



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

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Official Report

**WEDNESDAY, MAY 19, 1976**

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, MAY 19, 1976

MEMBERS PRESENT

Mr. Steen, Mr. Stewart, Mr. Lyall, Mr. Butters, 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): Gentlemen, turning to the orders of the day, Item 2. Continuing replies to the Commissioner's Opening Address. Are there any replies this morning?

Item 3. Questions and returns. Are there any returns. No returns. Are there any questions? Mr. Nickerson.

ITEM NO. 3: QUESTIONS AND RETURNS

Question W7-59: Oil And Gas Regulations

MR. NICKERSON: Mr. Speaker, I have a question concerning oil and gas regulations. Since it is expected that the Governor in Council will issue new gas and oil regulations within the next few days, could the administration undertake to secure copies as soon as possible and have them tabled while the Legislative Assembly is still in session.

MR. SPEAKER: Are there any further questions? Is the translating equipment not working? Mr. Nickerson.

MR. NICKERSON: On a point of order, sir. I think the question I asked only requires a very simple yes or no answer and I think it might be possible for the administration to give that answer at the present time.

MR. SPEAKER: The question as to providing copies of the oil and gas regulations, Mr. Parker, to this house. Do you think that would be possible? I would assume you would have to obtain them from the federal authorities.

Return To Question W7-59: Oil And Gas Regulations

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will obtain them as rapidly as possible. I presume Mr. Nickerson is referring to the newly proposed regulations and we will obtain them as soon as possible for distribution.

MR. SPEAKER: Is there a problem with the translation equipment or is it working all right? Mr. Pearson.

MR. PEARSON: Mr. Speaker, there does seem to be a problem with the equipment, the volume level is very low or something.

MR. SPEAKER: Item 4. Oral questions. Mr. Stewart.

ITEM NO. 4: ORAL QUESTIONS

Question 07A-59: Air Strike

MR. STEWART: Mr. Speaker, will the impending strike of the air controllers affect the prorogation of this house?

MR. SPEAKER: I do not know who that question is addressed to. Mr. Parker.

Return To Question 07A-59: Air Strike

DEPUTY COMMISSIONER PARKER: Mr. Speaker, provided that Hon. Members proceed as they had originally intended and with the usual supreme efforts of the administration we probably could get everybody home before the 31st.

MR. SPEAKER: Item 5. Petitions. Mr. Pearson.

ITEM NO. 5: PETITIONS

Petition 1-59: Teacher Education In Frobisher Bay

MR. PEARSON: Mr. Speaker, I wish to present the following petition. The people of Frobisher Bay have signed a petition pertaining to the plan by the Department of Education to move the teacher education program from Frobisher Bay to Fort Smith and I have some 200 signatures that I would like to table.

MR. SPEAKER: Item 6. Reports of standing and special committees.

Item 7. Notices of motions. Mr. Steen.

ITEM NO. 7: NOTICES OF MOTIONS

MR. STEEN: Mr. Speaker, I wish to give notice that on May 20 I will present the following motion, and should I read the motion, is it necessary?

MR. SPEAKER: You may either just state the sense of it or if you feel that you should read the whole thing you may do so, whatever you wish, Mr. Steen.

Notice Of Motion 3-59: Sale Of Reindeer Meat

MR. STEEN: Okay. On May 20th I wish to give notice of the following motion, and I will present a motion pertaining to the sale of reindeer meat. I think that should be good enough.

MR. SPEAKER: Any further notices of motions? Mr. Nickerson.

Notice Of Motion 4-59: Deferral Of Consideration Of Any New Game Ordinance

MR. NICKERSON: Mr. Speaker, I give notice that on Thursday, the 20th of May, I will move a motion concerned with the deferral of consideration of any new game ordinance.

Notice Of Motion 5-59: Amendment To Commissioner's Order 17-76

Secondly, Mr. Speaker, on the same day I will move a motion dealing with an amendment to Commissioner's Order 17-76.

MR. SPEAKER: Mr. Kilabuk? I would suggest that Mr. Kilabuk is having the same problem I was. Is that correct, Hon. Peter Ernerk?

HON. PETER ERNERK: Mr. Speaker, yes, basically these machines. Where do we rent them from anyway? They do not seem to be working at all. I mean, after all this Assembly is paying for these machines and they do not seem to be working. So, I think what Mr. Kilabuk is basically getting at is that he and Mr. Evaluarjuk are having some difficult times trying to understand what is happening, that the machines, they simply are not working.

MR. SPEAKER: Mr. Butters.

MR. BUTTERS: Sir, in the interests of communication and while I hate to delay the business of this house, I would suggest again a recess until this matter can be cleared up. I could not listen to that for two minutes let alone five and I do not know how our Hon. Members have been able to put up with that type of a system.

MR. PEARSON: Hear, hear!

HON. PETER ERNERK: Hear, hear!

MR. SPEAKER: Is that agreed that we adjourn briefly? I would ask that all Members stay in the area because hopefully we can clear it up quickly. Is that agreed?

---Agreed

Legislative Assembly stands recessed for technical reasons.

---SHORT RECESS

MR. SPEAKER: This Legislature will come to order. Gentlemen, may this house come to order? I would appreciate an indication from our Inuit Members if the system is now working. Do I see an affirmative from Mr. Evaluarjuk?

MR. EVALUARJUK: Yes.

MR. SPEAKER: I believe, gentlemen, we were on notices of motions. Are there any further notices of motions?

Item 9, motions. There are no motions in the book, however, I will call the item anyway in case someone wishes to make one, seeking unanimous consent to waive the rule as to notice.

Item 10, tabling of documents.

Item 11, continuing consideration in committee of the whole of bills and recommendations to Council. Legislative Assembly will resolve into committee of the whole for continuing consideration of bills and recommendations. Bill 8-59, the Municipal Ordinance with, I believe, Mr. Butters in the chair. The Municipal Ordinance, Mr. Butters, you were in the chair?

MR. BUTTERS: Yes, Mr. Speaker.

---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. We are considering Bill 8-59, An Ordinance to Amend the Municipal Ordinance and yesterday evening we were in consideration of clause 7 on page 3. I believe that discussion had been completed on that point. Mr. Steen, you were raising most of the concerns. Do you feel satisfied that the provisions as put here or entered here would permit the councils to make bylaws to cover the situation you described?

MR. STEEN: Mr. Chairman, all I was looking for was some protection for someone to destroy animals running in his backyard if it was so needed.

THE CHAIRMAN (Mr. Butters): I believe assurance was given by the Legal Advisor that municipal bylaws and hamlet bylaws would so reflect when drafted. Any further discussion? Mr. Pudluk, the Member from the High Arctic.

MR. PUDLUK: Mr. Chairman, I have got a general comment. In Resolute Bay we have two settlements there seven miles from the village and seven miles to the base and the base is Ministry of Transport property. One of the companies up there has two dogs which they can not control and these two dogs are really dangerous and they are not tied up, just running around the airport and we have to go by the airport to the road to the Hudson's Bay store. I want to know who has the responsibility for those two dogs because the settlement council can not control it.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Mr. Deputy Commissioner, did you hear the problem expressed by the Member from the High Arctic?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, yes, and I will seek a solution to it right away. The only thing I missed, did Mr. Pudluk say that the dogs were owned by a resident at the base?

MR. PUDLUK: One of the base companies owns it.

DEPUTY COMMISSIONER PARKER: Perhaps Mr. Pudluk could tell me privately at coffee time who the owner is and then we could take action.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy Commissioner. Are there any further comments on clause 7? If not, agreed?

---Agreed

Clause 8. Do all Members understand that gives the municipality the responsibility and authority to make rules regarding the setting of snares and traps within the boundaries of the municipality? Mr. Evaluarjuk.

#### Skidoos Have Replaced Dog Teams

MR. EVALUARJUK: Mr. Chairman, I would like to go back to the discussion of dogs, agreed? I have been worrying about people dealing with dogs yesterday and now and I would like to say a few things that I know. The dogs are running loose in Igloolik. A long time ago Inuit used to have dogs and they depended on dogs a long time ago. They used the dog team to go hunting and not too long ago whenever the dogs -- the government made the particular regulations that whenever the dogs were loose we were told to shoot the dogs. Now the dogs are gone and we are depending on skidoos in some places. The dogs in our area, the only purpose they have now is biting and I do not think we are dependent on dog teams too much now and I would like to see that particular regulation about that. Some of them are dangerous, some of the dogs are dangerous and some of the dogs -- people do not depend on dogs any more so therefore the only purpose of the dog nowadays is to bite. That is all the purpose is.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Mr. Deputy Commissioner, possibly you could help me with regard to attempting to reply to the question raised. This provision we are looking at refers to municipalities. I think that the point raised by the Member who just spoke relates to possibly smaller communities which are not incorporated. How can regulations be made or changed or altered to recognize the situation that the Member has just outlined?

#### Dog Control In Settlements

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I believe that the procedure is for the settlement council, and there is a settlement council in every place to make a recommendation to the Commissioner to make a particular regulation under the Dog Ordinance and the Commissioner is prepared to respond to the wishes of the communities in that way. In the case of Igloolik, of course, we are very proud to note that Igloolik is now a hamlet and therefore has the complete control of the dogs within its own powers.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Any further comment? We are on clause 7. Mr. Kilabuk.

MR. KILABUK: I would also like to say on the item concerning dogs, dogs are no longer used for hunting because this causes some difficulty concerning their tags. It seems the only time you can actually shoot a dog is when you are attacked and I think we should make a regulation that whenever a dog is tagged it can not be shot so we would know that whenever a dog is tagged it can not be shot. Now, we are hamlets and we have asked to be passed, a regulation that any dog that attacks can be shot and any dog without tags can be shot and I would like you to consider the matter of dog tags, as to how they should be looked after. That is now concerning the loose dogs, should they be shot or not shot and so I would like you to consider dogs with tags, I would like you to consider that. Thank you very much.

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, does the territorial government provide tags for dogs in unincorporated municipalities?

DEPUTY COMMISSIONER PARKER: I do not believe so, Mr. Chairman.

Bylaws Responsibility Of Community

MR. PEARSON: Mr. Chairman, that is a responsibility of the community, in this case the hamlet of Pangnirtung. These are bylaws that they can set themselves within the community and really have no bearing on this amendment to the Municipal Ordinance.

THE CHAIRMAN (Mr. Butters): Members of the administration could examine these recommendations surely.

DEPUTY COMMISSIONER PARKER: Was that a recommendation?

THE CHAIRMAN (Mr. Butters): These comments, I thought it was a recommendation with regard to tags. While, as the Hon. Member suggests that Pangnirtung may be a hamlet there may be other areas which are not hamlets and do not have tags for control. Any further questions or comments? Is clause 7 agreed?

---Agreed

Clause 8. Do any Members have...

MR. PEARSON: Mr. Chairman, I was under the impression we had done clause 7 some time ago, we had already done clause 8 and we are now doing clause 9.

THE CHAIRMAN (Mr. Butters): You stand corrected, sir, in that we had just begun to discuss clause 8 when our colleague requested that we go back to clause 7 and I think it has always been the attitude of this house that Members should have every opportunity to speak. Clause 8 regarding the authority of the municipality to set its bylaws regarding the placing of traps and snares within the boundaries of that municipality. Mr. Steen.



Traps A Hazard To Children

MR. STEEN: Mr. Chairman, I think sometimes we have to be a little bit careful about setting traps in municipalities for dogs because you can catch little kids and if you catch little kids in the traps they could freeze to death in some of the smaller communities. So, I tend to disagree with that clause.

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, did you hear the concern raised?

DEPUTY COMMISSIONER PARKER: Yes, but I do not understand it. The purpose of this amendment is to give municipalities the right to set regulations with regard to the setting of traps and the problem is that traps have been set in some municipalities right in or adjacent to, right beside the built up parts of the towns and there are people very much concerned that there will be accidents, and therefore the municipalities have expressed the desire to exercise some control over this to protect people. That is the reason for it being here, to offer more protection and not less protection to the public.

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

MR. STEEN: Mr. Chairman, I still disagree. There are some communities who may not think of this and maybe something should be added, provided they are sure that it is not going to catch children, small children.

THE CHAIRMAN (Mr. Butters): Has your administration considered the possibility that the municipalities or hamlets may indeed permit exactly what we are afraid of, Mr. Deputy Commissioner?

Decision Up To Local People

DEPUTY COMMISSIONER PARKER: Mr. Chairman, they can not do anything about it at the present time. The municipalities can do nothing about preventing the setting of traps on main streets if a person with a general hunting licence wishes to, and this is exactly what we are trying to do, to put this into the hands of the people who should be controlling their own lives. This is what we thought we were trying to do, exactly what Mr. Steen would support, that is to have the local people make the decision whether they will permit any trapping or whether they will designate certain areas where there can be no trapping within the boundaries of a settlement.

It has to be borne in mind, Mr. Chairman, that the boundaries of the settlement are sometimes very much bigger than just the outline of the built up part of the settlement. For instance, here in Yellowknife the boundaries of the city extend just beyond the bridge over the Yellowknife River to the north and so you can see that that covers quite a little area that is not built up. Now, I do not know what the intention of the city council here will be but if this passes they would then have the right to say, say within perhaps half a mile of any road or trail, there should be no traps set, or they might say there should be no traps set at all, you see, but they can establish areas and zones where they can have a little more control. It is quite likely that this legislation should have been under the Game Ordinance, however the Game Ordinance is not up for amendment at this session and the need for some control in this area was seen to be quite urgent.

MR. STEEN: Mr. Chairman, I guess I misinterpreted the concern I had. I thought that for the time being it was giving power to the community to set traps for dogs, but it seems now that I stand corrected, it gives the community control to stop people setting traps within community boundaries and so I thank the Deputy Commissioner.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Steen, and Mr. Deputy Commissioner. Any further comments on this section? If Members have no comments can we approve clause 8, please? Is it agreed?

---Agreed

Clause 9.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, perhaps I could just explain here that the present Municipal Ordinance calls for each and every grant that the municipal council wishes to make to be detailed in their estimates. In other words, \$50 for the Boy Scouts, \$100 for the trappers' association and so on. The Northwest Territories Association of Municipalities has come forward and explained to us that this leaves the municipalities with practically no flexibility and they have asked if they can change the system and vote only the total amount of grants in their budget, the aggregate amount of the grants, and then within that total voting authority they will make grants as agreed to by the councils under motion.

THE CHAIRMAN (Mr. Butters): Any comments on that explanation or questions? Members, do you give approval to clause 9? Agreed?

---Agreed

Clause 10.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, in this case the municipalities wish to have the right to set the date by which time they can offer either a benefit or establish a penalty in the payment of taxes. Under the present ordinance the date on which taxes are due or penalties must be paid, this date is prescribed in the ordinance and this would leave it up to the jurisdiction of the municipality itself, thereby giving the municipality another degree of flexibility to manage its own money.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy Commissioner. Any comments or questions on that explanation? If not, would Members give their agreement to clause 10? Agreed?

---Agreed

May I report the bill for third reading?

---Agreed

Thank you.

MR. SPEAKER: Mr. Butters?

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

MR. BUTTERS: Mr. Speaker, your committee has concluded consideration of Bill 8-59, Municipal Ordinance, and I report the bill ready for third reading.

MR. SPEAKER: Thank you, Mr. Butters.

HON. PETER ERNERK: Mr. Speaker, on a point of order, I wonder if I could have the unanimous consent of the committee to go back to Item 10, tabling of documents?

---Agreed

ITEM NO. 10: TABLING OF DOCUMENTS

HON. PETER ERNERK: Thank you, Mr. Speaker. Mr. Speaker, I would like to table Tabled Document 10-59, The Philosophy and Objectives for the Availability and Sale of Alcohol. This is done by the Northwest Territories Alcohol and Drug Co-ordinating Council and there are copies available to each Legislative Assembly Member, both in Inuktitut and in English and I thought it would be appropriate to distribute this to each of the Legislative Assembly Members before we get into the Liquor Ordinance. Thank you.

MR. SPEAKER: Members of the Legislature, I have just been advised by the Clerk that committee study on Bill 9-59 is not yet completed and apparently Bill 7-59 is not yet ready to go either, so is it the wish of the Executive to go into committee of the whole for Bill 6-59?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I am surprised at Bill 9-59. However, I thought we were ready on Bill 9-59.

MR. SPEAKER: Mr. Nickerson, you are chairman of the standing committee on legislation. Are you ready on Bill 9-59 or have I been misinformed?

MR. NICKERSON: Which one is Bill 9-59?

MR. SPEAKER: Bill 9-59 is the Liquor Ordinance amendments.

MR. NICKERSON: This bill was not given to the committee prior to first reading and in consequence we have not had time to deal with it yet. We hope to deal with it tonight and it should be ready tomorrow. The Education Ordinance, we have dealt with some 90 per cent of it and we would hope to deal with the balance remaining tonight also. If it is the wish of the administration, we could proceed with the Education Ordinance at present because generally speaking the parts we have not dealt with so far are the parts at the end of the bill.

MR. SPEAKER: Apparently we could start the Education Ordinance or we could go on to Bill 6-59. Which is the preference?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I apologize. Mr. Nickerson is absolutely right on the Liquor Ordinance. I think it would be best to leave both the Education Ordinance and the Teachers' Association Ordinance for the moment until we have had the next meeting of the standing committee and we are prepared to proceed to either Bill 12-59, Legal Profession Ordinance or Bill 2-59, Labour Standards Ordinance.

MR. SPEAKER: I am entirely in the hands of the Executive, whichever you want to do. Mr. Butters?

MR. BUTTERS: Mr. Speaker, I realize that the Education Ordinance may not have been totally considered by the committee, but if the committee is to be considering the latter stages of that bill tonight, I see no reason why that should not be a possible consideration at this time. Otherwise, I would then recommend that one of the other two bills be dealt with.

MR. SPEAKER: It does occur to me, Mr. Butters, that once we get into the Education Ordinance simply because of the size of it we will be there some time. I suppose if we could polish off some of these others and get them entirely out of the way, we would essentially be left with that. However, I do not care.

MR. NICKERSON: On a point of order, sir, I would suggest that we possibly deal with one of the shorter bills at present and then we could start on the Education Ordinance maybe this afternoon and there would then be no danger of us getting into parts of the bill which we have not yet discussed in committee.

MR. SPEAKER: Mr. Parker just flashed the figure two. I presume he is referring to Bill 2-59. That being the case, the Legislative Assembly will resolve into committee of the whole for consideration of Bill 2-59, the Labour Standards Ordinance. Mr. Stewart, can you resume the chair? With Mr. Stewart in the chair.

--- Legislative Assembly resolved into Committee of the Whole for consideration of Bill 2-59, Labour Standards Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 2-59, LABOUR STANDARDS ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order. I direct you to Bill 2-59, An Ordinance to Amend the Labour Standards Ordinance. Mr. Nickerson, your committee has studied this bill. Have you any comments at this time?

MR. NICKERSON: Yes, we have studied this bill and we recommend that it be dealt with by the committee of the whole subject to just one or two minor amendments.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Legal Advisor, do you have any comments relative to Bill 2-59?

LEGAL ADVISOR (Mr. Slaven): No, Mr. Chairman. Just to add to the remarks of Mr. Nickerson, the chairman of the standing committee, of course, I attended the meeting of the standing committee when they considered this bill clause by clause and an extensive number of changes were recommended. I hope that they have all been made except for certain ones I have pointed out to the chairman, Mr. Nickerson, in my letter of May 7.

THE CHAIRMAN (Mr. Stewart): Mr. Deputy Commissioner, does the administration have any comments relative to Bill 2-59?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, no, no comments of a general nature. Since the bill consists of a substantial number of clauses which amend the present bill and these are to a great extent administrative details, we are prepared to have appropriate experts appear. In this case Assistant Commissioner Mullins and Mr. Coates, should the committee wish. These gentlemen could make comments on individual clauses for the assistance of the committee.

THE CHAIRMAN (Mr. Stewart): Is it the desire of this committee that these expert witnesses Mr. Mullins and Mr. Coates be invited to the table?

---Agreed

Thank you. Comments of a general nature on Bill 2-59? Have you no comments of a general nature? Mr. Butters.

MR. BUTTERS: Mr. Chairman, I wonder what consideration the administration has given to the requirement to develop particular and specific legislation in this field or in this general area, for anticipated rapid development situations? What would the administration be looking at, would it be looking at a separate piece of legislation to establish another large section to take care of it or amend clause by clause the existing bill?

Labour Relations Bill Being Prepared

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the labour matters are divided into two parts. The bill before us deals with the labour standards which are more the details of operations from a day-to-day point of view and the other side is the labour relations field which deals with relations with unions and all of that area which is a very major area. It is our intention to bring forward a labour relations bill to Council at an appropriate time. This bill, even if we were to bring one forward could not become law at the present time without there being an amendment to the Canada Labour Code. We have some belief that the federal government will make such an amendment but we do not know the timing of it. We have done an extensive amount of studying in meeting with various individuals to take steps towards the preparation of a labour relations bill and in fact the preparation of a draft bill is under way. Certainly, the general principles have been gone over very, very carefully. I would not expect us to have it for October, although perhaps the Legal Advisor could correct me if I am wrong there.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I know that discussions were going on with Ottawa regarding the timing of the ordinance in relation to the timing of the amendments to the code and I do not know if that is resolved. Mr. Coates may have more recent information than I do but certainly it would be a very important ordinance and would take quite a bit of drafting time and some time to decide on the content of it.

