation

MR. NICKERSON: Mr. Speaker, I will today control my outburst of indignation about the treatment that the administration gives to the recommendations of the standing committee on legislation, but as chairman I am obliged to oppose second reading of this bill because this was one of our recommendations that the Rent Control Ordinance not be proceeded with at present, and I think I should give the reasons of the committee at the present time. I think the main reason is that the legislation as proposed is extremely unwieldy and lengthy and would involve the hiring of a whole new bureaucracy, so to speak. We feel that this would not be the right way to approach the problem of inflation, by creating more bureaucracy and more government expenditures.

MR. PEARSON: Hear, hear!

MR. NICKERSON: Anyway, this legislation was only to be of a temporary nature, for the matter of a couple of years or so, and since the anti-inflation guidelines were brought in, nearly a year has passed already, so this legislation would only have a lifetime of a year or so. There were several other reasons and I have a lot of reasons why myself I am opposed to it, but right now I am trying to think of the committee's reasons. I can give you one other good reason why we should not proceed with it at the present time and that is because it is going to cut into the Hon. Arnold McCallum, the Hon. Peter Ernerk and Mr. Nickerson's weekend because we would have to study it on Saturday and Sunday undoubtedly if it goes into second reading.

Now, the third good and valid reason was that this legislation would only affect a very small number of housing units in the Northwest Territories. The government controls, one way or another, approximately 90 per cent of housing in the territories and of the remainder probably five per cent or so is privately owned, and the remaining small few, probably half of them amounting to two per cent or so would actually be under the control of this ordinance. Therefore, what this means is setting up this whole machinery and bureaucracy just to deal with a very few small units, and we did not think at the present time that this would be a reasonable thing to do in fact.

#### Complaints To Be Recorded

One of the committee's recommendations on this matter was that the administration, presumably through the division of legal aid and consumer affairs keep track of any complaints about excessive rents in the Northwest Territories. If there is seen to be a large number of these perhaps we could look at legislation on this in a year or so. At present, neither the administration nor the committee on legislation has received a great number of complaints, and in fact we have received from various organizations a lot of opposition to the Rent Control Ordinance, but very little in support of it. Thank you, Mr. Speaker.

MR. SPEAKER: Is there any further discussion? Mr. Stewart.

#### Rents Could Rise Automatically

MR. STEWART: Mr. Speaker, I too oppose second reading of this bill and basically for similar reasons to Councillor Nickerson. I do not feel that this type of legislation, particularly in the territories will have its desired effects. Something that has been noticeable in the provinces is that legislation such as this is inclined to have owners automatically every year raise their rents to the percentages allowed by legislation of this sort, when normally they may not raise the rents at all. However, because there may be a larger increase the year following they will be sure to take as much every year as they can get. Now, this is a matter of fact. Because there are not that many units in the Northwest Territories renting, and for the Legislative Assembly's information I do not rent any property, I do not believe that the legislation is necessary in the territories at the present time and I do not think the position of landlords in automatically raising their rents to the maximum as allowed by the ordinance every year is a good thing either.

MR. SPEAKER: Further discussion? Mr. Pearson.

MR. PEARSON: Mr. Speaker, I think the purpose of this legislation has been to protect, or was aimed to protect, some of the residents of the Northwest Territories, if and when the pipeline



goes through. On a recent very interesting trip to Alaska in, I think, November of last year, with the Commissioner it was so obvious to us and to the Alaskan government, to the residents of Alaska, that the greatest single problem that they had was the fact that there were no rent controls at all established when the pipeline got under way. The result is that absolute chaos reigns in the major cities involved, particularly in Fairbanks where rents of small rooms, small apartments, rather, go for as much as \$500 a week. It is just an incredible burden that is placed on the community and the resources in the community because whilst some people who are working on the pipeline are earning incredible salaries and are able to pay these rents, the school teachers and the normal residents of the communities are not. Everything is still the same for them, but they are in the unfortunate position of having to pay these greatly inflated rents.

#### Alaskans Suggested Rent Controls

All of the advice that we received on this trip from the residents of Alaska was to enact some kind of rent controls in areas that will be affected directly by the pipeline. Otherwise, we are in for a similar situation here. So, I would like Members to consider this very carefully. It is in fact a good likelihood that there will be a pipeline and these are some of the things that can accrue from such a thing, so I would like to see the legislation at least get second reading and then discussion.

MR. SPEAKER: On a point of order?

MR. NICKERSON: Mr. Speaker, we noticed that other Members of the legislation committee who were in attendance at the meeting when this was discussed, apart from the Members who are also on the Executive, are not here at present, one having resigned and the other one being absent. The points that Mr. Pearson brought up were examined by the committee and...

MR. SPEAKER: Mr. Nickerson, just a moment now. You can not use the point of order as an opportunity to reply to Mr. Pearson. What is your point of order -- that the other Members of the legislation committee are not here? That is a valid comment but I do not think I can let you go further than that.

MR. NICKERSON: Just to say we had looked into it and that is in answer to Mr. Pearson's question.

MR. SPEAKER: Mr. Nickerson, really. Now, is there any further discussion? Mr. Butters.

#### Principle Of Second Reading

MR. BUTTERS: Mr. Speaker, speaking to the principle of the principle of second reading, I feel that it is a mistake for Members of this Assembly to prohibit legislation entry into second reading. I think that the importance of second reading is that the whole matter can be examined and we can pull it and push it and discuss the various points or the main point that was made by Mr. Pearson. To not give second reading to this bill we are shutting ourselves off from the opportunity to debate the whole concept and I think that would be a mistake. We should permit second reading not only of government bills but of Private Member's Bills as well and get them in. If we feel they should be dropped, we can let them die on the order paper.

MR. SPEAKER: Mr. Wah-Shee.

MR. WAH-SHEE: Mr. Speaker, I would like to ask a question in regard to the rent control. Is it possible for this Legislative Assembly to come up with legislation which would cover not only the government directly or indirectly controlling housing, as well as the private sector? That is my question. Could I have that answered?

MR. SPEAKER: Is there further discussion? If I let Mr. McCallum speak, that, of course, as it is his motion, would wind up the debate. Is there anyone who has not spoken who would like to speak before Mr. McCallum speaks? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, honourable colleagues, I think this is a very important piece of legislation and speaking to the principle of it I believe that we should have perhaps more debate or study into the rent controls in the North since it affects everyone. One of our major problems in the North is housing. Most of the housing in the North is rented. I have not had time to study in detail or discuss the meaning of this legislation and I would like to see it discussed in committee of the whole rather than just passing it through.

MR. SPEAKER: Further discussion? Mr. McCallum, do you care to wind up the debate?

