



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

59th Session

8th Assembly

Official Report

TUESDAY, MAY 25, 1976

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MAY 25, 1976

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (The Hon. David Searle): Turning to the order paper, questions and returns.

ITEM NO. 2: QUESTIONS AND RETURNS

Are there any returns? Mr. Parker.

Return To Question W16-59: Authority Of Tourism Division To Make Certain Rulings

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on Friday, May 21, Mr. Nickerson asked Question W16-59 as to what authority was used in the decision to grant only two tourist establishment licences in Baker Lake at this time.

The decision regarding Baker Lake was taken under item 6(2)(c) of the regulations respecting licensing and operation of tourist establishments. "(2) An officer may refuse to issue a building permit to construct, erect, alter or move a tourist establishment where he is of the opinion that (c) the proposed tourist establishment in the proposed location is not in the public interest."

Appointments of tourism development officers are made under authority of Item 7 of the "Ordinance Respecting Travel, Tourist Establishments and Outdoor Recreation: 7. The Commissioner may appoint officers to administer the provisions of this ordinance."

All such decisions are taken only with advice of the legal services division of the government of the Northwest Territories.

Return To Question W9-59: Reduction in Funds For Sewage And Garbage Disposal, Fort McPherson

On Thursday, May 20, Mr. Steen, asked Question W9-59 concerning the reduction of garbage pick up in Fort McPherson from two to one pick ups per week.

The approved level of service provided to non-tax-based communities as stated in local government water and sanitation policy is once per week. The Department of Local Government, Inuvik region advise that garbage pick up service was twice weekly but was reduced to once per week to conform to the policy. The unit price per pick up paid to the contractor was accordingly increased from 75 cents to \$1.25. The total service contract has increased \$4500 over the previous year when there was two pick ups, to compensate for community growth, increased volume per pick up, and increased costs to the contractor.

The Fort McPherson settlement secretary states that no complaints over the change in service have been received from residents. The Inuvik regional superintendent of Local Government was in Fort McPherson on the 17th of May and there was no apparent pile up of garbage.

Return To Question W12-59: Fish Prices, Great Slave Lake

On Friday, May 21, Mr. Stewart asked Question W12-59, seeking a comparison of prices received by Great Slave Lake fishermen from the Freshwater Fish Marketing Corporation for

their 1975 summer catch, and prices anticipated for the 1976 summer catch. The information contained in my return is fairly detailed, and I will thus not attempt to read it into the record at this time. The information will appear in the Members' books later today, once the Clerk has had the opportunity to circulate it.

<u>SPECIE</u>	EXPECTED TOTAL PRICE AVAILABLE FOR PAYMENT TO FISHERMEN (INITIAL PLUS FINAL FINAL PAYMENT)	RECOMMENDED INITIAL PRICE SUMMER 1976	ACTUAL INITIAL PRICE SUMMER 1975 PREM - STD
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All prices are FOB Transcona plant loose fish basis: Freight would be approximately 6 cents per lb. from Hay River to Transcona.

Whitefish

Export dressed

Jumbo over 4 lbs.	55	55	49	46
Large 3-4 lbs.	45	45	45	41
Medium 1 1/2-3 lbs.	35	35	34	31
Small 1-1 1/2 lbs.	23	23	22	22
Weighted Average	37	37		

Continental Dressed

Jumbo over 4 lbs.	39	39	35
Large 3-4 lbs.	29	29	30
Medium 1 1/2-3 lbs.	29	29	27
Small 1-1 1/2 lbs.	19	19	18
Weighted average	28	28	

Smokers Dressed

Med 1 1/2-3 lbs. G. Slave	35	35	33
WPG	51	49	43

Cutters Headless and Dressed

All Sizes	11	10	16
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Pickere1 Round

Large over 3 lbs.	61	52	43
Medium 1 1/2-3 lbs.	61	52	43
Small under 1 1/2 lbs.	61	52	38

Dressed

Large over 3 lbs.	72	61	49
Medium 1 1/2-3 lbs.	72	61	49
Small under 1-1/2 lbs.	72	62	44

Headless and Dressed

Large over 3 lbs.	84	71	54
Medium 1 1/4-3 lbs.	84	71	54
Small 3/4-1 1/4 lbs.	84	71	47

Saugers

Headless and Dressed

Large over 10 in.	63	54	44
Medium 8-10 in.	63	54	34

<u>SPECIE</u>	EXPECTED TOTAL PRICE AVAILABLE FOR PAYMENT TO FISHERMEN (INITIAL PLUS FINAL PAYMENT)	RECOMMENDED INITIAL PRICE SUMMER 1976	ACTUAL INITIAL PRICE SUMMER 1975 PREM - STD
Round			
Large over 12 in.	46	39	31
Medium 10-12 in.	46	39	31
Northern Pike			
Dressed Head on			
Large 4-9 lbs.	20	20	21
Headless and Dressed			
Large 1 1/2 and up	17	15	16
Small under 4 lbs.	17	15	16
Lake Trout			
Dressed			
Medium 4-8 lbs.	35	32	33
Small under 4 lbs.	35	32	27
Large over 8 lbs.	35	32	
Tullibee			
Export Dressed			
Large over 1 1/2 lbs.	28	23	22
Medium 3/4-1 1/2 lbs.	28	23	19
Continental Dressed			
Large over 1 1/2 lbs.	17	15	16
Medium 3/4-1 1/2 lbs.	17	15	12
Mullet			
Headless and Dressed	06	06	06

It should be noted that no official announcement has been made as yet regarding prices for summer 1976.

Return To Question W14-59 And Question W18-59

On Friday, May 21, Mr. Pearson asked Question W14-59 requesting information on the sports hunting of polar bear in the Northwest Territories over the past three years. My reply will list the settlements participating in sports hunting in each of the last three years, the number of sports hunters licensed from each community, and the number of hunters failing to make a kill. The latter detail was requested by Mr. Butters as Question W18-59.

<u>Settlements</u>	<u>Number of Sport Hunters</u>	<u>Number of Sport Hunters Failing to Make Kill</u>
<u>1974</u>		
Holman Island	3	1
Pond Inlet	1	1
<u>1975</u>		
Pond Inlet	1	1
Paulatuk	3	1
<u>1976</u>		
Paulatuk	4	0
Tuktoyaktuk	3	2
Cambridge Bay	2	not recorded as hunt not completed

Return To Question W15-59; Verification Of Depositors' Accounts In Credit Union

On Friday, May 21, Mr. Nickerson asked Question W15-59 concerning the use of independent auditors as opposed to government staff in supervisory examinations of credit unions.

Both types of personnel are used in such examinations and each has a separate function. The independent auditor's principal duties are to prove and certify the accuracy of the information received, recorded and presented to members. In addition, however, the supervisory examination concerns itself with the general conduct of the affairs of the association and compliance with the legislation. The two aspects complement each other, but independent auditors can not replace the supervisor's functions and responsibilities under the ordinance, and thus government staff must be involved in all such examinations.

Return To Question W17-59: Musk-Ox Survey, Central Arctic

On Friday, May 21, Mr. Lyall asked Question W17-59 concerning a request for population surveys on musk-ox in the Central Arctic.

Although the fish and wildlife service is not specifically funded this year for musk-ox surveys, it is their intention to fly preliminary surveys this summer for the purpose of setting minimal musk-ox quotas in the Central Arctic. As further funds become available, these surveys will be expanded and quotas adjusted accordingly. To date, surveys on polar bear and caribou have taken priority as the demand by people for information and quota revisions has been the greatest in these species. Musk-ox surveys will be carried out firstly in areas affecting the following settlements and camps: Holman Island, Cambridge Bay, Coppermine, Bathurst Inlet, Gjoa Haven and Spence Bay.

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

Question W19-50: Appointment To Board Of Directors Of Panarctic Oils Ltd.

MR. NICKERSON: Mr. Speaker, I have a question concerning the appointment to the board of directors of Panarctic Oils Ltd. At the last session of the Legislative Assembly this house advised that it would prefer an independent, knowledgeable northern resident to be appointed to the board of directors of Panarctic Oils Ltd. upon the expiration of Commissioner Hodgson's term of office, but would prefer Commissioner Hodgson to retain his seat should the alternative be a southern civil servant. Could the house be advised what has happened regarding this matter?

MR. SPEAKER: Mr. Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the Commissioner conveyed that very message to the Minister who, if I recall correctly agreed that he could step down from the board if a knowledgeable northerner could be found to take the role as director. One or two recommendations were made to us by the Minister and I have not heard anything since. I would like to have an opportunity to report back to the house after checking to see if action has been taken recently.

Question W20-59: RCMP Policing Agreement

MR. NICKERSON: Mr. Speaker, a second question concerning the Royal Canadian Mounted Police policing agreement. Could the house please be advised as to the current status of the renegotiations concerning the RCMP policing agreement?

MR. SPEAKER: Do you want to take that as notice, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Any further written questions? Mr. Stewart.

Question W21-59: Ferry At Fort Providence

MR. STEWART: Mr. Speaker, could I be advised whether the administration plans on adding the fourth shift to the operation of the ferry at Fort Providence. If so, what is the contemplated starting date of the fourth shift and what savings will be realized by the Government of the Northwest Territories?

MR. SPEAKER: Mr. Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will take the question as notice.

MR. SPEAKER: Any further questions? Mr. Lyall.

Question W22-59: Bathhouses For Central Arctic

MR. LYALL: Mr. Speaker, I would like to ask the administration why the bathhouses for the Central Arctic area are cancelled for this summer's shipment?

MR. SPEAKER: Mr. Parker.

Return To Question W22-59: Bathhouses For Central Arctic

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the reason the bathhouses have been cancelled for this year, and I may say that that may not be a final decision, but they have been certainly delayed, is that we are not satisfied with either the design of the bathhouses that we have been supplying, nor with their ability to function. We have been very much disappointed with the high costs and all of the breakdowns and troubles that we have encountered in the provision of bathhouses in the last few years.

As an Executive we felt it would make much more sense to not proceed to supply two or three more bathhouses which were of inadequate design and which could not be maintained and operated reasonably efficiently. Our hope is, or our intention is to review the whole program and hopefully to come up with a design which will actually work.

MR. SPEAKER: Further written questions? Mr. Butters.

Question W23-59: Interest Charges On Debenture Funds For Serviced Lots

MR. BUTTERS: Mr. Speaker, on January 29th by written return to Question W2-58, Deputy Commissioner John Parker informed me that:

"We, the administration, are currently developing a policy of deferment of interest charges on debenture funds required for the preparation of serviced lots in municipalities. Interest and repayment of principal would be deferred until such time as the individual lots were required, sold, or placed under lease."

To date, sir, the town of Inuvik has not been officially informed of the administration's intent regarding interest currently owing on such improvements or on the debentures to develop such improvements. Since approval in principle has been made by the administration, might the Deputy Commissioner by letter to the town of Inuvik formalize his reply to me of January 29th of this year?

