



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

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Official Report

THURSDAY, MAY 27, 1976

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, MAY 27, 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 orders of the day, Item 2, questions and returns.

ITEM NO. 2: QUESTIONS AND RETURNS

Are there any returns?

DEPUTY COMMISSIONER PARKER: No, Mr. Speaker.

MR. SPEAKER: Are there any questions? Mr. Lyall.

Question W37-59: Completion Of Fire Alarm System In Spence Bay

MR. LYALL: Mr. Speaker, I would like to ask the administration if there are definite plans to finish the fire alarm system in Spence Bay this summer because of the fact that it was planned to be finished in the middle of March but as yet there has been no work done.

MR. SPEAKER: Mr. Parker.

Return To Question W37-59: Completion Of Fire Alarm System In Spence Bay

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I can give assurance that it is the administration's intent to finish the alarm system in Spence Bay before the end of the summer.

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

MR. BUTTERS: Mr. Speaker, two questions, two written questions.

Question W38-59: Harassment Of Animals From Aircraft

Since a review of an amended version of the Game Ordinance is now being developed by the administration through consultation with various Northwest Territories hunters' and trappers' associations and the Northwest Territories Game Advisory Board, may I have confirmation that one of the aspects being studied is the development of provisions to prevent the harassment of animals from aircraft? Perhaps I should say the harassment and hunting of animals from aircraft.

Question W39-59: Amendment Of Canada Labour Code

My second question is would the administration reiterate to the proper federal officials or ministers the concern and interest of this house in the early amendment of the Canadian Labour Code, changes which would permit legislative action by this Assembly in northern labour matters?

MR. SPEAKER: Mr. Parker.

Return To Question W38-59: Harassment Of Animals From Aircraft

DEPUTY COMMISSIONER PARKER: Mr. Speaker, with regard to the question on the Game Ordinance I am confident that there is a section being contemplated which will deal with the prevention of harassment and hunting from aircraft. That is harassment by aircraft and hunting from aircraft or helicopters, and if I have any elaboration on that I will bring it forward as a return, but I am confident that it is there.

Could I just ask Mr. Butters to repeat the first part of his question on the Canada Labour Code?

MR. BUTTERS: I gave my question to the recording clerk but during the discussion that ensued in this house during the first week relative to labour standards the administration pointed out that there was federal legislation or regulations that required amendment before certain things could be done on a territorial level and I was just asking that the administration advise the federal people responsible that we wish to move on this or be able to move on this should the need arise very quickly.

Return To Question W39-59: Amendment Of Canada Labour Code

DEPUTY COMMISSIONER PARKER: Mr. Speaker, yes, we will so advise the federal people. We have already done so but we would have to renew our efforts. We are very much in the position of a petitioner here. We can ask that federal legislation be changed but we can do no more than ask.

MR. SPEAKER: Are there any further written questions? Mr. Evaluarjuk.

Question W40-59: Increase In Polar Bear Quota, Hall Beach

MR. EVALUARJUK: Mr. Speaker, I would like to ask a question concerning the people of Hall Beach. I was asked to ask this question by them. While the Commissioner was in Hall Beach the people in Hall Beach asked to increase their polar bear quota. I want to ask how this polar bear quota can be increased in Hall Beach.

Return To Question W40-59: Increase In Polar Bear Quota, Hall Beach

DEPUTY COMMISSIONER PARKER: I believe that the response to the question with regard to more polar bear to be added to the Hall Beach quota was that the population of polar bear in that whole area was to be reviewed and then if it seemed possible, an increase in the number hunted would be granted. However, this has to be a subject that is discussed with other provinces and with other countries in fact. By tomorrow I can determine whether this study is underway, or will be underway and when a result will be known. I will pass this information on to you as a return, and if I do not have the information by tomorrow then I will have the information sent to Mr. Evaluarjuk.

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

Question W41-59: Overabundance Of Wolves And Dwindling Number Of Wood Buffalo

MR. NICKERSON: Mr. Speaker, in view of the fact that a great controversy has arisen concerning the overabundance of wolves and the rapidly dwindling number of wood buffalo in and around Fort Smith, will the administration please relate to this Assembly what steps they are taking to (a) listen to the concerns of the residents of the area involved; (b) investigate the charges of wolf overabundance and, (c) recommend a solution to the problem and guarantee that the wood buffalo will not become extinct or near extinct.

MR. SPEAKER: Mr. Parker.

Return To Question W41-59: Overabundance Of Wolves And Dwindling Number of Wood Buffalo.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, speaking to the latter part first I can give a guarantee that this administration can not prevent the extinction of wood buffalo. However, having said that I am reasonably certain that they are not going to become extinct and that we will take what measures we can. We are well aware of the controversy. There are two schools of thought with regard to whether or not the problem is all with the wolves and whether or not the wolves should be poisoned or left alone, and whether or not natural consequences will balance the thing out. At the moment, suffice to say there has been a very severe reduction in the number of bison both inside the park, I believe, and outside I know, on the part of these animals, and there certainly has been an increase in the number of wolves.

We as an administration stand ready to listen to the representations of the people. I do not think we have ever refused to hear any representations. I am not sure that in this last instance we have been asked for a formal hearing, however, a number of us will be in Fort Smith next week and we rather expect to discuss the subject with the people at that time. We are planning to do some animal counts on which to base decisions for the further protection of the animals. I will not take up your time this morning, Mr. Speaker, beyond saying that we are well aware of the problem and there may be not that much that can be done to change the situation.

MR. SPEAKER: Any further written questions?

Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

Mr. Lyall.

Question 042-59: School In Gjoa Haven

MR. LYALL: Mr. Speaker, I would like to ask the administration whether they have a definite date as to when the school in Gjoa Haven is going to be finished?

MR. SPEAKER: The Hon. Arnold McCallum.

Return To Question 042-59: School In Gjoa Haven

HON. ARNOLD McCALLUM: Mr. Speaker, it is our hope that the school will be ready for occupancy for this coming school year. Whether in point of fact it will be completed, totally completed will depend upon the work force that will be there but it would be our hope that it will be ready for occupancy this school year.

MR. SPEAKER: Oral questions of an emergency nature. Mr. Pearson.

Question 043-59: Commission To Examine Education

MR. PEARSON: Of an emergency nature, yes, Mr. Speaker. In light of the action taken by this Assembly recently to put aside the Education Ordinance and in light of the fact that this government must get some direction from this Assembly in the near future as to the direction education should be going, I wonder if they would consider the establishment of a commission to examine education across the Northwest Territories so that we can -- a commission by this Assembly to consult with...

MR. SPEAKER: Mr. Pearson, excuse me.

MR. NICKERSON: On a point of order.

Question 043-59, Ruled Not A Proper Oral Question

MR. SPEAKER: Just a moment, Mr. Nickerson. One at a time. Mr. Pearson, that is not a question of an emergency nature. It is not properly an oral question. We had a full and complete debate on education and such a question could and should have been properly put at the time of that debate. If you have something in addition, Mr. Nickerson?

MR. NICKERSON: Mr. Speaker, those were going to be exactly the same comments that I had. I was also going to suggest that should Mr. Pearson wish to pursue this line of thinking the correct way of going about it might be to give notice of a motion to that effect which he could put before the house tomorrow.