Request For Study In Committee

HON. ARNOLD McCALLUM: Thank you, Mr. Speaker. I do not particularly want to add anything other than what has been said by both Councillor Butters and Councillor Pearson. I recognize the difficulty that my colleague Mr. Ernerk and I had with the Assembly's committee. There were times when it presented a difficulty. Nevertheless, the administration does feel that this ordinance should go to committee for study and, therefore, that is what we are requesting and with regret to the Assembly's standing committee.

Second Reading of Bill 11-59, Carried

MR. SPEAKER: The debate, therefore, has been concluded, gentlemen. I call for the question. The question is whether or not Bill 11-59, regarding rent controls, whether that should be given second reading. A vote in favour will give the bill second reading. A contrary vote, of course, would defeat the bill at this stage. Question? All in favour? Eight. Down. Contrary? Two. The bill passes second reading.

---Carried

ITEM NO. 12: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND RECOMMENDATIONS TO COUNCIL

Turning to the orders of the day, Item 12, continuing consideration in committee of the whole of bills and recommendations to Council. We have already been in committee of the whole on Bill 4-59, so we did not need a motion to put it back. Council will resolve into committee of the whole for continuing consideration of Bill 4-59, Interprovincial Subpoenas Ordinance, with Mr. Stewart in the chair.

MR. STEWART: On a point of order, Mr. Speaker, I thought that was concluded.

MR. SPEAKER: I am sorry. Back to square one. Where was I? Bill 5-59, Criminal Injuries Compensation Ordinance. Could I have a motion to resolve into committee of the whole for consideration of Bill 5-59? So moved by Mr. Butters. Seconded? Mr. Lafferty. Question? All in favour? Council will resolve into committee of the whole to consider Bill 5-59, with Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 5-59, Criminal Injuries Compensation Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-59, CRIMINAL INJURIES COMPENSATION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order. The order of business is Bill 5-59, An Ordinance to Amend the Criminal Injuries Compensation Ordinance. Mr. Nickerson, does your committee have advice for this committee meeting?

MR. NICKERSON: Yes, Mr. Chairman. In speaking to the principle of the bill which is to impose a maximum on the amount of money that can be paid to victims of crime, I have the same information today as I had yesterday on second reading.

THE CHAIRMAN (Mr. Stewart): Thank you. When we get to that particular clause I presume that you have an amendment to add? Comments of a general nature on Bill 5-59. No comments of a general nature? Councillor Butters.

MR. BUTTERS: If I recollect, this ordinance has been in effect something on the order of two years. I would be curious to hear from the administration some indication of the number of cases that have been brought under the ordinance and some indication of the amount of money that has been made available to persons who have been victims of a criminal situation.

THE CHAIRMAN (Mr. Stewart): Thank you. Is the administration in a position to reply to this question, Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think perhaps the committee would be best served if you would permit me to ask Assistant Commissioner Mullins and Mr. Vic Irving, the Director of the Department of Public Services to come forward. They will probably also wish to be assisted by your Legal Advisor in his other role, but I think that they would be in the best position to answer your questions.

THE CHAIRMAN (Mr. Stewart): You have heard the request. Are we agreed?

MR. NICKERSON: Mr. Chairman, I do not think that it is right and proper that the Legal Advisor to the Legislature of the Northwest Territories should while he is on duty in this house be asked to assume other duties which might be in conflict with those.

MR. BUTTERS: Hear, hear!

THE CHAIRMAN (Mr. Stewart): I understood the Deputy Commissioner's remarks to indicate that the Legal Advisor is here and can give us his interpretation. He is at this desk. Are we agreed on calling Mr. Mullins and Mr. Irving?

---Agreed

MR. BUTTERS: The reason that these gentlemen are being called is for their expertise. They are expert witnesses. I would hate to see the situation apply where once again civil servants are called before this house to sort of carry the burden of responsibility for their acts and acts of others. I feel, as I have said before, that the burden of responsibility lies with our Ministers so the caveat here being that they appear as expert witnesses.

THE CHAIRMAN (Mr. Stewart): That is the understanding as I understand it. Would you call Mr. Mullins and Mr. Irving, please? I wonder, Mr. Butters, if you would like to restate your question and the information you would like on Bill 5-59?

MR. BUTTERS: I believe Mr. Mullins was in the house, sir, and if he could answer me possibly he would. I just forget how I phrased it now.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the amount that has been spent to the end of March, March 31st of this year, 1976, under the Criminal Injuries Compensation Ordinance is \$40,114.11.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. BUTTERS: The number of cases brought too, sir, that comprised that \$40,000?

ASSISTANT COMMISSIONER MULLINS: I believe that is comprised of eight cases.

THE CHAIRMAN (Mr. Stewart): I am sorry, I did not get the answer.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I believe that is comprised of eight cases.

THE CHAIRMAN (Mr. Stewart): Thank you. And just a correction for the record, I am not the Speaker, I am the chairman of this committee. Any further questions? If there are no further questions of a general nature are you prepared to go clause by clause?

---Agreed

Clause 1. Councillor Butters.

MR. BUTTERS: I am just reading "loco parentis". What does that mean?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, is this a question the Legal Advisor can answer? "Loco parentis" means instead of parents, not the parent but acting as parent.

THE CHAIRMAN (Mr. Stewart): Clause 1. Is it agreed? Councillor Butters.

MR. BUTTERS: I am confused, I notice that -- what does this mean, what does clause 1 mean, the total phrase now, total clause 1?

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

Definition Of "Child"

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, if I may take the definition of "child" in the ordinary context, child always means the legitimate children only. In subparagraph 2(a)(i) we cover the natural child and stepchild and in subparagraph 2 (a)(ii) an adopted child and in subparagraph 2 (a)(iii) as it now stands means a child whom a victim has been supporting and keeping just as if the child were his. Now, the addition of the words "illegitimate child" expands the definition to include an illegitimate child, whether or not the parent is supporting that child.

MR. BUTTERS: Supplementary, sir. I had assumed that when the Legal Advisor mentioned adopted child he was referring to a custom adoption as well as the adoption which is legally or formally recognized in the courts.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the definition of subparagraph 2 (a)(ii) is obviously quite a bit wider than a formal adoption order of the court, where it appears to the satisfaction of the court in effect to have been adopted by a victim, although that has not

been in compliance with the Child Welfare Ordinance, and the adoptions are under the Child Welfare Ordinance. So this is much wider and gives the court the discretion in the matter of a formally-adopted child and, if you wish, an informally custom-adopted child.

MR. BUTTERS: It includes, not if I wish, it does not matter what I wish, but does the law include here in your -- to your knowledge, sir, and your experience, a custom-adopted child?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, as I take it in a decision of Mr. Justice Sissons some years ago which was supported by Mr. Justice Morrow, custom adoptions have been recognized as adoptions and are then documented, if you wish, to comply with the more rigid statutory requirements. So the definition here in my opinion would definitely include custom-adopted children and could go even further in particular circumstances.