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

MR. BUTTERS: Reflecting on the Deputy Commissioner's comment, am I to believe that the indication received from the federal government is that the code would be amended within the foreseeable future; that is, the next few months? It appeared that the Deputy Commissioner thought it may be ready for October, and is my understanding correct?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the matter is now with the Minister of Indian Affairs and Northern Development and we have not had a reply to our last telex on that matter. The time of amendment of the Canada Labour Code is not yet known to us.

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

MR. BUTTERS: I think by formal motion I will bring before this house our concern that the federal government move on this matter with all possible haste and the motion will be brought this session.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any further comments of a general nature? Are you ready to go clause by clause? Is it agreed?

---Agreed

Clause 1. Mr. Steen.

MR. STEEN: Just a question. I was just wondering what this was, the first Monday in August, is that a territorial holiday?

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, can you answer that question?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, this is a holiday observed in most of the provinces in Canada and I believe by most employers in the territories now. Possibly Mr. Coates could assist on that.

MR. COATES: I have nothing to elaborate on that point, it is really a question of bringing into formal effect the practice which already exists. It would, I would also observe, increase the number of statutory holidays in the Northwest Territories from eight to nine.

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

HON. PETER ERNERK: Mr. Chairman, I am just speaking off the top of my head here and I seem to have missed a day here and I think I was defeated on this particular item during the committee meeting, but perhaps the chairman of the legislation committee could correct me later on. Did we not put a day between New Years and Easter some time ago to say that this particular holiday, somewhere in between, would be a holiday, a northern type holiday, making it a genuine holiday type of thing. Perhaps I may be wrong here, Mr. Chairman, but did we not deal with this some time ago?

THE CHAIRMAN (Mr. Stewart): Thank you. Councillor Nickerson, can you throw some light on this?

Suitable Date For New Holiday

MR. NICKERSON: Yes, Mr. Chairman. This was a subject that came up at the committee meeting and it is the intention of the committee that this problem, or this suggestion be brought to the attention of the committee of the whole. There has been in the past a good deal of discussion as to whether or not we should have a special holiday for the Northwest Territories, or parts of the territories, where such would be more applicable and we bring it to the attention of the committee now that the proposed new holiday, the first Monday in August might not be in the best interest of everybody in the territories and there should be some discussion now along the lines the Hon. Peter Ernerk indicated and maybe another date would be more suitable.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, this matter was considered very carefully by the Executive before bringing this legislation forward, that is, the choice of this holiday. It seems that the practice has grown and seems to be rather well accepted and we were led to believe that an early August holiday was a suitable holiday across the country. There were those who felt that a February holiday would be in order but the arguments against that within the Executive carried the day, the arguments being that yes, it might be nice to have a holiday at that time but it probably would not be enjoyed as much as a holiday in what is generally a time of little more pleasant weather.

We did not believe at this time we would want to come forward to you proposing two new holidays because we do not think that either businesses or government should be subject to more holidays that are not achieved through the process of negotiation with the various unions and that it is not for this group to lead in this area. The only reason we come forward with the August one now is that it has been declared a holiday for many years in the North and, as has been stated earlier, it is simply recognizing what has become a fact. Certainly the time is up for discussion but I would recommend to you the August period.

August Holiday Observed

THE CHAIRMAN (Mr. Stewart): As a matter of comment I believe in the past it has been the policy of the municipalities to declare this day, to make it official. I think all the municipalities in the past have done this, the August holiday. So, it is just transferring the responsibility of naming this day and making it a recorded date. Councillor Lyall.

MR. LYALL: Mr. Chairman, I was led to believe that when we were discussing the matter that what Hon. Peter Ernerk meant was kind of a cultural, or heritage holiday in the native tradition.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further discussion on this item of another date? Councillor Lyall.

MR. LYALL: Could I have a clarification on that, Mr. Nickerson, please?

MR. NICKERSON: I am afraid I am unable to give you a decision of the standing committee on legislation on that. It was brought up for discussion at that time and I do not know whether you were at that particular meeting or not. The decision of the standing committee at that time was that this matter be referred to committee of the whole because, I think, primarily we did not have a very large number of Members there at the time we were discussing this. We did not want to come up with a firm recommendation and that, as far as I remember, was the position of the committee. As far as my own position on this is concerned I do not have strong views on whether it should be the first day in August or whether it should be some other day.

HON. PETER ERNERK: Excuse me for interrupting but the machines are not working again.

THE CHAIRMAN (Mr. Stewart): Mr. Clerk, we have another breakdown in the interpretation. Mr. Clerk, are we able to repair this or should we recess? Is it working now? No. Is it the desire of this committee to stand adjourned for coffee at this time?

---Agreed

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this meeting back to order. Bill 2-59, clause 1.

HON. DAVID SEARLE: Mr. Chairman, I would like to rise at this point if I could and ask the house to recognize a distinguished visitor, Mr. Arthur Kroeger, the Deputy Minister of Indian and Northern Affairs from Ottawa.

---Applause

May I, while I am on my feet, welcome on behalf of this house Mr. Kroeger to Yellowknife and say how pleased we are to have him here visiting with us.

THE CHAIRMAN (Mr. Stewart): Thank you. Bill 2-59, clause 1, are we agreed? I have one "agreed".

---Agreed

Clause 2, agreed? Subsection 3 (3) of the said ordinance is repealed.

MR. BUTTERS: Mr. Chairman, I wonder if one of the experts could explain the advantages of this.

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

HON. ARNOLD McCALLUM: I can not hear.

THE CHAIRMAN (Mr. Stewart): Your question was directed to whom, Mr. Butters?

MR. BUTTERS: I just wanted to determine the relationship between the labour standards board and the Commissioner. It would appear that the Commissioner's responsibility has been removed here and given to a board, is that correct?

LEGAL ADVISOR (Mr. Slaven): Does Mr. Butters want the Legal Advisor to reply or the witnesses?

MR. BUTTERS: The witness.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the purpose of a number of these amendments is to replace the authority of the Commissioner with the authority of the board, with the exception of the power to make regulations.

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

MR. NICKERSON: I presume, Mr. Chairman, we are now discussing clause 3 of the bill, is that correct?

THE CHAIRMAN (Mr. Stewart): Negative. We are on clause 2, subsection 3 (3).

MR. NICKERSON: I see.

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

Delegation Of Power

MR. BUTTERS: Mr. Chairman, I have a very general concern relative to the delegation of power from an elected body to boards and in this case even the delegation of power from the Commissioner because I feel in giving away the Commissioner's power and delegating the Commissioner's power in effect we are relating to a future house and the authority of a future house. It seems to me that boards are being increasingly set up to perform the management function of government, a function which I feel should as much as possible rest with elected representatives or individuals who can make changes in accordance with the needs of the particular time. I doubt that boards are so constituted, or authorized, or duly authorized, by legislation and if we have a plethora of these boards who become small governments and small entities in themselves, we, in effect, fritter away our authority and our responsibility. I wonder if this is what we are doing with the deletion of this clause, creating another board



that will determine and rule with regard to people's lives. I feel that the body that should determine and rule with regard to people's lives should be the elected representatives of those people. I wonder if Mr. Mullins might comment.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the purpose of establishing boards is to reduce the day-to-day burdens placed on the Commissioner by the increasing volume of activities which necessarily occur in his office. The Commissioner, as you know, is responsible for appointing the board if the legislation is to be passed. The Commissioner retains the right to make regulations and this particular ordinance is very detailed in its provisions such that the board receives a great deal of specific instruction from the ordinance in carrying out its responsibilities, so I think it is fair to say that if the legislation as drafted is to be passed, the board has some very clear situations in which it can act and its actions are limited to those situations.

MR. BUTTERS: I understand that but I would also expect that once the board has decided, there is no appeal. I think Mr. Mullins mentioned its authority and it is its authority which I am concerned about, that once the ruling has been handed down, that is it. That is correct?

THE CHAIRMAN (Mr. Stewart): Is there an appeal process, Mr. Mullins?

Appeal Process

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, there is an appeal process beyond the board to the supreme court. I think it is fair to say in this legislation that the first decision-making level is the labour standards officer and his responsibilities are spelled out in the draft legislation here. The labour standards board is in itself an appeal board, so some of the Commissioner's responsibilities are being removed here and placed on the labour standards officer and if the individuals involved in the case are not satisfied with the judgment of that officer then the labour standards board becomes the appeal procedure.

MR. BUTTERS: Why do we not then describe it for what it is, a labour standards appeal board?

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

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I guess that could be done, although the administration does not think that is a necessary requirement.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think it could be likened to the Workers' Compensation Board which is also in effect an appeal board but it is not styled that way in its title. I think we could also point to the very great level of success that we have achieved, as have other administrations, with the Workers' Compensation Board which carried a very, very important load and obviously is doing a good job, one which seems to be satisfying the appellants.

MR. BUTTERS: I can not see the two situations are analogous. The Workers' Compensation Board deals with people who are seeking compensation for injuries suffered but this labour standards board affects the whole economic climate of our community. I can see surrendering and giving up, this body surrendering and giving up some control and power over a compensation board but labour standards is something else. I just wonder whether we are not -- it is very, very difficult to take these boards apart. It is very, very easy to put them together and sometimes I am afraid, sir, that we create a monster, a Frankenstein monster that lumbers down the road and I would like to be assured that we are not doing that in this case. I would like to have the assurance of Mr. Nickerson and his committee that they have examined this possibility and that they are not creating a Frankenstein monster, a monster that is going to create havoc or damage or a shambles in our economic community.

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

MR. NICKERSON: Mr. Chairman, the committee did consider Frankenstein monsters and we do not think that they are likely to come about as a result of the establishment of this board.

Ordinance Is A Controller

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

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I do not wish to be repetitive or to belabour the point but I do feel that the provisions in this draft ordinance, as we shall see them as we progress through the ordinance, it is very clear that the ordinance is the controller, as it were, in this; that Council, through the passage of this ordinance, is providing the safeguards because the ordinance in itself is exceedingly detailed, and that the board will only be able to work within the confines, and very clear confines of this draft legislation.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 2, any further discussion. Mr. Pearson.

MR. PEARSON: I would just like to get some indication from Mr. Mullins how many employees they anticipate in this new so-called department as I imagine it will grow like every other territorial organization. We see the provision for one standards officer but he will require a secretary and she will require someone else and they will require a few more people and stenographers and God knows what, and then there will be another floor of the Laing building.

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

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, there is now in fact a labour standards officer, and that function comprises three man-years. This is part of the budget of the Department of Public Services which is required to carry out and administer the existing ordinance. Now, the exact implications of the passage of this ordinance on the budget of the Northwest Territories are not yet final, but we are not expecting a requirement for more than one or possibly two additional man-years.

THE CHAIRMAN (Mr. Stewart): Clause 2? Is it agreed?

---Agreed

Clause 3, standard hours for certain employees. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, if the committee will bear with me I intend to initiate a certain amount of discussion on clause 3 which deals with section 5 of the old ordinance. In the committee we spent considerable time on this matter and I think I would like to bring to the attention of the committee of the whole that section 5, the purpose which it takes, or the purpose for which it is in the ordinance is not really the purpose for what it would appear, just by reading through it. If Members could refer to paragraph 2 (k) of the existing ordinance it will become apparent that the reason for having section 5 in the ordinance is to define the standard hours of work. A cursory look through would seem to indicate that it is specifying maximum hours of work but this is certainly not the case. Section 6 is the section which deals with maximum hours of work. Therefore, it is recommended that section 5 be reworded to give the proper intent, to give the proper meaning of the intent to the clause and it was suggested...

Motion To Amend Section 5 Of Bill 2-59

Maybe I should move a formal motion at this point regarding section 5 of the old ordinance, and the motion would read thus: that section 5 be amended to read, subsection 5(1) "standard hours of work shall be eight hours in a day and 44 working hours in a week" and subsection 5(2) "where a person is employed in a remote area and in an occupation where unusual hours of work are traditional and customary the standard hours of work shall be 176 hours in any period of four consecutive weeks."

This, sir, would then deal with clause 3 in the proposed bill, and maybe if we can agree now one way or the other, on the motion I have put to the committee, then after that we can get down to a discussion on the reduction in the standard hours of work for employees.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Could we have a copy of that?

MR. BUTTERS: Circulated.

MR. NICKERSON: Perhaps Mr. Chairman, if Members wish this circulated we could leave clause 3 for the time being and proceed with clause 4 and come back to clause 3 at a later time.

THE CHAIRMAN (Mr. Stewart): The suggestion is that we set aside clause 3 at this time and are we agreed?

---Agreed

Clause 4, maximum hours of work. Mr. Pearson.

MR. PEARSON: I am a little confused with some of the terminology. Ministry of Transport for example in Frobisher Bay have a minimum week of 56 hours and I presume it is 56 hours in most other communities. That is the MOT labour force. In fact their office staff work 56 hours a week and how are they going to be affected?

THE CHAIRMAN (Mr. Stewart): Mr. Mullins, or Mr. Coates.

MR. COATES: May I just make a point here? There are certain jurisdiction areas in the territories which come under the federal labour code and others which come under the Government of the Northwest Territories. The Ministry of Transport is one such which comes under the federal labour code and so are other undertakings regarded as federal undertakings. This ordinance refers to conditions of service for employees in the Northwest Territories under the jurisdiction of the Northwest Territories and not under federal undertakings.

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

MR. PEARSON: But surely the legislation enacted by this Legislature should -- it is there for the protection of citizens and residents of the Northwest Territories. How can we have two standards within the Northwest Territories? That is idiotic!

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

Federal And Provincial Legislation Explained.

MR. COATES: I am afraid this is broad Canadian practice right across Canada from sea to sea. There are two sets of legislation, one federal and the other provincial. Those undertakings which are regarded as federal undertakings are generally described as those which cross provincial boundaries, for example, an air company, Ministry of Transport, Northern Transportation Company Limited, this sort of activity. Because it is crossing the borders of one province or one territory it is regarded as a jurisdictional matter for the federal authorities and only those which are within the provincial boundaries are normally provincially jurisdictional.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. COATES: Perhaps I should add that this particular ordinance is designed to maintain minimum standards, standards below which we can not go. It is not the maximum standards.

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

MR. BUTTERS: Sir, in view of the fact that we have agreed to delete section 3, I suggest we should set aside, not delete, I suggest we should also set aside sections 4, 5, 6, 7, 8, 9, 10, 11 and 12, because they are all related to wages and once we look at that change then they will all build on that and come up to the top of page 6 where I think there has been an error in numbering and that should be section 13.

DEPUTY COMMISSIONER PARKER: No. Clause 4, Mr. Chairman, deals with former sections 6 to 12.

You know there is always a little confusion between the clauses in the amendment and the clauses in the original bill. So on page 6, clause 5 is clause 5 of the amendment.

MR. BUTTERS: Okay. The suggestion remains, the numbers change, that we delete -- not delete but set aside section 4 as well as section 3 because section 4 is built on section 3 and then move to section 5 until a motion is available to us.

MR. NICKERSON: If Mr. Butters feels strongly on this I would not object to doing this for the time being. I would like to point out that, as I said before, section 5 deals with standard hours of work and can pretty well be considered on its own. Section 6, and certain sections following which are covered under clause 4 of the new bill, deal with maximum hours of work, so should the committee wish they could consider clause 3 and clause 4 of the new bill separately without doing anything too detrimental.

THE CHAIRMAN (Mr. Stewart): Thank you. Could I have the direction of this committee as to what procedure they would like to follow? It has been suggested that clause 4 be set aside for the moment. Mr. Nickerson?

MR. NICKERSON: In the interests of everybody getting along together I would probably go along with that and I would agree to Mr. Butters' suggestion.

THE CHAIRMAN (Mr. Stewart): Are we agreed to set aside clause 4? Agreed? I have only one "agreed". Opposed? I have two "agrees". Do I have any more to set aside clause 4? Three. We shall set aside clause 4.

---Agreed

I bring your attention then to page 6, clause 5. Mr. Pearson.

MR. PEARSON: A comment of a general nature. My word, as an employer I find this legislation a little hard to swallow. The price of goods is high enough and these increases in salaries are going to have to be collected in the price I have to sell my goods for. Who is better off?

THE CHAIRMAN (Mr. Stewart): Mr. Pearson, you are not trying to place yourself in a conflict of interest now, are you?

Relation To Provincial Minimum Wages.

MR. PEARSON: I would like to get some advice from our experts as to how realistic this is in relationship to wages in southern Canada legislated by legislatures. We have been over this before, I seem to recall a couple of years ago, exactly the same question, exactly the same problem only it is going up.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, it may be useful if I just read quickly some of the major provincial and federal minimum wages. These are those minimum wages which are in effect in May, 1976, which are comparable, of course, to the \$2.50 now in effect in the Northwest Territories. The federal minimum wage for individuals over 17 years of age is \$2.90; Alberta, \$2.75; B.C., \$2.75 going to \$3 on June 30th; Manitoba, \$2.60; Nova Scotia, \$2.50; Ontario, it has minimum wages varying with the trades ranging from \$2.50 to \$2.90; Prince Edward Island is \$2.30 and Saskatchewan is \$2.80. We do not have at this time an indication of which of those are up for amendment in the near future.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: Mr. Chairman, the territories will be blazing new exciting trails by raising it to \$3 I guess. I mean the board is aware, or the department is aware, for every action there has to be a reaction and that you can put them up to \$10 an hour if you like. It is like cigarettes at \$3.95 a pack. It would be a bit much.

HON. ARNOLD McCALLUM: Agreed.

MR. PEARSON: There is a limit, surely.

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

Requirement For Adequate Minimum Wage

MR. BUTTERS: As the Hon. Member from South Baffin pointed out, this matter has been before this body before and concerns raised by the Hon. Member are recognized and that is that increased wages mean increased costs of the final product or the services provided. In one past discussion I remember that the Legislative Assembly recognized the requirement for a minimum wage and I thought we had approved the requirement for an adequate minimum wage. I thought the past Assembly had approved a schedule by which that minimum wage would increase in relationship and context to the increasing inflationary spiral. I thought there was some suggestion too that that increase could be built into the regulations rather than bringing it back every time we had a piece of legislation to change and alter. Why could this not be done?

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

ASSISTANT COMMISSIONER MULLINS: I would prefer that the Legal Advisor answer that question.

MR. NICKERSON: Mr. Chairman, on a point of order. I do not think it is correct and proper that a witness should ask for advice from the Legal Advisor to the committee of the whole. I can see a good reason why the committee would like legal advice on this particular issue and, Mr. Chairman, I would like to ask the Legal Advisor if he could give this information.

THE CHAIRMAN (Mr. Stewart): Thank you, but to save time I would go back to the same question and say the Chair was asking the Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Thank you very much Mr. Chairman, I will be acting more from memory and I do recall in January 1974, that was the last time this was dealt with. My memory is not up to whether or not it was considered putting in a schedule and then amending by regulation. I do know one thing that was discussed in preparing this proposed clause, I believe, and Mr. Coates would know better than I, that the Yukon in effect have stated that their minimum wage will be I believe ten cents an hour more than the federal minimum wage, or ten cents less, something like that. So, it would adjust automatically. Personally I would be surprised if this body would allow the minimum wage to be changed by regulation or would wish to give up the responsibility of setting the minimum wage, but certainly it can do so by stating that it may be amended by regulation.

THE CHAIRMAN (Mr. Stewart): Thank you. As a point of clarification from the Chair if I may; does this in effect mean that a babysitter is now under a wage of \$2.50 an hour?

Domestics Exempt

MR. COATES: Mr. Chairman, if I may reply to that. A babysitter is exempt from this ordinance as a domestic, and we do not control, or do not require that they be paid the minimum wage.

THE CHAIRMAN (Mr. Stewart): Well, basically there is one point that comes to mind. For the people in the section who are under 17 years of age, it almost limits employment to at least the 17 year old by age rather than 14 or 15 where actually there is a variance in the dollar value of these people, and it seems to me that what we are doing with this type of legislation is really saying that you have no business working. I know we want to keep them in school and we have education and this type of thing but the point still remains that these kids are trying to make a dollar during the summer and if we have a restrictive kind of thing that industry must pay this wage to younger people I am just wondering what effect this may have on this particular category.

MR. COATES: If I may reply here, Mr. Chairman, the view is taken elsewhere that we are paying for work done whether a sidewalk has to be swept of snow by a man of 40 years of age or a child of 15 years of age it is the same snow, the same sidewalk, and if it is \$3 an hour, that is it.

THE CHAIRMAN (Mr. Stewart): I do not think that is a very logical reply in all due respect. The 40 year old would do it in an hour and the 15 year old would take three hours so the cost of removing the snow is three times as much. I think that is a reasonable assumption. Mr. Butters.

Learning Aspect Stressed.