MR. SPEAKER: I do not...

MR. PEARSON: I appreciate the kind Member's comments, Mr. Speaker, some kind.

MR. SPEAKER: I suppose Mr. Nickerson's advice is only worth what you pay for it. Gentlemen, further oral questions of an emergency nature? Mr. Kilabuk.

Question 044-59: Request For Returns To Questions

MR. KILABUK: Mr. Speaker, I simply want to ask the Commissioner about the previous questions that I have been asking a couple of days ago. I was wondering if the Commissioner could answer the questions.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I must apologize. I had expected to be able to answer a number of questions today and I do believe that somewhere in the system there was a lack of understanding that we were sitting at 9:00 o'clock this morning. I undoubtedly will have a number of answers during the day and could provide them to you should you so desire. Otherwise, I will attempt to have as many of the answers as possible for tomorrow morning.

MR. SPEAKER: Mr. Parker, may I suggest as well that you could feel free at any appropriate time in the day to return, to ask to return to returns in that we are getting close to the end and should questions arise out of your answers then there is at least one more day to pose them. Are there further oral questions?

Item 4, petitions.

Item 5, reports of standing and special committees.

ITEM NO. 5: REPORTS OF STANDING AND SPECIAL COMMITTEES

Mr. Nickerson.

Report Of Standing Committees On Legislation

MR. NICKERSON: Mr. Speaker, I have a report of the standing committee on legislation. The date of the report is the 26th of May, 1976. That was the date of the meeting, I am sorry.

The standing committee on legislation has met to consider a number of matters and wishes to report as follows: The committee met with Mr. Ben Van Hees, President of the Northwest Territories Society of Professional Engineers and there is agreement in principle to the formation of an Association of Professional Engineers, Geologists and Geophysicists of the Northwest Territories and that legislation be prepared for introduction at a future session.

2. The committee has agreed upon revised terms of reference and will seek approval of these by the Legislative Assembly.

3. The committee has considered a report entitled "Young Persons in Conflict with the Law" and a position paper prepared by the administration relating to it and will seek the support of this Assembly for the administration's position.

The committee has agreed that in future potentially contentious legislation should receive much greater public exposure prior to its introduction to the Assembly and has communicated this view to the administration. The committee has examined, this comes under section 5, penalties applicable to offences under the Liquor Ordinance and will report on these in detail in committee of the whole.

MR. SPEAKER: Any further reports of standing and special committees?

Item 6, notices of motions.

ITEM NO. 6: NOTICES OF MOTIONS

Mr. Stewart.

MR. STEWART: On a point of clarification, Mr. Speaker. Would it be in order if I move a motion? Tomorrow I understand I will be in the chair. Can I have someone else move it or can the mover also present it?

MR. SPEAKER: Why do you not give your notice now, Mr. Stewart, and see if you can seek unanimous consent to move when you come to Item 8, motions?

Notice Of Motion 23-59: Transfer Of Operating Responsibilities, Hay River Fish Processing Plant.

MR. STEWART: Thank you, Mr. Speaker.

NOW THEREFORE, I move that the Government of the Northwest Territories become more involved in the Great Slave Lake fishing and consider taking over, on an agency basis, the operation of the Hay River fish processing plant commencing with the 1976 summer fishing season.

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

Notice Of Motion 24-59: NCPC Rate Increases.

MR. BUTTERS: Mr. Speaker, I wish to give notice that tomorrow, on May 28 I will move the following motion:

WHEREAS Northern Canada Power Commission gave in the fall of 1975 its intention to make rate changes which would result in rate increases in several communities and rate reductions in a few communities;

AND WHEREAS the Minister of Indian and Northern Affairs requested the Commissioner to have the Northwest Territories Public Utilities Board review the proposed rates and capital costs;

AND WHEREAS the said board recommended (a) certain changes in Northern Canada Power Commission's operating procedures (b) federal assistance to reduce capital and interest repayment costs (c) removal of the territorial fuel tax on fuel oil used for the generation of electricity;

NOW THEREFORE, I move that (1) this Assembly request the Commissioner to advise the Minister of the urgent requirement for early federal assistance to Northern Canada Power Commission, Northwest Territories zone, in the area of capital costs and repayment of interest as recommended by the board and, (2) that the territorial fuel tax on oil used for the generation of electricity be removed.

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

Notice Of Motion 25-59: Adoption Of Revised Terms Of Reference.

MR. NICKERSON: Mr. Speaker, on behalf of the standing committee on legislation I intend to introduce two motions tomorrow, Friday, the 28th of May. The first one deals with the adoption of revised terms of reference.

Notice Of Motion 26-59: Draft Legislation Concerning "Young People In Conflict With The Law" _

The second one seeks the support of this house for the position paper drawn up by the Department of -- Hon. Peter Ernerk's department.

MR. SPEAKER: Social Development?

MR. NICKERSON: Yes, the Department of Social Development of the draft legislation concerned with young people in conflict with the law.

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

ITEM NO. 8: MOTIONS.

Item 8, motions.

Mr. Stewart, do you want, now that we are on Item 8, motions, would you like to seek unanimous consent to move your motion?

MR. STEWART: Yes, Mr. Speaker, I would, but I would like to point out to the Assembly that it is not typed and it has not been translated. I believe however the motion is very simple and straightforward and it could possibly be dealt with with the consent of the house. I would seek unanimous consent to either proceed with it now or to come back to it later after it has been properly typed and translated.

MR. SPEAKER: Is there any Member who feels that the motion is so complicated that it requires typing and translation before it is dealt with? Is unanimous consent therefore given to proceed? Is it agreed?

---Agreed

Mr. Stewart.

Motion 23-59: Transfer Of Operating Responsibilities, Hay River Fish Processing Plant.

MR. STEWART: Mr. Speaker:

WHEREAS this house is concerned with the present deplorable state of the Great Slave Lake fishing industry and is anxious that a viable fishery be developed and maintained;

AND WHEREAS the Freshwater Fish Marketing Board appears to be incapable of running its Great Slave Lake operations in a self sustaining business-like manner;

NOW THEREFORE, I move that the Government of the Northwest Territories become more involved in the Great Slave Lake fishing and consider taking over, on an agency basis, the operation of the Hay River fish processing plant commencing with the 1976 summer fishing season.

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

MR. STEWART: Mr. Speaker, the Great Slave Lake fishing has been, and still is in a very poor financial position. The figures given, in answer to my question relative to fish prices the other day really were not the current prices being offered by the Freshwater Fish Marketing Board. Those figures were a proposed general policy and pricing arrangement that were based on Winnipeg prices. The information that we have at the present time indicates that the prices that will be offered on Great Slave Lake will be four to five cents a pound less than that paid last year. This of course will be completely below a feasible economic base to operate the fishery from. One of the largest problems with regard to the operation of the fishery on Great Slave Lake has been the lack of production, and of course the lack of production has been basically directly tied to the price paid per pound for the fish. In other words, the lower the price, the less the production, the less the production the greater the overhead and the price keeps going down. If there is any hope for Great Slave Lake fishing it must be based on the premise that an equitable price will be paid so that the production of the lake can be built up, so that the plant can be operated in an economic manner.