MR. BUTTERS: Thank you, sir.

THE CHAIRMAN (Mr. Stewart): Councillor Steen.

MR. STEEN: Mr. Chairman, I was wondering about some wording in subparagraph 2 (a)(iii). My old man came from the United States and this word "loco" comes in here and I wonder as he was not too far from Mexico and there "loco" means you are a crazy person and I just wonder what this "in loco parentis" is, could someone explain that?

LEGAL ADVISOR (Mr. Slaven): I suggest possibly the loco Member drove his parents crazy.

THE CHAIRMAN (Mr. Stewart): Councillor Nickerson.

MR. NICKERSON: The committee on legislation looked into this matter and we feel that if the present ordinance is to be amended then we would like to see this new subparagraph 2 (a)(iii) in there. If however the rest of the ordinance is thrown out, as it stands a good chance of being, we would have an amendment here or have a bill just containing one clause and what this does is to make it absolutely clear that illegitimate children are included but under the present subparagraph 2 (a)(iii) referring to a natural child, etc., I think the ordinance would already be interpreted to include an illegitimate child. So if the ordinance or if the bill as presented is to be dealt with then we would recommend keeping the new subparagraph 2 (a)(iii) in there but if not we do not think that in itself it would be necessary to put a bill through the Legislative Assembly just to make that one change which is not really necessary.

THE CHAIRMAN (Mr. Stewart): Thank you. It is regrettable in this day and age that we can not come up with legislation that does not use such terminology, and could be all encompassed by the word "child" in the over-all definitions. I do not personally like to see this type of terminology used in the courts because this becomes part of the evidence and I do not think it is really necessary. I would rather see the thing in the general section to include all children, whether they be of natural parents and so and so, so that each individual case does not have to be tried under a different section. I do not know if that is possible but to my mind I do not like the terminology at all. Mr. Legal Advisor, if the Chair is permitted a question is there any way to circumvent this sort of thing in putting it in the general section?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I would do it very carefully. I think that recognizing legitimate children only was largely on the basis of wills and inheriting property. We have from time to time amended the common law by legislation and we have particular references to common law spouses, if you wish, and illegitimate children in the Workers' Compensation Ordinance and in the Dependents' Relief Ordinance and now in this ordinance. I would be happy to undertake to do a study and report back to the Legislative Assembly its next session as to whether or not it is feasible to try to cut away the undergrowth and the confusion that surrounds the word "child".

THE CHAIRMAN (Mr. Stewart): Councillor Butters.

MR. BUTTERS: I did not think, sir, that you suggested you would be changing any words, all you are doing is moving it from one section to another, to the definition section was it not?

THE CHAIRMAN (Mr. Stewart): I just wondered whether it was practical to put it under the definition of "child" and list the whole works of them so that obviously any child would come under this ordinance but I do not know whether it is feasible.

MR. BUTTERS: Well, sir, I do not know whether the Legal Advisor responded to that question or that suggestion.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, what I thought it was was -- or the way that I would attack it would be in the Interpretation Ordinance which applies to all ordinances and say "in our territorial ordinances 'child' means such and such", rather than having seven different definitions of "child" in several different ordinances. Now is that what the Hon. Member Mr. Butters was asking?

THE CHAIRMAN (Mr. Stewart): Councillor Kilabuk.

MR. KILABUK: We have to consider the interpreters are interpreting. Most of the Councillors forget to slow down.

THE CHAIRMAN: Thank you, Councillor. We are inclined to forget that and we are inclined to forget. The hour is 4:00 o'clock p.m. and I understand that coffee is ready. Are we agreed to stand adjourned for 15 minutes for coffee?

---Agreed

---SHORT RECESS

Definition Of "In Loco Parentis"

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the meeting to order. I apologize to Councillor Steen. I was negligent in not getting a definition of "in loco parentis" for him. Mr. Legal Advisor, would you give the definition please?

LEGAL ADVISOR (Mr. Slaven): I apologize to the Hon. Member also that my earlier definition maybe was not clear. "In loco parentis" means in the place of parents. That means man or woman or both man and wife who are not the parents of the child but nonetheless are supporting the child just as if he were their own child. They stand in the place of the child's natural parents.

THE CHAIRMAN (Mr. Stewart): Thank you.

HON. PETER ERNERK: Mr. Chairman, if I may, I think we are getting a feedback through the interpreters and are not only getting the interpretation but also in this example getting my voice as I understand it. There is something wrong somewhere. Mr. Chairman, they are hearing the English and the interpretation at the same time.

THE CHAIRMAN (Mr. Stewart): It would appear our frequencies are scrambled. Would someone check that out and see if we can not get it sorted out?

I understand the matter has been cleared up. As this was a repeat on the definition of the phrase "in loco parentis", I would not repeat the matter. Clause 1? Go ahead. Clause 1? It appears the matter has not been cleared up. Are you still having trouble?

HON. ARNOLD McCALLUM: Yes, there is still a problem.

HON. PETER ERNERK: Mr. Chairman, yes, English and Eskimo are coming out at the same time. It is beginning to sound like a high frequency radio in Chesterfield Inlet.

---Laughter

THE CHAIRMAN (Mr. Stewart): Do not tell me that Bell Canada have arrived here too! I am not at all sure. Somebody has a plug in the wrong place, no doubt. Is it okay now? It appears that the gremlins were at work during coffee break.

HON. ARNOLD McCALLUM: It was before coffee break. They just made it worse in the meantime.

THE CHAIRMAN (Mr. Stewart): We shall recess for five minutes and let them sort their system out. Agreed?

---Agreed

---SHORT RECESS

Illegitimate Child

THE CHAIRMAN (Mr. Stewart): I call this committee back to order if the sound system is working. Back to clause 1 of Bill 5-59. Could I have the committee's direction with regard to clause 1? Agreed?

---Agreed

I will take as advice that we would prefer to see the phrase "illegitimate child" moved to the general section so that it does not appear in this particular clause. Is this correct?

Clause 2? Agreed? Clause 2?

HON. ARNOLD McCALLUM: Mr. Chairman, I wonder if we could just go back, if we may, just to the first clause and just get a comment from Mr. Mullins on this?

THE CHAIRMAN (Mr. Stewart): Yes.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, it is my understanding that the objective of clause 1 of this ordinance is to amend the interpretation section of the Criminal Injuries Compensation Ordinance. It is simply to round out in that ordinance the definition of "child" to include as well an illegitimate child.

THE CHAIRMAN (Mr. Stewart): Thank you. That clarifies the whole matter. Thank you very much. Clause 2? Councillor Nickerson.