MR. BUTTERS: Sir, I entirely support your position and that was the position of the previous Council, to ensure that young people could get into the labour market and get an opportunity to learn what is going on. I stress the learning aspect. The territorial government has recognized that a person who is learning costs the employer money, it costs the employer money to teach that person to perform the function for which he is hired. In fact, the territorial government even pays the employer to take on people, and these are adults.

The adult is paid to learn a job over a period of time, at which time the contributions made by the territorial government decrease but the territorial government has developed no program for the youngster. I know, personally, from experience with my own family where the youngster has begun at what you would call a learning salary and the employer in recognizing the improvement of service has raised that wage because the employer appreciates the increased value, and would pay accordingly, even though the age of that individual is much below 17 years. It is the value of service that is being recognized and paid for, not the age of the individual and I think the territorial government should recognize that. I agree with your position, sir.

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

Views Of Standing Committee.

MR. NICKERSON: Perhaps what I should do at the present time is give the views of the standing committee on legislation on clause 5. We went into the general philosophy as to whether or not it was desirable to impose minimum wages, whether that was an infringement on individual liberties or not. We went into the problem that you brought up, sir, that anybody whose labour is not worth the minimum wage would be out of a job. We did not quite like that, but we were given to understand several things. One is that this section, or this clause does not really mean that much because very, very few people, if any, in the Northwest Territories would be paid at these rates anyway. You very seldom see advertisements even for very young people at \$3 an hour, and this type of thing. So, actually this clause does not mean that much in effect.

Also, secondly, if somebody is hired for a job, say a young person 16 years old or so and he will be learning the job, there are always ways of getting around this. The easiest way is to pay somebody a monthly salary and then they would be exempt. So, in the interest of goodwill towards the administration and the fact that certain people are really keen on minimum wage laws, the committee decided to leave it in and we would recommend that this clause be accepted by the committee of the whole.

THE CHAIRMAN (Mr. Stewart): The Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, at the risk I suppose of prolonging the debate I would just like to say a couple of things. One is as to the youthful worker, and I think I am referring here to young people over the age of 16, or 16 and over. I personally recall very vividly believing when I was of that age working out at the Con Mine on weekends and as night watchman in the evenings, and particularly when I worked in the mill, that the dedication and the hard work, the determination that I brought at that age to the job was at least twice what I observed the mature working man producing around me. I recall not daring to sleep while the crusher was working, while some of my mature working associates did so. I was so young and immature that I was afraid to try many of the things that were being engaged in and I think I contributed much more than the fellow did who was being paid twice as much because then if you were under a certain age you got only half the rate that the others got. So, I do not subscribe to the theory that the young people should be paid less. They probably should be paid more, and some of the non-producers who have learned the avoidance skills of the working force should be paid less.

Service Industries Subsidized Through Gratuities.

Secondly, as to the sum in question of \$2.50 going up to \$3. It is almost irrelevant in this day and age in this territory. The only persons I know of who would be down at that \$2.50 or \$3 level are likely to be people in service industries who are very highly subsidized through tips and other gratuities which are not taxable. For instance, take -- well, I know that legally speaking they are taxable but practically speaking, I doubt that very many people report that income. If they report any income at all it is probably less than they probably received, but I will give you an example. I used to be involved in a local drinking establishment, and I am very pleased to say I no longer am so I can discuss the Liquor Ordinance when it comes up.

MR. PEARSON: Hear, hear!

HON. DAVID SEARLE: But I am told by the staff who work there that they would make as much as \$40 in tips on a good night and that good night would be Thursday, Friday or Saturday. Now, if you have people as waitresses or bartenders earning money like that, the \$2.50 per hour that they get is irrelevant and I do not think any of them would get particularly excited about whether or not they received a 50 cent per hour raise. After all, in this day and age that is virtually the tip that they get for each bottle of beer they set down on the table. So that is my feeling about it. I think it is irrelevant. It means something to labour leaders but for all practical purposes I do not think it is important.

THE CHAIRMAN (Mr. Stewart): As a comment I was just wondering, if that was an actual situation you may have found some way of getting the employee to pay the employer.

HON. DAVID SEARLE: Pardon me?

MR. PEARSON: We can not hear.

THE CHAIRMAN (Mr. Stewart): I was just saying that if that were true on this tip situation it is a wonder that someone has not contrived a method of charging the employees to work for that.

Still on clause 5. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, just on this particular item, clause 5, \$3 an hour for the people 17 years of age and older, I want to speak in support of this. Of course, I was the one who was involved in this as well.

THE CHAIRMAN (Mr. Stewart): I am having difficulty hearing you, Hon. Peter Ernerk.

Support For Clause

HON. PETER ERNERK: Thank you, Mr. Chairman, I am speaking in support of this \$3 an hour for the people who are 17 and over, simply because I think I am one of these people who is responsible, belonging to a legislation committee on this particular program. Also just the other day during my opening address to the Legislative Assembly I announced that the administration and the Department of Social Development will be looking for northerners to place them into



the public service of the Northwest Territories. I have seen in the past, especially in smaller communities where a number of young people are employed for so many years, let us say three or four years, I am not sure if they ever reach five years, or something like that, in one job. However, I see it really difficult to recruit younger people in the communities, in the isolated communities. Now I could speak about my own constituency and tell you that, number one, there are not enough jobs and number two, we have every spring, students going back to their own communities. Some do seek employment with the largest employer in the Northwest Territories which is the Government of the Northwest Territories, as well as others.

However, I think that one of the problems that we have is a lower wage economy, and it seems to be because we are in the North where the cost of living is very high. Really as I see it, this particular clause would give much more encouragement to the younger people in the communities, especially after they get out of school, and being responsible for welfare I would fully support that. Of course, Mr. Chairman, I would of course fully support this particular bill, or this particular clause simply because as I said earlier, as I see it, it would encourage young people after going back to their own communities to take on employment, or wage economy.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Pearson.

MR. PEARSON: Mr. Chairman, I would like to point out to my colleague on my right that that also would have some detrimental effects, that if you make and you legislate high wages for young people as we are doing here it encourages them to quit school and go and get a job. I think with the alarming high rate of dropouts in the high school in the Eastern Arctic, the Gordon Robertson Education Centre, leaving school and going to work and getting a minimum wage of \$2.50 is very attractive, a very attractive feature for some of these young people and that is exactly what is happening in Frobisher Bay today. Many young people are quitting the school and working on the sewage truck, the water truck and other such contraptions.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: Exciting work which is very challenging and much more interesting than sitting in a classroom all day.

#### Other Reasons For Leaving School

HON. PETER ERNERK: I do not think my colleague is right in saying that the young people are quitting because of an alarming \$2.50 an hour wage. I think the students, speaking again from my own experience in the Eastern Arctic, the reason that I at one time wanted to get out of school was because I was enjoying my own life on the land type of thing. Speaking again of the Eastern Arctic people, I think the only reason why they get out of schools such as Frobisher Bay or Yellowknife or other parts is simply because they are not used to the kind of society to which they have been introduced.

But getting back to the principle of the matter, what I am getting at, Mr. Chairman, is that young people in the settlements, whether they want to go to school, whether they want to continue to go to school, I suppose that is really their business, but encouragement is one thing that we must give to the younger people, especially when we often talk about the fact that these people are the ones who will take on our present responsibilities and so forth and that if you want to employ younger people in your community I am all for it.

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

MR. BUTTERS: Like the Hon. Member from Yellowknife I do not want to prolong the conversation but I think we are missing the point of the provision here. No one is attempting to pay people under the age of 17 anything less than they are worth. The provision is to ensure that people under the age of 17 have a real opportunity to be introduced into the world of work before leaving school. The employer, I am sure that the employers around this table, will give value for work done. If a young person under the age of 17 is doing work worth \$3.50 an hour or \$4.50 an hour, that person will get paid \$4.50 because the employer knows that person will go somewhere else. It is a case of supply and demand in the labour market. My concern is that we must encourage young people to get the feel of the labour situation. Speaking traditionally, as far as I know in the Inuit situation by the time a person was 14 years old they were a man.

HON. PETER ERNERK: That is right.

MR. BUTTERS: They could marry and take a wife and move off from their father's camp. How did that happen? That happened because they were introduced gradually into the environment of men and women. All this is saying is let us give the young people an opportunity to get established early. Let us not set wages that are too high, that prevent the prospective employer from looking around and saying, "We will take them and we will train them."

#### Assistance Program For Young

I accept this provision and I will accept it, but I challenge and charge the administration to develop for young people the same kind of assistance program you have developed for adults. If you are going to put this into your legislation, if a young person or an employer says, "I would like to hire that young person of whatever age," I think then you,

the administration, should share the costs of training that young person. You have a responsibility because, as the Hon. Peter Ernerk said, this is our backbone, our labour force of tomorrow and the best experience a young person can get is right where the work is at, doing it, with conscientious guidance and instruction.

THE CHAIRMAN (Mr. Stewart): That is right. Speaking from personal experience, I now have two dropouts the age of 16 because the labour market in Hay River will pay them \$5.50 an hour. These types of rates are in part destroying the education you are trying to get them to go through but I do not know how you legislate for a situation of that nature. It is impossible I presume but I still personally feel, if I may interject -- I see nothing wrong that a 17 year old, to a minimum of children 15, 16, and 17, should expect \$2.50 an hour but to go below that \$2.50 an hour I think you are making cut-offs that are going to put children working after school to make a buck and in many instances you may be just jeopardizing their chances of being able to do that. The employer is going to try and get the best value for his \$2.50 and I think we all must agree that when you get below a certain age you probably are not getting that type of efficiency. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I do not want to prolong it. I think again the committee looked at all of these things and we did in fact take this into consideration. I share the same concern that has been made about trying to pay too much to people. Nevertheless, I do not think in this case it is, if the employer was to keep a young person at this minimum wage rate. I can not for the life of me see very many people dropping out of school to make \$6000 a year. I understand and I appreciate the fact that this is basically a minimum wage, and that competition will suggest that you should get, a person will get, more. Nevertheless, again I would support the section as I believe most Members will.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 5. Is it agreed?

---Agreed

Clause 6, evidence required, on page 7. There is one typographical error wherein the phrase "labour standards" the word "standards" is incorrectly spelled. It is agreed? Clause 6, is it agreed?

---Agreed

Clause 7, vacation pay. Is it agreed?

---Agreed

Clause 8, annual vacation with pay. Is it agreed?

---Agreed

Clause 9 on page 8, section 21 of the said ordinance is repealed. Mr. Butters.

MR. BUTTERS: I think I have asked for this definition before but what is the definition of "forthwith"?

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, "forthwith" -- an answer.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, according to the concise Oxford dictionary "forthwith -- immediately without delay."

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

MR. BUTTERS: Certainly judicial rulings have also defined this term and I wonder if our Legal Advisor might recollect what the usual judicial definition of the term is.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I think the legal definition would be a little more flexible than the one I have just given. "As soon as possible" or "as soon as practicable".

MR. BUTTERS: Would it be that if a person were paid on a two-weekly basis that when they received their severance pay that their holiday pay would be included with that, it would not come three or four months later?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, as I read the section it makes specific reference to vacation pay owing, as well as an allowance for an equivalent of four per cent per year or six per cent. I think we discussed, and put in the word "forthwith" to have it as strong as possible. It may be very difficult to do in some cases I suppose where you are at a camp and the payroll is made up somewhere else, but certainly the employer would have to check his employee payroll before he typed up the cheque.

Need For Stronger Word

MR. BUTTERS: You know, I think that this word "forthwith" means a very great deal in northern communities and especially in communities where there is exploration activity going on. I see the situation where an employee has been discharged and in effect cut adrift in a very high cost area. He has nothing in his pocket and is at the mercy of the vagaries of the accounting and clerical system of the firm that fired him or terminated him. In many cases I believe that because "forthwith" is not acted on with all the dispatch which say, the concise Oxford dictionary provides us, this individual must appear at the welfare office of the territorial government and the welfare office of the territorial government must put in that person's hands moneys to enable him to sustain himself over this period when they have no means of support. I would like to see something stronger than "forthwith" put in here.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I honestly do not know a stonger word. Now, maybe Mr. Coates -- is there anything that the board could do for that employee?

MR. COATES: At present, Mr. Chairman, I know of no other word we could use and I am appreciative of the point of Mr. Butters.

THE CHAIRMAN (Mr. Stewart): Mr. Butters, in all due respect we have not dealt with clause 9 yet

and you have jumped into clause 10. I was having an awful time trying to locate you.

MR. BUTTERS: I thought we had agreed on clause 9.

THE CHAIRMAN (Mr. Stewart): No, we have not.

MR. BUTTERS: Okay.

THE CHAIRMAN (Mr. Stewart): That is the section that says, section 21 of the said ordinance is repealed. Now, clause 9, are we agreed?

---Agreed

All right, Mr. Butters, now that I have my bookkeeping done.

MR. BUTTERS: What I wish to say is that the word "forthwith" does not mean anything unless it is interpreted in court and very, very few people who will avail themselves of this provision -- they can not afford to eat, to buy a bowl of soup let alone take a case to court. So I would hope that the administration in its wisdom could say, or make some specific rule so that both the employer and the employee knows the day when that cheque has got to be produced because we are paying for the manner in which it is phrased here or the uncertainty which surrounds the definition.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Lyall.

MR. LYALL: Mr. Chairman, I strongly feel that what Mr. Butters has said has got to be looked into very carefully because of the fact that the exploration companies going into the areas around Coppermine and Cambridge Bay and also there are certain other outfits that are working around Cambridge Bay, and the administration fully understands who, I think, I am speaking of. I spent quite a bit of time trying to collect moneys for people who were working out in fish camps and that, and to this day we are still told they will get their pay cheques from last August. I mean the season is coming up again and how are these people going to go and work for these people again if they do not get their pay cheques the way this ordinance reads.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 10, holiday pay on termination of employment. Mr. Mullins, do you wish to make a comment?

ASSISTANT COMMISSIONER MULLINS: Thank you, Mr. Chairman. The discussion here dealing with clause 10 of this ordinance deals solely with annual vacation pay. With respect to termination, this is not covered by clause 10 of the ordinance we are now dealing with and we may wish to discuss this point, or I would suggest that this point might be discussed when we come to payroll records which is clause 15 of the amendment.

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

#### Consultation With Employers

MR. NICKERSON: Mr. Chairman, although what I have to say is really of a general nature it does specifically refer to clause 10 and one or two clauses following. I have received a good number of complaints from a number of employers. As you will notice many provisions of the labour standards bill, if enacted, will increase their costs considerably. I estimate that it could probably result in an increase to labour cost for one and a half or two per cent for each employer. It is not that I am worried about that so much in itself, the fact that I am worried about is that very little consultation has taken place with employers as far as I can understand. Until this date, or until first reading of this bill they were unable to get copies of the proposed legislation and so they had no idea at all how it was going to affect them. Now, a number of employers make long-term commitments and it is important to them that they should be able to estimate their labour costs. So, this is my main point, and I would suggest in future, Mr. Chairman, that the administration make every effort possible to consult with the people involved and give them advance knowledge of what is coming up and what is likely to happen to them so that they would be able to forecast costs.

Delay Suggested

Now, maybe when I am on this subject perhaps I could say that when we get to the end of the ordinance I might make a suggestion regarding the coming into force of the ordinance so that it might not be done quite immediately but there might be a period of say three months to let employers know what they are going to be stuck with.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Pearson.

MR. PEARSON: I was just going to add to Mr. Nickerson's comments that surely, we have discussed the professions ordinances with the professional people before we discussed it here, and every other -- practically every other piece of legislation has been handled that way. The Education Ordinance, the teachers have all had a kick at that one but the employers have not had a kick at this one and I wonder how we could resolve that before even giving this bill any further reading if Members of the Legislative Assembly feel it is in their best interests to give the employers in the territories an opportunity to look at this and make their recommendations to the Legislative Assembly, because whilst we do represent the employees in our constituencies we also represent the employers.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, looking at these sections it seems to me that for the most part they would not be too objectionable to an employer, I do not think. However, there is some merit in what Mr. Pearson has said, and about the only way I can think of accomplishing that would be to suggest that the ordinance, or at least that these new sections not be brought into force, not be proclaimed into force until, say, November and that is when we have our next session, and by that time we should have what feedback there is, were there to be any, and if there were none then the thing would be to proclaim them into force after that session. That should be a recommendation presumably which would come from the committee as maybe the last thing to report out, if the bill were to receive the approval of the committee.

THE CHAIRMAN (Mr. Stewart): As I understand your suggestion, this bill if approved by this Legislative Assembly would be done so with the rider that it would not be put into force until after the next Legislative Assembly session, is that the position? Hon. David Searle.

HON. DAVID SEARLE: Yes.

THE CHAIRMAN (Mr. Stewart): Are we agreed? Would you like me to mark that in at this time as a provision?

MR. PEARSON: As a provision.

THE CHAIRMAN (Mr. Stewart): Is that agreed?

---Agreed

Selective Basis

DEPUTY COMMISSIONER PARKER: Mr. Chairman, in light of a suggestion like that which is a very major thing to consider perhaps the committee Members might wish to think of it on a selective basis. There may be sections after you have gone through this bill that you would wish to see come into force right away, in fact there may be sections that we the administration may wish to recommend very strongly come into force earlier rather than later. So, my only point is that perhaps before making the decision on a coming into force time you might finish the study of the bill and then again review the point that the Hon. David Searle has made.

MR. NICKERSON: Mr. Chairman, the way I took the recommendation that has just been agreed to by the committee is that we should leave this very much up to the discretion of the administration and that they should take into account our concerns and do as they see fit regarding the coming into force of various parts of the bill, should it be passed by the house. I do not see it is absolutely necessary for us to specify the dates on which certain parts should come into force. I think that we can leave that to your tender mercy and you should be able to do a very good job of it.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, thank you very much. If that is the intention of the proposal, of course, that is an excellent one. I just thought it looked like there was a move to not bring into force any part of these amendments until after November.

THE CHAIRMAN (Mr. Stewart): The Chair recognizes the position as you have stated it, Deputy Commissioner. I think it is at the moment just Mr. Nickerson's opinion as to how it is to be put into force. I take it it would not be put into force until after November.

Bill Should Be Split

MR. BUTTERS: Yes, but it seems to be a messy way of handling it. It strikes me that where there are areas of concern like that the bill should be split and those matters that are agreed to go forward immediately could go forward immediately and those matters which we feel should be referred to members of the general public at large should be held in abeyance until they can be examined. To leave it up to the discretion of the administration as to what they will promulgate I think is a pretty messy operation.

MR. PEARSON: Agreed. Mr. Chairman, I understood that the recommendation as made by the Hon. Speaker of the house was that the enactment of this legislation would not take place until November. I do not think that you can start splitting it up into bits and pieces and saying "This shall go now and that will be then and we will have this next Monday night at 3:00 o'clock." There is no point. The thing is either put into force immediately or what was the word you had -- "forthwith"? That it come into force in November is giving everybody an opportunity to contact the Legislature, or the administration and make some comments.

Increases On Payrolls Sizeable

THE CHAIRMAN (Mr. Stewart): Thank you. I would like to make one observation, if I may. The changes you have made in clause 7, for example, increasing the entitlement on vacation pay from 4 per cent to 6 per cent, on any sizeable payroll this amounts to an awful lot of money. Here with little or no warning for budgetary purposes, even running a municipality with our wages, we have not computed this on this basis for this year at all. There is no funding for it. These things are fairly wide in scope. That is a one-third increase in vacation pay and vacation pay for a man of \$20,000 would increase the vacation pay from \$800 to \$1200. These are fairly major changes.

To get this other thing clarified, the Chair is now in a quandary. I had accepted as approved by this committee that this bill would be set aside until after -- if approved, would not go into force until after the next Legislative Assembly session. That is the way I have it. If it is to be changed, I would like the advice of this committee. Mr. Pearson.

Motion That Bill 2-59 Not Go Into Force Until November 30, 1976

MR. PEARSON: I would like to move, Mr. Chairman, a motion that this legislation, if enacted, not go into force until the 30th day of November, 1976.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. To the motion? Mr. Nickerson.

MR. NICKERSON: On a point of order, sir, I think that Mr. Pearson's motion with which I concur should be more properly put as an amendment to clause 20.

MR. PEARSON: Page?

MR. NICKERSON: Page 25.

THE CHAIRMAN (Mr. Stewart): It is a matter of form. In committee we have generally accepted motions wherever they appear. If Mr. Pearson would agree to putting it forth at that time, it may be more in order but the Chair is ready to accept it where it is if you are ready to proceed now.

MR. PEARSON: I am quite prepared to go along with this in keeping with the spirit of the motion. Mr. Nickerson in all his learnedness may wish to amend it.

THE CHAIRMAN (Mr. Stewart): I take it you are prepared to withdraw your motion?

MR. PEARSON: Agreed.

MR. NICKERSON: I was thinking it might be possible to deal with this at the present time just by moving the motion to amend clause 20 at the present time. I guess there is no reason we should not be able to do this. I think the amendment could very easily be made by just adding after the word "Commissioner" something to this effect "not before the date specified by Mr. Pearson."