Now, if we continue to go the route that we are going now there is no doubt that the Great Slave Lake fishing will cease to operate. This is an attempt, by this motion, to involve the Government of the Northwest Territories in stabilizing and increasing the prices paid so that we can increase production and get viability back into the fishery.

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

Fishing Industry Declining

MR. NICKERSON: Mr. Speaker, very briefly I would like to endorse Mr. Stewart's remarks. There is no doubt about it that the state of the industry is one of continuing decline at the moment, and I think it is incumbent upon this government to do as much as possible to see that this decline does not go any farther. The Freshwater Fish Marketing Board has now been in operation for several years and it is more apparent that they are more concerned with what is going on on Lake Winnipeg than what is happening on Great Slave Lake. It has become apparent that we have been getting the thin end of the stick. So, I think that we seriously have to think about taking over some of the operations ourselves and running them for the benefit of Northwest Territories fishermen rather than fishermen and various other people in the Lake Winnipeg area.

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

MR. PEARSON: I support the motion in principle and I wonder how Mr. Stewart sees the Government of the Northwest Territories being involved, how he sees this particular government doing a better job than the people who are currently involved in it. I imagine he is thinking in terms of economic development.

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

Heavy Federal Assistance To Hay River Plant

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I do not rise to debate the motion, but I feel there is one comment that must be made, or rather two comments that must be made. First of all the plant that was put into Hay River was put into the location, its present location, with the full agreement and perhaps even on the insistence of the people in charge at Hay River. Secondly, it was supported by an outright grant of three quarters of a million dollars; in other words, not even half of the cost of that plant is being charged into the operation as amortization. So, I think it must be recognized that there has been very heavy federal assistance in that operation.

The only other thing I would like to say is this; if the motion passes, certainly this government stands prepared to review the situation. We do keep a watching brief on it, but we are prepared to look at it much more critically if that is the direction of this Assembly. However, I must advise Members that there is no conceivable way that the territorial government could take over the operation of the fishery for this coming summer. Our financial structure is simply not such that we could do that sort of thing unless the other agency stepped out of it immediately, and I do not think that agency shows any signs of doing that. I would not want to mislead Members by saying that we could move into that field that rapidly. I do say, though, should the motion pass we do stand ready to review it and take a very, very critical look at the fishery. It is regarded by all of us as a very important economic tool and one that we can not afford to see go completely out of business, that certainly is not our wish and it is not the wish of the fishermen.

MR. SPEAKER: Any further discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: Mr. Stewart, do you wish to wind up debate?

MR. STEWART: Thank you, Mr. Speaker. Relative to the Government of the Northwest Territories being requested, and you will note that this motion basically is by way of request and does not endeavour to insist that it be done this year, it is to consider the possibility of doing these things. The thought behind this approach is that at the present moment the Great Slave Lake fishery, as far as the operation of it is concerned, is under the management of the Freshwater Fish Marketing Corporation, whose main business and main thrust really is the marketing of production of Manitoba, and they are not able to spend what I consider the time required to look at the processing that could take place at Hay River to produce a product that would be more readily marketed and marketed at a better financial gain position.

Location Of The Fish Plant

Now, the Deputy Commissioner has indicated that the town was responsible for the location of the fish plant. I would like to correct this statement in that there were several locations looked at and the basic deciding factor on where the fish plant could be located was based on where they could get an adequate water supply and an adequate sewer disposal system. So the location then had to be on the mainland, and actually once that was established, that it could not be on Vale Island. Now, this was not a decision made by the town of Hay River but rather by the health authorities which would have to give approval to the operation of the plant. It has been a bugbear in the town of Hay River for some time but it was not the municipal administration who insisted on the location of the fish plant where it is, but this was one of the few places where it would be allowed to be built by the health authorities.

I believe the request really comes down to asking the territorial government to have a more serious look at it and if possible get involved in the operation of the fish plant. Thank you.

Motion 23-59, Carried

MR. SPEAKER: The question. The question on Mr. Stewart's motion. Is there anyone who wants the motion repeated, the resolve part? Are we all clear? The question being called. All in favour? Contrary? The motion is carried.

---Carried

Motion 17-59, Mr. Wah-Shee. Mr. Wah-Shee not being present, we will proceed to Motion 19-59, gill net sizes on Great Slave Lake. Mr. Nickerson.

Motion 19-59: Gill Net Sizes, Great Slave Lake

MR. NICKERSON: Another fishy motion, Mr. Speaker:

WHEREAS certain proposals made by the federal fisheries authorities are not acceptable to Great Slave Lake fishermen and are considered by them to be detrimental to the well being of the Great Slave Lake fishing industry;

NOW THEREFORE, I move that this house endorses and supports the view of the Great Slave Lake fishermen that there be no reduction in the legal mesh size except that an allowance should be made for natural shrinkage and imperfections in manufacture for gill nets used on and around Great Slave Lake.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Discussion. Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, this motion merely formalizes certain observations made to this house by Mr. Stewart at the last session. I do not think there is one fisherman operating on Great Slave Lake who is in favour of the recommendations made by certain biologists, I would imagine fish biologists with the federal authorities. The fishermen on Great Slave Lake are convinced that a reduction in the size of mesh allowable would result in the taking of too many young, immature fish from the lake. They would be catching too many small fish for which the market price is very, very low and they think that such a move would reduce the amount of money accruing to them over the long term and would in fact eventually destroy the fish population in Great Slave Lake.

MR. SPEAKER: Further discussion? Mr. Butters.

Support For Fishermen

MR. BUTTERS: Just to support the motion, sir, and say that this house should, as we do with the hunters' and trappers' associations, listen very closely to the recommendations and support them. Although we do not have authority over the management of fish resources in this territory as we do over game, I think that wherever we do receive recommendations from the commercial fishermen resident in these territories that we should act in support of their recommendations.

MR. SPEAKER: Further discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Mr. Stewart.

MR. STEWART: Mr. Speaker, I think the fishermen's associations are to be congratulated for their positive step to show that they are indeed interested in the preservation of their fishery. Usually the fishermen of course are interested in smaller mesh sizes so that they can increase their catch but I think this shows great responsibility on the part of the fishermen's federation to be prepared to say "No, we will forego the production to protect the lake."

Although there is on this motion a very important section that should be noted and every attempt made to see that this section is adhered to and that is to give them some leeway on the five and a half inch measurement that is now the law. We have found that with the present production of nets, the use of nylon, that the mesh sizes vary a great deal and it is not the exception but rather, pretty near the rule, that on measuring any given net you will find great variances in the actual size. A fisherman buys a net in good faith as being five and a half inch and finds when it is measured by the department of Fisheries that indeed it may only be a little over five and a quarter, in many instances; that does not mean every mesh but there may be some problems caused in the lake and some leeway should certainly be given for this particular problem. I had hoped that the department of Fisheries would undertake to pre-measure nets prior to sale to the fishermen and authorize them as legal nets. Then if they were to shrink or something, to change the actual size, the fishermen would be protected because at the present moment they are at the complete mercy of the net companies and the elements insasmuch as the net itself may, as I have stated, not be consistent with the mesh size, and secondly, will under normal use stretch. Conditions vary from season to season. Certainly there must be some equitable way that Fisheries Canada could authorize nets and say "Okay, we have measured them and we are now satisfied." I would request a procedure whereby the user is not fully responsible and really this responsibility is something he has no control over.