MR. SPEAKER: Mr. Parker?

Return To Question W23-59: Interest Charges On Debenture Funds For Serviced Lots

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the matter of handling the deferment of interest and principal repayments in municipalities is still under negotiation with officials in Ottawa, although we are confident that we will be successful in this area. I do not believe that it was our intention that this policy could be applied retroactively, although I suppose that is something that we could look at.

In answer more directly to the question certainly we will be in touch by letter with the municipality in Inuvik and as soon as we can confirm the arrangements that will be available.

MR. SPEAKER: Mr. Butters.

Question 024-59: Debenture Interest In Inuvik

MR. BUTTERS: A supplementary. I wonder if the Deputy Commissioner could ensure that the retroactive aspect in the negotiations be considered because where a municipality such as Inuvik has put out something in the order of about \$1 million that interest factor becomes very large?

Return To Question 024-59: Debenture Interest In Inuvik

DEPUTY COMMISSIONER PARKER: Mr. Speaker, of course we will consider it but I would not like to hold out any promise of success in this area. It is very, very difficult dealing with retroactivity in regard to financial matters. However, certainly we will give it the best try.

MR. SPEAKER: Mr. Butters.

Question W25-59: Education Tax, Hay River

MR. BUTTERS: Mr. Speaker, had we discussed the detail of the Education Ordinance, I would have asked the following question at that time. Could the administration confirm that Hay River ratepayers this year have experienced a reduction in their education tax from 15 to 10 mills?

Question W26-59: Tax Relief For N.W.T. Municipalities

A supplementary question: if so, is it the intention of the administration to extend similar relief to ratepayers in other Northwest Territories municipalities?

MR. SPEAKER: Mr. Parker?

Returns To Question W25-59 And Question W26-59

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the first part, yes. The second part, we already have. I do not mean to be rude, but with regard to the first part, yes, we have extended to Hay River the right to collect a lower mill rate because on examination of the assessment figures as they affect both corporations and individuals we found that they were out of phase with most other municipalities and that for this year we had to extend the practice that was extended to them last year for one more year. However, we are committed before the next taxation year to finding some resolution to this problem. We know that the action that was taken was not necessarily fair to all municipalities. We have made two other adjustments, having looked at a full table of 15 mill returns and prospective returns and made two other adjustments to try and bring the thing into line as best we could for this year on an ad hoc basis. For next year, as I said, we are committed to amending the system somewhat so as to bring a much higher level of equality among the various municipalities. We have been working with the Association of Municipalities on this and they, along with us, recognize it as a very difficult problem.

MR. SPEAKER: Further written questions? Mr. Lyall.

Question W27-59: Airport Lights At Coppermine

MR. LYALL: Mr. Speaker, I would like to ask the administration why are the airport lights from Coppermine being sent to Pine Point while the understanding of the Gjoa Haven people is that they were getting those lights?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will have to take the question and file a return.

MR. SPEAKER: Further written questions? Mr. Kilabuk.

Question W28-59: RCMP Lot In Paulatuk

MR. KILABUK: Mr. Speaker, I want to ask a question concerning the land in Paulatuk where they built the houses and it is not too good and the RCMP have a house and they have a lot and they are not using it. Maybe we could use that land and fix it up. For three years now we have been asking and we have never been answered to this question I am asking so that we could find out. In our land there is not much land where we can build houses.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will take the question as notice and file a return.

MR. SPEAKER: Further written questions?

Item 3, oral questions.

Item 4, petitions.

Item 5, reports of standing and special committees. Mr. Nickerson.

ITEM NO. 5: REPORTS OF STANDING AND SPECIAL COMMITTEES

Report Of Committee On Membership Of Standing And Special Committees

MR. NICKERSON: Mr. Speaker, as chairman of the committee charged with the task of coming up with suitable candidates for other committees, I have the following report:

Members Of Committee On Elections

A committee to look into matters pertaining to elections has been set up and the Members of this committee are Mr. Butters, Hon. David Searle, Mr. Steen, Hon. Peter Ernerk and Mr. Evaluarjuk.

MR. SPEAKER: Is there anything further under Item 5?

Item 6, notices of motions. Is there anything under Items 5 or 6? Item 6. Hon. Arnold McCallum.

ITEM NO. 6: NOTICES OF MOTIONS

Notice Of Motion To Introduce Bill 10-59: Supplementary Appropriation Ordinance No. 1, 1976-77 For First Reading

HON. ARNOLD McCALLUM: Mr. Speaker, I give notice that on Wednesday, May 26th I shall move that Bill 10-59, An Ordinance Respecting Additional Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st Day of March, 1977, be read for the first time.

MR. SPEAKER: Are there any further notices of motions? Mr. Pearson.

Notice Of Motion 12-59: Sports Hunting Of Polar Bears

MR. PEARSON: Mr. Speaker, on Wednesday, the 26th of May, I will introduce a motion calling for the cessation of sports hunting of polar bear in the Northwest Territories by non-native sports hunters.

MR. STEWART: A point of privilege, Mr. Speaker.

MR. SPEAKER: Mr. Stewart.

MR. STEWART: We are having a little difficulty here, somebody is recording or something immediately behind us and the acoustics being what they are in this building it makes it exceedingly difficult and I wonder whether the press arrangements might be changed? We certainly want the press to have full facilities but it is very annoying sitting here.

MR. SPEAKER: Mr. Clerk -- thank you, Mr. Stewart. Notices of motions. Mr. Nickerson.

Notice Of Motion 13-59: Rules And Procedures For Boards And Committees Having Judicial Type Powers

MR. NICKERSON: Mr. Speaker, I give notice that on Wednesday, the 26th of May I will move the following motions: One is a motion concerned with rules and procedures for boards and committees having judicial type powers.

Notice Of Motion 14-59: Release From Escrow Of Stock In Northrim Mines Ltd. Held By N.W.T. Citizens Who Received Such Stock In Consideration Of Unpaid Wages

Secondly, a motion concerned with the release from escrow of stock in Northrim Mines Ltd. held by Northwest Territories residents who received such stock in consideration of unpaid wages.

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

Notice Of Motion 15-59: Powers Of Municipalities

MR. BUTTERS: Mr. Speaker:

WHEREAS the Legislative Assembly through the medium of the Municipal Ordinance has delegated increased powers to Northwest Territories municipalities for self-government under their respective municipal bylaws;

AND WHEREAS frequently such intentions and objectives are subverted by the overriding prerogative associated with the Crown's presence and programs in such municipalities;

AND WHEREAS such prerogatives of the Crown are frequently opposed to the efficient management or provision of equitable standards, administration and controls in the community.

NOW THEREFORE, I move that the administration examine this anomaly, particularly in the areas of (a) grants in lieu of taxes (b) responsibilities delegated through the Municipal Ordinance and/or other territorial ordinances to the municipalities which can not be effectively managed or administered owing to conflicts between municipal bylaws and the special constitutional position of crown holdings and interests and (c) recommendation for reducing or overcoming such conflicts when legislating the delegation of powers to the municipalities such as in the Municipal Ordinance, the Dog Ordinance, the Fire Protection Ordinance, etc.

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

MR. BUTTERS: I neglected to say I wish to introduce that tomorrow, sir, on the 26th.

Notice Of Motion 16-59: CBC Control

I have a second notice of motion also for introduction tomorrow.

WHEREAS the Canadian Broadcasting Corporation is the sole effective medium licensed for broadcasting radio and television signals throughout the Northwest Territories;

AND WHEREAS such licences granted the corporation amounts to a monopoly in, and control over, northern electronic communications;

AND WHEREAS the CBC is financed, in the main, by the public purse, yet there does not appear to be an effective and available means by where public suggestion, comment and recommendations may be made to the corporation by northerners;

NOW THEREFORE, I move that the Commissioner communicate to the federal minister responsible for the CBC, to Wally Firth, Member of Parliament for the Northwest Territories and to the chairman of the federal standing committee on communications, (a) the concern of this Assembly regarding the increasing all-pervading influence of the CBC on territorial communications and (b) our desire that some mechanism be created to allow for input and recommendation from northern people and (c) that consideration be given to amending the Canadian Broadcasting Corporation act to include legislation similar to that contained in the federal business development Bank Act, sections 14 through 20 which in part describes the creation of a regional advisory council which "shall from time to time review the results of the activities of the corporation in the region for which the council is established and through its chairman may advise and make recommendations to the board regarding the activities of the corporation in that region.

MR. SPEAKER: Any further notices of motions?

ITEM NO 8: MOTIONS

Item 8, motions.

Motions 9-59, 10-59 and 11-59. Motion 9-59, Mr. Pearson.

Motion 9-59: Cancellation Of Department Of Education's Plan To Move Teachers' Education Program To Fort Smith

MR. PEARSON: Mr. Speaker:

WHEREAS the Department of Education operates a teacher education program in the Eastern Arctic;

AND WHEREAS the department plans to move the operation to Fort Smith;

AND WHEREAS a petition was presented to the Assembly earlier in this session by a large group of residents of Frobisher demanding that the program remain in the Eastern Arctic;

NOW THEREFORE, I move that this Assembly direct the Department of Education to cancel its plans to move the teacher education program to Fort Smith and have it remain in Frobisher Bay.

MR. NICKERSON: Mr. Speaker...

MR. SPEAKER: Mr. Nickerson.

MR. NICKERSON: On a point of order. Am I to understand that this Assembly has the power to direct as is written in the resolved part of this motion?

MR. SPEAKER: It is strange you asked that question, Mr. Nickerson, I was just trying to find Mr. Slaven anticipating that very question. It seems to me that the power to direct quite properly falls within the powers given to the Commissioner as the Chief Executive Officer, the executive power in the Northwest Territories Act is given specifically to the Commissioner, and to that extent Mr. Pearson your motion I think should probably read that we recommend to the Commissioner instead of direct the Department of Education.

Now, the way to do that, if you wish to make the change would be to ask for unanimous consent to so amend your motion at this point in time, or withdraw it and bring it back in normal course, whichever you wish.

MR. PEARSON: I certainly do not wish to withdraw the motion, Mr. Speaker, it is a very important motion, it is a very important matter and vital to the well-being of the people that the program is supposed to serve. The use of the word "direction" may be a semantic slip, perhaps, but to encourage or recommend, I would leave it entirely up to the Speaker to choose the phrase, although I would like a legal definition from the Speaker if that is possible, while we are on the subject.

Change In Wording Suggested

MR. SPEAKER: Mr. Pearson, I had rather thought that I had done that and I indicated that the executive power is vested in the Commissioner and the word "direct" if you must use that word, I would find that your motion is out of order. I did suggest to you that if you wished you could do one of two things it seems to me, you could seek unanimous consent of this house to use the word "recommend" instead of "direct" or if that did not work, you could withdraw the motion and then put it back in tomorrow using the proper word "recommend". Now, whichever you wish, but I would think as it is a simple enough motion that this house might look favourably upon your request for unanimous consent to change the word "direct" to "recommend". Do you wish to take that course of action?