MR. PEARSON: Not before the 30th day of November.

THE CHAIRMAN (Mr. Stewart): I prefer not to jump from clause to clause at all. Possibly we could get into a great deal of confusion. At the will of the committee I am prepared to do whatever you direct but I would prefer to wait until we get to clause 20.



HON. DAVID SEARLE: Mr. Chairman, I think the actual amendment to clause 20 should in fact be presented to the Legislative Assembly by the Legal Advisor as to the wording. As to the motion, however, what Mr. Pearson is doing is presenting a motion, in other words, the sense of something. He is giving us the idea and it seems to me that it would be quite appropriate to receive the motion now which would then in effect amount to the necessary instructions to the Legal Advisor to prepare the appropriate amendment between now and clause 20 so that when we got to it he would say "In keeping with motion such-and-such here is the wording change" and then we would just get it done very quickly that way. That for what it is worth would be my suggestion as to how we could expedite the business of this Assembly.

THE CHAIRMAN (Mr. Stewart): That sounds like a reasonable solution to me. Are we agreed on that?

---Agreed

MR. PEARSON: So the motion stands as it was.

Concern For College Students

HON. ARNOLD McCALLUM: To the motion, Mr. Chairman. I would not be totally against the motion, but I have a concern, possibly two concerns in terms of the minimum wage that we have agreed to in light of the fact that we do have a number of students now out of college and some students who will be out of school and it may very well be that they will in a lot of cases earn more or be paid more than the proposed minimum wage that we have agreed to. Nevertheless, if we are to delay this as has been suggested, that is a concern that I would have because of the number of students.

As for the holiday in August, I guess it really does not make much difference. It can be declared anyway and likely will be but those are two of the concerns that I would have if we wait until November 30th to hear from people. I do not think it would cause a great deal of difficulty to the administration but nevertheless I would have those two concerns.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

MR. BUTTERS: Just to say we are not setting a maximum that the students will be paid. We are setting the minimum. I am quite sure the students the Hon. Arnold McCallum is referring to would be getting paid the \$7.50 they would be earning as a labourer.

MR. PEARSON: Just again to answer Mr. Butters' comment, I am sure that most students who may be out of school now will be earning a hell of a lot more than \$2.50. You know, the market finds its own level. The wages that are being paid already are extremely high and not only is it already in legislation that there is a minimum wage for people under those ages and I think that is probably a first in this country. Perhaps we could get a clarification on that.

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I appreciate that we are talking about minimum wage but having heard some of the comments of people who are employers around here, it may very well be that some will get the minimum wage.

THE CHAIRMAN (Mr. Stewart): Thank you. Have you any comment, Mr. Legal Advisor?

Suggested Amendment To Clause 20

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, if I may, maybe I will slop over into administration on a few points as well as legal. I think my amendment to clause 20 would be "This ordinance shall come into force November 1st, 1976." We are of course presuming there that there will be a fall session. If I may, and I have had a lot to do with development of this, fine, the students will earn more than the minimum but there are provisions in here to ensure that the students are actually paid. There have been numerous occasions with camps where the students have not been paid. If I can suggest, I have clause 20 amended in my mind. If you think the same, maybe as you go through the entire ordinance you can better deal with the coming into force at the end of it at clause 20.

THE CHAIRMAN (Mr. Stewart): My understanding was the date of the motion was November 30th or 31st, not the 1st, is that correct?

MR. PEARSON: That is correct, Mr. Chairman, but I am flexible. I should have said I am flexible for a price.

HON. ARNOLD McCALLUM: Three dollars.

THE CHAIRMAN (Mr. Stewart): To the motion, any other comments?

HON. PETER ERNERK: I understand there is no such day as November 31st. It is November 30th.

MR. PEARSON: Mr. Chairman, nobody mentioned November 31st.

THE CHAIRMAN (Mr. Stewart): I think I stumbled and added a day to it. At the rate we are going, we might need that extra day in this session.

MR. PEARSON: Agreed.

Motion Carried

THE CHAIRMAN (Mr. Stewart): The motion as I understand it is that the bill will not come into force until November 30th, 1976. That is the motion, not the correction made by the Legal Advisor. Are you ready for the question? Question? Question being called. All those in favour? Eight. Opposed? The motion is carried.

---Carried

Back to clause 10. Are you muttering at me, Mr. Nickerson?

MR. NICKERSON: I was not quite clear what we were voting on here. I see a very good point to the Legal Advisor's argument and I was under the assumption that the original proposer of the motion had no objection to amending it along the lines proposed by the Legal Advisor. Am I now under the assumption that what we really did by adopting that motion was to leave it up to the hands of the Legal Advisor to draft proposed amendments for clause 20 which might not necessarily use the date November 30, but it could be another date should this be more acceptable?

THE CHAIRMAN (Mr. Stewart): No, my understanding is that the date was November 30th and it was duly voted on and accepted.

MR. PEARSON: I did not have that impression.

THE CHAIRMAN (Mr. Stewart): You are entitled to your impression and I have my impression and that is what I am going on at the moment and that is what my interpretation is. Mr. Butters.

MR. BUTTERS: I understood it to be as Mr. Nickerson suggested, Mr. Pearson moved our intent and the Legal Advisor carries it out with his legal terms and when we come to that section we will examine it again and that is what our Hon. Speaker suggested to us.

THE CHAIRMAN (Mr. Stewart): I am sorry, I was confused on the date but the date is not as stated by the Legal Advisor, November 3rd, it has been specified as November 30th and the wording will be changed. Am I back on the right track or am I still out in left field?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, my understanding is that clause 20 has now been amended to read as follows "This ordinance shall come into force November 30, 1976."

MR. PEARSON: Then, Mr. Chairman, the Legal Advisor did not catch the message. Mr. Butters raised it correctly; it was, or the motion may have stated November 30th, but it was simply an attempt to tie the thing into something that we can handle and get off the subject and on to something more productive, to give the Legal Advisor some flexibility to draft an amendment to clause 20 and come back to us at that time with it, whether it be in fact November 30th or November 13th.

LEGAL ADVISOR (Mr. Slaven): That is my amendment, I have done that.

MR. PEARSON: Do you have it, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): I have it finally and I think I know what you want but I would correct the Legal Advisor. Clause 20 has not been amended at this stage but will be amended when we get there but I refuse to jump from clause 10 to clause 20.

MR. PEARSON: Correct, right.

THE CHAIRMAN (Mr. Stewart): However, we are still on clause 10. Are we agreed to clause 10?

---Agreed

Clause 11, general holiday with pay. Is it agreed?

---Agreed

Clause 12, additional pay for holiday work. Is it agreed?

---Agreed

Clause 13, appeal to board. Is it agreed?

---Agreed

Clause 14. Is it agreed?

---Agreed

Clause 15. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, we are pleased to see that certain of our recommendations with regard to clause 15 were taken into account. There is however one subject that I would like to bring up now, and it is only of rather minor importance, and this concerns powers given to the board, and in briefly looking through it here I can not see any paragraph which would allow the board to make rules and regulations for the conduct of its business and to make rules and regulations concerning the procedure that the board would follow. In my opinion this should be included, possibly -- oh, I think my question has been answered, Mr. Chairman. It appears that an interpretation of paragraph (5) would allow this to be done.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson, I am pleased to see you can confuse yourself as well as me. Hon. David Searle.

Size Of Board

HON. DAVID SEARLE: Mr. Chairman, I have only one comment to make and that is with respect to the size, and then following that of course the quorum of the board. My suggestion would be that the board should consist of five members which would include the chairman and that a quorum should be three. Now, the reason -- I also firmly believe from my experience with the Workers' Compensation Board that that should as well be the case, and of course these are very closely associated responsibilities, all discharged by the same group of people. The problem is that in the setting up of these boards you generally appoint a couple from management, a couple from labour and then an independent chairman, and if you were to sit with one labour, one management and the chairman all the time you would have flexibility for holidays, illnesses and conflicts of interest.

You know, our society is just so small here that you can not find a responsible labour man or a responsible management man who would not on occasion have a conflict of interest and if you do say that you have a board of three, and they have a conflict of interest on any occasion, or sickness, or holidays then you have only got two, and what happens is one member takes one view and the other takes the other view, then you have got a hung board. I think that now is the time to correct this so we do not get in the same position we are in now, with all due respect, on the Workers' Compensation Board. If I could I would suggest you bring back a brief amendment re the Workers' Compensation Board as quickly as possible and I would not oppose it coming back at this session because I happen to know from personal experience that this is giving them a problem and will continue to give them a problem.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, we see the sense in what the Hon. David Searle is saying with regard to a five man board, and we would be willing to examine the situation and we will do this with regard to the Workers' Compensation Board. I would caution you though against any further consideration of just one board to serve the two functions because it is very, very difficult to find people who can spare the time to serve on these boards, and I believe that it would become too onerous for most persons to serve if both functions happened to be put to the same board. However, with regard -- perhaps that was not even suggested and if not I withdraw it, but with regard to looking at the other board, to see whether it should be enlarged, we would certainly be pleased to look at that.

Motion To Amend Sections 37(1) And 37(4) Of Bill 2-59.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle, are you proposing a motion at this time to change section 37.(1) in the second line changing three to five and on page 11, subsection (4) to change that to three? Is that the form of the motion?

HON. DAVID SEARLE: Yes, it is and I do not see there is likely any problem from the legal point of view. So, if I could make that motion that the number that appears in the second line of clause -- section 37.(1) where it refers to a board of three, that should be five and over in subparagraph or subclause (4) dealing with the quorum, instead of two it should say three members of the board constituting a quorum.

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I agree.

THE CHAIRMAN (Mr. Stewart): Any discussion on the motion? Mr. Nickerson.

MR. NICKERSON: This is not really a question, or not really a debate on the motion but rather a question of the administration, and that is have they got people in mind who might sit on this board? I am trying to think of the people who you would get to do it and you know, whether you have trouble getting people to sit on boards, especially, people independent of the government.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there is no doubt but what it is becoming increasingly difficult to find people to sit on boards such as this. However, it certainly is not impossible. I think it is easily understood that there are not that many relatively independent people within the territories who are able and prepared to serve on these boards. There are a large number of people connected with government but there are also other affiliations that prevent them from taking positions such as this. So it is not an easy job, but certainly the difference between five and three is what we would have to turn our attention to and do our best.

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

MR. PEARSON: Just to add some weight to the Deputy Commissioner's comments, the Housing Corporation has difficulty getting a quorum half the time because it is so difficult for independent people to get to Yellowknife and attend these meetings.

Motion Carried

THE CHAIRMAN: (Mr. Stewart): Thank you. Are you ready for the question? The question being called on the amendment of clause 15, changing the word three to five and changing the word two to three. Are we agreed? Is it agreed?

---Carried

Hon. David Searle.

Professional Board Chairman Proposed

HON. DAVID SEARLE: Mr. Chairman, I think that that last comment by the Deputy Commissioner was a very important one about there being so many people available to serve on all these boards, and there are many of them, and I was just jotting down four. We have the Liquor Board, the Highway Transport, now the Labour Board and the Workers' Compensation Board, just to name four. There is not enough work for any one of those boards to have the members, or the chairmen necessarily to be a full-time government employee, but there is something that I wonder if the administration would consider and that is this: Having a full-time professional chairman, and having him chairman, one person, chairman of each and every one of those boards.

The problem we have now, and I am speaking as someone who from time to time as a solicitor appears before some of these boards, and you can even throw the Public Utilities Board in there if you want it, is the lack of professionalism in the actual procedure and the hearings and the running of board meetings and board proceedings. It is only because of the relative lack of business that they each have that they do not get into a lot of serious trouble and are not being dragged daily into courts because of breaches of natural justice, not giving proper notice and not giving proper hearings to people. It seems to me, and this is just a comment from appearing before nearly all of these boards, that the public would be well served to bring a degree of professionalism, yet not of course bringing a lot of people into the public service and certainly keeping the membership of the board throughout the community, the northern community, but maybe having a single professional chairman who would be chairman of nearly each and every one of these and be able to set up a common system, a common procedure. There could be an office of maybe him and one secretary, and you would -- I think it would be, personally, money well spent on getting this thing on the proper basis. Anyway, that is the comment I make from my experience.

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

MR. PEARSON: Whilst I appreciate the hon. gentleman's concern for professionalism and a nice presentation and a slick sort of deal on these committees and a nice front...

MR. SEARLE: That is not what I said.

Executive Secretary As Opposed To An Executive Chairman

MR. PEARSON: It looks to me as though we are in for maybe not a whole new floor of the Laing building but certainly half a floor because they will finagle and scheme and justify as many secretaries as they possibly can. We will end up with a department of chairman or presidents of boards. I wonder if that does not sort of smack a little bit of our friends to the north of us here who have a red flag where the government provides chairmen to these independent boards and you can vote as long as you vote for the right things and you are all set. Perhaps it would be an advantage to have a permanent secretary to these boards, a person who would be a professional person who would just work with those groups and help them to do their presentation, help them to organize as opposed to the government providing a chairman because I think that takes away the independence of the thing completely and defeats the whole purpose of having these boards. I would, in keeping with the Hon. David Searle's worth-while suggestion, suggest perhaps if it were toned down to an executive secretary of boards as opposed to an executive chairman of all the boards, if you know what I mean. I think that is more or less what the Hon. David Searle was thinking of.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: My suggestion, Mr. Chairman, was really to ask the government to look at it. They can look at what other alternatives they wish. I am not opposed to what Mr. Pearson is saying, except that if you have an executive secretariat, that group obviously does not have the same clout to require the boards to do these things in a common, consistent way one with the other as if, of course, this were being done by a chairman. I might say that I do not make these suggestions in the interest either of a slick presentation or a pretty front. I make them in the interests of seeing that the normal rules of natural justice are followed so that the people who should get a hearing get a hearing, so that the people who should get

proper notice of a hearing get proper notice of a hearing and so that the boards then act, not arbitrarily, but consistent with the rules of fairness.

Present Boards Lack Professionalism

I regret to say that that is not what is happening today but it is not happening as a result of any grand design or any maliciousness on the part of anybody on any of those boards. It is happening because of the lack of professionalism in knowing, not refusing, but in just not knowing what the rules of natural justice are and the sorts of procedures that should be set up. I have found that when you point it out to any of these boards they are very quick and very happy to do it. The problem is that what happens so often is they get on to a course of action that ends up in them having done something and then a guy like me gets involved in scrutinizing what they have done and finds it full of holes like a sieve. That may be a good thing for someone like me but it is really not in the interests of justice and it is not in the interests of making sure that things are done correctly from the beginning.

It may sound as though I am speaking against my own personal interest which is, of course, a new charge and indeed I am. I think we should cut down wherever we can the possibilities of proceedings being upset simply because of procedural mistakes, though innocently made by these boards. That is really why I make the comment.

MR. BUTTERS: Hear, hear!

Voting By Chairman

THE CHAIRMAN (Mr. Stewart): I was wondering on a point of clarification, the Hon. David Searle, this chairman under normal proceedings of a board would of course be a voting member. Is this the suggestion or would this chairman in effect be an operating chairman without a vote and a quorum would still be required and this particular bill would have three other people there? That to my mind would be suitable to me but I do not like the thought of one person being the chairman and carrying a vote for four or five different committees because you are almost getting to the point where the chairman could be in conflict because there are certain different committees that actually could conceivably be in such a situation.

HON. DAVID SEARLE: Mr. Chairman, my suggestion does not purport to get down into that sort of detail at this stage. I think maybe the thing we should have is the Executive look at it, run it through their various boards and various secretariats that exist, see if anybody thinks there is any merit to the suggestion and maybe bring us back a recommendation on it. That is really all I am saying at this point in time and then when we get the recommendation back I think we could then talk in detail, in the detail that you are wanting to get into.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would be very happy for us to accept the suggestion of bringing a recommendation to Council on the subject and if it is the wish of Council we will examine it from all sides and lay before you a recommendation at a subsequent session, hopefully the next one, so that Council Members can then see the pros and cons. We may be able, if we continue to see merit in the idea, we may be able to suggest a number of functions that could well be headed by one chairman. We would also in the recommendation point out the differences that would exist between having a common chairman for a number of boards and a common secretariat. Just off the top of my head that latter idea does not really appeal because for each of these boards we already have a structure set up and I think that the boards are fairly well served from the standpoint of executive secretarial support. However, rather than say any more could we just bring in a recommendation at some future session?

THE CHAIRMAN (Mr. Stewart): Does this committee agree to this suggestion?

---Agreed



Turning your attention to page 14, clause 3 -- pardon me, Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, we are still on clause 15.

THE CHAIRMAN (Mr. Stewart): I am sorry, I did not conclude clause 15.

MR. NICKERSON: Section 38.(6)(b) of the old ordinance, I have a note on page 13, it was a recommendation of the legislation committee regarding the service of notice. According to a letter I have here, our recommendation was taken but it does not appear in the draft here so it is probably just a typographical error. I will read out 38.(6)(b) as it says here and it says: "A notice under this section may be served (b) by double registered mail, in which case the date of mailing shall be deemed the date of delivery."

Very often in the Northwest Territories it can take several days for a letter to get from Yellowknife to Frobisher Bay and we suggested that 38.(6)(b) be amended to read as follows: "...by double registered mail in which case the seventh day after the date of mailing shall be deemed to be the date of delivery".

LEGAL ADVISOR (Mr. Slaven): I agree that was an error on my part that that was not included in the bill.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. NICKERSON: Mr. Chairman, could we have agreement from the Members that this is what the Members wish to be placed in 38.(6)(b)?

THE CHAIRMAN (Mr. Stewart): Does the committee agree to that change or inclusion by the Legal Advisor? Agreed?

---Agreed

Clause 15 then as amended, there are two amendments or actually three, the changing of the figure three to five and changing the figure two to three and the last amendment or addition to that particular clause on service of notice. Are we agreed to clause 15 with those amendments?

---Agreed

Page 24, I direct the committee's attention to page 24, clause 16. Agreed?

MR. NICKERSON: Excuse me, Mr. Chairman. There are a number of comments we have on the rest of clause 15 yet. Clause 15 is about twenty pages long.

THE CHAIRMAN (Mr. Stewart): I am sorry I called the question. I felt sure you would advise us if you had further changes. I am prepared to go back to clause 15.

MR. NICKERSON: Perhaps, Mr. Chairman, I could direct the committee's attention to section 39.13 and 39.14.

THE CHAIRMAN (Mr. Stewart): What page is that on?

Prosecution Of Officers And Directors

MR. NICKERSON: This is on page 23. These sections are very important, sir, in that they would allow for the prosecution of corporate officers, directors, managers, etc., etc., and we feel that they require very careful discussion by the committee of the whole. It is not something that can be glossed over. The committee studied this in detail and we made a number of recommendations. As it stands, for instance, if a corporation started to get into trouble and it looked like it was going to go belly up, if these clauses were left in as they are it would be absolutely impossible to try and attract somebody to come in and help the corporation over its difficulties because if they were not successful these people would be prosecuted. Also

senior management people could be prosecuted here presumably for the neglect of junior employees and I think we have to give a great deal of consideration to these particular clauses. I think that the intent of the people who drafted this legislation is probably good, but it would appear to me that what they have come up with is something which is much too constraining. There is great danger lying in these clauses, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Legal Advisor, have you any comments?

LEGAL ADVISOR (Mr. Slaven): No, Mr. Chairman, I discussed this fully with the committee and later with the responsible members of the administration and possibly Mr. Mullins or Mr. Coates would like to comment. I know Mr. Coates had a letter sent I believe to British Columbia regarding including directors to which he received a reply, and I believe I gave a copy of that reply to Mr. Nickerson.

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

Administration's View

MR. NICKERSON: Mr. Chairman, the only communication I have on this matter is a letter here and the relevant sentence says "We preferred not to amend the section 39.13 nor to delete 39.14 without debate in committee of the whole". So, presumably it is the administration's view that these matters should be debated.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, we would very much prefer if we could have the indulgence of the committee to stand this section aside until after lunch and then respond at that time.

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

---Agreed

MR. NICKERSON: If I could make a suggestion perhaps we could leave the whole of the rest of clause 15 with which I have a number of comments to make and then proceed next with clause 16.

THE CHAIRMAN (Mr. Stewart): Is that agreed?

---Agreed

Clause 15 then is set aside until after lunch. Clause 16 and that is on page 24, two-four. Have you caught up with us yet, Mr. Nickerson, so we do not have to go back. Is it agreed?

---Agreed

Clause 17. Is it agreed?

---Agreed

Clause 18. Is it agreed?

---Agreed

Clause 19, orders. Is it agreed?

---Agreed

Clause 20. Now, let us go easy. As I understand the discussion I believe the motion would read as follows: to amend clause 20, "This ordinance or any provision hereof shall come into force on the 30th day of November, 1976." Is that correct? Mr. Pearson?

MR. PEARSON: It was a motion to that effect but it should not actually stipulate the date. We did say that the Legal Advisor would draft the amendment itself.