Motion 19-59, Carried

MR. SPEAKER: Further questions? Pardon me -- further debate? Question? Question on the motion being called. All in favour. Down. Contrary? The motion is carried.

---Carried

Motion 20-59. Mr. Remanant, you say that Motion 20-59 is not yet in syllabics or is it? Not yet. Let us leave Motion 20-59 for a moment and go onto Motion 21-59. Mr. Butters.

MR. BUTTERS: Mr. Speaker, I would prefer with the consent of the house to defer Motion 21-59 at the same time. I brought them in in this order for a purpose which will become clear when I rise to discuss them. They are related. As you will see, the wording is very, very similar and I would like to begin with Motion 20-59 if I may and I would like to defer Motion 21-59 until I can bring it in.

MR. SPEAKER: Motion 21-59 to be deferred with Motion 20-59. Motion 22-59, Mr. Steen.

Motion 22-59: CBC Radio Signal, Paulatuk And Sachs Harbour.

MR. STEEN: Mr. Speaker, Motion 22-59. Canadian Broadcasting Corporation radio signal, Paulatuk and Sachs Harbour:

WHEREAS the communities of Paulatuk and Sachs Harbour are unable to receive adequately the Canadian Broadcasting Corporation radio signals;

AND WHEREAS the Canadian Broadcasting Corporation has the responsibility to provide adequate service to all people in the Northwest Territories;

NOW THEREFORE, I move that this Legislative Assembly request the Commissioner of the Northwest Territories to request the Canadian Broadcasting Corporation to provide adequate radio signals to the communities of Sachs Harbour and Paulatuk at the earliest possible date.

MR. SPEAKER: Is there a seconder to this motion? Mr. Lafferty. Discussion, Mr. Steen.

MR. STEEN: Well the purpose of this motion is that these people are a long way from the signal at Inuvik. They are receiving the signal from Inuvik and it is about 400 miles to these communities from Inuvik and they are unable to receive the signal adequately. They have to have aeriels and since Northern Canada Power Commissioner built the power lines above the houses the power line interferes with the reception and the transformers tend to come in on the radios and these people when they are trying to receive messages from one another are unable to pick them up. I think that is it, Mr. Speaker.

MR. SPEAKER: Further discussion? Mr. Pearson.

MR. PEARSON: Just to add that I support the motion very strongly. It is a motion or a similar motion that has been before this house so many times and this house was trying to direct the Canadian Broadcasting Corporation, trying to point out their shortcomings and this motion does the same thing again. I certainly support it. Just how much luck you will have, sir, I do not know but good luck.

Motion 22-59, Carried

MR. SPEAKER: Further discussion? Question? All in favour. Down. Contrary? The motion is carried.

---Carried

MR. BUTTERS: Mr. Speaker, sir, I see we are leaving motions now. I would say that if the material in the two motions I have to bring to the house has not been translated I would be willing to leave it over until tomorrow if I could have the authorization of Members to bring in three motions tomorrow. I could leave these so that the Members who are depending on the syllabic translation could have all night to examine them. I feel that this would only be fair.

MR. SPEAKER: Mr. Butters, I believe the rules say that you can not give notice of more than two but I do not think they say anything about how many you can move.

MR. BUTTERS: Yes, sir, I think I recollect so. I will then bring three motions.

MR. SPEAKER: You can move however many motions tomorrow as you have outstanding but you can not give notice of more than two motions in a day.

MR. BUTTERS: In that case, sir, I will bring in all three motions tomorrow under the proper procedure.

MR. SPEAKER: Members, I think I missed Item 7, motions for the production of papers.

Item 9, then, tabling of documents. Are there any documents to be tabled?

Item 10, second reading of bills.

ITEM NO. 10: SECOND READING OF BILLS

Bill 10-59. Hon. Arnold McCallum.

Second Reading Of Bill 10-59: Supplementary Appropriation Ordinance, No. 1, 1976-77.

HON. ARNOLD McCALLUM: Mr. Speaker, I 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 second time. The purpose of this bill, Mr. Speaker, is to provide additional funding to the territorial government's budget for the fiscal year, 1976-77.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. On second reading the principle of the bill only, may be discussed. Is there any discussion? Question. Question being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Item 11, continuing consideration in committee of the whole of bills and other matters.

ITEM NO. 11: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS.

What is the preference, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, perhaps I could ask if the amendments to Bill 9-59 are ready. They certainly passed committee last night.

MR. SPEAKER: Is Bill 9-59 ready, Mr. Slaven? Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, they are ready. They have not yet been reproduced for circulation to Members. This could be done within five or ten minutes.

MR. SPEAKER: Is there anything we can do that would not take too much time while that is being done?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, there is the matter of the two motions that were left on the order paper yesterday which seemed to form a fairly high priority. I can not of course predict the length of them and then the next item following that the administration would wish to see proceeded with is Bill 10-59, the Supplementary Appropriation.

MR. SPEAKER: Shall we then proceed in this fashion, the two motions that are outstanding and Bill 9-59? I notice these things have just been circulated. Do you want to do Bill 9-59 first now that they are circulated?

---Agreed

MR. SPEAKER: Okay. This Legislature will resolve into committee of the whole for continuing consideration of bills and other matters. Bill 9-59, the Liquor Ordinance, 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 a study of Bill 9-59, An Ordinance to Amend the Liquor Ordinance. I would direct your attention to clause 2 which was set aside for amendment and the amendment is now in your hands. I will read the amendment: "2. Subsection 87(1) of the said ordinance is repealed and the following substituted therefor; 87(1) Every person, other than an incorporated company, who contravenes any of the provisions of sections 59, 60, 61 or 72 is guilty of an offence and is liable on summary conviction, (a) for a first offence, to a fine not exceeding \$1000 or to imprisonment for a term not exceeding four months, or to both; and (b) for a second or subsequent offence, to a fine not exceeding \$2000 or to imprisonment for a term not exceeding twelve months, or to both." This is the suggested amendment and is there any discussion? Is it agreed?

---Agreed

Clause 2 Of Bill 9-59, Agreed As Amended

The question being called on clause 2, as amended.

---Agreed

All of the rest of the clauses according to my notes have been agreed to and shall I report to the Speaker that Bill 9-59 is ready for third reading as amended?

---Agreed

MR. SPEAKER: The Legislative Assembly will come to order. 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, with several amendments it is now ready for third reading.

MR. SPEAKER: This Legislature will resolve into committee of the whole for consideration of Motion 9-59, Cancellation of Relocation of Teacher Education Program and Motion 10-59, Principles of Rent Control. Were you in the chair on those, Mr. Stewart?

MR. STEWART: Yes, Mr. Speaker.

MR. SPEAKER: With Mr. Stewart in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Motion 9-59 and Motion 10-59, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION 9-59 AND MOTION 10-59

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Motions 9-59 and 10-59. Motion 9-59. Mr. Butters.

MR. BUTTERS: A point of order, sir. I wonder if it might be possible since we are discussing Motion 10-59 second and this is a very, very important motion of Mr. Nickerson's bringing into account, sir, the concepts and philosophy of rent control, whether we might have available to us an expert witness from the administration. Is there somebody, sir, that the administration might request to join us when we get to that portion? If so, I think they should be forewarned at this time.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Deputy Commissioner, is there such a person?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I am a little thin this morning but yes, I think we will come up with someone.