Amount Payable To A Victim Of Crime

MR. NICKERSON: Mr. Chairman, this is the clause that the committee objected to. You will note that the amount payable to a victim of crime will not be able to exceed \$500 a month. Normally this would probably be quite reasonable but there are certain circumstances such as somebody who requires very careful treatment, maybe expensive treatment over a long period of time, where this might not be sufficient. Also you will see that the total is not to exceed \$25,000 and if somebody is getting \$500 a month, it only takes a matter of just over four years or so before he reaches, or she reaches, the maximum amount, at which time they would be cut off completely and unable to collect any more money by virtue of this ordinance. They would be forced on to welfare, I would presume. We fully realize that these are the maximums allowable by the federal government in the cost-sharing program. That means that if, for instance, the sum of \$25,000 had been reached and that we agree now not to proceed with this clause and to continue with those payments, any additional money that is paid by the Government of the Northwest Territories will not be collectable from the federal government as is, I believe, 75 per cent of the money up to that sum. That means that we would be stuck with the bill for these extra payments.

The committee sees the administration's point of view here, especially because not very many people would fall into this category. We feel that this would be a worthwhile use of public funds and a valid charge upon the revenue of the Northwest Territories to proceed with these payments in the interests of humanity.

THE CHAIRMAN (Mr. Stewart): Thank you. Would the administration like to comment? Mr. Mullins?



The Use of Public Moneys

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, thank you. The statements made by the Member indicate that there may be some cases beyond which funding or assistance in addition to \$25,000 may be required. It is my understanding, Mr. Chairman, that the intention of this paragraph here is not to preclude the possibility of public moneys being spent to support an individual, but it is a question of which public moneys will be spent in support of that individual.

If the ordinance were not to be amended, after \$25,000 would be reached, the Government of the Northwest Territories would assume 100 per cent of the burden above \$25,000. If the ordinance is amended as proposed, this would preclude additional moneys from being spent under the authority of this ordinance and cause the applicant or the recipient to apply under the various social assistance regulations. If that were to be the case, assistance would be cost-shareable with the federal government at 50 per cent, so what we really have are two options: (1) to leave the legislation essentially as it is and in cases where more than \$25,000 assistance is required, to have that money paid 100 per cent by the Government of the Northwest Territories or (2) to have the ordinance amended and to have the applicant apply for social assistance, in which case 50 per cent of the dollars would be Government of the Northwest Territories' dollars and the balance shareable under the Canada Assistance Plan.

THE CHAIRMAN (Mr. Stewart): For my information, for any moneys that would come under the various social assistance plans, they would not I presume be the type of amounts that might be awarded by the court, they might be governed by the normal welfare type of things, is this not correct?

ASSISTANT COMMISSIONER MULLINS: That is correct, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 2. Councillor Butters.

MR. BUTTERS: I wonder, I am having difficulty again understanding what is going on. What is the present situation in simple language?

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

Cost Sharing Agreement

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the present situation is that a person can get the income on \$50,000 per month which let us say is 10 per cent, forever because that would be paid by the territorial government to that person forever, as long as he or she lives and if they do not recover. Now because of the cost sharing agreement the federal government would only reimburse the territorial government to the tune of 75 per cent of \$25,000, and \$25,000 would have been paid out in a little over four years. So for the rest of the person's life they would receive about \$500 a month and it would be paid in toto by the territorial government.

THE CHAIRMAN (Mr. Stewart): Councillor Butters, I thought I knew what we were talking about and now I am not sure.

MR. BUTTERS: Mr. Chairman, I thought Mr. Nickerson said it would be eaten up in a period of four or five years and that following that five years the person's compensation under this ordinance would lapse, there is no more money. If I understand Mr. Mullins then they would go over to the social welfare office and say, "I am broke, I am crippled, I can not work," and the welfare worker would develop some kind of a cripple pension or some kind of a \$50 or \$55 a month, whatever the welfare allowance is for these people. Is that not correct?

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I might have misunderstood Mr. Butters' question but he asked me what the situation is now and I told him but the situation he refers to is what the situation will be if this amendment passes.

MR. BUTTERS: I understood that this is for the rest of the person's life that they would receive the interest of \$50,000, and the only diminishment that would occur would be that brought about by inflation, or the depreciation of our dollar.

LEGAL ADVISOR (Mr. Slaven): Yes.

MR. BUTTERS: Mr. Chairman, if I may continue. I entirely support the position of Mr. Nickerson. I can not see how Members of this committee in any way could permit this to stand. It strikes me as being, or meeting the old adage of penny-wise and pound-foolish. At least with the situation as it presently exists under the ordinance where the individual receives the income from the invested money, some \$500 per month, with care they could probably get by but the other way what you are asking us to adopt is you are asking us to adopt a situation where they would get by for five years and then once again be thrown upon the mercies of the Department of Social Development. Now there is nothing wrong with the mercy of the social welfare department but I think the way it is now gives recipients of criminal injuries compensation, a bit of a chance to achieve independence and a measure of self-pride. So I would support Mr. Nickerson's motion to delete clause 2.

#### Social Assistance Regulations

THE CHAIRMAN (Mr. Stewart): I wonder if the administration could advise this committee what the difference in actual dollars and cents would be from the \$500 per month to going on to social assistance at the present time?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, we do not have that data with us at the moment but I should point out a couple of things and one is the \$500 a month, if that figure were selected, would be a figure selected by the court and that is the maximum amount, not necessarily a minimum amount. If the interest rate were to drop below ten per cent at any time during the period of the time in which the recipient was in receipt of a court settlement the amount of money generated by the court would be less than the \$500.

The social assistance regulations as I understand them would apply in the same way to a person who had been injured through a crime as would apply to anyone else who would be totally incapacitated and not able to work. There may well be a disability allowance of some kind or another but there would also be the normal kinds of social assistance payments under the regulations.

THE CHAIRMAN (Mr. Stewart): I think it would be of great assistance to this committee if we knew the amounts of money or if they were approximately the same, then there might not be too much concern, but if there is a wide variance then I think the case should be well taken. I think it is essential that we have that figure, is it agreed?

---Agreed

Can we get that figure?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, we would be able to get figures depending upon family size, the food scale index according to the community, the clothing index according to the community etc., social assistance regulations are specifically related to need and there are various amounts in various communities for such things as food, clothing, rent, etc. We could if you like prepare for Council a scale which would indicate what might happen to a family of four or six in two or three representative communities.

THE CHAIRMAN (Mr. Stewart): What is the committee's direction? Councillor Butters.

MR. BUTTERS: Mr. Chairman, I feel quite sure this material was provided to the legislation committee and it already exists and maybe the legislation committee could circulate the data that they had available to them.

THE CHAIRMAN (Mr. Stewart): Councillor Nickerson.