THE CHAIRMAN (Mr. Stewart): This is the draft the Legal Advisor has given me verbally.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, not exactly. We would not want the words "or any provisions hereof" it would simply state "This ordinance will come into force on November 30, 1976". If I may editorialize, clause 20 is written as the most flexible way a clause of this nature can be drafted. I suggest to you when you have come back and considered the clauses that have been deferred you may decide that you want some or most of the clauses in this ordinance to come into effect immediately and that a few others you would have on the November 30th date and that, of course, can be drafted at your instruction.

THE CHAIRMAN (Mr. Stewart): Councillor Butters.

Date Of Coming Into Force

MR. BUTTERS: Mr. Chairman, I thought that was the object of the exercise. Obviously we all recognize we are in a procedural wrangle that there are two classes of pieces of legislation here, some of which should be brought in immediately and some of which should be deferred and the idea of the motion I thought was to give our knowledgeable, competent Legal Advisor a way to get around this difficulty.

LEGAL ADVISOR (Mr. Slaven): I can not tell the Legislative Assembly which section should come into force and which should not. If the Legislative Assembly will tell me what sections should come into force and when they are to come into force I will draft that forthwith.

MR. BUTTERS: You are editorializing and I think that when you were doing that a moment ago and you covered just what was required, or indicated what was required.

THE CHAIRMAN (Mr. Stewart): The Chair may be in error again, but I understood that the motion was that the whole bill would not come into force until a specific date and it was in November, November 1st or November 30th, whichever was the date is questionable, but I thought that was the purpose of the motion. However, Mr. Pearson, it was your motion on clause 10 that I did not let you make and if you would make a motion now we could get on with business.

MR. PEARSON: I just wanted to say that the reason for choosing the date of November 30th was to ensure that the Legislative Assembly would have met and have finished its meetings at the session in November and I chose the date of November 30th as being the most logical as being that at the end of the month. I am speaking too fast. Therefore, I would feel that I would move another motion if necessary that this legislation not come into force until -- would you like to give me a date, would you like to pick a date, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): I am easy, November 1st, November 30th. I have November 30th written in my book.

Motion To Amend Clause 20 Of Bill 2-59

MR. PEARSON: That sounds like a good round figure to me, and I will accept November 30th, and so my motion still stands as far as I am concerned.

THE CHAIRMAN (Mr. Stewart): Well, as I understand the motion clause 20 is to be amended to read "This ordinance shall come into force on November 30, 1976."

MR. PEARSON: That is correct.

THE CHAIRMAN (Mr. Stewart): That is your motion, to the motion.

MR. BUTTERS: Speaking to the motion. Obviously there are provisions in this ordinance which could be promulgated yesterday and possibly have been promulgated yesterday. I do not know.

I would like to have some indication from the administration if there are provisions here which require early putting into force. I think that these two aspects should be separated, the ones that require consideration and reference to the community at large, and the ones which are what you might call housekeeping to get rid of the name "Commissioner" and use a board or whatever it may be. I think we should get a separation here and permit those to go forward that can go forward, and those that are to remain, that we wish to get out to the community, that these be designated and so described.

THE CHAIRMAN (Mr. Stewart): Thank you. I presume then you will oppose the motion as it stands. To the motion. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, is it my understanding here that this whole piece of legislation would be deferred until the 30th of November, and if that is the case I was speaking earlier, and I might have missed something here earlier on or something, but what I am a little bit worried about Mr. Chairman, is on this minimum wage matter, on the minimum wage of \$3 per hour for people who are 17 years of age and up. That was one of my biggest concerns when I spoke to this particular legislation earlier.

THE CHAIRMAN (Mr. Stewart): The motion as I understand it would defer the whole bill until November 30th as it stands at the moment.

#### Concern For Students Seeking Employment

HON. PETER ERNERK: Mr. Chairman, then I understand that some feelings were also voiced earlier by the Hon. Arnold McCallum with respect to the students who will be leaving or going out of schools as early as the end of this month or something, and what happens here -- well, you know, Mr. Chairman, my concern here is that these young people will be going out, they will be seeking employment with employers within the communities and I am a bit confused here now.

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

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I would like to make a couple of technical points if I might. One of the intentions of this ordinance is to put greater focus on the week as opposed to on the month, and it may be desirable that the ordinance come into effect on a Sunday, so that we are not dividing certain things such as the calculation of vacation pay and different rates by starting in the middle of the week rather than at the beginning. So, the same objective might be had by having this come into effect on either Sunday, November 28 or Sunday, December 5.

#### Motion Amended

THE CHAIRMAN (Mr. Stewart): I think the point is well taken. Do you mind changing that date to November 28?

MR. PEARSON: I would be very happy to.

THE CHAIRMAN (Mr. Stewart): Thank you. To the motion, Mr. Pearson.

MR. PEARSON: Just to clarify one point, Mr. Chairman, you used the word "defer" and I do not think that this was a motion to defer anything, the legislation which would be passed at this session would not come into force and I do not think that means to defer something.

THE CHAIRMAN (Mr. Stewart): The Hon. David Searle.

HON. DAVID SEARLE: I confess I was out of the chamber, what is the motion?

MR. NICKERSON: That is a hard question to answer.

THE CHAIRMAN (Mr. Stewart): It is very confused. The motion as I have it is that under clause 20, it be amended to read as follows "This ordinance shall come into force on November 28th, 1976."

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I did not know whether to bring it up and Mr. Pearson did, he is quite correct, we are not deferring the ordinance, that is a different thing, that is when you defer for later discussion. We are simply deferring or postponing the effect of the ordinance. The ordinance will be enacted, it will come into force November 28th unless it is amended by an ordinance prior to that time.

THE CHAIRMAN (Mr. Stewart): That for once is my understanding too.

MR. PEARSON: Good.

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

MR. PEARSON: Could I ask a question of a general nature of the Legal Advisor? If this legislation were enacted, or rather passed now and we allowed the Commissioner, as it says in clause 22 to bring it into force, when would be the earliest that this could come into force, how long does it take in other words from the time that the Legislative Assembly makes an action and to when that action comes into force?

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I can recall one occasion on the direction of the Legislative Assembly where I had the order of coming into force of certain sections of an ordinance prepared for the Commissioner to sign immediately after he had given assent, that is it came into force one minute after assent was given. So, that is the earliest it can come into force. I may say if there is no coming into force clause, which is the case in many ordinances, the ordinance comes into effect immediately assent is given, and that is automatic.

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

Time Needed To Advertise And Give Notice

DEPUTY COMMISSIONER PARKER: Mr. Chairman, for the information of Members were the clause left unchanged, we would wait for approximately a month to give an opportunity to advertise the changes and give due notice to employers and employees.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner, but with all due respect to it in a territory like the Northwest Territories this type of thing does not fully cover the country. Mr. Butters.

MR. BUTTERS: Mr. Chairman, while the Deputy Commissioner is speaking could he also inform me if the notice of coming into effect is November 26th or 28th, is there any problem that he foresees with the administration of this responsibility in the intervening months? Is there any -- is it a critical matter, because this consideration will reflect itself in my vote?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, we would not see it being a critical matter. Undoubtedly there will be those who would not agree with that statement who might feel strongly about certain of the provisions, particularly perhaps the minimum wage, but we would not see the matter as a critical one.

THE CHAIRMAN (Mr. Stewart): Thank you. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Perhaps the concern that I voiced before in relation to students to a degree has been misconstrued. My concern is that the lodges, tourist lodges will be opening soon and I think that there have been instances in the past and I think that has been alluded to earlier whereby the operators of these lodges work on a minimum wage. With all due respect, that is my concern, that these people, the students who are hired at these lodges will be paid under the existing legislation and I think that the proposed legislation of \$2.50 or \$3 should be put into effect now. That is my concern about it and that is the concern I was trying to express, likely not very well earlier. Because I know that these people, the operators who are running these lodges are now making requests of the government as to what will be their minimum or what is the minimum wage.

Further Amendment Suggested

THE CHAIRMAN (Mr. Stewart): Thank you. I presume that you could arrive at what you are trying to do, Hon. Arnold McCallum, by putting an exception to this last part, this last amendment, "with the exception of clause 5 which shall go into immediate force," as a solution to what you are trying to get at. Would you like to amend the motion that is on the floor at this time?

HON. ARNOLD McCALLUM: Mr. Chairman, I am not that well versed in how one goes about splitting certain areas of this and whether it is correct. I know the question was raised or asked about I think by Councillor Butters as to what parts can be held back and what parts can be voted upon and accepted. I think there are others that I would have a concern about as well but that is basically the main one. I am not in a position to make any kind of an amendment to the motion. I do not even know if it is possible.

THE CHAIRMAN (Mr. Stewart): I do not see why it is not possible. However, I do not pretend to be the Legal Advisor either. Mr. Butters.

MR. BUTTERS: Possibly and maybe the legal Advisor could advise me how to amend that clause and the Hon. Arnold McCallum could bring it in as a Private Member's Bill. I guess that is the problem of having a two-humped bill.

THE CHAIRMAN (Mr. Stewart): The Legal Advisor says he may be able to give us an amendment that may suit.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, we will be talking about clause 5 for the minimum wage and I suggest it should not come into effect immediately. Whatever date you want, June 1st, July 1st, June 15th or some day and you would have clause 20, subsection (1), "Section 5 of this ordinance shall come into effect June 15th, 1976 and subsection (2) the remaining provisions of this ordinance shall come into effect November 28th, 1976."

THE CHAIRMAN (Mr. Stewart): The Hon. Arnold McCallum.

Motion To Amend Date Of Coming Into Force Of Clause 5 Of Bill 2-59

HON. ARNOLD McCALLUM: Mr. Chairman, I want to apologize. I was not sure of what the Legal Advisor was saying. What I would like to do then would be to move an amendment to the motion that the clause respecting minimum wage come into effect on July the 1st. I am sorry, June 1st, not July 1st, June 1st. That is the proposed clause 5 which deals with section 13 of the ordinance.

THE CHAIRMAN (Mr. Stewart): Is the 1st of June a Sunday or in this particular instance is the day of the week important?

HON. ARNOLD McCALLUM: I will have to take a look at the calendar. June 7th, which is the first Sunday in June. I am sorry, let us go again. It says -- you are right, June the 7th is a Monday. On the first Sunday in June. How does that grab you?

THE CHAIRMAN (Mr. Stewart): That is the amendment you wish to make to the motion? With your consent I would suggest this committee now recess for lunch and return at 2:30 o'clock p.m. and give time for us to get this down on paper correctly so that we can deal with it then. Do I have agreement?

---Agreed

---LUNCHEON ADJOURNMENT

Motion To Amend The Amendment To Section 20 Restated

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order. Prior to adjourning for lunch there was a request to set up an amendment to the amendment to section 20 and the Legal Advisor has given me the following: "20.(1) section 5 of this ordinance shall come into force on June 7th, 1976. (2) Remaining sections of the ordinance shall come into force on November 28th, 1976."

Hon. Arnold McCallum, this was your motion. Are you in agreement with this? Are you in agreement with this amendment?

HON. ARNOLD McCALLUM: Mr. Chairman, I suggested a date in June as being the first Sunday or first Monday in June as a date whereby this section may come into effect. It may be a little bit premature in terms of trying to get everybody involved, having them be made aware of it. What I am concerned with primarily is getting that particular section into effect as soon as -- the sooner the better. There may be some problems in making everybody aware with that date. I suggest that as a time. It may promote some administrative problems in making other people aware of that kind of thing but basically I am in agreement with it.

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

MR. NICKERSON: Mr. Chairman, this really is a point of privilege, I would imagine, but I have been requested by Mr. Lafferty to express his regrets to the Legislative Assembly that he was not able to be here for part of this morning and will be unable to be here for most of this afternoon on account of other duties he has to perform with the Northwest Territories Water Board.

Amendment Carried

THE CHAIRMAN (Mr. Stewart): Thank you. Discussion to the amendment? Question? Question being called. All those in favour of the amendment? Opposed, if any? Carried.

---Carried

This morning we set aside clause 3 and clause 4. Are we ready to proceed on those now, Mr. Nickerson?

MR. NICKERSON: Yes, Mr. Chairman, we are ready to proceed with that.

THE CHAIRMAN (Mr. Stewart): Clause 3 on page 2.

MR. NICKERSON: Would you like me to move the motion now?

Motion To Amend Section 5 Repeated

I move that section 5 of the ordinance be amended to read as follows: "5 (1) Standard hours of work shall be eight working hours in a day and 44 working hours in a week; (2) Where a person is employed in a remote area and in an occupation where unusual hours of work are traditional and customary the standard hours of work shall be 176 hours in any period of four consecutive weeks."

THE CHAIRMAN (Mr. Stewart): To the amendment of clause 3, discussion? Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, the reason for this is twofold. The first thing to do is to clear up that in section 5 we are dealing not with maximum hours of work. We are dealing with the definition of standard hours of work which is the standard hours of work being necessary for the computation of overtime and as section 5 reads at present, it gives the impression that it is dealing with maximum hours of work. This is not at all the case because that particular subject is covered in section 6, so that is the reason for the change of wording to standard hours of work and this ties in with the definition given in section 2, subsection (k).

The second reason for this motion or proposed amendment is to tidy up the very poor wording in the existing 5(2). The committee looked at this in a great deal of detail and we were unable to develop wording which would define in all cases the type of situation where the standard hours of work should be defined as being the number of hours in the month rather than the number in the day or week. The wording at present is extremely misleading and in fact it is very poorly written too. It was our impression, our opinion, rather, that the wording we propose is far superior. It might be criticized that it is kind of too general. The words "traditional" and "customary" are not tying it down to any one particular thing as is done at present. This is done for a very good reason because the present system does not appear to us to work too well. It is rather like the term "a reasonable and prudent man", what could be reasonable in one particular set of circumstances would not be in another so this gives us flexibility now. Those are really the reasons why this suggestion has been made.

THE CHAIRMAN (Mr. Stewart): Thank you. The Chair is confused on exactly -- this goes under clause 3, is it? Clause 3? It is in addition to what is already there, it is not replacing anything, is that correct? It replaces all of this. I see. Okay. The Hon. David Searle.



### Traditional And Customary

HON. DAVID SEARLE: Mr. Chairman, the difficulty I have I guess is the wording. Looking at what we previously had that section pretty clearly identified exploration work, mining and petroleum, etc., transportation, tourist camps. Now, the only reason I could see to depart from that would be if there were things which should have been excluded that have turned up because we are being too restrictive. In that case I think I would want to add them. I think I know what Mr. Nickerson is trying to do but the words "traditional and customary", I can foresee the courts having a heyday with that, particularly because of the word "and". It would be a little more flexible if you said "traditional or customary" and you could say what is traditional, I suppose it might be hunting and trapping.

You would have to turn to your normal Oxford dictionary I would suppose and get the definition of what is traditional and then do the same for what is customary. I have not looked up what those meanings are, and I do not mean to be nit-picking my friend's work, but I suppose he is probably a damned good engineer. It is like when I try carpentry, I say to the carpenter "You are not much of a lawyer, but I am not much of a carpenter" and I am just wondering if we could not, even at the risk of delaying this a little longer, leave this particular subsection with Mr. Slaven to examine the various Oxford and other dictionaries just to see what interpretation the courts are liable to give to those two words "traditional and customary" particularly in that they are linked together with the word "and". You may find them saying "traditional means hunting and trapping" period and if that is what they were likely to say then it seems to me that I would sooner go back to the old section which covers essentially the prospecting, transportation and tourist industries which are the three in the summer months which require long hours just to get the job done.

For instance, I think of the captains on the boats of the Northern Transportation Company Limited tugs who are paid on a 12 month basis simply to be available, but in the summer months they really put in horrendous hours, and I do not know whether they would be covered in something which is traditional and customary. So, could I make the suggestion, Mr. Chairman, that we leave that particular turn of phrase with Mr. Slaven to come up with some definitions that are likely to be applied and see if they are wide enough to cover what we want to do here.

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

MR. NICKERSON: Mr. Chairman, I would go along with the Hon. David Searle's suggestion that this be examined again by Mr. Slaven, and if it can be improved upon at all I would be most willing to withdraw the motion and present it in the form that Mr. Slaven suggests, but one thing I would caution about is that the existing wording just is not English, and it has to be changed, there is no doubt about that whatsoever.

THE CHAIRMAN (Mr. Stewart): Thank you. I am not clear either on the numbering of the amendment. It does not appear to me to be correct. I think something should be changed there as well so that it conforms with the format we have in front of us. So, that could be looked at at the same time to make sure.

MR. BUTTERS: Mr. Chairman, I support the Hon. David Searle's position which is to leave things well enough alone, but I would be interested to determine if Mr. Nickerson can indicate to me an occupation which he feels is not covered under the existing 2(a) (b) or (c).

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

### Occupations Not Covered

MR. NICKERSON: Mr. Chairman, for instance, the transportation of goods from an unisolated area to an isolated area, things, like the Hon. David Searle suggested, possibly the ferry operation at Fort Providence which is not an isolated area at all. There are a number of things, construction type work carried out in the bush. That could undoubtedly fall under this. Obviously with a large construction program such as Strutt Lake it would not but a smaller type construction program would. There is road building and sometimes, let us say, for instance, the quarrying of sand and gravel -- right now, or just a little while ago they were taking sand and gravel from a remote area and taking it to Rae for use as backfill and that would not be covered here. So,

I think there are a number of instances that would not be covered here and I think we have to have something which is all-encompassing because even if we think of every eventuality at the present time undoubtedly there is something that is going to come up later on.

Amendment Deferred

THE CHAIRMAN (Mr. Stewart): Thank you. Are we agreed that we should ask the Legal Advisor to come up with a better worded amendment? Is it agreed? With the input of the committee.

---Agreed

Maximum Hours Of Work

Clause 4, are we ready to proceed on clause 4? Mr. Nickerson. Is it agreed? Mr. Butters.

MR. BUTTERS: I am not sure what I am inquiring on here. Is this the maximum hours that can be worked in a week?

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

LEGAL ADVISOR (Mr. Slaven): I am sorry, Mr. Chairman, I was making my notes as to what I was supposed to do with clause 3. It says that the total hours shall not exceed eight hours a day or 54 hours a week and they are maximum. You can work over the standard hours, but there is a maximum on top of it. I hope the experts agree.

MR. BUTTERS: The maximum is...

LEGAL ADVISOR (Mr. Slaven): ...ten hours in any day and 54 hours in any week, but under the provisions of subsection (2) of section 6 they may be averaged through a period of, I take it, four consecutive weeks, but the total in those four consecutive weeks can not exceed 216 hours. Then, sections 7, 8 and 10 limit that provision.

MR. BUTTERS: They can be averaged out in the four-month period. At the present time say, the exploration people are working 21 days full time, and that is averaged out and then it falls beneath this maximum, is that correct?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I do not think my arithmetic is up to it. All that has been done here as I understand it is that the hours used to be averaged over a month and now the average has been given to the equivalent of four weeks for ease in computing pay, since the pay is usually computed on a weekly basis.

MR. BUTTERS: That strikes me, and again looking at the anticipated development that could occur where a number of people will be building a pipeline, and the situation in Alaska, as I recollect, is that people going out to work in those camps work nine weeks straight and admittedly that is horrendous, and a horrendous task, but I think it is ten to 14 hours a day, just unbelievable hours.

MR. PEARSON: With unbelievable money to boot.

MR. BUTTERS: What I am pointing out is that it seems to me that if there is some kind of a crash program to build the line, to get a job done, it can not be done in 54 hours a week, maximum average. I think we are going to have to be realistic and realize that people are going to want to work long hours, maybe not guys whose homes are nearby, but some people are.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

Collective Bargaining Agreement

HON. DAVID SEARLE: Well, there is one other point that bothers me that was very kindly brought to my attention at the adjournment and that is in that we are setting certain standards, surely nothing in any of this would we intend to interfere with whatever collective bargaining agreement might be in force and effect. I would think a good example might be Prudhoe Bay in Alaska. As I understand it for that particular project the people who were in charge of putting it together went right to the very top of the union world and said, "We must have this thing done quickly and we must have it done without any work stoppages". They sat down and they negotiated a package with the unions and the price they have to pay, of course, is very substantial, a very substantial wage with good fringe benefits. The result, of course, is that there are long working hours. I have no idea, of course, whether that pattern, for instance would be followed in any Mackenzie Valley gas line. I would think it might.

I think I would be most anxious to state here now my own personal feeling that essentially what we are doing here is setting up guidelines for unorganized situations. In other words, where there is no collective bargaining agreement, these are the minimum standards. I am concerned I guess that we should say somewhere in here, even if it is a new section, that notwithstanding anything herein contained we are not interfering with any collective bargaining agreement in force and effect. I am not purporting to suggest that to be the exact wording. That is up to Mr. Slaven but the thought is we are protecting essentially people who are not otherwise protected by a collective bargaining agreement and I guess my question is this -- I do not have the complete act before me and I would just like some assurance that we are not doing something here which would, for instance, turf out because of course the law is paramount. If you have a collective bargaining agreement on one hand and the law saying something contrary to what the collective bargaining agreement says then the law prevails.

I am just wondering, Mr. Chairman, if we can ask our witnesses here to either give us some assurance that we are not going to have the unions stamping on our doorsteps tomorrow and that this is covered or that we do need some provision to cover that.