THE CHAIRMAN (Mr. Stewart): Is the committee agreed to call an expert witness relative to Motion 10-59? Is it agreed?

---Agreed

If you could make arrangements we should be to it very quickly.

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

Motion 9-59, cancellation of Department of Education's plan to move teachers' education program to Fort Smith:

"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 Legislative 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 Legislative Assembly recommend the Department of Education to cancel its plans to move the teacher education program to Fort Smith and have it remain in Frobisher Bay."

This motion was moved by Mr. Pearson. Mr. Pearson.

MR. PEARSON: Mr. Chairman, I have discussed this, I have made my point and I will reserve comment until we hear from the administration who I believe have a comment to make.

THE CHAIRMAN (Mr. Stewart): Thank you. Would the administration care to make a comment at this time?

HON. ARNOLD McCALLUM: Mr. Chairman, I think when this motion was placed before the house there were a couple of questions that were asked by Mr. Nickerson in relation to the number of students involved, a comparison of the relative costs and I think that he asked as well the kind of facilities that are available in each of the two areas concerned. Prior to my getting into -- to answer those three questions, I would like to state, Mr. Chairman, that Mr. Pearson is incorrect in stating that the Department of Education is operating a teacher education program in Frobisher Bay.

Explanation Of Present Program

The Department of Education offers a two year program for the purpose of training teachers the first year of which for the last two years has been in Frobisher Bay, the year prior to that it was in Chesterfield Inlet and the years prior to that the program was in Fort Smith and it originated in Yellowknife. The second year of the program at the present time is presently being offered at Fort Smith. The program of teacher education is a program, Mr. Chairman, that is designed not specifically for Eastern Arctic teachers, it is designed for native students from all across the territories and potential teacher trainees from all across the territories must receive, or we attempt to have them receive, equal consideration.

Mr. Pearson has also indicated and has attempted to perpetuate the myth that one must run a gauntlet in the town of Fort Smith as a student of the Adult Vocational Training Centre and/or the teacher education program. That, sir, is totally erroneous. It is true that there were incidents at the Adult Vocational Training Centre and the various faculties concerned with difficulties between students and youth in the town, but it was played well out of proportion, and has continued to be played well out of proportion, not only in this house but within the government personnel and through the media. I think that is a vile condemnation of the town and the citizens of Fort Smith to suggest that Fort Smith is not a place that would welcome students and provide not only for their education, but as well for their leisure, their recreation and their social life.

The town, under the mayor and council, together with the student council at the Adult Vocational Training Centre, the Metis Association, and the local band council have done a great deal in an attempt to reconcile any differences that have occurred or which may occur.

Facilities Offered By Fort Smith

When youth are involved in any area there will be altercations but they are not of the kind that would name Fort Smith the crime capital of the North. I would suggest that other towns, village or settlements in the North could lay claim just as easily to that title. To perpetrate the myth that Fort Smith along with the facilities that it does have does not cater and does not provide a learning environment, is totally erroneous as I have stated. The town has numerous facilities, numerous programs, that not only involve the teacher education students but other students at the Adult Vocational Training Centre. It has as many or more recreational facilities, facilities that would allow people who go there to school to get the best of a student life.

In reply to the questions that Mr. Nickerson requested, in the first year program held at Frobisher Bay there are presently seven students. In Fort Smith, seven students graduated this year from the second year of the program. They had their first year in Frobisher Bay the preceding year. In terms of recruitment for next year we have had five applications from the whole Eastern Arctic and approximately 30 applications from the Western Arctic. The department has done a review of the number of classroom assistants in the Eastern Arctic who are eligible to enter the program and who also wished to do so. The review indicates that all those assistants who are interested in taking the training and who meet the basic requirements are being satisfactorily taken care of. It would not appear at this time that an alternative system of teacher training is required to meet the needs of those assistants who wish to become teachers, but who do not want to leave home for any long period of time, regardless of where the program is offered. The department is preparing to conduct a study to determine the feasibility of offering such an alternative system of training for these students.

Eastern Arctic Students In Fort Smith

It is interesting to review the statistics of the last few years in light of Mr. Pearson's comments that the Eastern Arctic trainees can not deal with Fort Smith and would be better if trained at Frobisher Bay. In 1972-73 when both the first and second year students were in Fort Smith there were no dropouts among the Eastern Arctic students. In 1973-74 when we experimented with offering the program in Chesterfield Inlet, 50 per cent of the Eastern Arctic students dropped out, as compared to 38 per cent of the Western Arctic students. In 1974-75, when we offered the first year of the program in Frobisher Bay, 23 per cent of the Eastern Arctic students dropped out of the program as compared to eight per cent of the Western Arctic students.

Among the second year students in 1974 and 1975 at Fort Smith, only four per cent of the Eastern Arctic students failed to complete their year as compared to twice that percentage of Western Arctic students. In 1975-76, among the first year students in Frobisher Bay there was an 11 per cent dropout rate as compared to 37 per cent who dropped out from the Western Arctic. In the same year, 1975-76, among the second year students in Fort Smith, 14 per cent of the Eastern Arctic students failed to complete as compared to twice that many from the Western Arctic.

Now, I quote these statistics to you, Mr. Chairman, to point out that as far as can be measured Eastern Arctic teacher education students appear to do better at Fort Smith and Mr. Pearson's comments are certainly not supported by these facts.

Relative Costs Of Two Types Of Program

In relation to relative costs, Mr. Nickerson asked for a comparison of the relative costs involved in offering the whole program in Fort Smith as opposed to offering a split program at Fort Smith and Frobisher Bay and I would like to offer these figures as a breakdown. In some cases the figures are approximated since details have not been fully finalized in relation to what it would cost for renovation of facilities in Frobisher Bay. If we are to offer the first year of the two year program at Frobisher Bay next year we anticipate that it will cost in the vicinity of \$80,000 to renovate the former bishop's palace, since there is not enough room, from what we can gather from the administration there to carry on the program in that particular place. The furnishings that would be required would cost in the

vicinity of \$6000; the new instructional aids materials another \$6000; the meals and accommodations for an anticipated enrolment which we would like to see at 20 would be \$43,000; communications, travel of staff back and forth from Frobisher to where the program is, the second year program in Fort Smith is approximately \$4500 and the teaching staff required at Frobisher Bay and Fort Smith consisting of a principal and four instructors approximately \$86,000 for a total of approximately \$225,000 or \$226,000.

In Fort Smith because the facilities are there and have been there the meals and accommodations for the 20 students and the teaching staff would only total approximately \$113,000. The transfer of the program, of the total program to Fort Smith, to move the first year back would represent to the government a saving of approximately one-half the cost of the first year program in Frobisher Bay and that is because the facilities are there.

Better Facilities In Fort Smith

In Fort Smith we have properly equipped facilities for a teacher education program. There is sufficient space to train two full courses, both the first and second year. In addition, the students of the program are able to utilize the resources centred at the Adult Vocational Training Centre as well as the other facilities, both social, recreational and educational within the town. I would like, Mr. Chairman, to quote to you and to the other Members of the Assembly from a brief presented by the second year students of the teacher education advisory board last November and it would involve students who were in the first year program at Frobisher Bay. They recommend that the teacher education program be located in one place for the following reasons: That interaction between the first and second year students is of a major advantage to the students. The instructors would benefit by capitalizing on group training and utilization of a total staff. There are better facilities at Fort Smith. There will be better supervision of leisure activities. There will be more and better equipment if centralized in Fort Smith. There are much better recreation and leisure facilities in Fort Smith which help considerably in overcoming the kinds of social problems now being encountered at Frobisher Bay. There is a good student association at Fort Smith. Fort Smith provides living accommodations for the families of the students.