The Case Of Charity

MR. NICKERSON: Mr. Chairman, we do not have these specific figures. The assumption that we would make is that the amount of money that a victim would be able to claim through the welfare system would be a good deal less than what would be coming under here, and we have had no information to the contrary. I am concerned with the similar point that Mr. Butters raised just a little while ago in that it is not the same being entitled to this money under this ordinance and having to undertake the embarrassing, and I do not quite know how to put it, but it is not very nice to have to go to welfare and be a charity case. I think this was the intention when this legislation was originally brought in that these people, victims of crime such as seen in this legislation, you know, this is something they should be entitled to and we do not, you know, we are not going to throw them out to be dependent on charity, that is the idea behind it and that is one of my concerns also.

THE CHAIRMAN (Mr. Stewart): Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr Chairman, although I would be very happy to make available an estimate of maintenance figures I think that Council would not really learn that much from those figures because obviously what is done under Social Development is to meet bare living costs, and I do not think that at any time we ever state or intend to go beyond that level. Therefore you would have to set up a situation and assess it and I am sure that the dollar figure you would come up with would be one that would be such that the family or whoever was dependent, if any, on the person who was injured or incapacitated, that figure would be just a subsistence level, it would not be any more. The computation would be made on their requirement for rent, for food, for whatever other necessary services such as housing, heat, light and that sort of thing and that would be how the figure would be built up. So I think what is said here is true, it would be in all likelihood a little less than the figure that the judge would set.

Location Of The Person

THE CHAIRMAN (Mr. Stewart): I was wondering, Mr. Deputy Commissioner, it would appear to me that it would depend entirely upon the circumstance and the location of the person. If it were Frobisher Bay a man with ten children would get an awful lot more than \$500 or he could not possibly live on it. Would this assumption not be correct?

DEPUTY COMMISSIONER PARKER: Yes, I think that your assumption is correct that the figure that would be arrived at under Social Development would be a subsistence figure and it might be less than a \$500 figure, but it would be different in each and every case and that is why I was just cautioning you that the production of estimates in this area may not be that helpful to you.

THE CHAIRMAN (Mr. Stewart); But then indeed this whole section under certain circumstances, and again going back to location, it would appear to me that a person would be further ahead financially to take social welfare than to accept the \$500. Is this correct if he is totally incapacitated or is this in addition to?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, forgive me for coming on again but I think that the \$500 here is anticipated as something to look after the individual who has been injured and the requirements for any dependents that he may have would still have to be met through social welfare services.

THE CHAIRMAN (Mr. Stewart): Then basically, Mr. Deputy Commissioner, are you not saying then that this applies really only to a single person as far as single status is concerned and if he has dependents they are not covered by this and they would go to social welfare in that instance, is that correct?

DEPUTY COMMISSIONER PARKER: I believe that is correct.

THE CHAIRMAN (Mr. Stewart): We should be able to get the figures from social welfare on an individual compared to the \$500 figure. We do not have nearly the complex situation we would have otherwise.

Social Assistance Scales

DEPUTY COMMISSIONER PARKER: Well, Mr. Chairman, my comments still apply to the individual. We would simply make a computation of all of his requirements, and those are tables that we have published previously. Perhaps Hon. Peter Ernerk could quote some of the figures, I do not know but they are contained in our scales one to five and so forth.

HON. PETER ERNERK: Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Hon. Peter Ernerk.

HON. PETER ERNERK: Roger, roger, Mr. Chairman. I do not have the figures with me at the moment but what I could do, if it is the wish of the committee, to get the latest social assistance regulations, and that is what you are getting at, are you not, Mr. Chairman, with respect to social assistance regulations? Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Councillor Ernerk, I am sorry, I have this fan situation.

HON. PETER ERNERK: Mr. Chairman, am I correct to say that you would be interested in finding out the social assistance scales, this one to five business which I believe we are talking about?

THE CHAIRMAN (Mr. Stewart): Basically this was the thought that indications are that it is such a variable thing depending on location that it might not be of any value.

HON. PETER ERNERK: Mr. Chairman, allow me, if I could explain briefly. We have in our social assistance regulations what we call welfare scales and that, of course, depends upon where an individual lives. I am not sure where places like Frobisher Bay sit at the present time. However, this would depend, of course, on the cost of living situation in that part of the country. It varies between, of course, one to five, and it depends on the number in the family. I am not even sure whether it goes from \$60 a month per person or per individual or up to \$450 for a family of ten. On top of that there is also a clothing allowance which is \$15 a month. Mr. Chairman, I am sorry. I really can not go any further than that. In our social assistance regulations which will be made available to the committee Members later on it states those figures under the grocery allowance section.

THE CHAIRMAN (Mr. Stewart): Thank you. Can I have the committee's direction? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that we are talking about a number of variables here. We have the variable of the court settlement as well as the variable in a particular community and possibly I think what we should be getting more to the point and talking about what happens or concerning ourselves with the period after four years which, if it is the maximum at \$500, will it use up the \$25,000?

THE CHAIRMAN (Mr. Stewart): That appears to be the problem, Councillor McCallum. I am sorry.

HON. ARNOLD McCALLUM: I do not know whether our getting figures will do much to shed very much light on the whole matter.

THE CHAIRMAN (Mr. Stewart): I would be inclined to agree with you. I do not think figures would assist us. May I have the committee's direction as to what you wish to do with clause 2? Councillor Searle.

MR. SEARLE: Mr. Chairman, are we not at the point where it is a question of whether or not we want to prove the reduction of these amounts as indicated?

THE CHAIRMAN (Mr. Stewart): Basically that would appear to be the overriding question, yes.

MR. SEARLE: So it seems to me that if there are Members who feel strongly enough that clause 2 and 3 of the bill should be defeated, it seems that a motion to that effect would be appropriate. Failing that, we should call the question I should think on the clauses and complete committee study.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments on clause 2? Does anybody wish to propose a motion on this or will I call the question? On clause 2 are you agreed? There is no rule that covers silence.

DEPUTY COMMISSIONER PARKER: Silence means consent.

THE CHAIRMAN (Mr. Stewart): Only in certain performances.

Motion To Delete Clause 2 Of Bill 5-59

MR. NICKERSON: Mr. Chairman, if you would like me to do so, I would be prepared to move a motion on behalf of the legislation committee that clause 2 not be proceeded with or clause 2 be deleted.

THE CHAIRMAN (Mr. Stewart): I have a motion that clause 2 be deleted. Discussion? Question being called. All those in favour of clause 2 being deleted, a show of hands, please? Nine. Opposed? The motion is carried. Clause 2 is deleted.

---Carried

That completes this particular bill. Shall I report back to the Speaker? Pardon me, I am sorry. There is no short title on this bill. The bill as a whole and as amended? Agreed?