MR. PEARSON: Mr. Speaker, I certainly appreciate your advice but because of the shenanigans that occasionally take place in this house I would be reluctant to ask for unanimous consent in case I do not get it because then the motion will not be able to be re-presented at this session. However, I will take a chance and ask Members to let conscience be their guide and therefore, Mr. Speaker, seek unanimous consent from colleagues that the word "direct" be changed to "ask the Commissioner to recommend".

Unanimous Consent To Change Wording

MR. SPEAKER: Unanimous consent being requested to change the word from "direct", striking the word "direct" and substituting therefor the word "recommend". Is there anyone who will not give unanimous consent? Is that agreed then?

---Agreed

Now, Mr. Pearson, the motion is moved. Is there a seconder? Mr. Steen. Discussion?
Mr. Pearson.

MR. PEARSON: I am a little shook up at the moment, Mr. Speaker, but thank you for your kind wisdom and advice.

To get down to the serious matter that this motion brings up, it is a matter of great concern to the people in the Eastern Arctic and in particular the people for whom this program was originally designed, the native people who have decided and chosen to go along with the education training program or teacher education program as it is called. Many Legislative Assembly Members will recall debates over the past few years centering around the controversy that seems to surround the Fort Smith Adult Vocational Training Centre and the relationship of native people from the Eastern Arctic in Fort Smith. There has been a tremendous amount of trauma and unhappiness. There have been some difficulties with drinking, there have been tremendous difficulties with relations between the native people in Fort Smith and people from the Arctic as well as the Eastern Arctic. Some of the people who are currently on the course, who have been on the course for over a year, have spoken about the great concern about having to go back to Fort Smith and to run the gauntlet, as it is called, from the community down to the camp in the evenings. The 5000 miles by commercial airline that separates Fort Smith from the Eastern Arctic is so great that they seem to lose their perspective by going over there, they seem to lose their initiative, they seem to lose their interest in the program by having to travel such great distances and work in such isolated areas from their own -- from the area that they themselves plan to work in, once they become teachers.

They do not wish to work in any other area but in the area which they know, the area in which they are trained because their great asset, the asset of these young people is the ability to speak their own language. There are facilities in Frobisher Bay that are conducive to establishing a training program there. It is currently being run there. There are buildings, there are facilities, there are schools and all kinds of other amenities that could perhaps make Frobisher a far more meaningful training ground for these people than an area as far away as Fort Smith. So I shall close with those comments and wrap up at the end of the discussion.

MR. SPEAKER: Further discussion? Mr. Evaluarjuk.

Support For Program In Frobisher Bay

MR. EVALUARJUK: Mr. Speaker, I am in support of Mr. Pearson's motion because I have heard about Fort Smith, that some students complain about Fort Smith and I also have been told personally by this particular student who was in Fort Smith and he told me that he was afraid to walk around by himself and he even said that Fort Simpson people gang up on some of the students. Also the Eastern Arctic people are not particularly happy about going to Fort Smith to go to school. It might be better if one of the communities in the Eastern Arctic, it seems that Frobisher is much more favoured to be used as the community where the students could go to school. A long time ago some parents never used to really want their children going to school and since the liquor store has been closed in Frobisher Bay it might be that the people would look more into it. Thank you. Also the people are not particularly happy that their children are going to school in Fort Smith. Thank you very much.

MR. SPEAKER: Further discussion? Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, this is not an unusual motion but it is one difficult for us to deal with. It seems to be a dispute between two jurisdictions within the Northwest Territories

and I find that it would be very difficult for me to adjudicate this without having some more information. The type of information that I would find useful before I was able to make a reasonable decision one way or the other are such questions as the number of people involved in the program. Are we dealing with 20 people or just five people or how many are we really talking about? Another question that I would like to ask is what are the relative costs of operating this program in Frobisher Bay, in Fort Smith and maybe some other place?

Motion To Move Motion 9-59 Into Committee Of The Whole.

I would also like to know what facilities are available both in Frobisher Bay, in Fort Smith and again other places. Is there a possibility that certain parts of the course might be taken in Frobisher Bay and certain parts might be taken in Fort Smith? I am afraid that I do not really know the answers to these questions and in formal debate it would be very difficult for the answers to these questions to be given. Therefore, Mr. Speaker, in the interest of us all being able to make up our minds in a fair and reasonable manner I would move that this motion be referred to committee of the whole.

MR. SPEAKER: Is there a seconder for that motion to refer to committee of the whole?
Mr. Stewart. Is there any debate on that? Mr. Stewart.

MR. STEWART: Mr. Speaker, I would like to support this motion. I do not feel that I have enough information to be able to make a decision and without that type of information I am afraid I would have to oppose it because it is being done by the administration and they must have good reasons. Without going into committee of the whole, this way we could not determine both sides of this question. So, rather than have to either abstain from voting or oppose the motion I would much prefer to go into committee of the whole so we could get the answers to the questions we have because I certainly would like to support it if I possibly can.

MR. SPEAKER: Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I would like to support this motion myself and if we go into committee of the whole, we must remember that we do not have a great deal of time, we only have three days left so I think we really should get rid of it right now I think. Thank you.

MR. SPEAKER: Any further debate? Mr. Pearson.

Importance Of Dealing With The Motion Promptly

MR. PEARSON: Without prolonging the agony I sympathize with those Members who would like to put it before committee of the whole but, before I would vote for the motion that it go into committee of the whole I would like some assurance from my colleagues that it will be discussed in the immediate future, either this afternoon or tomorrow, as it is a very important issue and whilst I do not feel I am in a position to direct as to how this house should be run I do not honestly see deferring all of these motions to committee of the whole as we have done, I mean we do have others that have been deferred and I sympathize with those and voted for those but I would like the assurance of this house that this will be dealt with very soon.

MR. SPEAKER: Mr. Pearson, on your point, that becomes a matter of order, it becomes a matter that would be included under Item 10 on the order paper for tomorrow, Thursday and Friday and will be dealt with, assuming your motion passes, or the amendment passes, it would be dealt with whenever we get to those items. In other words I do not think anyone can give you any assurance that the motion will be necessarily dealt with tomorrow, most certainly it would not be dealt with today because it is not on Item 10 today. Is there any further debate? I am sorry, Mr. Pearson, you have had your say. The Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I think I would support the motion to go into committee of the whole. At that time I would be able to make information available to Members, or that information that has been requested, and we certainly do have pertinent information to answer at least some of the questions that have been posed now and further questions that may be posed.

MR. SPEAKER: Is there any further debate?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question. The question is being called, not, and I repeat not on the motion in the book, but on the amendment to it which is that the motion be referred to committee of the whole. Is that understood? Are we ready for the question?

SOME HON. MEMBERS: The question.

Motion That Motion 9-59 Be Considered In Committee Of The Whole, Carried

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

---Carried

Mr. Clerk, the motion will then appear on the order paper tomorrow under Item 10. Motion 10-59, Mr. Nickerson.

Motion 10-59: Discussion By Committee Of The Whole Of The Principle Of Rent Control Before Re-Examination Of The Rent Control Bill By The Standing Committee On Legislation

MR. NICKERSON: This motion is brought to the house's attention in my capacity of chairman of the legislation committee:

WHEREAS it has been ascertained that the majority of the Members of this house are desirous of discussing the principle of rent control especially in the context of expected developments in the Mackenzie Valley;

AND WHEREAS on account of the heavy volume of pressing business it is unlikely the standing committee on legislation will have time, within the next few days, to properly re-examine the rent control bill;

NOW THEREFORE, I move that at a suitable time this house resolve itself into a committee of the whole to consider rent control and other measures which may become necessary as a result of pipeline or other major developments without first the rent control bill being examined in detail by the standing committee on legislation as would customarily be the case.

MR. SPEAKER: Is there a seconder? Mr. Butters. Any discussion? Mr. Nickerson as mover has indicated that he does not wish to discuss the motion. Is there anyone else?

SOME HON. MEMBERS: The question.

Motion 10-59, Carried

MR. SPEAKER: The question being called. All in favour? Contrary? The motion is carried. Mr. Clerk, it would be the same treatment as Motion 9-59.

---Carried

Motion 11-59, Mr. Butters.

Motion 11-59: Commissioner To Approach The Minister Of Transport, The Hon. Otto Lang

MR. BUTTERS: Mr. Speaker, I regret I seem to have misplaced my motion book.

WHEREAS the Deputy Commissioner by return this morning indicated the expectation of the Minister of Transport, the Hon. Otto Lang, to meet with this Assembly in October;

AND WHEREAS costs of transportation are continuing to rise alarmingly, and Pacific Western Airlines, as major supplier of air service in the Northwest Territories is indicating an intention to raise its seat rate charge another 3 per cent next month;

AND WHEREAS these increases in the main are probably related to the implementation of the Ministry of Transport's national cost recovery program instituted in April 1, 1976;

AND WHEREAS residents of many Northwest Territories communities must depend on scheduled airline service as their only available or reasonable means of transportation within the Northwest Territories and to points outside the Northwest Territories;

AND WHEREAS the present seat mile cost being charged to Northwest Territories residents using such scheduled air carriers is approximately double that charge to passengers travelling equivalent distances on southern Canadian east-west mainline routes;

AND WHEREAS the transportation policy of the Government of Canada revealed in the House of Commons June 16, 1975, by the then minister of transport, the Hon. Jean Marchand, embodied a new principle to the effect that areas of Canada lacking "real competition" among the various modes of transport will likely benefit from the application of government subsidies;

AND WHEREAS the minister of transport on that occasion did likewise reinforce the "historic role" of transportation in Canada "as an instrument of national purpose and social policy";

NOW THEREFORE, I move that the Commissioner immediately approach the Minister of Transport, the Hon. Otto Lang, armed with the encouragement contained in the former transport minister's statement made in the House of Commons last June and make application for the Northwest Territories to be designated as a "frontier" region and as such subject for consideration for the application of federal subsidies:

(a) on all modes of transport, where such transport is a major transportation mode for goods or persons, and

(b) to reduce costs presently borne by Northwest Territories residents for both personal travel within the Northwest Territories or between Northwest Territories points and southern Canada and the resupply of foodstuffs and domestic requirements of northerners needed to maintain their life style north of 60.

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

MR. BUTTERS: Mr. Speaker, we have heard a great deal in the past two years about rapid increases in the cost of living in every area in the field and the increase in the cost of air transportation has been made known to us very regularly over the past two years. It disturbs me that when the Northern Canada Power Commission recently published new rates there was quite an outcry and such an alarm and yet we seem to have accepted this periodic increase in air rates every six months or so, when it goes up another two or three per cent. What disturbs me is that we are not attempting to encourage the federal government to recognize or accept a new policy. The former minister of transport indicated the policy which seemed to be the policy of the federal government in the house and he recognized that we could not have "an economic system of transportation to service the North, for example, or to service those regions of the country where the population is very thin."