THE CHAIRMAN (Mr. Stewart): Thank you.

No Interference With Collective Bargaining

MR. COATES: Mr. Chairman, if I may, I think this is a genuine mistake in the drafting and I would like it to be clearly understood to enforce what the Hon. Member has just stated. This is in fact the Labour Standards Ordinance to ensure minimum standards. There is no intention whatever to interfere with any private arrangement made under a collective bargaining contract which is under separate legislation. Where average hours have been changed in terms of an agreement collectively negotiated between the parties it should not be necessary to apply to the labour standards officer for an endorsement of an agreement which is already in force. I think that is the point. To achieve this I would venture to suggest that the Legislative Assembly might like to make an amendment to this clause to make sure that that meaning is enshrined within it.

HON. DAVID SEARLE: Yes. It seems to me that there has to be something in that section and as well I think it rears its head again in section 8 when you talk about averaging hours, so maybe what you need is not a subclause to a clause but a clause which indicates paramouncy in itself over all of the clauses. Again it is not for me to suggest where it should fit but maybe our experts together with the Legal Advisor could take it under consideration and come back with an appropriate clause.

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

LEGAL ADVISOR (Mr. Slaven): I may be mistaken and stand to be corrected but I doubt this is an error in drafting. All we are doing here is changing the computation of hours and as far as I am concerned the proposed amendment to the ordinance overrides collective agreements

re maximum hours and I thought that was the intent of these amendments. I do not know what the labour standards inquiry board said on it. I assure you I would not redraft it overnight.

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

Union-Management Agreements

MR. BUTTERS: Mr. Chairman, I may be more confused than I was but going back to the Hon. David Searle's comment about the unions protecting their people, I would hope that any amendment that is drafted or we add something so as to not excuse the unions from our examination of their operation. I am most concerned that some of these union-management agreements that are negotiated and worked out in glass towers in Ottawa or Toronto or somewhere else that we do not know about and the working man of the North may be very -- the numbers of northern working men who find jobs on the line may be small but I think we should be damned sure that the unions do not protect us right out of employment.

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

HON. DAVID SEARLE: Mr. Chairman, I certainly did not intend to give that impression. Now, take section 8 for instance. I understand that under the existing bargaining agreements here with two of the mines there is an averaging provision which would have some difficulty if section 8 were enacted the way it is. I am just saying that I think we have to be cautious that we truly in fact intend to do that if we do it, because in the case certainly of these two mines, I have been involved in the process and I can tell you that it does not happen by accident. It is not negotiated in Ottawa or Toronto. These agreements are negotiated by management and the collective bargaining agents locally and have been negotiated locally, reflecting the wishes of the company and the employees over the past 25 or 35 years. I think that if you unwittingly tinker in that there can be serious problems.

Now, I know we have a couple of union men here and one of them expressed this concern to me and maybe the Legislative Assembly would like to hear about it. Failing that we could ask our experts here to consult and make sure that we are not getting in difficulty there.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think the suggestion that has been made here, that we look at this section a little further is a good one. I would not want the Legal Advisor to think that we are criticizing the drafting, maybe our knowledge of the rest of the ordinance, since we are just looking at the amendment, is not adequate. I would suggest that Mr. Mullins and Mr. Coates, together with the Legal Advisor, look at this section just to ensure, so that we can give this assurance to Council that what Council is seeking is being met. At the same time, we would be well satisfied to meet with a union representative if that is advisable to see that we are not going beyond the bounds of what they understand the situation to be.

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

LEGAL ADVISOR (Mr. Slaven): Could I ask for some clarification? I have also talked to the union representatives, Mr. McCrae and his friends, regarding section 8 and I believe his point is well taken, but on the remarks of the Hon. David Searle and Mr. Butters, are we saying or is it suggested that there should be, in effect, an overriding section that says that this ordinance does not apply where a collective agreement is in force. Is it the intent that this ordinance is to protect unorganized workers and to allow freedom of collective agreements between organized workers and their employers?

Affecting Collective Bargaining

HON. DAVID SEARLE: Well, I think the first thing I would like to know is whether or not any of these changes which essentially are the reduction of the number of hours that people can work and the averaging provisions, whether they would, to the best of our knowledge, and to the best of the knowledge of the labour people who are at hand and available, affect any of the existing collective bargaining contracts. If they would then I think that we should know that. If they would not then I think I am happy. If they would then I think we might want to get into a discussion of whether or not you put in the specific clause about not affecting collective bargaining. In other words, I do not want to get into an academic discussion. Let us see if what we are proposing to do does affect any of them. The other thing is you may want to determine that, Mr. Chairman, between now and November. It may not be possible to do it now in the time that is available to us, but it is a legitimate concern.

THE CHAIRMAN (Mr. Stewart): I think probably to speed up progress on this particular legislation that your last remarks that it be looked into and reported. If we accept what we have now, pending further information that this could be amended in November prior to the bill coming into force, I think that would be in order. Mr. Butters, I believe, has asked for the floor. Mr. Butters.

MR. BUTTERS: Mr. Chairman, just in the very general sense my reference to union management negotiations was certainly not to such negotiations that have been carried out and established in the territories over many years. I was again thinking of large companies of the kind that would be involved in any pipeline construction which would do all their dealing -- and may have done all their dealing already -- far from this jurisdiction. Generally again I was just wondering if this ordinance would apply to such arrangements and I do not think that question has been asked. The Hon. David Searle related to existing arrangements and I would be curious to see how this legislation would relate to the possible arrangement that could occur should a massive development situation be mounted.

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, could you give us your interpretation?

Increase Of Maximum Hours

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, it is in clause 4 and I think I could more easily refer to it, subsection (7) (1) on page 3: "Where the nature of the work is an industrial establishment is seasonal or intermittent in nature, or where there are exceptional circumstances to justify the working of additional hours, the labour standards officer may, by permit in writing, authorize hours to be worked by any class of employees therein in excess of the maximum hours of work prescribed by or under section 6." I suppose you could say it is seasonal, but I think it would be difficult to say that a project that lasts four years, that you could have exceptional circumstances for four years.

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

MR. NICKERSON: Mr. Chairman, I was going to give very much the same type of reply to Mr. Butters' query as the Legal Advisor, although, of course my reply would not have been any way nearly as articulate. I think what we are discussing here are two possible things and one is that there is a more or less immediate requirement to deal with section 8 and put something in section 8 which I think will affect existing union-management agreements.

The second point is maybe between now and November it would be wise to look at the whole ordinance and see if there is any conflict there. But I would suggest, sir, that we leave it possibly up to the Legal Advisor just to deal with section 8 at the present time or maybe we could leave section 8 out and come back to it within a day or two or three. I think that would solve the whole type of problem.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 4. The Hon. David Searle.

Motion To Have Council Informed Of The Implication Of The Amendments

HON. DAVID SEARLE: I would like to move that this Legislative Assembly, either at this session or the next session, whichever is possible, be informed of the implication of the amendments put forward in this bill to existing collective bargaining contracts.

THE CHAIRMAN (Mr. Stewart): I have a motion. Discussion on the motion?

MR. PEARSON: Question.

MR. NICKERSON: With all due respect, sir, I would like to kind of expand that a little bit and not only include existing contracts but also proposed contracts or contracts that are likely to be entered into in the near future.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle, would you mind if this is applied to your motion?

HON. DAVID SEARLE: I do not mind. I considered adding it myself but I just wondered how you are going to find out what a proposed collective bargaining agreement might say. It may be difficult.

THE CHAIRMAN (Mr. Stewart): Thank you.

HON. DAVID SEARLE: You know, in that they are negotiated.

MR. NICKERSON: Mr. Chairman, maybe a better wording would be "existing and prospective."

THE CHAIRMAN (Mr. Stewart): I think we have the intent of the motion. Are you ready for the question?

SOME HON. MEMBERS: Question.

Motion Carried

THE CHAIRMAN (Mr. Stewart): All those in favour? Opposed, if any? The motion is carried.

---Carried

I am still left without direction on clause 4, maximum hours of work. Subject to the last motion can we have agreement on clause 4? Agreed?

---Agreed

MR. NICKERSON: Mr. Chairman, I wonder, although we have agreed on section 8 already, I wonder if the committee would agree with this being looked at again by the Legal Advisor as to how we can make immediate provision in this for the matter that has been brought to our attention by the union? I wonder if you could ask for agreement on that?

THE CHAIRMAN (Mr. Stewart): I am sorry. I do not know whether it is the pay or the weather or what. I did not understand a word you said, Mr. Nickerson.

Reducing The Work Week

LEGAL ADVISOR (Mr. Slaven): I will reply to that. Mr. Nickerson and I and others have talked to the union representatives and you and other Members have not. Maybe I can summarize it and give you what I understand I am to do. I am going to take the proposed 8(1) and word it so that it applies only where there is no collective agreement. That is hours can be averaged with the permission of the labour standards officer, and we will vary subsection (2), very much like the present section 8 on the right hand side of your page, that will state that under a collective agreement there can be provision for averaging hours and that will be without the consent or permit of the labour standards officer. Possibly Mr. Nickerson could tell me whether any change is suggested in subsection(2) on page 4, that is, the labour standards officer may by permit in writing, upon application by an employer and his employees reduce the work week. That would reduce the five eight-hour days to the four ten-hour days for example. It may stay as it is or again will that be left to the collective agreement where there is a bargaining unit?

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

MR. NICKERSON: I would imagine that the latter course of action would be desirable, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): The latter course of action?

MR. NICKERSON: Yes.

THE CHAIRMAN (Mr. Stewart): Do we have it sorted out then what information is required? I direct this committee's attention to clause 15 on page 10. We have made several amendments to the section already but I do not have them checked of as being agreed to in total. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I think there are some rather important points brought out in clause 15. In my recollection we have dealt with new sections up to 39 subsection (1) and as far as I got was subsection 39(2) on page 15.

There is a new section being put in here regarding payment of wages and I think it might be useful if the expert witnesses were to give us a general rundown on subsections 39(2) to 39(5) which deal with the payment of wages, and perhaps they could give us some of the new ideas that are presented here.

Payment Of Wages Due

MR. COATES: Mr. Chairman, if I may, this whole new section is to enable the labour standards officer and the labour inspector to more easily ensure the payment of wages due to employees who have been unpaid. We have tried to spell it out in the form in which it usually is most suitably administered. So, looking at section 39.1 on page 15 the period for which the payment of wages is made, the number of hours for which payment is made, the rate of the wages and the details of the deductions from the wages, they are not always made in this form. This very often leaves the employee dissatisfied and alleging that he has not been properly paid so we have tried to spell it out in a form which would be clearly understood by all concerned.

Under subsection (2) "An employer shall, upon request, give to an employee a detailed statement as to the computation of the amount of wages and any bonus or living allowance set out in the statement referred to in subsection (1)."

I think that is fairly straightforward but I do not know if there are any questions there. The other new part under section 39.2, on the payment of wages, "The labour standards officer may exempt from the operation of any provision of sections 39.3 to 39.16 any employee or class of employee or any employer or class of employer not otherwise exempted by subsection 3(2)."

There are certain employers with whom we have never had any problems at all. This ordinance is primarily designed to administer or ensure the payment of wages as I said to those persons who are not promptly paid. So, normally we would not pursue employers who are not causing any trouble and, we would exempt them in this circumstance. The pay periods on page 16, section 39.3, I do not know whether you wish me to go through these all, Mr. Chairman, or if you want me to go through them one item at a time.

THE CHAIRMAN (Mr. Stewart): It would be helpful to the committee to have your views on this.

MR. NICKERSON: Excuse me, Mr. Chairman, if it would be possible for you to go briefly through it up to and including 39.5. At that point, if you would permit me to speak again I would like to, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Could we have 39.3?

Pay Period

MR. COATES: Section 39.3, again it proceeds with the pay period which is laid down as being, "...wages earned shall not exceed one calendar month unless a longer period is approved by the board." And under (2), "Every employer shall, within ten days after the expiration of the period of employment for computation of wages of an employee, pay to the employee all wages earned by him in that period."

Very often it is some weeks, sometimes two, three or even four weeks before an employee receives his terminal pay. This can lead to very great hardship, in fact as one Member, Mr. Butters I think said earlier, it has occurred that employees have been left destitute and have become a charge on welfare funds and this at least will enable us to ensure that people are paid within ten days. In terms of our remoteness and sometimes head offices being based in Calgary or Vancouver or somewhere else one must allow a certain delay I suppose under the circumstances and this is the best we could get.

The assignment of wages under 39.4, this is normal practice elsewhere and does enable the employer with the written authority or request of the employee to assign wages in payment of some purpose, insurance or a debt or credit obligation and we have spelled them out in the ordinance to ensure their provision and acceptance.

Under 39.5, "An employer who, in payment of wages, issues a cheque or bill of exchange that is not honoured by the payment of lawful currency of Canada is guilty of an offence." This seems very obvious but we have had people refusing to pay in Canadian currency and wishing to pay in United States dollars, by cheque in Minneapolis or elsewhere and this is unacceptable.

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



Typographical Errors

MR. NICKERSON: Thank you very much, Mr. Chairman, I appreciate that. I would now like to bring the attention of the committee to some very small typographical errors I guess on page 15 in 39.2, right at the very bottom of the page it should presumably say "subsection 39.13(2)". I am sorry, maybe not, but there is obviously something wrong there.

LEGAL ADVISOR (Mr. Slaven): Subsection 3(2) of the ordinance is one which defines certain exempted occupations for example, commercial fishermen and students. It is the basic exemption section. I think the thing as written is correct.

MR. NICKERSON: It is correct as it stands?

LEGAL ADVISOR (Mr. Slaven): I think so, Mr. Chairman.

MR. NICKERSON: I am sorry. Maybe I was wrong on that one. Then on page 17 right at the very bottom of 39.4 I think it was discussed that it should possibly read: "...or other member of his immediate family" to cover the cases of fourth and fifth cousins and that type of thing. I do not know whether it is that the word "immediate" has been missed out as a typographical error or whether it was missed out intentionally.

THE CHAIRMAN (Mr. Stewart): Would you give us the spot again, Mr. Nickerson?

MR. NICKERSON: Yes, it is on page 17, Mr. Chairman, right at the bottom of 39.4.

THE CHAIRMAN (Mr. Stewart): Thank you. Is it correct in relation to the immediate family?

LEGAL ADVISOR (Mr. Slaven): My notes of the committee meeting have "other member of his immediate family" and I agree with Mr. Nickerson that it was probably missed in typing.

THE CHAIRMAN (Mr. Stewart): Thank you.

Assignment Of Wages

MR. NICKERSON: And then, Mr. Chairman, on the same page, page 17, 39.5, this is a personal observation. Would it not be better to word 39.5 as follows: "An employer who, in payment of wages, issues a cheque or bill of exchange that may not be honoured by the payment of lawful currency of Canada..."

This is to cover the case where very often if you get paid in a cheque denominated in Canadian currency you might go to the bank and ask for American dollars for this cheque and if you did that the employer would be guilty of an offence because the cheque would not -- in that case of 39.5 as it now reads it does not give this discretion.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I can not conceive if it makes any difference in the world and no one would ever be convicted of such an offence by any court I know of. Of course courts have surprised me at times. "May not" would ruin the whole section I think.

MR. NICKERSON: I will not pursue that matter any further.

THE CHAIRMAN (Mr. Stewart): You do not wish to ruin the section?

MR. NICKERSON: No, I do not wish to ruin the section. Perhaps now we could go on to what is a very important new piece of legislation and I think the Members should be given the opportunity of an explanation of what this is all about. I think a lot of us just glance through this, just looking at odd items here and there and we do not get an explanation as to what the intent of the new legislation is, so I would be very pleased, Mr. Chairman, if the expert witnesses could give us an idea as to what this new section on wages recovery is all about and how it is going to work out in fact. I have one suggestion to make which the committee might feel would not ruin anything and that is to put a heading in there before 39.6, "Wages recovery" just as has been done on 39.2 with "Payment of wages".

THE CHAIRMAN (Mr. Stewart): Thank you.

### Wages Recovery

MR. COATES: Mr. Chairman, if I may, on this question of wages recovery we have touched on one of the sorest points as far as I am concerned. It is very difficult to administer. The intent is, you will see, if I may take you through subsection 39.6(1) "Where the labour standards officer (a) receives information that indicates that an employer has failed to pay to an employee all wages earned, and (b) is satisfied that the employee is not proceeding with any other action for the recovery of the unpaid wages, ... (c) make a certificate in which shall be set forth the wages owing, and (d) send a copy of the certificate to the employer by registered mail ..." First of all the employee has to satisfy him he has not been properly paid and this would take certain time and correspondence on this and the allegations with the employer's explanation but where there is a prima facie case he would have to make the certificate and serve it on the employer whereupon the employer should pay up.

This decision of course can be appealed to the board and the time limit is 30 days. The board may investigate, can either uphold the labour standards officer's decision, change it or cancel it. So, there are safeguards under the ordinance. The certificate can be filed later as a judgment, taken to court and endorsed as a judgment and enforced by law. I would again reiterate that this sort of thing is the exception rather than the rule, but it does at least give us some teeth with which to do our best to recover wages which may be outstanding to employees. At this moment it is extremely difficult to do this.

### Appeals Procedure

The ordinance goes on on page 19 to mention the appeals procedure and the final decision of the court of appeal. Under section 39, wages due constitute a lien and take priority over any other debt. The effect of the certificate on this, and the payment would be made to the board which in fact is the procedure at present, the payment is made to me and I forward it to the complainant. The whole of this section right through, and we are now on page 20 -- I do not know whether you wish I proceed with every clause but the whole thing is entirely new and I think should be read over most carefully.

THE CHAIRMAN (Mr. Stewart): The Hon. David Searle.

HON. DAVID SEARLE: I notice that the board after having a certificate filed has a judgment, and it will be registered in the court but any appeal however allies to the court of appeal. Why would that appeal not go to the Supreme Court of the Northwest Territories, why to the court of appeal?

MR. COATES: I think I would have to refer that one to the Legal Advisor, Hon. David Searle.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I would think in one, two or three pieces of legislation we have, where we endeavoured to provide a cheap, quick method of recourse for the little man, if you wish, we have endeavoured to cut down as far as possible the number of appeals possible so that a large corporation that can afford the time and money to go to various levels of the courts can not frustrate the little fellow who is trying to get his wages. So, if the appeal from the board was to the supreme court then there could be another appeal to the appeal court. In this way the intent is to cut out one level of appeal. I think I can see though that the Hon. David Searle might have a very good point in mind re the greater expense of going to the court of appeal than there would be simply to the supreme court.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: Well, I am not thinking that we should permit an appeal to the supreme court and then to the court of appeal, and indeed I am thinking of the expense, but more than that the delay of going to the court of appeal. It only sits in the territories once a year, every September, and it seems to me that when you are talking essentially about whether wages are due and owing and how much, that is really a matter for a trial court rather than it is for the court of appeal. The court of appeal only ever deals with the facts after they have been found and it seems to me it would be cheaper, quicker and more in keeping with the responsibility of the respective courts to have the appeal go to our supreme court rather than

hop over it and have to find yourself before the appellate division which, for those of you who do not know what level that is, it is the next level to the Supreme Court of Canada.

Motion To Make The Supreme Court Decision Final

I think we could probably do it a little bit lower than that. That is my suggestion. I suggest that unless there is serious objection that subsection (5) found on page 19, and the one above it, whatever consequential changes are required, should indicate that the appeal lies to the Supreme Court of the Northwest Territories from the board and then in (5) the decision of the supreme court is final. Whatever wording the Legal Advisor feels is appropriate. May I make that motion?

THE CHAIRMAN (Mr. Stewart): Is the motion understood by this committee? Mr. Butters.

MR. BUTTERS: Speaking very generally to the motion, it seems that when you are attempting to get wages you should not be dealing in too large an amount of money, and theoretically an employee would not permit an employer to owe him too much. If that is correct this seems like a very, very cumbersome process to get back \$600 or \$800 or \$1000. I am just wondering if there is not some simpler way of going about it? Now, I do not know all the legal ins and outs. If there is a small debts court you just take the employer to the small debts court and if the judge of that court would require that the money be paid it would be paid instead of going through all these procedures and hearings and boards and appeals for \$800.

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, what we have done here is cut out forcing the man to go to the small debts court. We in effect have given him a judgment and if the judgment was in a small debts court that judgment could be appealed. I think I should also point out in subsection (4) that an appeal may only be upon a point of law not on the finding on the facts.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

A Simpler Way

MR. BUTTERS: I do not understand it but it seems to me to be a great deal of money expended and an awful lot of people involved to get a small amount of money and there must be a simpler way, surely to God.