---Agreed

Shall I report back to the Speaker?

---Agreed

Report of the Committee of the Whole of Bill 5-59, Criminal Injuries Compensation Ordinance.

MR. SPEAKER: Mr. Stewart?

MR. STEWART: Mr. Speaker, your committee has been studying Bill 5-59 and I wish to report that this bill is now ready for a third reading with the deletion of clause 2.

MR. SPEAKER: Should we now proceed in order of the bills on the order paper or then is there a different order that the Executive wishes to follow? In other words, should we go into Bill 8-59?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Do I have a motion that this Legislative Assembly resolve into committee of the whole to consider Bill 8-59? Mr. Pearson. Seconder? Mr. Lafferty. All in favour?

---Carried

The Legislative Assembly will resolve into committee of the whole to consider Bill 8-59. Mr. Stewart, I take it you would like to have Mr. Butters in the chair? The deputy chairman of the committee?

MR. STEWART: Yes, Mr. Speaker.

MR. SPEAKER: Is that acceptable to you, Mr. Butters?

MR. BUTTERS: Perfectly, sir.

MR. SPEAKER: The Legislative Assembly will resolve into committee of the whole to consider Bill 8-59 with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 8-59, Municipal Ordinance with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 8-59, MUNICIPAL ORDINANCE.

THE CHAIRMAN (Mr. Butters): The committee will come to order to consider Bill 8-59, An Ordinance to Amend the Municipal Ordinance. The purpose of this bill is to make minor amendments to the Municipal Ordinance in response to requests from the Northwest Territories Association of Municipalities. Mr. Nickerson, would you lead off?

MR. NICKERSON: Thank you, Mr. Chairman. On a point of order, I do not know if it is quite correct that you should ask me to lead off on these matters of legislation. I was always under the assumption that the people sitting at the far end of the table were the people who set them up and I was the guy who knocked them down. Should you wish, I will proceed, though.

THE CHAIRMAN (Mr. Butters): Replying to your point of order, as chairman of the legislation committee, whether you set them up or knock them down does not matter. I think the main thing is that you report the results of the discussion of your committee which this committee of the whole welcomes.

MR. PEARSON: Hear, hear!

MR. NICKERSON: Thank you. Most of the amendments proposed in this bill originated with the Association of Municipalities and you will notice that most of them are or all of them are in fact of a housekeeping nature. They concern things such as dogs and other animals, whether or not a facsimile signature can be used by a mayor and they are not really things that we have to go into a great deal of detail from the philosophical point of view. There is one amendment, so to speak, that is a little different and that is contained in section 1 and section 2 of the bill where it is intended that the qualifications of voters be changed to disallow British subjects who are not Canadian citizens. This is in keeping with a trend throughout Canada and it is something that we in the territories are trying to do in a number of ordinances as they come before us. We intend that eligibility of voters be restricted to Canadian citizens and persons who have reached the age of majority.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Nickerson. Mr. Legal Advisor, do you have any pertinent points of law or explanation pertaining to the law?

LEGAL ADVISOR (Mr. Slaven): No.

THE CHAIRMAN (Mr. Butters): Are there any comments or statements relevant to the Municipal Ordinance as a whole or to the matters related to here from any Members? Mr. Pearson?

The Need For A New Municipal Ordinance.

MR. PEARSON: The amendments, as you say, are of a housekeeping nature and sort of a stopgap approach to this matter of the Municipal Ordinance. It has occurred to me since being involved very heavily in municipal affairs of late that the ordinance under which municipalities operate needs chucking in the garbage can, not amending. I think this Northwest Territories is in great need of a new, completely new Northwest Territories Municipal Ordinance with a modernistic approach to matters of people being involved in running their own affairs. When we heard the Commissioner's Address last year and he talked of giving greater responsibility to communities, etc., etc., it would be very difficult for a lot of these communities to operate under the present regulations. I would like to propose that this Legislative Assembly initiate either a complete study of the Municipal Ordinance or that we ask for a new ordinance to be developed for review by this Legislative Assembly certainly within six months or a year, or even within six months.

THE CHAIRMAN (Mr. Butters): Thank you, the Hon. Member from Baffin South. Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, in response to Mr. Pearson's remarks, we have been aware for some time that the Municipal Ordinance is in need of a complete rewriting in that it has been amended a number of times. We are committed to commencing such a rewriting of that ordinance within the next year. It would be unrealistic and impossible for us to say that we could do it within six months because I do not think that would serve Council very well either. I think that before we get into a major rewriting of it we may have to seek some direction from Council if they wish us to change substantially from the existing policies and approaches that are taken under the ordinance as Mr. Pearson has suggested. Therefore in line with that and in dealing with municipal matters, it might be necessary for us to put a policy paper to Council for Council's consideration which would then form the basis for any changes in approach that should be made in the Municipal Ordinance.

Now, the very earliest that we could do that of course would be for the fall session and frankly I doubt if we really will have time to have such a discussion document ready for Council.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy Commissioner. Mr. Stewart, the Hon. Member for Hay River.

#### Association Of Municipalities

MR. STEWART: Mr. Chairman, I certainly agree with the statements made by Councillor Pearson relative to the Municipal Act. I must disagree in part with the Deputy Commissioner, the Association of Municipalities has for the last three years to my knowledge been trying to get some major changes to the act, a rewriting job done, so it is not something that is really that new to the administration. To date I do not feel enough action has been taken in this regard. However, now that it is on this Legislative Assembly's floor we can give the administration further direction in this regard because it is antiquated in many sections and very, very difficult -- in fact in some areas almost impossible -- to follow. I was wondering, Mr. Chairman, why the variance in layout in this particular section to all the rest, or to the normal procedure in the book, why are these amendments different than others in the way they are laid out as to what the changes are and what the old sections read. It is rather difficult to follow in some areas.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I was informed at 2:00 o'clock in my office today that a couple of the pages in two bills were printed backwards and that the pages were on the way over here for insertion. I take it they did not get here in time to be inserted before 2:30 p.m. So, I suppose we could say that pages 3 and 4 are backwards. Now, you could tear it out and turn it over. In other words the explanations for page 2 are on the back of page 3 and the explanations for page 4 are on the back of page 4. I am sorry, the explanations for page 3 are on the back of page 4.

MR. PEARSON: That makes a lot of sense.

THE CHAIRMAN (Mr. Butters): Do Members understand the explanation? We tear out pages 3 and 4 and turn them over.

MR. STEWART: That does not work either, Mr. Chairman, it is not that simple.

THE CHAIRMAN (Mr. Butters): Do Members wish our books corrected so that they are correct before we proceed with this ordinance? The Hon. Member from South Baffin.