Benefits Of Developing Northern Resources And Activities

The Hon. Mr. Marchand said that and he has also mentioned that the benefits -- it would not be the Canadian taxpayers' dollar going just to a few people in the North but there would be very real and major benefits to all Canadians through the development of an infrastructure to develop northern resources and activities. All I am saying is that it would appear that the federal government has recognized the policy, has accepted the policy but yet in the case of the North has not adopted the policy. Subsidies are currently being paid by the Government of Canada. Subsidies are currently being paid on other modes of transportation besides air. I believe rail, I believe water transportation, yet I understand that there have never been subsidies paid in the North in the matter of air transportation. There are presently subsidies being paid in Labrador and I believe in Newfoundland so that in certain jurisdictions of Canada the federal government, the people of Canada are subsidizing air travel where it is not economic. I can not understand why it has taken so long for the federal government to give the Commissioner a reply to the point raised a year ago to so designate us a "frontier area" and therefore deserving of subsidies of the same nature as received in other jurisdictions.

I just wish to -- Pacific Western Airlines has done everything they possibly can to encourage the government to accept this policy, not for their benefit. All they do is pass on to us the costs that the government levies on them to carry out their operations in the North. PWA is not paying. The ultimate payer or the ultimate -- is the consumer.

Here is one example of increase in costs. This is related to the cost recovery program relative to Resolute Bay. At Resolute Bay the present rate for the commercial area I imagine in the Ministry of Transport airport is 7.6 cents per square foot. The new rates I understand as of July 1st will be 13 cents a square foot and the projected rate for July 1st, 1977 will be 20 cents a square foot. A 54 per cent increase. As I say, these costs are not being paid by the airlines. These costs will be paid by the residents of the Northwest Territories and all this motion is asking is for the Commissioner to go again and remind the federal government that we do meet the criteria for designation as a frontier area for subsidies that the minister outlined in the house on June 16th, 1975.

DEPUTY SPEAKER (Mr. Stewart): Thank you. To the motion? Does anybody wish to speak to the motion?

SOME HON. MEMBERS: Question.

Motion 11-59, Carried

MR. DEPUTY SPEAKER: Question being called. Those in favour? Opposed? The motion is carried.

---Carried

HON. DAVID SEARLE: On a point of order, Mr. Speaker may the record show that I abstained, I refrained from the voting.

MR. DEPUTY SPEAKER: The record will so indicate that Mr. Speaker vacated his chair and refrained from voting.

MR. SPEAKER: Gentlemen, those are all of the motions. Mr. Wah-Shee.

MR. WAH-SHEE: Mr. Speaker, I would like to ask for the unanimous consent of this Assembly to return to Item 6 to allow me to give notice of my motion for tomorrow.

MR. SPEAKER: Unanimous consent requested to return to Item 6. Is there anyone who denies it? Agreed?

---Agreed

REVERT TO ITEM NO. 6: NOTICES OF MOTIONS

Item 6, notices of motions, Mr. Wah-Shee.

Notice Of Motion 17-59: Ten Years Residency To Be Eligible As An Elector

MR. WAH-SHEE: Mr. Speaker, on Wednesday, May 26th, 1976, I would like to give notice of a motion in regard to the ten year residency. Thank you.

MR. SPEAKER: Are there any further notices of motions while we are on Item 6?

Moving on then to Item 9, tabling of documents. Mr. Nickerson.

ITEM NO. 9: TABLING OF DOCUMENTS

MR. NICKERSON: Mr. Speaker, I wish to table the following document: Tabled Document 17-59, Northwest Territories Power Steering Committee, Submission to the Council of the Northwest Territories, Re: Northern Canada Power Commission Organization and Rate Adjustments, May, 1976.

MR. SPEAKER: Thank you. Are there further documents to be tabled?

Moving on to Item 10, continuing consideration in committee of the whole of bills, recommendations to Council and other matters.

ITEM NO. 10: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO COUNCIL AND OTHER MATTERS

What bill do you wish to proceed with, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, may we continue with Bill 9-59, please?

MR. SPEAKER: Legislative Assembly will resolve into committee of the whole for consideration of Bill 9-59 with Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 9-59, Liquor Ordinance with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 9-59, LIQUOR ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to continue the study of Bill 9-59, An Ordinance to Amend the Liquor Ordinance. I understand from the Deputy Chairman that we have concluded discussion on clause 1 and the committee is now at clause 2. I understand that because it has not been translated that we are reading this in section by section.

Clause 2, penalties to individuals. 2(1)"All that portion of subsection 87(1) of the said ordinance that precedes paragraph (a) thereof is repealed and the following substituted therefor: 87(1) Every person, other than an incorporated company, who contravenes any of the provisions of sections 60, 61 or 72 is guilty of an offence and is liable on summary conviction, (2) Section 87 of the said ordinance is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection..."

Is this a typographical error or should that read "(1.1)"? The Legal Advisor informs me that we are in error at the top of page 2. It should read "(2) section 87" instead of "97". Will you make the change and insert 87 in the said ordinance? Then we get down to (1.1): "(1.1) Every person, other than an incorporated company, who contravenes any of the provisions of section 59 is guilty of an offence and is liable on summary conviction, (a) for a first offence, to a fine of not less than \$200 nor more than \$500 or to imprisonment for a term not exceeding four months, or to both; and (b) for a second or subsequent offence, to imprisonment for a term of not less than one month nor more than six months."

Clause 2. Mr. Butters.

Discretion Of The Courts

MR. BUTTERS: Mr. Chairman, I would like to have some advice with regard to this. It seems to me we are restricting the discretion of the court. It strikes me that it becomes just an automatic procedure here and the court may not be able to make the situation fit the offence. I can see in some cases where \$200 might be too much in view of the infraction and maybe sometimes it may not even be enough because the person has been doing it for months. I wonder if we might not leave it more up to the courts rather than by chapter and verse set down as to what we think should be the penalty. The other problem too is that I do not see any reference to diversion because it has not become a legal fact yet but I see no reference yet to diversion there.

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

MR. NICKERSON: Mr. Chairman, the point that Mr. Butters brought up is the identical point that I brought up when this matter was under discussion at the last session of the Legislative Assembly. If I remember correctly, Mr. Chairman, this matter of compulsory sentencing of bootleggers was brought up by Mr. Steen and I objected along the lines given by Mr. Butters that we should allow discretion to the courts and that we should consider this concept of diversion. At that time, Mr. Chairman, I was unsuccessful in trying to put over to the committee my view and the committee's view prevailed that we should have mandatory sentencing of bootleggers as had originally been brought to the attention of the committee by Mr. Steen. Consequently, sir, I thought that I was bound by the decision of the committee and for that reason the standing committee on legislation approved the clause as it now stands. I think that once a matter had been decided by this Assembly, or by the committee, it should not really be dragged up again. I think we have to take notice of what we ourselves decide.

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

MR. STEEN: Mr. Chairman, at least now the public knows that you can go to jail if you are caught the second time. They know it. Before it was not in there, so I think that the thing is in there now and the public will know it and therefore when they commit that crime they know what they are getting into.

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

MR. LAFFERTY: Mr. Chairman, this particular section here I hardly understand in (1). (1) (a), "for a first offence, to a fine of not less than \$200 nor more than \$500 or to imprisonment for a term..." I really do not understand this. I would have to accept the recommendation of the legislation committee that dealt with this but there are other areas that we are speaking of contraventions and making amendments to the Liquor Ordinance here. In some cases it is new. I feel that it should go even further than that, as I know speaking in general terms there are a lot of people who all over the North, for that matter anywhere in the country who are drinking and do seek someone else to drink with and they force people to drink.

Drinking Habits Of N.W.T. People

Usually when they fail to find someone to drink with, these people generally begin to insist that their friends and so on drink with them. I am using these broad words to outline the general drinking habits of the people of the Northwest Territories, as I am quite familiar with them. Generally, the people who are most abused seem to be the native people and seemingly they have the least resistance to this type of pressure. There are many people I know who do not desire to drink or do not wish to drink and want nothing to do with drinking, but for those few who are in the habit or who have developed certain habits, they do push their habits on to others. I have not seen anything in this amendment to the ordinance, and I have looked through the ordinance, but I have not seen any place where there is anything prohibiting such action, actions by those who are privileged to use alcoholic beverages.

Now, native people, particularly women and young men, seem to have the least resistance as many of these people will accept the use of the drug alcohol pushed on to them by those persons who are either addicted or who have developed bad drinking habits. More and more of our younger people are drinking and getting into problems, both at school and at home, and even with the law, while those who are privileged to use alcohol legally are causing a problem and getting away with it. I feel that there should be some sort of control over those who are allowed to use alcohol, whether it be in a licensed place or out in the country so that they do not push their habits -- if they want to kill themselves drinking they have that privilege but they should not push their wishes onto others. In this sense, should anyone be found insisting that someone drink with them or forcing someone to drink, there should be provisions in the ordinance which will give the administration and the police a way to do something about the problem.

Motion That Legislation Committee Draft A Further Addition To Section 87

In that regard I move that the legislation committee draft up a motion dealing principally with these people causing others to drink alcoholic beverages against one's will. I just hauled a young girl over to the hospital here a little while ago, and she spent a week in the hospital because she she was forced to drink, right in my presence, and I have seen this time and time again and it disturbs me a great deal. We have nothing here, we are talking about as I really understand it an incorporated company...

THE CHAIRMAN (Mr. Stewart): Just one moment please, you are confusing the motion, because if you wish to bring up a motion you may bring up a motion but I have not got a definite motion in hand yet. So, if you could give me a copy of your motion and then if you wish to speak to it fine.

MR. LAFFERTY: Yes, Mr. Chairman. I would have to do this on your advice, and make a separate motion. We have a motion on the table right now, sir.

THE CHAIRMAN (Mr. Stewart): As I understood your motion it was to direct the committee to bring forth a further addition to section 87 a clause that would make it an offence to force a person to drink. I do not know how you would ever enforce such a motion but that is what I understand you are wanting to do.

MR. LAFFERTY: I will discuss it with Mr. Nickerson, is that permissible later on?

THE CHAIRMAN (Mr. Stewart): Or the Legal Advisor or both.

MR. LAFFERTY: Fine, thank you.

THE CHAIRMAN (Mr. Stewart): Clause 2, Mr. Steen.

Purchasing Large Quantities Of Liquor

MR. STEEN: Mr. Chairman, I would just like to bring up a point that has not been discussed before and that is individuals purchasing liquor at the government liquor stores. I am wondering what does the committee feel of trying to take hold of this problem of individuals buying three cases of hard liquor, or two cases, or one case at one given time on any given day, and whether or not there should be some restrictions on that because we have this great problem of alcohol abuse in the Northwest Territories and personally I would like to know why one person would want more than one bottle per day, or more than six bottles per week.