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

MR. NICKERSON: Mr. Chairman, I think that this is, generally, a very simplified way of going about things. At present you have to go out at it through the Wages Recovery Ordinance which is rather complicated and requires a lot of time spent in court and this type of thing with bringing this in it would be anticipated that probably 90 per cent of the cases, most of which are cut and dried anyway would be dealt with very, very simply by just a certificate being given and, in all fairness, we have to allow for the odd case, the one case in a 100 where a point of law might be involved. I do not think we can allow a final decision with the board, but in all practical cases I would imagine, at least 90 per cent of the cases, their decision would in effect be final. I know for a fact that this problem of the collection of wages has come up several times before this Legislative Assembly and previous Councils, and I am very pleased to see this type of legislation being brought in. I do not think it would be possible to simplify it much more without taking away the basic rights of individuals and corporations, when it does boil down to the odd case of law, or something of that nature.

THE CHAIRMAN (Mr. Stewart): Do you follow this now, Mr. Butters? This is an appeal section basically. The amount owing has already been set by the board and this is just an opportunity for either of the parties who do not agree with that to appeal.

MR. BUTTERS: I realize that.

THE CHAIRMAN (Mr. Stewart): The Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, the only way you could make it much simpler is to remove the right of appeal.

MR. PEARSON: That is the cheapest way.

HON DAVID SEARLE: If you do that then the courts will review it anyway, if there is a breach of natural justice by the board. So, you can not keep the courts totally out of it, I mean that is what democracy is all about.

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

MR. BUTTERS: I was not suggesting keeping the courts out of it, I was suggesting keeping the bureaucracy out of it.

Motion Carried

THE CHAIRMAN (Mr. Stewart): If you are dealing in the legal field I think this is impossible. On the motion, are you ready for the question relative to amendment to subsections (4) and (5)? Are you ready for the question? All those in favour? Opposed? The motion is carried.

---Carried

Clause 15. Have you anything further, Mr. Nickerson, on clause 15?

Concerning Security

MR. NICKERSON: Yes, if the witnesses have completed their description of the new procedure, I have a question on page 21, subsection 31.10(1). The committee had originally suggested that the board should be able to make an order for a bond or security to be placed with the board for a period of one year, and of course it could be renewed from time to time at the discretion of the board, and the idea here would be not to tie up money unnecessarily for long periods of time. I would like to ask, Mr. Chairman, why the administration does not feel that they can go along with that recommendation?

MR. COATES: Mr. Chairman, the ordinance requires that all records and copies must be available for a minimum of 24 months. It would seem that if a pay claim became long, drawn out and extended and our security fell away after 12 months we might look a bit sick.

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

MR. NICKERSON: Would it not be possible to renew the security after a period of 12 months so that this type of thing would not happen, or maybe if one year is not acceptable, maybe we could possibly make it 24 months to tie in with the other?

MR. COATES: Yes, I think that is feasible, 24 months, and that would tie in as you say with the other sections.

Motion To Incorporate A Term Of Two Years

MR. NICKERSON: So, in that case therefore I presumably should do this with a motion to add a subsection (2) in there to read, "An order made pursuant to subsection 39.10(1) shall be for a period not in excess of two years and may be renewed from time to time at the discretion of the board."

THE CHAIRMAN (Mr. Stewart): Just to follow through could that not instead of becoming a new subsection, could that not be put in in 10(1) at the end there where it says, "and for a period of time, satisfactory to the board;..." Could you not add, "...for a period of two years..." and then follow with whatever else you have got? The Hon. David Searle.

HON. DAVID SEARLE: Mr. Stewart, I know there is a terrible temptation for us to do it but why do we not just deal with the sense of it and leave it up to Mr. Slaven to give us the wording? We are concerned with a two year limitation, so let us see if that is acceptable to the Legislative Assembly and let Mr. Slaven do his job.

Motion Carried

THE CHAIRMAN (Mr. Stewart): The suggestion is well given. Are we agreed in principle? Is it agreed? The suggestion is that a term of two years be incorporated into subsection 39.10(1). Is this committee agreed to two years as suggested? All those in favour of two years? Is it agreed?

---Agreed

Mr. Legal Advisor, do you have that?

LEGAL ADVISOR (Mr. Slaven): I will have to check the transcript tomorrow.

MR. NICKERSON: People may find out that the wording I gave you came from the Legal Advisor in the first place.

THE CHAIRMAN (Mr. Stewart): I have known all day long there has been a plot of some kind going on around here.

MR. NICKERSON: Mr. Chairman, I have a second question concerning comments made by the administration, and this is the second recommendation of the committee concerning the return of a bond or other security placed by an employer when that employer no longer acts as an employer, and I wonder again if you could expand a little on the reason why you did not go along with the recommendation made by the committee.

MR. COATES: Mr. Chairman, I had thought I had made myself clear. The idea was to try to retain the bond for the maximum period for which records are required to be retained which is 24 months.

MR. NICKERSON: I would presume that this is for the same reason given earlier and that would be a very good and valid reason.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 15. Mr. Steen.

MR. STEEN: Mr. Chairman, I would like to ask one question on 39.10. Does this mean that it is compulsory for any employer to furnish a bond?

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

LEGAL ADVISOR (Mr. Slaven): I am sorry, Mr. Chairman. I was looking at something hot off the wire. Is this 39.10?

THE CHAIRMAN (Mr. Stewart): It is in regard to whether all employers have to post a bond.

#### Posting A Bond

LEGAL ADVISOR (Mr. Slaven): It is within the board's discretion. It is up to the board when they will demand that an employer post a bond. I would hope it would only be in cases where the board felt that the employer was shaky financially or would be in and out for a few months.

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

MR. NICKERSON: Mr. Chairman, I believe there is another typographical error, I would assume, on page 22 in 39.12 (3) second line from the bottom of the page and if I read it out as it is now it reads as follows "...who is named as an employer in a certificate made under section 39.6..." and I believe it was agreed that just to improve the wording it be amended to read as follows "In a certificate issued pursuant to section 39.6..." I presume that this just never got typed into it. We could maybe have some assurance on that.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman. It would appear the typist disagreed with Mr. Nickerson and I on one or two minor points.

THE CHAIRMAN (Mr. Stewart): Thank you. A correction in the wording then will be made. Mr. Nickerson.

#### Prosecution And Liability

MR. NICKERSON: Mr. Chairman, there are on page 23 in 39.13 and 39.14 two sections which deal with prosecution and liability of corporate officers and directors. This is a matter which we discussed in some detail at the legislation committee meeting and the recommendation on this of the committee was that in 39.13, "director" be taken out and the word "knowingly" be placed before the word "director" in the fourth line and also that 39.14 be deleted completely. These are very, very difficult to deal with. Obviously where somebody has done something wrong and they know they have done wrong and have done it deliberately, they should be liable to the full force of the law, but it would seem that there are a lot of cases where people could inadvertently do things wrong or other cases where people come in after difficulties and someone with good intentions may be trying to put them right. If these two sections were to be left as they are, these people would become liable for quite serious penalties through no fault of their own and I see great difficulties. I wonder maybe if people from the administration could give us their views on these particular sections so that we might have a better understanding of them?

ASSISTANT COMMISSIONER MULLINS: During the lunch hour as Deputy Commissioner Park indicated we had an opportunity to meet and discuss these two items. We have agreed with Council Member Nickerson to the removal of "director" from 39.13 and for the removal of the word "director and other" from 39.14. This is a point which we mentioned this morning, that this item be open for a very full discussion by the house recognizing that the objective here is to protect the wage earner. I am not at all confident in suggesting whether the word "knowingly" is appropriate or not. I think that is simply a legal question.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you or did you wish to go further, Mr. Nickerson?

MR. NICKERSON: Even with the suggestion of the administration I can see circumstances arising where the director is the guy you want to get at. He could be the person who is guilty of all the wrong-doing and there are other cases, of course, where somebody might go into an ailing corporation to act as a director and it would be no fault of his that things continued to go bad. To be quite honest I am very much undecided myself as to where we should stand on this. What I would like to hear is what other Members of the Legislative Assembly think, if they have any suggestions on these two clauses.

THE CHAIRMAN (Mr. Stewart): Any comments?

MR. PEARSON: How about some refreshment at this stage, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): I was hoping if we could keep you dry long enough we could conclude this. If you feel it is worthwhile pursuing this, perhaps we could do it after coffee.

MR. NICKERSON: I think so, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): So be it. We will adjourn for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum of this committee. We are dealing with clause 15 of Bill 2-59. We were at page 23 at the time of recess. Mr. Nickerson, do you have anything further?

MR. NICKERSON: Yes, sir. My main complaint with 39.13 and 39.14 seems that people could be prosecuted and made liable without having any guilty intent whatsoever. I am not a lawyer and I do not want to get into a discussion on the doctrine of mens rea or anything like that...

HON. DAVID SEARLE: Very good.

MR. NICKERSON: Because undoubtedly the Hon. David Searle would have something to say but that is my complaint with them as they stand and I think that if people did have a guilty mind when they did this, then they should be made liable. So what I would suggest, if it meets the approval of the committee here and if the administration does not have any really serious objections, is to leave this again with the Legal Advisor so that he could fairly go through the wording in detail and see if he could write something in there to take care of the points that I have mentioned.

THE CHAIRMAN (Mr. Stewart): The recommendation I understand is that section 39.13 and section 39.14 the Legal Advisor should have a look at and see if he can word them in such a manner as to protect the innocent from prosecution. Is this the direction of this committee? Are you agreed to this course of action? Of course, Mr. Legal Advisor, if you can not reword it and come up with...

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, this is my last desperate chance to save my weekend at Prelude. We discussed this in Mr. Nickerson's committee. I do not think the administration -- certainly from a legal viewpoint and I do not think I have any objection to removing the word "director" from 39.13 and 39.14, nor to insert the word "knowingly" before the word "director" in 39.14 on line four. This would make it more difficult to obtain a conviction, but 39.13 I hope would be a deterrent thing. I do not think 39.14 needs to be reworded. It is fairly onerous on the officer that just taking "director" and "other" out of it I think it is in pretty good shape.

#### The Case Of A Bankruptcy

I do not think I have anything more to add than that, except that if it is all right with this committee I will amend it in that fashion. While I have the floor -- it is somewhat aligned to it, referring to page 19, section 39.7, I have a telegram from the Deputy Minister in Ottawa which is quite a trick since he is here. However, the telegram points out that 39.7 is in conflict with the Bankruptcy Act of Canada and, of course, the act would override the ordinance. My best recollection is that we discussed this in committee and that was realized by all of us, that in the case of a bankruptcy the bankruptcy provisions rate priorities of payment would prevail over this, but we determined to leave this section in as it stands for what it is worth and for situations where there is no bankruptcy. The telegram from Ottawa suggests that we should change this section to agree with the federal Bankruptcy Act and that would put wages ranking behind secured creditors and bankruptcy administrative costs and fees. So I just informed the committee of that and it is the committee's decision as to whether they want to amend 39.17 as suggested or leave it as it is.

THE CHAIRMAN (Mr. Stewart): With all due respect, Mr. Legal Advisor, I do not know what you are recommending. Are you recommending that it be modified?

LEGAL ADVISOR (Mr. Slaven): It is not my role to recommend the content. I am just pointing out to you the two alternatives before you and the effect of each of the two.

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

MR. NICKERSON: This matter, as the Legal Advisor says, was discussed in some detail at the meeting on legislation and at that meeting we were able to take legal advice from advisers who at that time were able to suggest which way we should go on the issue. At that time, there were a number of things pointed out whereby it would be a very long and lengthy exercise in legal drafting to make this comply with the federal Bankruptcy Act. We are quite aware that it is in conflict with the federal Bankruptcy Act and we know that the federal Bankruptcy Act would have precedence.



At that time we took the decision that we should leave it as it is, knowing full well that we probably really should not take that course of action but it would be very difficult to do otherwise. That was the position taken by the committee at that time and I would like to bring this to the attention of the committee of the whole at present.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. There are two topics on the floor and we will get back to the original, and that is with regard to 39.13 and 39.14. The explanation given by the Legal Advisor with respect to the changes he is suggesting for this, is this suitable to you, Mr. Nickerson, or do you wish to go further into it?

MR. NICKERSON: I think Mr. Chairman if, after having given it a good deal of thought, this is in the opinion of the Legal Advisor the best course of action to take. I think he wanted to take out "director" there from a number of places and insert "knowingly" and generally try to put in things which would have taken account of my concerns. I think I would have to go along with the Legal Advisor's opinion.

Suggested Recommendations By The Legal Advisor Carried

THE CHAIRMAN (Mr. Stewart): The committee then as a whole, are we agreed with the suggested recommendations of the changes made by the Legal Advisor on 39.13 and 39.14? Are we in agreement?

---Agreed

Wages Due Constitute Lien

Thank you. Then, we go back to 39.7 on page 19. You heard the statements made with regard to this particular section and is it the committee's desire that it remain as presented? Mr. Butters.

MR. BUTTERS: Mr. Chairman, to go back to the telegram received recently by the Legal Advisor, if this section were amended to conform to the Bankruptcy Act what would have to be done?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the section as drafted says that wages are ranked first. If we changed it as suggested it would state that secured creditors ranked first, that is someone with a chattel mortgage or a conditional sales contract and bankruptcy administrative costs and fees and then after that, wages.

MR. BUTTERS: Mr. Chairman, I applaud our legislation committee. I think everyone in this Assembly would agree that a matter such as this, here wages do rank first and the person who has the wages coming should receive first consideration, so I see no change in this.

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

MR. NICKERSON: I would like to point out as the Legal Advisor said we can say whatever we want to here but there is no doubt about it whatsoever that the federal Bankruptcy Act will take precedence and that the people who are engaged to wind up the company and secure the creditors will in fact still be in the first place in the line-up to get whatever is left.

MR. BUTTERS: Where the company is going into receivership.

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

LEGAL ADVISOR (Mr. Slaven): The ones who have failed to pay wages usually can not afford to go bankrupt. We have not had that many bankruptcies up here to my knowledge and this would apply in I think 199 out of 200 cases where wages are not paid.

MR. BUTTERS: I understood that to be the situation.

THE CHAIRMAN (Mr. Stewart): Then are we agreed to leave 39.7 as is?

---Agreed

Now, clause 15, we would then be on page 23 at the bottom and the top of page 24 and that would conclude this particular section.

MR. NICKERSON: Mr. Chairman ...

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

MR. NICKERSON: Page 24, 39.16. There is a simple wording change here which was suggested by the standing committee on legislation. It does not appear in the minutes, so probably it was missed and it is a very simple matter. As amended or as the suggested amendment reads, it would be as follows: "No employer shall dismiss, terminate, lay off or suspend an employee without the consent of the board for the sole reason that garnishing proceedings have been or may be taken against the employee." The idea here is just to add those words "without the consent of the board".

THE CHAIRMAN (Mr. Stewart): I wonder first of all if I could see if that wording is agreeable, that change in wording, if it is agreeable to the committee. The Hon. David Searle.

#### Managing Your Own Affairs.

HON. DAVID SEARLE: Mr. Chairman, if I may just be the devil's advocate for a moment, why should an employer, what is the logic behind prohibiting an employer from laying off, terminating, dismissing, suspending, etc., an employee because of garnishment proceedings? Why should an employer be required to do the bookkeeping and accounting for his employees who can not manage their own affairs? I can see government wanting to take on that role in keeping with the move that seems to be in existence that a man has to be managed from his bloody birth to his grave, but to put that responsibility on his employer seems to me to be going a little too far. Why should an employer not be able to dismiss a man who can not manage his affairs?

THE CHAIRMAN (Mr. Stewart): Has the administration a reply to this?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I am not sure in drafting this if we viewed retention of an employee who had a garnishment against him as being management of his affairs.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: Let us assume for the moment that as an employer you are served with a garnishee and then my understanding of the law is that you must respond to the garnishee and the response must be in several forms. Firstly, you must calculate the deductions in accordance with the law, which you must make and you must be correct in those deductions. You must make sure that you pay the employee exactly what he is entitled to. Under the law you must make sure that you pay the department of the Receiver General the appropriate tax, you must make sure that you deduct the correct amount of employment insurance and Canada Pension Plan and whatever else there happens to be. Then you must make sure that you send to the court the difference between his gross salary and those deductions. You must be correct in all your calculations and in the amounts of your cheques that you make out, which are several, and come to him, to his creditor, or to the court, as well as of course the Receiver General.

Now, if that is not managing an employee's affairs, I do not know what else you have to do. I am just wondering how are you going to require an employee to manage his own affairs if you can not terminate him, if he continuously shows an irresponsible behaviour? I am just interested in the logic behind it, what do you do with him?

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, this is not a point of law and I do not see that your opinion even if you are prepared to give it to me is in order. It is really to the administration.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, it seemed to us that this could lead to abuses on behalf of the employers if they were to use garnishment as grounds for dismissal of employees. I see the other side of the question too, as the Hon. David Searle puts it, but you could also foresee someone being garnisheed and it may have been the first time around. In fact there might even have been an element of error involved in it, but if a company or corporation established a policy of never handling these things then the employee would be fired right then and there. Frankly we think that is pretty harsh treatment and we would not like to condone it.

#### An Extent Far Beyond Requirement

THE CHAIRMAN (Mr. Stewart): If the Chair is allowed one comment, particularly in this day and age relative to employees, a company generally who is going to keep a good employee, if there is a reasonable excuse for such a garnishee, I would suggest that under normal circumstances this would certainly be listened to without it being mandatory by law and administered in this manner. It seems to me that we are going to an extent for the employee far beyond the things that are really required for his protection, if indeed he is being reasonable in all things. You can get more than one garnishee and you could, in effect, get four or five garnishees and is the company expected to write cheques on every one of these and all of the calculations that are required and this is still not grounds to dismiss the employee?

It seems to me to be an over-protective type of thing and the next thing you are going to have, you are going to have to wash his socks in the morning before he comes to work. I think this goes far too far and I am personally totally against this position.

DEPUTY COMMISSIONER PARKER: Well, Mr. Chairman, I do not think you will have to wash his socks in the morning or in the afternoon. You could also look at it from the standpoint of the employer. Supposing that the person who purchased goods from one of your businesses did not pay and you wished to garnishee against his wages, if every time you tried to collect from this man on whom you made a bad judgment, he is fired, you will never get paid either as a businessman.

THE CHAIRMAN (Mr. Stewart): I would rather not get into an argument but on the other hand in many of the companies with standing orders where employees are dismissed, in many cases they pay their bills just for that reason, so that there is no garnishee. Hon. David Searle.

#### No Garnishee Before Judgment

HON. DAVID SEARLE: Mr. Chairman, I just want to correct the Deputy Commissioner about errors in garnishees. It used to be that you could garnishee a salary before judgment but that, however, was ended by a change in the law about 12 years ago. You can not now garnishee an employee before judgment for salary and wages, you must wait until you have had a judgment against him. You can not get a judgment against him by issuing a small debts summons, for instance, it is served on him and he has a proper opportunity to defend himself. If he does not then judgment is entered but if he does defend the dispute is heard and judgment is given according to the evidence. Only after that process has gone through can salary then be garnisheed in this jurisdiction. You can get an order permitting garnishee before judgment if it is not salary and wages or if it is, say, a bank account or a debt owed him, but as to salary and wages there is a proper opportunity to protest the validity of the claim.

As well, there are many opportunities given in the actual practice of collecting debts for a person to pay. Before an action is even started a demand letter is sent asking the person to pay up or make some arrangement for orderly retirement. The opportunities are numerous before it even gets to a lawyer, the actual businessmen has probably written three or four letters and made several telephone calls and in my humble opinion there is much too much of a trend to protect the debtor from the creditor. You know, I wish someone would apply their mind on the odd occasion to how do you protect the creditor from the debtor?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, we are swayed by the eloquence of the arguments presented to us.

MR. PEARSON: Hurray!

Motion To Delete Section 39.16 From Bill 2-59

HON. DAVID SEARLE: To conclude the debate, I would like to move that section 39.16 be removed from the bill.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. Discussion to the motion? Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I would like to speak in support of the motion really. What happened when this matter was discussed previously was that we saw both sides of the argument, the committee that is, and we were probably of the opinion that the Hon. David Searle takes really, that there is no real necessity for this. Seeing that at that time the administration appeared to have very, very strong views on the subject, after a good deal of discussion we came up with the proposed amendment which would allow the employer to go to the board and get consent to lay off the employee. However, it would now appear that the administration has changed their mind and I would like to support the Hon. David Searle's motion.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Thank you. Are you ready for the question? All those agreed, show your hands. The motion is carried. Delete 39.16.

---Carried

That concludes this bill as far as the committee is concerned until such time as the necessary amendments and instructions are followed. Shall I report progress at this time?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report of the Committee of the Whole of Bill 2-59, Labour Standards Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying in committee Bill 2-59, an Ordinance to Amend the Labour Standards Ordinance, and I wish to report progress at this time.

MR. SPEAKER: Thank you. I understand it to be the wish of the Executive that we now proceed with Bill 3-59, the Wages Recovery Ordinance?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Mr. Stewart, do you have any objection to resuming the chair for that? Legislative Assembly will resolve into committee of the whole to consider Bill 3-59. Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 3-59, An Ordinance to Amend the Wages Recovery Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-59, WAGES RECOVERY ORDINANCE

THE CHAIRMAN (Mr. Stewart): I call the committee to order to study Bill 3-59, An Ordinance to Amend the Wages Recovery Ordinance. If you peruse your book you will find again that the order is mixed up relative to the sections and have to be reversed. Mr. Nickerson, have you a report from the committee?