MR. PEARSON: Perhaps you could provide the Members with a mirror so they could then read them.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, they are simply punched on the wrong side and I do not think it is all that difficult to follow. If I could just say, I did not mean to indicate that we had not given consideration to rewriting the ordinance or that the Association of Municipalities had not already requested this. They have requested it and we have responded officially and said to them that we were in the process of commencing a rewriting of the ordinance. My remarks were more directed along the line of Mr. Pearson's comments where he seemed...

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, could you go a little slower? I think I should also have slowed Mr. Stewart down as well.



DEPUTY COMMISSIONER PARKER: I am sorry. Mr. Pearson seemed to be suggesting that we may want to take some very new and different approaches and my suggestion was that if Council wished a substantial change from the present approach to the Municipal Ordinance then we would want to receive further direction from Council. However, we certainly are prepared to commence rewriting the ordinance.

THE CHAIRMAN (Mr. Butters): Are there any other further general questions or comments? The Member from the High Arctic, Mr. Pudluk.

MR. PUDLUK: Thank you. Mr. Chairman, if we want to change the laws in here can we change them or do we have to do it as it is rewritten? Have you got that?

THE CHAIRMAN (Mr. Butters): Are you referring to the law that is presented here as Bill 8-59, this material here?

MR. PUDLUK: Yes.

THE CHAIRMAN (Mr. Butters): When we come to the clause by clause study you can then change or suggest changes for each particular clause, or do as we did in the other situation, just pull it right out altogether which was Mr. Nickerson's motion.

MR. PUDLUK: Roger, roger!

THE CHAIRMAN (Mr. Butters): Are there any other further general questions? May we then proceed to a clause by clause examination of Bill 8-59?

---Agreed

Clause 1.

MR. PEARSON: Pull out the page.

THE CHAIRMAN (Mr. Butters): Mr. Steen, the Member for the Western Arctic.

Persons Eligible For Election

MR. STEEN: Mr. Chairman, there are several lines in that paragraph, clause 1 that I disagree with. It says there, for instance in clause 1, paragraph (a) is it, the second paragraph? It now reads: "Subject to this ordinance, every person is eligible for election who (a) is a Canadian citizen or other British subject."

I disagree with anybody under the term "or other British subject" because I think that the Canadians, they must be a Canadian before they can run for election and no one in Britain knows how to run our country I do not think. So, you know, I think that that should be removed.

THE CHAIRMAN (Mr. Butters): May I explain that as I understand it the material on this side, on the right hand side, is the way it is now and on the left hand page is what is being suggested and it is exactly what you are pointing out is to be done that the reference to British subjects that now exists will be removed just as you have suggested, Canadian citizens left only.

MR. STEEN: I did not see it, I am sorry, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): I am going to ask the Legal Advisor possibly to explain the way the two pages are set up in the book so that Members understand.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I think that that might be worth while, and these two pages we have before us are a fairly good sample. On the left hand page where you see the words "is a Canadian citizen" that is how the ordinance will read if you pass this clause. On the right hand side it shows how the ordinance now reads and the words being taken out are printed in italics. There you will notice the words "...or other British subject" are in a different kind of type. So, that is how we show when words are being taken out. The same applies in the second clause. Now, in the third clause, on the left hand page you will notice underlined words. Those are words that are being added or that are replacing existing words.

For example "the Council", the first word "the" is underlined. On the other side of the page you will note "a Council" and "a" is in a different type of type, so therefore "the" is replacing "a". Again the word "municipality" is underlined and it is replacing the italicized words "...city, town or village...".

Now, just one further, if you would turn to page 2 and at the bottom you will see a vertical line and that means the same as underlined words and that is a complete subsection that is being added.

THE CHAIRMAN (Mr. Butters): Is that helpful Mr. Steen?

MR. STEEN: Very much.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Legal Advisor. The Member from South Baffin.

MR. PEARSON: I was just trying to speed things up, Mr. Chairman. I wonder if we could not just get down to clause by clause. You are in the chair and we could get out of here and it would be very quick and short and sweet.

THE CHAIRMAN (Mr. Butters): Sir, you can be in the chair if you want but there are Members here who do not understand what is going on. I think we should make damned sure we know what we are doing when we make laws. Clause 1, is there any discussion on clause 1? Is it agreed?

---Agreed

Clause 2. Agreed?

---Agreed

Clause 3, remuneration. Are Members agreed? I hear one agreed.

---Agreed

Clause 4 which repeals or removes or deletes or takes out the matter that is on the opposite page, back to front. Do you understand where the portion is that is being deleted? It is on the back of page 4 that is placed in your books. Does everybody see it? The place in the book, they put holes in the wrong side. It is deleting this section here that is over on the back of that, section 128 and all that, if you agree to that we are deleting that and removing it from the present law. Agreed? Agreed to clause 4?

---Agreed

Clause 5. The Member from the High Arctic.

MR. PUDLUK: Mr. Chairman, did we pass section 128 already?

THE CHAIRMAN (Mr. Butters): Yes, we have. We can go back to section 128. That is the one where we removed it, deleted it, took it out.

MR. PUDLUK: Okay.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, perhaps I could just say with regard to clause 4 which deleted the section 128, the change here is to put a hamlet on the same basis as other municipalities in setting the money that can be paid to councillors with just one exception, that a bylaw passed by a village or a hamlet must receive the Commissioner's approval when it deals with payments to councillors. Before this time, before this change goes into effect a hamlet did not have the power to pass a bylaw at all with regard to payment of councillors but, rather, the payment for councillors was contained right in this ordinance. This gives the hamlets a little more power to have something to say about what they propose to pay to individual council members. Does that help?

THE CHAIRMAN (Mr. Butters): Yes. Mr. Pudluk, do you agree to delete that?

MR. PUDLUK: Yes.

THE CHAIRMAN (Mr. Butters): Is clause 4 agreed?

---Agreed

Clause 5. Agreed?

---Agreed

Clause 6. Agreed? Are all Members agreed?

---Agreed

Clause 7. Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there is an error in clause 7.

THE CHAIRMAN (Mr. Butters): Where is the error, sir?

DEPUTY COMMISSIONER PARKER: The word "distraining" should be "restraining".

THE CHAIRMAN (Mr. Butters): The first line of section (d) "distraining" becomes "restraining".  
The Member from the Western Arctic.

Protection From Dogs.

MR. STEEN: Mr. Chairman, just a comment on clause 7. I think that sometimes maybe we should think about putting a little protection for the home owners when dogs are running at large, if the bylaw enforcement officer is outside or somewhere else hunting and you can not get a hold of the Royal Canadian Mounted Police, that if a dog is in his lot trespassing, he should be protected if he wants to move the dog off his lot and he can not do it if -- you could come under another section of the Municipal Ordinance that you can not fire a firearm in a community. You know, if you want to get rid of a dog on your property you can not fire a firearm because it is inside the municipality, so I think that there should be some section in there that protects the homeowner, the guy who is paying for his lot and his property.