THE CHAIRMAN (Mr. Stewart): I suppose the answer to that is that some people have friends.

MR. STEEN: Mr. Chairman, if a number of people want to get together they can buy one and still end up with the same party.

THE CHAIRMAN (Mr. Stewart): Mr. Legal Advisor, do you have a point regarding this section?

LEGAL ADVISOR (Mr. Slaven): Well, Mr. Chairman, it is not so much the section as what Mr. Steen was mentioning, which I take it is rationing the amount that may be purchased at the store and Mr. Robinson or Assistant Commissioner Mullins might want to state what provisions are in the ordinance now for that very thing.

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

MR. ROBINSON: The provisions for implementing rationing in the ordinance right now, they relate to the smaller communities where there are no liquor outlets, you can hold a plebiscite as I mentioned the other day, that is under section 120, and thereby implement rationing in that community. But, under section 120 you can not enforce rationing by means of a plebiscite in an area that already has a liquor store. Now, how you would go about implementing rationing in Hay River or Yellowknife it is not clear, it would require a further amendment to the Liquor Ordinance.

THE CHAIRMAN (Mr. Stewart): I am getting great shakes of the head by the Legal Advisor. Mr. Legal Advisor.

Explanation On Plebiscites

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I will stand corrected, and I do not mind as long as we do not mislead the Legislative Assembly but section 120, subsection (1) provides for plebiscites to determine whether possession, purchase, sale or transfer of liquor should be restricted, and then we say in subsection (2), "No plebiscite shall be held where there is a tavern licence, a cocktail lounge licence, a dining room licence or a dining lounge licence." Now, I had taken it that we could have such a plebiscite where there is a store.

THE CHAIRMAN (Mr. Stewart): It is basically a matter of terminology, but the point raised by Mr. Robinson is still true that the larger municipalities of Yellowknife and the other places having these things could not bring in rationing.

LEGAL ADVISOR (Mr. Slaven): That is correct, Mr. Chairman.

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

MR. BUTTERS: Just to go back, I remember Mr. Nickerson pointing out that this clause was constructed at the direction that was received during the 58th session. This is correct, but I do believe that although a motion was passed at any one session, that does not mean that this body can not change its mind the next time around. A motion is not forever. It is only until the next session. You can not raise the same motion during the same session but you can consider it the next time around.

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

Each Case Must Be Considered Separately

HON. DAVID SEARLE: Mr. Chairman, this business of prescribing minimum punishments, minimum fines, minimum prison terms, is something that every time I have seen it in legislation throughout the last several years I have spoken against. I speak against it in principle. I speak against it because of the experience I have personally had as a lawyer in the courts. You just can not possibly foresee each and every case that is liable to occur, and each and every person, even though he be guilty of bootlegging has to be treated separately, and a punishment that is appropriate to him must be determined by the court in considering his past, and considering his family, and considering how many times he has done this, as well as considering the particular circumstances of each and every separate case.

Now, I know that the minimum punishment section shown here shows a fine of from \$200 to \$500 or imprisonment, and that gives the court some discretion, but there may be cases, as often occur, where a fine less than \$200 would be appropriate for someone and yet, you have bound the court's hands here. Then, when you get to the second, third or fourth offences you have a minimum term of imprisonment of one month, regardless of the man's circumstances, regardless of the devastation it may bring to his family. Now, I will tell you what will happen there, gentlemen, just in case any of you are under any illusions. If there is a case where that minimum punishment would be harsh or unduly cruel to that man the police would charge and only treat it as a first offence. So, in other words, because the courts have made it very clear on the case law, what we call a judge made law, it requires the Crown to give notice prior to the entry of a plea of guilty by anyone of whether or not they intend to proceed by way of subsequent conviction. In other words, if the Crown plans to say to the court, "This man has previously been convicted of bootlegging," the Crown must serve notice on the accused prior to his entry of a plea, and if he does not do it, the court is obliged to treat it as a first offence. So, what the Crown will do in those cases where a minimum imprisonment of one month is too harsh they will just not serve the notice and hence, even though he has had 16 previous convictions of bootlegging he will be treated as a first offence, and that is how it will be gotten around. So, I suppose it is only fair to point that out now, lest you think otherwise will be the case.

Setting Minimum Fines Can Cause Hardships

So, I speak against it in principle and if you feel that you want to show some kind of strength to deter bootleggers, you can go ahead. I do not think fines necessarily do that, and certainly with minimums like this they just end up causing, in many cases, misery and

hardship, and removing the discretion which the court would otherwise have from -- or preventing the court from being merciful when it should and not merciful when it should not. However, I am not going to vote against it, that is the little speech I make every time I see one of these but go ahead and do as you see fit.

THE CHAIRMAN (Mr. Stewart): Thank you. The hour being 4:00 o'clock do I have permission to recess for coffee?

---Agreed

We stand recessed for fifteen minutes.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): I call this committee to order. The Chair recognizes a quorum. The committee is studying Bill 9-59, An Ordinance to Amend the Liquor Ordinance and we are now on clause 2. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I think that the remarks made by the Hon. Member for Yellowknife South very aptly summarize my concerns. I am just wondering whether or not we might get those put into the form of an amendment to this and see just how it runs through, see whether other Members would support such an amendment. I just can not do it myself. I just do not know what to do to the clause which was to give the court discretion.

THE CHAIRMAN (Mr. Stewart): I was wondering, if this is the approach, whether we might try to find out the committee's feeling in this regard, rather than trying to amend it in committee, that we give direction to the Legal Advisor to get the amendment tomorrow properly written. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I guess what I was saying could be achieved simply by removing the minimum punishment in each of the cases but leaving the maximum. In other words, by way of suggestion, "for a first offence, to a fine of not more than \$500 or to imprisonment for a term not exceeding four months, or to both".

A Second Offence

THE CHAIRMAN (Mr. Stewart): What do you do with the second, (b)?

HON. DAVID SEARLE: "(b) for a second or subsequent offence, to imprisonment for a term of not more than six months", or some wording like that. In other words, by indicating the greater maximums you indicate the seriousness with which the Legislature regards subsequent offences but you do not tie the court's hands to give the minimum.

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, as the ordinance presently reads now it is exactly as Hon. David Searle has suggested. For a first offence a fine not exceeding \$500 or imprisonment for a term not exceeding four months, or to both. And for a second or subsequent offence, for a fine not exceeding \$1000 or imprisonment for a term not exceeding 12 months or to both. If you want to do away with the minimums, then you would simply defeat that portion of clause 2, I suggest.

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

MR. BUTTERS: Mr. Chairman, I do not think that is correct for (2). I think (2) is a mandatory jail term.

LEGAL ADVISOR (Mr. Slaven): In the proposed amendment it is a mandatory jail term but what I was explaining is the way the ordinance presently reads without this amendment. In other words, the ordinance already reads almost exactly as Mr. Searle outlined and if you want to leave it at that, then you would simply not enact clause 2.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson, did I see your hand?

MR. PEARSON: Mr. Chairman, I would suggest that we increase the minimum. In other words, we double the maximum and make it very high. One thousand dollars or \$1500. We are talking about people who make a hell of a lot of money and they are in the business for making money and one way of nailing them would be to hit them in the pocket, and make the thing really mean something. Make the thing really hurt. Five hundred dollars, they carry that in their pocket for change.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: Hit him, hit him with \$1000 or \$1500.

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

HON. DAVID SEARLE: I have been thinking Members' attention might be directed for a moment to the existing subsections where they will see what we have got currently. Once you forget the minimums, they are pretty hefty maximums. Section 87(1) (a) and (b) which say "For a first offence to a fine not exceeding \$500 or to imprisonment for a term not exceeding four months, or both; and (b) for a second or subsequent offence, to a fine not exceeding \$1000 or to imprisonment for a term not exceeding 12 months or both." That is what we presently have.

MR. PEARSON: Mr. Chairman, I think that, as I said, again I repeat that \$500 is not what I would consider a lot of money and a stiff enough penalty. If we really went after them and Mr. Steen proposed a mandatory jail sentence which was amended, for the first offence, was amended to the second offence. If the maximums were set much higher, it would act as an even greater deterrent.

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

Concerning Fines

MR. PUDLUK: Mr. Chairman, I agree with Mr. Pearson because I have had a lot of experience on fining people in the North instead of putting them in jail. I have seen quite often it happens when the person is fined for \$500 he is a kid 20 to 21 years old with no job and he will go to his father and say "I have to pay the fine of \$500. I have only got 14 days to pay this fine. Otherwise I will go to jail." His father will have to make a carving to pay his fine. Fining the people in the North from the High Arctic, which is the only place I know, is not very good because the parents, I mean the family are too close together to help each other. His father had to make some money to pay one of his family's fine. Thank you.

Motion To Set Minimum At \$1000

THE CHAIRMAN (Mr. Stewart): Thank you. What is this committee's direction in this regard? Mr. Pearson.

MR. PEARSON: I move, Mr. Chairman, that the minimum be set to \$1000.

THE CHAIRMAN (Mr. Stewart): How much?

MR. PEARSON: One thousand dollars. That is the maximum.

THE CHAIRMAN (Mr. Stewart): That is the maximum fine?

MR. PEARSON: Yes.

THE CHAIRMAN (Mr. Stewart): Is that based on the assumption that you are deleting the minimum and just leaving a maximum?

MR. PEARSON: Yes, that is correct.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor for paragraph (a) "for a first offense, to a fine not exceeding \$1000 or to imprisonment for a term not exceeding four months, or to both." Is that correct, Mr. Pearson? To the motion. Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, we reacted to Legislative Assembly's motion of a compulsory jail sentence for bootleggers on second and subsequent offences. As one Member pointed out to me Friday, possibly we should have also increased the penalty for supplying liquor to minors. You will note the effect of clause 2 is that section 59, bootlegging, used to have the same penalty as section 60, supplying to minors, section 61, supplying liquor to interdicted persons and section 72, selling in a licensed premise to a person who is already intoxicated and certain other things, having minors on the premises. The penalty for bootlegging was considered to be of the same seriousness as supplying to minors, interdicted persons and in premises to minors or to intoxicated persons. Is it the wish of this committee that we only increase the bootlegging penalty for inflation, if you wish, and not the others? I may say in clause 3 we increase the general penalty very substantially from \$100 to \$500 for persons, from \$200 to \$1000 for corporations, that is the less serious penalties. Is it your wish that we single out bootlegging or should we put in the penalties in the motion for the other three serious offences?

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Legal Advisor. That is what I meant when I suggested it should be turned over and looked at and brought back because if we make these amendments at the floor and substantially change something it affects something down the line or can do. To the motion. I have a motion on the floor. To the motion.