Those, Mr. Chairman, were the comments of the students themselves who felt that the whole program should be centered in Fort Smith and at that same advisory board meeting, a Mr. Adnee from Eskimo Point representing the Inuit Cultural Institute stated "Parents worry wherever their children may be when they are away from home. I do not see much difference whether it be in the Eastern Arctic or the Western Arctic."

Coherent Program Of Studies

As far as the program consideration is concerned it is the department's belief that it is very difficult to design a coherent program of studies when there is a separation of staff and facilities. Where the courses are academic or theoretical in content this might be manageable proceeding in the same manner as credits are transferred from one educational institution to another. This presupposes rigid course structures and detailed facilities. However, this program is one of professional training and it must be more closely fitted to the needs of the students and practicability taking into consideration the clientele of the program.

As presently operated most of the decisions are made by the principal and staff in Fort Smith and the staff in Frobisher Bay to a great extent are excluded. This obviously leads to frustration and most particularly frustrating to the principal who finds himself not only supposed to teach within the program but to co-ordinate the two institutions. In a single institution the staff can be utilized in such a way as to make maximum use of their strengths. In the past the teacher education program has suffered from a turnover of staff and we feel that one of the things that leads to this is because the program has been separated.

We have then, Mr. Chairman, experimented with this program over the years to try to determine which is the most satisfactory way to operate it. The program started off in Yellowknife, it moved to Fort Smith to take advantage of the facilities there. We attempted to try the first year in the Eastern Arctic at Chesterfield Inlet and now we have attempted to divide the program between the East and the West. As a result of all these experiments, Mr. Chairman, we are convinced that offering both years of the program in Fort Smith is the best alternative.

First year students will continue to do their practice teaching in their cultural area and most likely in their home community. If the numbers of trainees warrant it, we would be prepared to conduct two full programs, one in the East and one in the West. However, for the time being the numbers certainly do not warrant it. As I have already said, it makes a great deal of sense to have both years together in the one place, in a place, Mr. Chairman, that is conducive to learning and that would welcome the students and it would not turn away people.

Suggestion That Members Visit Fort Smith

I would suggest, sir, that I think it is long past the time that not only has this Assembly not sat or visited Fort Smith, but have individual Members come down to see and to talk to the students involved and to the people involved within the town who have done a great deal to alleviate any kind of problems that may have arisen in the past and will likely be able to alleviate and head off any of the problems that would come in the future.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments on motion 9-59? Any other speaker before I go back to Mr. Pearson? Mr. Steen.

MR. STEEN: Mr. Chairman, first of all there is a question that kept coming into my mind as the Minister was speaking. I had never heard of the word erroneous.

HON. ARNOLD McCALLUM: Erroneous, totally wrong.

MR. STEEN: Oh. Anyway that was for the benefit of the interpreters. I was very surprised listening to some of these figures and I am sure happy that this motion is on the table because some of these figures of dropouts pertaining to the Eastern Arctic and the Western Arctic confirm what we have been saying for a long time, that we have to decentralize.

MR. PEARSON: Hear, hear!

MR. STEEN: We sat in Brabant Lodge last year and this was one of our goals that was put in the education paper for the territories and during our election, the election for the Western Arctic, that was in my platform, to decentralize. I can not agree on some of the things that were said by this student board from Fort Smith. I sympathize with the people from Fort Smith but I still think that we have to speak for our area. Fort Smith the way I see it is that the territorial government is feeling sorry for Fort Smith since they could not put the capital there.

HON. ARNOLD McCALLUM: We did not want it!

MR. STEEN: So I can see why the Hon. Member would like something to remain in his constituency and I can not say at this time whether or not I am going to vote one way or the other until I have heard some other people's -- some of the other Members, what they have to say. I still believe we have to bring the school to the people.

THE CHAIRMAN (Mr. Stewart): Thank you. As the hour is now 10:30 o'clock do I have permission to recess for coffee?

MR. PEARSON: Let us get this out of the way. Let us get the motion off the floor.

HON. DAVID SEARLE: Question.

MR. PEARSON: I would like to sum up.

THE CHAIRMAN (Mr. Stewart): I believe possibly there are other Members who wish to speak to this. You wish to sum up and it will take too long. This committee stands adjourned for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the meeting back to order. We are dealing with Motion 9-59. Do I have any further speakers? Mr. Lyall.

Cambridge Bay Suggested As Site

MR. LYALL: Mr. Chairman, I would be inclined to support this motion for the things we have been arguing about, decentralization, but the argument of the Hon. Member from Slave River was a very good argument I thought. For the very reasons he stated that would make me inclined to go against the motion. The other thing is that if you are looking at costs, travel costs, Cambridge Bay is the transportation centre for most of the Arctic settlements. If there is going to be an argument as to where the facilities are going to be I think Cambridge Bay would be an ideal place.

THE CHAIRMAN (Mr. Stewart): To the motion. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I think that the Hon. Member for the Central Arctic expressed my view as well. Had I voted in formal session, I would have supported the motion but in committee of the whole receiving the statistics and the information that have been provided by the Hon. Minister has weakened my resolve in this area. I agree with what the Member from the Western Arctic, Mr. Steen, said, that is very true that we support the delegation of such programs in the communities but if it can be determined and proved as the Minister of Education has done, that in this particular case we might be doing the student a disservice, a hardship, then that makes the situation quite different. I feel that...

MR. PEARSON: Shame!

MR. BUTTERS: I feel that I can vote against the motion which I do not like to do and at the same time stress and state that I still maintain that the decentralization of such services and facilities remains a prime objective of myself as a Member of this house.

MR. PEARSON: So vote for it.

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

Students From Resolute Bay

MR. PUDLUK: Mr. Chairman, I would like to make a speech on this motion. I have an opinion on this. In 1971-72, I was responsible for the administration in Resolute Bay. I had to send people down to Fort Smith, a few kids for higher training. Now, they finished the course and came right back, and I asked them why they came back so early and they told me the reason, but I will not tell you that right now, but there was a good reason. I would like to support this motion for the Eastern Arctic, because I do not know how many kids are going to the school from the Eastern Arctic, we heard nothing about it. At one time, a 17 year old boy went down to Fort Smith for a six month course and he came back after one month. He had lost about five teeth and had to get false teeth because of drinking, because of the drinking problem they had. I am very strongly going to support this motion because the kids I have been talking to in Fort Smith have told me these things. Thank you.

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

HON. PETER ERNERK: Mr. Chairman, I want to say that I think the principle of the matter here, as I see it, at least for the benefit of the people who I represent -- Mr. Chairman, we seem to be having...

THE CHAIRMAN (Mr. Stewart): The system seems to be working, it must be local.