THE CHAIRMAN (Mr. Butters): I wonder if Mr. Nickerson and his committee considered this suggestion which seems to be very valid?

MR. NICKERSON: I am afraid I was having a conversation over the meaning of the words "distraining" and "restraining" there and I did not get the comment.

THE CHAIRMAN (Mr. Butters): Possibly to save time I wonder if the Legal Advisor might comment on the point raised by Mr. Steen.

LEGAL ADVISOR (Mr. Slaven): I must apologize too, Mr. Chairman, I was looking in the dictionary.

THE CHAIRMAN (Mr. Butters): As I recall Mr. Steen's comment it was that a property owner who finds on his property a marauding dog at large with the dog officer out of town and the police unwilling to act and himself or herself prevented from discharging a firearm in the community by other legislation, how are his rights protected from this animal?

MR. NICKERSON: Hit it on the head with a rock.

THE CHAIRMAN (Mr. Butters): I wonder, Mr. Legal Advisor, does that apply? Or would there be a possibility that the owner of the dog might bring charges against the property owner for so acting?

Concerning The Use Of Firearms.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I am looking in the Dog Ordinance and a person may kill any dog that is running at large and in the act of doing certain things, endangering persons or other animals. The section 182(d) is a bylaw for destroying dogs and other animals running at large. I do not know if Councillor Steen is referring to bylaws re the discharge of firearms. Mr. Chairman, I do not see anything that a property owner could do to you so long as you do not cause damage to his property or endanger any life or injure anyone on the property, but it would depend upon the wording of the bylaw.

THE CHAIRMAN (Mr. Butters): Try again, Mr. Steen.

MR. STEEN: Mr. Chairman, what I said a little while ago was that sometimes in the community you have dogs running at large on your lot and you can not get rid of the dogs. They are running around amongst the kids and you can not get rid of them, so you can not destroy a dog because, if you use a firearm, then you are getting into conflict by firing a gun in the hamlet or the town or whatever. It conflicts with another bylaw and I am saying there should be some protection, I think, Mr. Chairman. Sometimes people get away with shooting at burglars, but it is pretty hard to get away with shooting at a dog.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the municipality has the power to pass bylaws regarding the discharge of firearms in the municipality. The municipality by this proposed amendment will be able to pass bylaws regarding the destroying of dogs. It is up to the municipality to see that one bylaw does not clash with the other bylaw and, if there is any apparent clash, to make clear which one overrides the other. We are here leaving it up to the municipalities as to how they write their bylaws as I see it.

THE CHAIRMAN (Mr. Butters): Thank you.

MR. STEEN: Mr. Chairman, just a little bit further on that. What happens if you can not get any action from the dog officer and then the guy goes ahead and discharges a firearm? What happens to the guy when he discharges the firearm because he is shooting? That is what I want to know.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, it would depend on the town's firearm bylaws. Is that helpful, Mr. Chairman?

Providing Enabling Legislation

THE CHAIRMAN (Mr. Butters): The Member from the Western Arctic, is there any suggestion that you have to change that present section? As I read it, we are providing enabling legislation for the hamlet or the municipality to act in this manner. Do you think that this section will permit the hamlet to develop legislation that will get away from the problem which you suggest?

MR. STEEN: Mr. Chairman, I know the thing as it reads there, it gives power to the hamlet to destroy or remove any animal in the community that is causing a disturbance. What I am saying is that sometimes you can not get people to act in the community to remove a dog, and he continuously comes over regardless of whether he gets tied, and it is a continuous problem. So, what the guy can do, he says "I am tired of it. I am going to go out and kill that animal that is coming into my yard amongst my kids" and so he does and what he is really doing is breaking one of the other bylaws. I think there should be some protection in cases like that or in the case of extreme necessity. It should be provided.

THE CHAIRMAN (Mr. Butters): I think the Legal Advisor has suggested that the word "destroying" would permit an exclusion by the members of the hamlet council to so describe, or so permit the person in the situation you have described to act, if the dog is harassing children and can not be driven off. Certainly the dog could be killed with an axe or a stick or as Mr. Nickerson said a stone and this could be written into your bylaw to permit this. Is this not so, Mr. Legal Advisor? He says "yes" and nods his head vociferously. Mr. Pearson.

MR. PEARSON: I move we recognize the clock, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): I believe that that motion should be that we report progress.

MR. PEARSON: Yes, report progress.

THE CHAIRMAN (Mr. Butters): The motion is that we report progress.

MR. PEARSON: There would be no discussion.

MR. NICKERSON: On a point of order, Mr. Chairman. There is in the Members' books a typographical error or omission on page 3 and maybe if we left off now by the time we came back tomorrow morning maybe we could have a new page 3 with the proper text.

THE CHAIRMAN (Mr. Butters): Could we have that assurance and if so then I can report progress? Thank you, Mr. Deputy.

MR. SPEAKER: The Legislative Assembly will come to order. Mr. Butters.

Report of the Committee of the Whole of Bill 8-59, Municipal Ordinance

MR. BUTTERS: Mr. Speaker, your committee has been considering Bill 8-59 and I report progress.

MR. SPEAKER: Are there any announcements for tomorrow?

MR. PEARSON: Mr. Speaker.

MR. SPEAKER: Mr. Pearson.

MR. PEARSON: Mr. Speaker, the Deputy Minister is in town and will be here until tomorrow morning and I just wondered if perhaps Members had, for any reason, Members may wish to meet with him, Mr. Kroeger will be available. That would, of course, have to be this evening.

MR. SPEAKER: Possibly any Members who may wish to see Mr. Kroeger could liaise with Mr. Pearson and arrange it that way. Orders of the day, Mr. Clerk.

ITEM NO. 13: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, May 19, 9:00 o'clock a.m., at the Explorer Hotel.

1. Prayer
2. Continuing Replies to the Commissioner's Opening Address
3. Questions and Returns
4. Oral Questions
5. Petitions
6. Reports of Standing and Special Committees
7. Notices of Motions
8. Motions for the Production of Papers
9. Motions
10. Tabling of Documents
11. Continuing Consideration in Committee of the Whole of Bills and Recommendations to Council: Bill 8-59, Bill 9-59, Bill 7-59, Bill 6-59, Bill 12-59, Bill 2-59, Bill 3-59, Recommendation to Council 1-59 and Recommendation to Council 2-59.
12. Orders of the Day

MR. SPEAKER: This Legislative Assembly stands adjourned until 9:00 o'clock a.m., May 19, 1976, at the Explorer Hotel.

---ADJOURNMENT

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