MR. STEEN: Mr. Chairman, just a question to ask the Legal Advisor or you yourself perhaps about what the Legal Advisor has said, we are not speaking to this now? He asked if the offence should be the same supplying minors and the same as bootlegging. Could I speak on what the Legal Advisor said?

THE CHAIRMAN (Mr. Stewart): Basically we have a motion on the floor and we are limited basically to speaking the motion. Hon. David Searle.

Refer To Legislation Committee

HON. DAVID SEARLE: Mr. Chairman, I would like to preface what I am going to say by saying that I certainly mean no disrespect to Mr. Pearson when I make the suggestion that here in this committee of the whole should we not simply say remove the minimums, increase the maximums and refer it back to the standing committee on legislation to consider what the maximum should be and to consider what sections should come along with consequential amendments? Otherwise we can sit here for the next week arguing the detail and it is just a difference of individual judgment as to whether it should be \$1000, \$1500 or \$2000. So my suggestion is that we simply give the policy guidelines, that the minimums be removed and the maximums increased and leave it up to our standing committee on legislation to come back with a polished bill which has their judgment as to what the amount should be.

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

MR. PEARSON: Mr. Chairman, I am rather reluctant to turn over any further legislation to the legislation committee. I think that we can decide here. I think the Hon. David Searle has a good point, remove the minimums and increase the maximums should be at the direction of the Legislative Assembly and it should not be our responsibility to cross the t's and dot the i's. I do not think we should be into that. I do think in this case there should be an increase. I do not think this bill should go back to the legislation committee. We have to get the damned thing through and get assent to it and get it enacted, get it into force.

Motion Withdrawn

So, I would be quite prepared to withdraw my motion on the basis that we increase the maximums as proposed by the Hon. David Searle, providing that we keep going and get the thing in and get assent to it and let us get the bill in force. By sending it back to committee God knows when we will see it again. So, please, Mr. Chairman, if you will agree I will withdraw the motion on that basis. I will make you a deal.

Motion To Increase Maximums And Delete Minimums

THE CHAIRMAN (Mr. Stewart): I understand you are prepared to withdraw your motion and substitute it with a motion that the maximums be increased and the minimums be deleted, is that correct?

MR. PEARSON: That is correct, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): The chairman of the legislative committee, do you feel you could have this back for this session?

MR. NICKERSON: Yes, Mr. Chairman, the next meeting of the standing committee on legislation is tomorrow night and we could have it ready, we would deal with it at that time and it would be ready for committee of the whole the following day.

THE CHAIRMAN (Mr. Stewart): Thank you. Does this meet your deal, Mr. Pearson?

MR. PEARSON: I will accept that as part of the deal.

Motion Carried.

THE CHAIRMAN (Mr. Stewart): Then, on the motion to raise the maximums and delete the minimums, are we agreed? All those in favour, a show of hands? Opposed? The motion is carried. So, we will set aside clause 2. Now, clause 3, and again we are dealing with money. Are we back into the same situation here? Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I did not really understand which particular clause we were talking about. Are we talking about criminal records or the Liquor Ordinance, what specifically are we talking of?

THE CHAIRMAN (Mr. Stewart): We are dealing with the fine for bootlegging. We are dealing with clause 3 where it says: "Section 89 of the said ordinance is repealed and the following substituted therefor: 89(1) Every person, other than an incorporated company, who contravenes any provision of this ordinance or the regulations for which no other penalty is provided in this ordinance is guilty of an offence and liable, on summary conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 30 days or to both."

Now, there is the next clause, which is subsection (2): "Every incorporated company that contravenes any provision of this ordinance or the regulations for which no other penalty is provided in this ordinance is guilty of an offence and liable, on summary conviction, to a fine not exceeding \$1000."

You will note there are three spelling corrections or typographical errors. Clause 3, is it agreed? Mr. Butters.

MR. BUTTERS: With respect, sir, I think that on the next page, in subsection (2) I think that should be looked at again in light of the motion just passed, and the discussion on the other section.

THE CHAIRMAN (Mr. Stewart): You are suggesting that the figure should be raised?

MR. BUTTERS: If you are looking at bootleggers, and I may have missed the point here, but if it is a company that is bootlegging such as a cab company then \$1000 is a drop in the bucket.

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

MR. PEARSON: I just wanted to explain that the legislation committee will decide on the amounts. It is just the principle that we approved.

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

Contravention Of The Ordinance

HON. ARNOLD McCALLUM: I think that the proposed clause 3 deals in both subsections (1) and (2), both of them deal with contravention for which there has been no penalty, specifically named, and the standing committee in going through these -- at least that was the way I understood it at the time, that the proposed number (2) dealt specifically with bootleggers and this one dealt with an individual or corporation who contravened the ordinance for which there was no penalty provided. Is that a wrong assumption on my part?

THE CHAIRMAN (Mr. Stewart): That is the way I read it. Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, there presently are penalties and they are shown on the explanatory notes facing that page. This is for the minor offences and we have increased the maximum for a person from \$100 to \$500 and increased the maximum for a corporation from \$200 to \$1000. Mr. Butters mentioned corporation bootlegging and the penalties now, and it has not been proposed that they be changed, but if for an incorporated company who was convicted of bootlegging, for a first offence and conviction for \$2000 and for subsequent offences the amount of \$6000.

THE CHAIRMAN (Mr. Stewart): Is clause 3 agreed?

---Agreed

No Licences Without A Plebiscite

Clause 4, no liquor stores or licences without a plebiscite. Clause 4 reads: "Section 109 of the said ordinance is repealed and the following substituted therefor: 109. Subject to section 110, the board shall not recommend the opening of any liquor store or grant any licence in any settlement or area without first, by means of a plebiscite, obtaining the approval of at least 60 per cent of the votes cast by the qualified voters." Now, clause 4. Mr. Pearson.

MR. PEARSON: Mr. Chairman, the matter before us is one of great concern to me and to many people across the territories, this question of the 60 per cent. I would propose that that be a simple majority. Having elections for the Legislative Assembly, for the Government of Canada, for the Prime Minister, etc., etc., with simple majorities I do not see why it should not apply in cases relating to the opening, or rather the closing of a liquor store or any other matter under the Liquor Ordinance, or any other ordinance for that matter, where a plebiscite is used.

THE CHAIRMAN (Mr. Stewart): Are you doing so by motion?

MR. PEARSON: I did not want to make a motion immediately, perhaps some other people have comments.

THE CHAIRMAN (Mr. Stewart): Mr. Wah-Shee.

Motion To Have A Simple Majority

MR. WAH-SHEE: Mr. Chairman, I agree with the Hon. Member from Baffin, mainly because of the fact that it makes it easier for those people who want liquor in their communities, and it makes it that much more difficult to keep liquor out of the communities if that is the desire of the people. So, I would agree with a simple majority instead of having 60 per cent of the votes cast by the qualified voters and I would be prepared to make that motion.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle, to the motion.

HON. DAVID SEARLE: To the motion, Mr. Chairman. I was thinking that I recall this matter being debated on one occasion before, and I think there has been some logic behind the 60 per cent. I suppose it is too bad we did not ask Mr. Robinson for it, but at the risk of

being in error may I give what was my understanding of the logic behind it and that was to create an air of certainty. First of all the 60 per cent is not required to remove certain licences but it is required as well before you get licences permitted. In other words if you call a plebiscite in an area that presently has no licences you have to have 60 per cent that says yes to particular forms of licences so there is a certain amount of certainty and stability and so that people will make the kind of investments we want them to make in appropriate first class facilities. Similarly it then requires a 60 per cent to remove that class of licence, and as I understand it that was the reasoning behind it. Now, if I am permitted to ask Mr. Robinson a question I would like to ask him whether or not I am in error in what I have said.

MR. ROBINSON: You are correct, Mr. Chairman.

HON. DAVID SEARLE: So, if you reduce it to a simple majority you do I suppose run the risk -- a simple majority after all goes either way and I suppose it could go either way very quickly. You could get a particular licence, say a cocktail lounge licence authorized in a particular settlement, by virtually one vote, and within the minimum period of time a plebiscite taken to do away with it, so obviously whoever applied for and received the licence would not safely make very much of an investment. So, you would have a badly built, badly furnished, badly run licensed premise and that is the logic. If you realize that that is what you are going to do, if you want to go ahead and do it, fine.

THE CHAIRMAN (Mr. Stewart): Hon. Peter Ernerk, to the motion.

HON. PETER ERNERK: Mr. Chairman, I was just going to remind Mr. Pearson that I think he has gone too fast and looked at the wrong clause and really he was supposed to speak on clause 6. So, I just wanted to let you know that perhaps when we get to clause 6 we could have some discussion on this, on the business of a simple majority type of thing.

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

MR. PEARSON: I think Hon. Peter Ernerk has put the record right. I made a mistake, Mr. Chairman, I was on the wrong page and, in the case of clause 4, dealing with clause 4, I must watch myself. I think clause 4 is adequate and that 60 per cent is a reasonable number of clause 4. I agree entirely with Hon. David Searle, he is entirely right.

THE CHAIRMAN (Mr. Stewart): It has been my observation that you need watching too, Mr. Pearson. Mr. Wah-Shee, to the motion.

Motion Withdrawn.

MR. WAH-SHEE: I would like to withdraw the motion. After having the section clarified I agree with the clause as it is, thank you.

THE CHAIRMAN (Mr. Stewart): One motion just withdrawn. Hon. David Searle. Clause 4.

HON. DAVID SEARLE: I suspect, Mr. Chairman, we are in the position where Mr. Pearson agrees that 60 per cent to open a licensed premise or liquor store is adequate but we should have 51 per cent to close it?

THE CHAIRMAN (Mr. Stewart): We have not got that far but that is my assumption.

HON. DAVID SEARLE: To clause 4 I agree.

THE CHAIRMAN (Mr. Stewart): On clause 4, are we agreed?

---Agreed

Petition For Plebiscite

Clause 5, petition for plebiscite: "Section 113 of the said ordinance is repealed and the following substituted therefor: 113. Where a petition is presented to the board requesting it to hold a plebiscite, signed by at least 20 per cent of the qualified voters of the settlement or area, the board shall submit an appropriate question or questions to the qualified voters that will, in its opinion, ascertain their wishes respecting the public sale of liquor therein." Clause 5. Mr. Nickerson.

Motion To Remove The Words "Qualified Voters"

MR. NICKERSON: Mr. Chairman, for technical reasons the committee recommends, and the administration accepts that the words "qualified voters" where they occur in the third line in section 113 be removed and replaced with the words "persons resident" and the reason for this being that when the petition is taken there is no date set for the plebiscite and therefore the definition of qualified voters as contained in clause 1 just will not make any sense.

THE CHAIRMAN (Mr. Stewart): Then you are suggesting an amendment to remove "the qualified voters" and replacing it with "persons resident"?