MR. NICKERSON: The committee recommended that Bill 3-59 be referred to committee of the whole with some very minor amendments. We did, however, recommend that the administration look into the possibility that with the new sections in the Labour Standards Ordinance regarding the recovery of wages there that the Wages Recovery Ordinance might not now be necessary. It might be advisable for the committee to hear from the administration what they concluded when they did look into that possibility.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Deputy Commissioner, does the administration wish to call any witnesses?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I believe that under the circumstances your Legal Advisor is the person who is probably best able to answer the question that has been put by Mr. Nickerson. In answer to your question, no, we do not have any witnesses that we think you require at the present time.

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, would you comment on Mr. Nickerson's remarks?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I have written to Mr. Nickerson and my remarks were that after discussing this with the labour people and the administration we would prefer to leave this ordinance in force until we see how the new provisions of the Labour Standards Ordinance work. There are cases going forward under this ordinance all the time. If we find that the new procedures under the board for a fine or judgment work well, we would consider repealing it but it could well be we may need both and the alternate routes in that one may be the better in some situations than the other in the other situation.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature on Bill 3-59? If there are no comments of a general nature, are you prepared to go clause by clause?

---Agreed

Clause 1. Agreed?

---Agreed

Clause 2, maximum award. Agreed?

---Agreed

Clause 3, cases where allowed. Agreed?

---Agreed

Clause 4, when appeal to act as stay of proceedings. Agreed?

---Agreed

That would appear to terminate this section. May I report Bill 3-59 ready for third reading?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report of the Committee of the Whole of Bill 3-59, Wages Recovery Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 3-59 and I wish to report that this bill is now ready for third reading.

MR. SPEAKER: Thank you. Mr. Parker, may I have your thoughts on where we should go now?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, unless you prefer, due to the shortness of time left today, to deal with one of the recommendations to Council, we would wish to proceed with the Education Ordinance.

MR. SPEAKER: Do the Members feel like getting into the Education Ordinance this afternoon, it being 4:55 p.m. We would have about 20 minutes on it I suppose when you consider we need time to give orders of the day, etc. Are there any contrary feelings? So we will maybe get through some general comments anyway. This Legislature will resolve into committee of the whole to consider Bill 7-59, the Education Ordinance with Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 7-59, Education Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 7-59, EDUCATION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 7-59, An Ordinance Respecting Education in the Northwest Territories. The purpose of this bill is to update and revise the present School Ordinance so that it reflects the current philosophy of education and is in keeping with progressive educational trends. Mr. Nickerson, would you like to give us the thoughts of your committee?

MR. NICKERSON: Mr. Chairman, this being a very lengthy and quite possibly contentious bill, I do not think I can give you in a few moments all the views and feelings and proposed changes that the committee made. As a general comment I would say that we are pleased with the direction that the ordinance is going and that although there are certain things which we would like to bring to the attention of this committee for further discussion, we were pleased with the job that the administration has done on it. I think the committee endorses the view that we should proceed with this ordinance and try and pass it into law at this particular session.

We have had a good deal of representation on this. We have heard from the tripartite committee on education, we have heard from the Northwest Territories Teachers' Association, we have heard from representatives of school boards. I think at the present time that is all I would like to say. Maybe it would be in order if the Hon. Minister for Education, Arnold McCallum, would like to give his general comments on the bill.

THE CHAIRMAN (Mr. Stewart): Thank you. Hon. Arnold McCallum, would you like to proceed on general comments?

More Control In Communities

HON. ARNOLD McCALLUM: Mr. Chairman, the bill that is before the Members does not reflect any of the changes that the Legislature's standing committee proposed or took into consideration for the simple reason that the standing committee has not completed its review in total and to make changes for half of the bill itself would necessitate further changes and further drafting of it. I agree with Mr. Nickerson that the bill is a forward piece of legislation. It incorporates the idea that more control should be given to local people in communities. It calls for the establishment of three kinds of educational authorities within the North in any or all communities if and when these communities want them.

We have, as Mr. Nickerson has said, numerous people who have contributed to this drafting and hopefully we have been able to incorporate all the things that they would want in so far as we were able to. We certainly have not taken each and every one of these suggestions because at many times they were at cross-purposes with each other. I believe that it does to a great extent do what past Councils have wanted for a piece of educational legislation. Other than those comments, Mr. Chairman, I have nothing further to add to it.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature? Mr. Butters.

MR. BUTTERS: Mr. Chairman, first of all just looking at the statement of purpose I think it was put together hastily. The purpose is given, "...so that it reflects the current philosophy of education and is in keeping with progressive educational trends". I for one am very suspect of present educational trends, seeing that increasingly we hear that we are graduating a whole generation of illiterates. I would prefer to see "progressive educational trends" dropped and something of the order of what the Hon. Arnold McCallum said. The purpose of this bill is to update and revise the present School Ordinance so that it gives more control over education programs in the Northwest Territories to people in northern communities. I think that is the main thrust of the whole bill, that the people in the communities begin to be able to have a real say and participate in what is going on in the schools. So, I would hope that the Minister's words would be more in keeping with the purpose of this bill than the words which are on the statement of purpose.

Outdated Education Ordinance

The second thing I would wish to say in a very general way is that I would hope that maybe the Deputy Commissioner could give us some indication as to just what is before us. This is a real high moment. The previous, the 7th Council, hassled with education for four years, it did not make much progress I thought and we are into another year and a half and are still at it and finally we have something put on our desk. It may not be what everybody wishes but something is here. The existing Education Ordinance I believe is 30 years out of date. It was dated in 1954. That makes it 20 years out of date and developed originally for the mining community of Yellowknife in the early 1950's and still reflects that fact. It does not reflect the reality of education in the North today which is schools spread across a million and a half thousand square miles -- one million, three hundred and seventy-three thousand whatever it is square miles; schools in which various languages are being taught, spoken, a real diverse education system that the present School Ordinance does not begin to suggest at all. So, I am delighted that we have this present ordinance before us and I hope that it will get lots of discussion and much consideration by Members.

THE CHAIRMAN (Mr. Stewart): Thank you. Any more comments of a general nature? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to add that I think it is termed to be progressive in that it does do the things, or at least we do believe it does the things that Mr. Butters has suggested, that is to give control to local people, and I think that that is a progressive step. At the risk of sounding off a little bit too much on this I really believe that the Education Ordinance is the one single most important piece of legislation we have had before us for a number of reasons, not the least of which is that it is a piece of legislation that deals with one specific department of the government, and that it involves, to a great extent, a request on this Legislature's movement toward more responsible government. I think,

notwithstanding the fact that it deals with education, I think it does have these political overtones, and, for those reasons I would consider it to be a most important piece of legislation.

THE CHAIRMAN (Mr. Stewart): Thank you. Any more comments of a general nature? Mr. Pearson.

MR. PEARSON: Mr. Chairman, I planned to confine my remarks until we got into the discussion but I would ask the Hon. Arnold McCallum one question: Is this a compulsory education system?

HON. ARNOLD McCALLUM: Mr. Chairman, there is a section within the ordinance that deals with school, the age for students to attend school and, in that light, yes it is compulsory education, or attendance is involved in it.

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

MR. PEARSON: In my perusal of this, when we first received it a couple of weeks ago I noted to some chagrin, although I may have misunderstood that this ordinance still emphasizes the use of English as the number one language in the school system. I wonder if Hon. Arnold McCallum could give us some clarification on that point.



Conduct Of Schools.

HON. ARNOLD McCALLUM: Mr. Chairman, Part III on page 46 of the ordinance, under the heading "Conduct of Schools" and particularly "Language of Instruction" and it carries over onto page 47, it indicates there that the local education authority shall prescribe the language of instruction to be used for the first two years of the school program and then it moves on to talk about the instruction being provided to students in a community where English is not the language of the majority.

MR. PEARSON: It is rather difficult, Mr. Chairman, to fathom these simply by going over them quickly and I wonder if in Part III, it is rather ambiguous, at least it is buried in phrases that are difficult to decipher. I wonder if the Hon. Arnold McCallum could give us some clarification on Part III.

THE CHAIRMAN (Mr. Stewart): That is on page 46, Part III. A request for clarification on Part III. This is not really a comment of a general nature and I think I would rather have it when we reached this point.

MR. PEARSON: Mr. Chairman, I do feel that it is a comment of great importance, as the language of instruction is certainly a great point of contention in so many areas and I think it forms the basis of this very item, of this very ordinance, if it is to reflect the native cultures for which it is supposedly designed and not for miners 20 years ago in Yellowknife.

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

MR. LYALL: Seeing that this is a most important ordinance that we have to look through at this Legislative Assembly session, has this ordinance been translated into the Eskimo language?

MR. PEARSON: Yes.

MR. LYALL: It has. Thank you.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature? Hon. Peter Ernerk.

Input From The People

HON. PETER ERNERK: Mr. Chairman, a comment of a general nature on this Education Ordinance. What I really do want to say very briefly is that I look at our own region again, in the Keewatin district, where the people have been trying to work out a number of problems in terms of teaching the younger people how to survive on the land, that sort of thing, and learning to speak their own Inuktitut language. It is really exciting to a large extent, simply because I think that you have a piece of legislation in front of you and it is in some ways, giving the people in the Northwest Territories a chance to start somewhere. Of course, on the part of the Department of Education and the administration of the Northwest Territories, as I see it, we really have to start somewhere to start working on some things. I happen to believe that this bill will give the people in the Northwest Territories, and the Government of the Northwest Territories a chance to start building up. After all, as I see it, it can be amended from time to time, as time goes by and, I know, it will give the people in that department some opportunity to make some amendments to it as we go along in the years to come.

THE CHAIRMAN (Mr. Stewart): Thank you. Any comments of a general nature on Bill 7-59? Mr. Pearson, did you have another point you wished to make?

MR. PEARSON: Yes, I am sorry, I interjected when I should not have done to a question from Mr. Lyall that the ordinance has been translated into Inuktitut. This I do not think is quite true. A couple of summary pages have been but not the entire ordinance. Is that not correct?

THE CHAIRMAN (Mr. Stewart): Mr. Clerk, has this been translated?

CLERK OF THE HOUSE (Mr. Remnant): No, sir, a summary has been translated.

THE CHAIRMAN (Mr. Stewart): The news is that a summary has been translated but not the bill as a whole.

MR. PEARSON: Further to that it was the understanding of the committee, the committee I served on at one time, the education committee, that the Inuit Tapirisat and the Indian Brotherhood, and other people in those categories would make presentations to the committee or to the Legislative Assembly, to the government on these matters. I wondered if they ever did so, if they were ever received, and if so, where are the recommendation from those organizations.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I think that the chairman of the standing committee would like to comment on that. We certainly have had representation, and the government did in fact receive from Inuit Tapirisat of Canada certain recommendations. I do not have those here.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson, can you help us?

Inuit Tapirisat Recommendations

MR. NICKERSON: Mr. Chairman, yes. Submissions were received from the Inuit Tapirisat of Canada, I believe they sent their recommendations individually to every Member of the Legislature. However, I have a copy of their proposals here and, with your consent, Mr. Chairman, it might be possible to have them copied and circulated to all Members should they so wish.

A brief was sent here dated March 29, 1976 and the brief was received from the tripartite committee on education and it was given by their representatives, one from the Indian Brotherhood of the Northwest Territories and one from the Metis Association of the Northwest Territories. It was presented to the standing committee on legislation and that too, sir, could also be copied and circulated to Members. I do not know if the Members would want copies of other briefs that were submitted, as the other ones tended to be rather technical in that they made specific recommendations for special sections of the bill, and in general the other submissions which we received we were able to incorporate most of their technical recommendations into the proposed amendments. Maybe we should have some direction from the Legislative Assembly as to whether they would like to receive copies of all briefs submitted to the standing committee or whether they would just like the ones from the various native associations which deal in a more general way with the bill.

THE CHAIRMAN (Mr. Stewart): A suggestion has been made relative to the suggestion on hand in the form of briefs. Could I have this committee's direction, do you wish all the material copied and on your desk tomorrow? Those in favour of all of the available information printed and circulated a show of hands please? Opposed? Carried.

---Carried

Mr. Butters.

MR. BUTTERS: I have two questions, sir. One, will we be getting a copy of the regulations that go with this ordinance to examine at the same time since the regulations are the operative arm of the ordinance? Have these regulations been drafted and if they are drafted will they be available to the committee? My second question is: I wonder if the administration can advise us in their estimation how many communities and people of the territories have seen this document? I remember there was some suggestion that between the January session and this session that the draft would be distributed to as many advisory committees and communities as possible. I wonder if this was done, and if we could have the assurance of the Minister, Mr. Chairman, if he feels the majority of the people -- if it is in the hands of the majority of the people in the Northwest Territories at the present time and whether we can expect comments from these people.

THE CHAIRMAN (Mr. Stewart): Mr. Minister, could you reply to this question?

HON. ARNOLD McCALLUM: Mr. Chairman, at the end of this proposed draft on page 67 and 68 and also on page 69 it simply states there as far as regulations are concerned, it lists the number -- or

the areas where regulations will be made pursuant to what is involved within the bill itself. The Commissioner may make these regulations, and I would have to confer with the Deputy Commissioner in terms of that for anything further. As regards the availability of this draft to particular communities, education advisory committees, school boards, the Rae-Edzo society and various other groups were made aware but I am not sure whether they in fact have seen the draft that we have but certain of these groups did in fact have access to them, but as to the exact number of communities I am afraid I can not tell you.

THE CHAIRMAN (Mr. Stewart): Comments of a general nature? Deputy Commissioner Parker.

History Of The Education Bill.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, Mr. Butters made reference to the history of this bill, what has led up to it. If I could just for a moment go over one or two points that I think are important for us to remember. Mr. Butters summed it up very well in fact when he described the length of the process and the breadth of the education system that is now in place in the Northwest Territories. It would be well for us to recall the kind of education system that was in force or lack of same in the 1950's. The Council before this one and indeed the one before that started work on a review of the ordinance and it has been recognized for many years that the existing ordinance simply was not an Education Ordinance and was designed only to deal with school districts. That fact has never been denied.

The first review of the whole matter was carried out in great depth as an in-house review by the territorial Department of Education and then its report, after having been referred to Council and having been discussed at some length, was referred to a Council committee. I believe that Mr. Pearson is the only Member of the Legislative Assembly at the present time who was also on that Council committee chaired by Mrs. Pedersen. That committee's report was studied and reviewed by Council at some length and certain recommendations then were brought forward which were agreed to by Council as sort of basic tenets for the implementation of an Education Ordinance. The draft bill itself was drawn up in the earlier part of 1974 and it was placed before the standing committee of legislation in the fall of 1974. At that time there was concern brought forward by the Indian Brotherhood and the Metis Association. I stand to be corrected but perhaps Committee for Original Peoples Entitlement was the third party who formed themselves into the tripartite committee and suggested that they wanted to have a further look at the draft ordinance.

Members should be aware that previous to that time, previous to the fall of 1974 there had been a written and verbal invitation go out to each of these groups some six to nine months in advance of that time requesting comments, input, views on education, but none had been received. That is the prerogative, of course, of the individuals and the organizations. I do not mean to say that they should have responded. However, the standing committee recommended that the ordinance not be proceeded with until such time as the groups which had come forward had studied it and I think that was a very wise move on their part. In fact the tripartite committee was funded to a certain extent, not a lot of money, but a bit of money in order to assist them in their review.

We heard nothing for some months and then the administration commenced to ask various parties if they would be kind enough to come forward or wished to come forward with any views. Unfortunately nothing really came forward, so at the January session, I think on the urging of Council, it was suggested that we hurry along and bring this ordinance forward because by this point a year and four months had elapsed. At that point, fortunately for us, the groups became active again and we have received and did receive briefs from various groups which were considered as has been outlined by the standing committee.

One Ordinance Will Not Solve All The Problems

That is very briefly the history of the ordinance. I think it must be borne in mind that any ordinance, particularly an Education Ordinance, will not solve all of the problems of education. The very best that can be expected from an ordinance which is a legal document, a permissive document really, is that it will set a basis, it will form a base on which good educational practices can be built. We think that in the document that you have before you to be amended as the Hon. Arnold McCallum has pointed out, to be amended considerably because there has been a great deal of thought and work and changes made during the past few weeks, we think that this will form the kind of a base which will permit us to have one of the best education systems available to people with varying backgrounds anywhere in the world.

The ordinance will not inhibit improvements to the system. In fact the design of the ordinance is such that it will urge improvements to take place. I think it must also be borne in mind that this ordinance has to be designed for and has been designed for the needs of the 20th Century while taking into consideration the fact that the cultures of the original residents of the Northwest Territories must be recognized. More than recognized! They must be taught in so far as cultures can be taught and they must form a base on which people can take further

steps if they wish. I think that the indication is clear that beyond certain grades, the use of the English language is going to have to be the language of instruction but it is also clear that right in this document we call for the use of the native languages in their early years, provided that this is the choice of the people in their communities. I think this is a very, very important fact and I suspect, although I am not certain, but I suspect that this is probably the first law in Canada that would guarantee those kinds of rights.

I would just like to leave the thought with you that the document is not perfect but as the Hon. Peter Ernerk has said, we badly need a new document. This is a best fit among all the many and varied problems that we have and I commend it to you for your study. I think that through the use of it a great deal can be achieved for education in the North. Thank you very much.

---Applause

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner, for your explanation. Due to the hour of the day shall I report progress? Agreed?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report of the Committee of the Whole of Bill 7-59, Education Ordinance.

MR. STEWART: Mr. Speaker, your committee has been studying Bill 7-59, An Ordinance Respecting Education in the Northwest Territories, and wishes at this time to report progress.

MR. SPEAKER: Mr. Nickerson, do you have announcements about committee meetings?

MR. NICKERSON: At the present time, Mr. Speaker, I would like to ask for unanimous consent to return to notices of motions on the orders of the day.

MR. SPEAKER: Any objection?

---Agreed

REVERT TO ITEM NO. 7: NOTICES OF MOTIONS

MR. NICKERSON: Mr. Speaker, this morning I had some numbers wrong and some wording wrong in a notice of motion I gave. Apparently I was looking at a set of regulations that were not the ones that were finally adopted so if possible I would like to amend Motion 5-59 to read as follows:

Motion 5-59: Amendment To Commissioner's Order 17-76

WHEREAS a provision of Commissioner's Order 17-76 has aroused a good deal of consternation and complaint and does not appear to have been ordered for any good and valid reason;

NOW THEREFORE, I move that this house recommends that paragraph 2(c) of Commissioner's Order 17-76 be amended by adding after the word "residents" the following words "five barren ground caribou, non-residents, two barren ground caribou" in order that the provisions of former paragraph 8(c) of the game regulations not be altered in respect to residents of the Northwest Territories.

MR. SPEAKER: Mr. Remnant, do you have the changes?

CLERK OF THE HOUSE: Yes.

MR. SPEAKER: Would you see that the motion is reproduced and inserted in the Members' books?

CLERK OF THE HOUSE: Yes.

MR. SPEAKER: Do you still not have it correct?

MR. NICKERSON: Yes, Mr. Speaker, I still have a correction. Where I said paragraph 2(c) in reading out the motion, it should have of course been paragraph 3(1).

MR. SPEAKER: Announcements? The legislation committee is meeting this evening or tomorrow, Mr. Nickerson?

MR. NICKERSON: Yes, Mr. Speaker. I have an announcement on that. The standing committee on legislation will meet tonight in the Executive boardroom at 7:30 p.m. to consider the Education Ordinance and the Liquor Ordinance and will meet at 9:00 a.m. tomorrow morning at the same place in order to meet with representatives of the chartered accountants, certified general accountants and industrial accountants.

MR. SPEAKER: Mr. Lyall.

MR. LYALL: On a point of order, sir. I just had a telephone call from the people of Coppermine and they are not satisfied with the coverage the Legislative Assembly is getting in the Eskimo language and I wonder if you could try and rectify that?

MR. SPEAKER: I can certainly inquire what the coverage is but not having the Canadian Broadcasting Corporation responsible to me yet I do not know that I could do much about it. Mr. Clerk, will you make the necessary inquiries of the CBC as to what is going on so you can report to this house tomorrow?

CLERK OF THE HOUSE: Yes.

MR. SPEAKER: Turning back to the orders of the day, any further announcements? In that case, orders of the day, Mr. Clerk.

ITEM NO. 12: ORDERS OF THE DAY

CLERK OF THE HOUSE: Orders of the day, 2:30 o'clock p.m., May 20th, 1976, at the Explorer Hotel.

1. Prayer
2. Continuing Replies to 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 9-59, Bill 7-59, Bill 6-59, Bill 12-59, Bill 1-59, Bill 2-59, Bill 11-59, Recommendation to Council 1-59, Recommendation to Council 2-59
12. Orders of the Day

MR. SPEAKER: This Legislature stands adjourned until 2:30 o'clock p.m., May 20th, 1976, at the Explorer Hotel.

---ADJOURNMENT

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