HON. PETER ERNERK: Mr. Chairman, for the benefit of the people I represent in the Keewatin district I know there has been a number of students going over to Fort Smith, and I also know that there have been a number of students who went to Frobisher Bay to attend for higher education, or to get a higher education. However, as I see it the principle of the matter here, we are dealing here...

MR. LYALL: A point of privilege, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Mr. Lyall, on a point of privilege.

MR. LYALL: The last two speakers I do not think have spoken to the motion. The motion is the teacher education program, not the other programs that the other places provide. Is that not correct, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Basically that is correct but in committee we have allowed a great deal of leeway just as long as it is understood you are speaking generally of education, and this motion does deal specifically with the teacher program. However, as we have not confined in committee statements exactly to the motion or the bill on the floor, I do not rule this speaker out of order. It is recognized that he may not necessarily be speaking of the teachers. Proceed, Hon. Peter Ernerk.

HON. PETER ERNERK: Thank you, Mr. Chairman. What I am trying to say here, Mr. Chairman, is that as I see it I want to see the best education system in terms of sending students out to places like Fort Smith, and I think that at least in my view we have to provide an opportunity for a number of people, at least from my own constituency, and there is really no place in the Keewatin where students can go in terms of taking different courses.

Fort Smith, The Only Choice

Now, I am speaking mainly of the students who have attended at Fort Smith a number of years ago, say two or three years ago, in that they went to Fort Smith and took different courses and remained, at least the majority of the students, remained in Fort Smith to complete their courses. I know one person who spent at least two or three years there and now this individual is back in the Keewatin working in one of the communities. However, as I see it if we are to provide proper facilities as was stated by the Minister of the Department of Education, and you have all the facilities in Fort Smith, so really what it boils down to is that there is really no other choice at the present time. It is not going to remain I am sure in Fort Smith forever and perhaps we may want to move it to Baker Lake one of these days, and that is as time goes by. So, those are just a few remarks of mine, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other speakers to the motion?
Mr. Pearson.

MR. PEARSON: Thank you, Mr. Chairman. I have never heard such a wonderful expression of chauvinism in all my life as I heard from the Hon. Arnold McCallum on the matter of his home town.

HON. ARNOLD McCALLUM: And rightly so.

MR. PEARSON: I think the North would be well served if there were more people in the North who had impressions of their homes the same as the Hon. Arnold McCallum expounded here today. In fact I almost felt like marching out and packing my bags and moving down there.

HON. DAVID SEARLE: That would ruin it.

MR. PEARSON: That would ruin it, thank you. I think it is wonderful. However, I think it has very little to do with the subject at hand. The Hon. Arnold McCallum gave great statistics, great glowing details, slanted obviously to the benefits and virtues of that Eden, that heaven of the Mackenzie Delta, that tree-infested community, the mecca where, as we would say in Inuktitut, "Jesus Inoona". I am just delighted by it all but as I say it has very little relevance to the matter at hand. The facts and figures that Hon. Arnold McCallum gave were distorted, were slanted, the question in this motion is not how much it costs but what are the benefits, what are the benefits to an individual from Grise Fiord or Frobisher Bay in having to travel the entire length and breadth of the Northwest Territories to attend a course in Fort Smith?

Dropout Rate

We have seen, we from the Eastern Arctic, and I know I speak for other people in this room, the tremendous number of people who have gone there on courses, who have had very traumatic experiences for one reason or another, and many of them have had to run the gauntlet in the past. Now, Hon. Arnold McCallum assures us that that has now been rectified. That could very well be, but the facts are that the dropout rate, or the turnover rate in students who have gone at great expense to Fort Smith, are alarmingly high. We have people, all kinds of them in Frobisher Bay, unemployed who have attended courses there of one sort or another over the years.

The costs of shipping people to Fort Smith from the Eastern Arctic are pretty expensive. The cost of maintaining someone in Fort Smith, eating and sleeping there are almost the same as they are anywhere else. They still require beds, they still require feeding, they still require catering services, they still require janitorial services in the modern, up-to-date facilities that are provided. So, those facts and figures that the Hon. Arnold McCallum gave us are really not that important.

Now, what is important is the approach and responsibility of this Council, or of this Legislative Assembly, call it what you will, the responsibilities that we have to the people who we represent, and that is our responsibility. It is up to us to ensure that the programs

that are developed and run and organized by this government are in the best interests of everybody they are supposed to serve. I was rather surprised by Mr. Butters' comment. I know that Mr. Butters supports the matter of decentralization and has done so ever since he has been on this Legislative Assembly. I know Mr. Butters supports the idea of a correction facility in the Delta, a facility yet to be installed or built, or provided for, unfortunately. By the same token and in the same breath Mr. Butters turns around and says that he supports the idea of sending people to Fort Smith, he supports the Fort Smith principle.

Facility Should Remain In Eastern Arctic

I do not on principle support centralization in any shape or form. Frobisher Bay has just as many facilities and amenities as Fort Smith has. There are other communities, and I am not insisting that the program remain in Frobisher Bay, I should have used the word, I think the term should be the Eastern Arctic, that the facility remain in the Eastern Arctic, that there be a facility there the same as there be one in the Keewatin. There are many, many native people, young native people who would like to get involved in the teacher education program, who would like to become a part of the education system, who are willing to take this on. There are so many of them who would not be willing to leave their homes and attend courses in a foreign environment where they have tremendous difficulty in keeping in contact with their families, because of the tremendous distance that Fort Smith is from Frobisher Bay, or any other part of the Northwest Territories for that matter.

The facilities in a community such as Frobisher Bay -- there is a hostel that has government funds that is capable of catering to the needs of 300 students, it has currently an enrolment of 68, or 65. It has to be heated and lit. The beds are there and it is not being utilized. There are facilities in Frobisher Bay that could provide for a very extensive heavy equipment operators' course. We have garages and facilities and again accommodations that are not being utilized, all kinds of them. We have a high school in Frobisher Bay that is designed for 400 students and it currently has about 250 in there. We have an adult education centre that is practically empty most of the time. So, what the hell are we doing shipping people to Fort Smith? What is the point, particularly in a matter such as this because it does not require bulldozers and heavy equipment and great gobs of machinery to teach and train a teacher trainee? It requires a very close contact with a couple of specialists as we have currently in Frobisher Bay to work with the students and to encourage them and to be in close contact with them. I mean, you do not need the equipment, so that is really irrelevant.

Training People For Native Employment

We have a responsibility to the people we represent to provide them with as much training as we possibly can, and if there is one area that this government has failed miserably in it is in training programs for native people. There are less native people employed in Frobisher Bay today than there were ten years ago on a per capita basis and numbers are dropping rapidly as southern Canadians are moving in and taking over these jobs, hundreds of them, and I imagine that Frobisher is not alone in this. Now, let us just think very carefully for a minute. Hon. Arnold McCallum in his great speech, beautifully prepared by his department...

SOME HON. MEMBERS: Shame, shame!

MR. PEARSON: ...In a position, and of course the Hon. Arnold McCallum, you must also bear in mind is a Member of this Legislative Assembly elected by the people in Fort Smith and thereabouts. He has the responsibility not only to those people in Fort Smith but to the whole of the Northwest Territories, the same as we do as individual Members. If we insist that all good things can only come from the Western Arctic, all good things can only come from Yellowknife, all is bright and beautiful in Fort Smith, then we are making a big mistake and we are letting down the people we represent. We must have decentralization. We must have as many training programs as we can possibly get going. We have got to get the native people involved in the education of their own people. This committee, this Legislative Assembly passed that motion at the last session, that a greater emphasis be placed on the number of native people being used in the schools and yet here we are condemning them to a training period in Fort Smith, and it does not work, it has not worked and it will not work. So, Members, fellow Members, let conscience be your guide.