MR. NICKERSON: In the first instance.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

HON. ARNOLD McCALLUM: That should in fact read "persons resident in".

MR. PEARSON: No, no, no.

THE CHAIRMAN (Mr. Stewart): Agreed, Mr. Nickerson?

MR. NICKERSON: I would now agree. It would read as follows "Where a petition is presented to the board requesting it to hold a plebiscite, signed by at least 20 per cent of the persons resident in a settlement or area..." etc, etc.

THE CHAIRMAN (Mr. Stewart): Correct. Agreed?

---Agreed

Clause 5 as amended. Agreed?

---Agreed

Closure Of Liquor Store

Clause 6, close liquor store where 60 per cent opposed. "Section 116 of the said ordinance is repealed and the following substituted therefor: 116. Where a liquor store is located in a settlement or area in which a plebiscite has been held and at least 60 per cent of the votes cast are against the sale of liquor through that liquor store, the Commissioner shall forthwith order that the store be closed." Mr. Wah-Shee.

MR. WAH-SHEE: I just want to ask the question of Mr. Robinson in regard to clause 5, section 113. Why did they choose the 20 per cent? Could I have some explanation on that, please?

THE CHAIRMAN (Mr. Stewart): The Chair will be lenient because we have already passed that but I will allow the question.

MR. ROBINSON: Mr. Chairman, I do not really know why the figure of 20 per cent was determined by this house. It has been in the ordinance for as long as I can remember. When we get to another section, 120, you will see it relates to 20 people but I really do not know the background for the 20 per cent. It is just a fair number of the people who are qualified to vote.

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

MR. PEARSON: I understand that that figure of 20 qualified voters is pretty standard throughout the Municipal Ordinance and many other ordinances where petitions are called or referendums are called, is that not the case?

HON. DAVID SEARLE: I would think that the figure of 20 per cent is in there solely for the purpose of making sure that before you put all of this into process and have a plebiscite the expense of it, that you are satisfied that there is a substantial body of people in the settlement who are of the view that the facility should be closed. Otherwise, if you have 20 people instead of 20 per cent, you just need to have a particular religious sect active in a settlement with a congregation of 21 and you have got a petition for the closure of every liquor facility. They can put the settlement through that whole process needlessly. This is why you have to come up with a petition of 20 per cent I think.

In most settlements that is not a tough job. It may be a pretty tough job in a place like Yellowknife. Twenty per cent would obviously be about 1500 names, I should think you might have to come up with, but for the small settlements I should not think that is an unreasonable requirement.

THE CHAIRMAN (Mr. Stewart): Can we go back to clause 6 now? Mr. Lyall.

Cambridge Bay Plebiscite

MR. LYALL: Mr. Chairman, just a general comment. Does that mean to say that the names that we had for the Cambridge Bay plebiscite were not sufficient and actually you need 60 more names on the petition before you could hold a plebiscite? You had 62 I think and 20 per cent of the voters of Cambridge Bay is about 129.

MR. ROBINSON: We do not have the figures on the voters list here and I would have to check my file. I recall it was the board which ordered the Cambridge Bay plebiscite. There had been a petition some years ago and we got some inquiries there about accepting an application for a commercial licence. Before proceeding with getting the wishes of the residents by means of advertising, the board thought they had better order a plebiscite which is the prerogative of the board. We are going to hold a plebiscite.

THE CHAIRMAN (Mr. Stewart): Thank you. Can we get back to clause 6 now? To clause 6, are we agreed?

MR. PEARSON: Mr. Chairman, I have got my hand up. Please.

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

Motion To Change The Percentage From 60 To 51

MR. PEARSON: Thank you, Mr. Chairman. On clause 6 I move that where a liquor store is located in a settlement or area in which a plebiscite has been held and at least 60 per cent of the votes cast are against the sale of liquor through that liquor store, I move that that figure be 51 per cent, not 60 per cent.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor changing the percentage from 60 to 51. To the motion. Hon. Peter Ernerk.

Motion Amended

HON. PETER ERNERK: Mr. Chairman, can I add to that, if it makes any sense, could it read "51 per cent or a simple majority"? To me a simple majority would seem to be more acceptable rather than just 51 per cent.

THE CHAIRMAN (Mr. Stewart): You are amending the amendment to read "simple majority"?

HON. PETER ERNERK: Yes.

THE CHAIRMAN (Mr. Stewart): The amendment to the amendment, as I understand it, would then read "in which a plebiscite has been held and a simple majority of the votes cast". Is that correct, Hon. Peter Ernerk?

HON. PETER ERNERK: Yes, it is, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Discussion. Mr. Steen.

MR. STEEN: To the amendment, Mr. Chairman, I think it is a good way to put it in case some of these people can not understand what 51 per cent is.

THE CHAIRMAN (Mr. Stewart): Thank you. I was wondering, Mr. Pearson, in view of this are you prepared to withdraw your original motion? I think you are getting at the same thing.

MR. PEARSON: I am agreed to withdraw it, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. The amendment then just reads "simple majority".

Motion Further Amended

MR. NICKERSON: On a technicality I do not think the word "simple" is required, just the word "majority".

THE CHAIRMAN (Mr. Stewart): There are times when "simple" seems to be appropriate around here. The point properly is well taken. Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman, the point is very properly taken.

THE CHAIRMAN (Mr. Stewart): The advice of the Legal Advisor is -- it is quite all right to drop the word "simple". Is that all right with the mover?

HON. PETER ERNERK: Yes, Mr. Chairman.

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

MR. BUTTERS: Just to say that I would see that there could develop in small communities a very strange situation over a period of years because I believe that once a vote such as this has been taken no other vote can be taken again for a period of three years. In the event many people are out of the community when the vote is taken I can see where you had a turnout of 35 per cent of the voters that 18 per cent of the eligible voters could carry this, 18 per cent of the people turning out to the polls could carry this so that you have a very small minority of people who could turn a settlement dry. I foresee that it could be an area of stresses and strains.

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

MR. STEEN: Mr. Chairman, I do not think anybody who likes drinking will let that happen.

THE CHAIRMAN (Mr. Stewart): The question is being called. Is there any further discussion to the amendment?

Government Operated Liquor Stores.

MR. NICKERSON: I wonder if I could ask a question of the witnesses in this regard. Would we be correct in assuming here that clause 6 applies only in respect to government operated liquor stores or would it apply in a case where private investors have had to put in a considerable sum of money to build these facilities? If the former is the case, then I would support the motion in that it is only the taxpayers who suffer, as bad as that might be. If somebody had spent a considerable sum of money in building and opening a liquor store and a few months later they were told to tear it down again, then I think it would be a very different proposition.

THE CHAIRMAN (Mr. Stewart): Do you have a comment?

ASSISTANT COMMISSIONER MULLINS: That applies to private premises as well as government operated liquor stores.

THE CHAIRMAN (Mr. Stewart): Then it would apply to any liquor store whether it be government owned or privately.

MR. NICKERSON: I wonder, Mr. Chairman, if we could be told what the situation is at present in the smaller settlements to which the section would apply. If it is a liquor agency such as a general merchandise store that just gets in a few cases of beer or something, again that would not be too bad but if it is a case such as the liquor store in Yellowknife where that is the main source of business, then again it would be a different case.

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

MR. ROBINSON: Each agency is operating under a different contract. We have one with a ten year contract to sell liquor. All our agencies are selling liquor and nothing else. There are no sort of general stores with liquor as a sideline. I would suggest it would be a matter for the legal people to decide what compensation would have to be paid but when you have a ten year contract or a five year contract to sell liquor in that community I should think they have recourse to some repayment if you closed them.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I wonder if I may ask, of the liquor outlets, that is, the government operated or private, I really do not know how many there are. Could I ask Mr. Robinson exactly how many there are? How many are government and how many are private?

MR. ROBINSON: Maybe I should just run down them. The government operated stores are Yellowknife, Hay River, Inuvik, Norman Wells and Frobisher Bay. The agencies are Fort Smith, Fort Simpson, Pine Point, Canada Tungsten, Cambridge Bay, Rankin Inlet and Fort McPherson. I am sorry, we have both in Yellowknife, we have our warehouse, a government operated warehouse and the privately operated agency for sales to the public.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Wah-Shee, did you wish to speak?

MR. WAH-SHEE: No, I think the answer has been given, thank you.

Motion Carried As Amended

THE CHAIRMAN (Mr. Stewart): The question has been called. Do you wish the question? All those in favour of the amendment, and the clause is amended with the phrase "majority" replacing "60 per cent". Those in favour? Six. Opposed? Five. The motion is carried.

---Carried

Plebiscite

Clause 7, plebiscite: "7(1) Subsection 120(1) of the said ordinance is repealed and the following substituted therefor: 120(1) Notwithstanding any provision of this ordinance, where at least 20 qualified voters in a settlement or area petition the Commissioner to hold a plebiscite to determine whether the possession, purchase, sale or transport of liquor ought to be restricted or prohibited in the settlement or area, the Commissioner may order that a plebiscite be held to determine the wishes of the qualified voters of the settlement or area."

MR. NICKERSON: Mr. Chairman, under subclause (1) the same applies here as did in clause 5 in that it should read "notwithstanding any provision of this ordinance where at least 20 qualified voters" that should be replaced by "persons resident".

THE CHAIRMAN (Mr. Stewart): "Persons resident" rather than "qualified voters". "(2) Subsection 120(3) of the said ordinance is repealed and the following substituted therefor: '(3) A petition presented to the Commissioner pursuant to subsection (1) shall indicate the nature of the restriction or prohibition upon which it is desired to ascertain the wishes of the qualified voters at a plebiscite.'

"(3) Subsections 120(5) and (6) of the said ordinance are repealed and the following substituted therefor: '(5) Where a plebiscite under subsection (1) at least 60 per cent of the votes cast by the qualified voters of the settlement or area indicates that the possession, purchase, sale or transport of liquor ought to be restricted or prohibited in the settlement or area, the Commissioner shall declare the settlement or area a restricted or prohibited area. (6) When a settlement or area has been declared a restricted or prohibited area the Commissioner shall make regulations to carry into effect the result of the plebiscite and may prescribe the penalties that may be imposed for violations of the regulations.'" Clause 7.
Hon. David Searle.

Concerning Prohibition

HON. DAVID SEARLE: Well, here we are full circle again, Mr. Chairman. It does not seem very long ago we had the debate about whether or not we should permit liquor and its use to be restricted or whether we should permit prohibition. The debate concluded with the direction that only the restriction of the sale, only the restriction of the use, only the restriction of possession could be done, not prohibition. Now, here we are back again with an amendment that clearly and simply would permit prohibition in effect, to be brought into certain areas. Now, it seems to me you have to decide whether or not you think that prohibition can be effective, even on a limited basis, that is, in a limited area, and whether you think that the majority should be able -- I am not talking about the majority of native people as opposed to a minority of whites either, forget that for a moment -- I am talking about a majority of whoever is living in the settlement being able to decide that the minority of even their own people who presumably can handle liquor should, notwithstanding that, be prohibited from its consumption, possession or use.

Is this something which in this day and age we should permit the majority to do because it would only be brought in if there was a majority. Should we in this day and age permit prohibition? I took the view last time that we should not, I continue frankly to be of that view. However, I think that is the thing that is at issue here, and I would like to hear from those persons who support prohibition as a practical analysis, and I would like to know their reasoning for it.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Wah-Shee, you indicated you wanted to speak to clause 7?

MR. WAH-SHEE: Yes, Mr. Chairman. I would be prepared to support prohibition. I believe that the responsibility of this Legislative Assembly should be to provide various alternatives to the people in the communities on which they can vote. I feel that if the Legislative Assembly does not consider prohibition then we are limiting the alternatives upon which the communities can decide for themselves.

MR. PEARSON: Hear, hear!

MR. WAH-SHEE: All we are doing is allowing the communities to decide what restrictions we should impose on the distribution of liquor. I feel that we should allow the communities to decide this for themselves. I do not think that we should limit the options for the communities. If they do not want liquor then they should be given the opportunity to vote on that question. I feel that we should not be limiting the alternatives but rather proposing various alternatives, even if it means prohibition. Thank you.

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

MR. LYALL: Mr. Chairman, I know that in my constituency that Pelly Bay, for instance, wanted to prohibit liquor out of the community and liquor has not been that big a problem yet in Pelly Bay, but the people realize that it has been a problem area in some of the other settlements. Actually I know that they have played a big part in this ordinance being changed. I know that if they wanted to prohibit liquor from Pelly Bay that they should be able to because, as I say, they have not had a problem with it before. Cambridge Bay, I do not think, when I was at the meeting where they were talking prohibition, that they were asking for restrictions. I think that having this piece of legislation the way it stands, they fully understand, I suspect, they are not going to be able to vote for three years on it again, so I think I would support the clause we are talking about at present.

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

The Trials Of Prohibition

MR. LAFFERTY: Speaking to the motion. I never believed in prohibition, as I had had knowledge of much of the past regulations that dealt with something of that nature, I have always been of the opinion that regulations, or maybe controls are some of the answers but seemingly in my constituency there are greater and greater viewpoints being expressed -- or I should say viewpoints and concerns being expressed as to the trials of prohibition. I do not think much of what we are doing here is going to result in preventing the abuse of alcohol. I do not believe that stiffer fines and all these things will prevent individuals from drinking. I do not think that we are really looking at the over-all habits of those people with whom we are concerned. I think I would be in favour of temporary prohibition, even if we tried it for a year, to give people time to see and think and get the chance to look at themselves in a sober environment. I think that many of us are refusing to recognize the problem that is stemming from ourselves as individual members of our community and blaming alcohol, which is merely a substance you can swim in and do not have to drink.

I feel that if people are irresponsible in their own conduct then they must be regulated. I am quite certain that I would never walk up to a drunk and ask him what he wants, prohibition or restrictions because chances are he is going to tell me that he would rather take restrictions, and the chances are he is going to be an alcoholic. The chances are he is going to be a person who is mostly affected and chances are he is going to be a boozer. As you see our society in the North here, 90 per cent of the people in the North are boozers. I think it would be impossible to go back to them and say, "Well, do you want prohibition, do you want restrictions". We are in a dilemma.

Responsibility Is Great

I think the answer to many of these questions and problem are really very simple, how do we as individual Members of this Legislative Assembly see ourselves on the use and regulation of alcohol? How do we apply this to ourselves? Do we sit here as legislators making decisions and walk out of here and go back to the beer parlor, or do we go to a cocktail lounge or our homes and offer each other drinks? The responsibility towards the people is great, because you are not dealing here with simple things, you are dealing with a large number of people, and with the education of people, and the future leaders of this country. I personally think that we are using alcohol as an excuse in our inability and failure to recognize a fact of our society in fooling ourselves by attempting to control by simply saying let us put restrictions here and there.

I would support a motion for total prohibition on a trial period, up to a period of two years but before that let us stop and seriously consider the lives that are dependent on the decision that we are coming to. Perhaps we should have tighter individual control on the individual drinker. That is where the problem is. As I indicated to you earlier, there are people running around disturbing the neighborhood at all hours of the night seeking a place to party. That is not a group of people or a whole community but rather individuals and in some instances they scare the heck out of their neighbours if they are let in. I do not care if it is an Eskimo or an Indian or a white man -- they are all the bloody same when they are drunk. Of course, the police can not do anything about these things and there are many complaints filed with the police that I know of but they can not do anything because there is no ordinance.

The Result Of The Abuse Of Alcohol

I refer you back to page 3 where it says "Wherever there is no appropriate legislation a judge or magistrate or anyone, a justice of the peace can impose a fine". That is what it boils down to, \$10 or \$5. It does not mean anything. I do not think we are getting down to the root of the problem. We need more than regulating bootleggers or fining big fines. We need to look at the individual person who abuses and uses alcohol and he goes around imposing his habits on others. It has got so bad in some communities that people are afraid to complain because they are being threatened. If the Indian people in this country denounce me for saying such as I am saying, they are not any better than anyone

else. They are beginning to tell each other off and they are afraid to file a complaint with the police simply because they are being threatened from within their own community. There are many instances where people are getting crippled up, being beaten up and there are no complaints. That is the result of the abuse of alcohol.

Then there are people who prefer to drink nothing but shaving lotion, hair spray and so on. We have all kinds of liquor outlets available and I have seen people sitting down there a little way in the community drinking hair spray just the other day, a bottle of wine and a bottle of hair spray. One guy preferred to drink hair spray and he smelled good. I regard this type of thing as a crisis.

I will prepare a motion sometime this evening because this will no doubt come back on the order paper tomorrow, dealing specifically with some matters but I am in favour of a prohibition rule if there is such a man who has the courage to go ahead and move that way. Thank you.

THE CHAIRMAN (Mr. Stewart): I have a list of three speakers. The hour is now 5:30 p.m. Shall I report progress?

MR. BUTTERS: Progress.

MR. SPEAKER: Mr. Stewart.

Report of the Committee of the Whole of Bill 9-59, Liquor Ordinance.

MR. STEWART: Mr. Speaker, your committee has been studying Bill 9-59, An Ordinance to Amend the Liquor Ordinance, and wishes to report progress at this time.

MR. SPEAKER: Thank you. Are there any announcements? Mr. Pearson.

MR. PEARSON: Mr. Speaker, with all due respect what is the procedure to enable this Legislative Assembly to sit evening sessions? I wonder if it is within the realm of possibility that we could sit tonight or at least tomorrow night?

MR. SPEAKER: Do you have a different point, Mr. Butters?

MR. BUTTERS: No, sir.

MR. SPEAKER: Same point?

MR. BUTTERS: Just about. I was going to ask that we return to notices of motion which would permit us to sit on Thursday morning from 9:00 a.m. until 2:30 p.m. Hopefully that would meet the problem that the Member foresees.

MR. SPEAKER: Are there any standing committee meetings or other committee meetings scheduled for Thursday morning? No? That would certainly be one way to achieve it, to have a full day Thursday. What you have to do if you want to change the sittings is simply prepare a motion indicating in it what you would like them to be and submit it. You could give notice of it today if you have your mind made up what hours you wanted by returning to notices of motion and give notice of it. You can move it tomorrow. Or, if you think you could get unanimous consent, you could leave it until tomorrow and ask to move it tomorrow after you have given notice under notices of motion. That is the way to do it, but I would think that whoever undertakes the task would want to know that the Members generally support the concept of sitting later. I take it, Mr. Pearson, you have concluded that unless we sit nights we are not going to get the work of this house done?

MR. PEARSON: That is correct, Mr. Speaker. I thought this evening would be very apropos but I am not familiar with the rules sufficiently well to be able to produce a juicy document but certainly tomorrow evening, Wednesday night, could be a productive night.

MR. SPEAKER: Mr. Butters.

MR. BUTTERS: I believe the Hon. Member has to get his motion to extend the rules in any one day prior to 4:30 p.m. on that day and it is already past 4:30 p.m.

MR. SPEAKER: That is right. That is what the rules require. If you want to extend the hours of today you have to do so before the day is gone. Mr. Lyall.

MR. LYALL: Mr. Speaker, I think we have got a legislative committee meeting tomorrow evening.

MR. SPEAKER: Yes. Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, I think it would be fine to sit Thursday evening rather than -- a full day Thursday rather than a couple of hours every other evening.

MR. SPEAKER: Is there general agreement to have a full day Thursday?

---Agreed

MR. SPEAKER: Mr. Butters, do you agree?

MR. BUTTERS: I agree, sir.

MR. SPEAKER: In that case, can I suggest that the Deputy Speaker give notice -- we return to notices of motions, Item 6 and he give notice now to introduce such a motion tomorrow extending or altering the hours of sitting for Thursday to start at 9:00 a.m. and then submit the motion tomorrow. That would give the necessary compliance. How does that sound, Mr. Stewart? Mr. Butters, you can do it if you wish.

MR. STEWART: Mr. Speaker, do I have unanimous consent to go back to Item 6?

MR. SPEAKER: Unanimous consent requested to return to Item 6. Agreed?

---Agreed

REVERT TO ITEM NO. 6: NOTICES OF MOTIONS

Notice Of Motion 18-59: Extension Of Sitting Hours

MR. STEWART: I propose tomorrow morning to bring in a motion to arrange the extension of hours to meet the deadline of Friday.

MR. SPEAKER: That is like passing the buck!

MR. STEWART: With all due respect we might want to sit Thursday night and we might want to sit Friday night. If we get motion for it, it will be at the discretion of the people who know what work is before us.

MR. SPEAKER: I will try to get consensus of Members on that. Any other announcements? Orders of the day, Mr. Clerk.

ITEM NO. 11: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, 9:00 a.m. o'clock, May 26, 1976, at the Explorer Hotel.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Petitions
5. Reports of Standing and Special Committees
6. Notices of Motions
7. Motions for the Production of Papers
8. Motions
9. Tabling of Documents
10. First Reading of Bills: Bill 10-59
11. Continuing Consideration in Committee of the Whole of Bills, Recommendations to Council and Other Matters: 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; Motions 3-59, 4-59, 5-59, 9-59, 10-59; Inuit Tapirisat of Canada Land Claim Proposal "Nunavut"; Tabled Document 15-59, Dr. Ward's Analysis of "Nunavut", and Information Items 4-59, 5-59, 12-59, 16-59, 18-59, and 24-59

12. Orders of the Day

MR. SPEAKER: This Legislature stands adjourned until 9:00 o'clock a.m., the 26th of May, 1976, at the Explorer Hotel.

---ADJOURNMENT

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