THE CHAIRMAN (Mr. Stewart): On Motion 9-59, Mr. Butters.

Adequacy Of Frobisher Bay Hostel

MR. BUTTERS: I just wonder, sir, if you would direct a question to the Hon. Member who just finished speaking and ask him if he remembers the discussion that ensued in this body in years past regarding the adequacy and environment of the Frobisher Bay hostel. I remember the Member on many occasions said this was the end of the world as far as accommodations for students was concerned and when I personally visited the unit some three years ago I agreed it was the end of the world, a terrible situation. Do I understand from the Member's comments that the hostel in Frobisher Bay has improved markedly now and that the environment is one which is most acceptable to youngsters coming in from outlying communities to the Frobisher Bay centre?

MR. PEARSON: Mr. Chairman, the...

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

MR. PEARSON: Thank you. The hostel has gone through many phases. Currently it is in good shape. My criticism of the hostel in Frobisher Bay has been the incredible cost of the hostel and the Deputy Commissioner produced figures last year or several years ago that showed the cost to be in excess of \$5000 per year per student just in accommodation costs. When you have a facility that is built for 300 people and houses currently only 60, 65 or 66 students, the costs become astronomical. The figure that the Deputy Commissioner gave us at that time was when the cost of fuel oil was a hell of a lot lower, wages, etc., and there were some 86 students in there.

The Argument Is Decentralization

When I use the word "hostel" I do not wish to imply that all these students would live in there or should live in there. I do not think any of them are currently staying in the hostel in Frobisher Bay. A lot of them are residents of the community and have relatives and friends in that community. The facility could be used for them and in fact could be used for a number of training programs. The greater utilization of that facility, I mean if it became a training centre for the Eastern Arctic, it would certainly I suppose justify its existence. As it sits now with only 65 students in it I can hardly agree that it is an economic proposition. In fact there was provision I understood to develop group homes. Accommodation is not the problem. Frobisher Bay is not the argument. The argument is decentralization, Mr. Butters. That is the argument.

MR. BUTTERS: Mr. Chairman, Mr. Pearson did not answer my question as to whether or not in his estimation the management and the environment of the Frobisher Bay hostel for people coming into that community from outlying communities now is satisfactory to him.

MR. PEARSON: I would say yes.

MR. BUTTERS: Thank you.

THE CHAIRMAN (Mr. Stewart): The Chair recognizes the Hon. Member from Yellowknife South.

HON. DAVID SEARLE: Mr. Chairman, after having heard all sides of the debate and I hope having been objective in it, it seems to me that there are several points that should be emphasized. Firstly we are talking about in my view not decentralization or centralization. That is not the issue. I do not think you can paint with that broad a brush. We are talking about one thing simply and that is the teacher education program and how do you best train not bulldozer operators, not truck drivers, but how do you best train teachers, professional people, professionals?

Support For The Minister Of Education

You have heard the facts and the figures given by the Hon. Arnold McCallum. I do not think you can dismiss them by saying that they are twisted or warped unless you are prepared to follow up and dismiss the Hon. Arnold McCallum. I do not think you can say things like that without suggesting that the next move then is to replace your Minister. We as a Legislative Assembly have chosen him to do a job in education. We have deferred his education bill. His department has been under attack for the whole of the two weeks. He has done a lot of homework in this motion. He has presented facts and figures which he is confident are true and correct. Can we say "No, they are wrong, we will ignore them"? I mean do you have confidence in the man and what he is trying to do or do you not? How can you say "I do not believe what you have said" and expect him to continue? I think you should consider that. From my own point of view, Mr. Chairman, unless there is some concrete evidence to indicate why I should not support the man who I, together with the others, put in charge of this department, unless there is some evidence of that, then I shall support the position of the Minister of Education.

THE CHAIRMAN (Mr. Stewart): The Hon. Member for Great Slave Lake.

HON. ARNOLD McCALLUM: Mr. Chairman, I would hope to have got in before the Hon. David Searle did. I do not need anybody to write things for me. I am fully qualified to do that. The facts that I presented were not slanted, were not distorted and I can only echo what the Hon. David Searle said, that if my colleague Mr. Pearson suggests that I am in fact presenting false information to the Members of this Assembly, then I would challenge him at this time to back that particular statement and if he wants to put the motion, and I think he should, then either support what I am saying or not. The only way he can support that is to raise a motion to dismiss me. My points on the town were pertinent to the discussion. It was Mr. Pearson who brought up those particular points. I responded to them.

Minister Has Broad Outlook On Education

If we are to go against what has been placed before us on the basis that they are untruths, then stand up and say so. To suggest that I require somebody to prepare my material is an insult to my intelligence and I do not particularly believe that Mr. Pearson has the intelligence to do that. I have always wanted to do something in terms of Fort Smith the same way as Mr. Pearson is attempting to do something for Frobisher Bay. I have been in education in these territories for 13 years and I do not believe that my outlook on education has been provincial, all related to Fort Smith. It has been throughout the territories. That way I believe I am consistent. I believe Mr. Pearson is consistently inconsistent in terms of what he has suggested on numerous occasions, not only within the past year but within the terms that he has served prior.

If you do not accept the facts that I have, I think you have one recourse, to do exactly as Hon. David Searle has suggested. I would point out to you that for the present year there are four applicants to the teach education program, two from the Keewatin and two from the Baffin. I would suggest as well that when mention is made of preparing people to teach in the schools of the Northwest Territories we recognize that there are people who want to get into the program but who do not want to leave their community for long periods of time. I indicated at the beginning that we were in fact, in the department, looking for an alternative method of preparing these people to carry on teaching in their home community.

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

Minister's Explanation Valuable

MR. STEEN: Mr. Chairman, I think I will say that I appreciate what the Minister has said and also what the Hon. David Searle has said but I do not think -- what I meant by the Minister saying what he has said is that he told us a great deal a little while ago before coffee that is very valuable to myself and fellow Members. The other thing that I wanted to say about the Hon. David Searle was that I do not think that we should go that course if we disagree with the motion.

MR. PEARSON: Hear, hear!

MR. STEEN: I think it is -- if he brings some figures to us and we do not agree with them, then we tell him and if he brings figures and we do not agree with them, then he is telling us we agree with his opposition to the motion.

I think it is whether or not what he tells us, it is our duty to tell him even though sometimes the figures support continuing the adult education in Fort Smith but I still feel that we have to decentralize education mainly because people in the Northwest Territories do not want to move away too far away from their families. It seems to me we are going backwards sending kids away from their communities so that the instructors do not have to move away from their families. Maybe try it the other way. Move the instructors away from their families, or meet them halfway. I think this petition here that was presented on the table tells us or supports Mr. Pearson and it is not only -- it seems listening to it things were beginning to get personal between Members and I do not think this is so. I think Mr. Pearson has a lot of people backing him on this particular motion or problem.

Cost Of Transporting Students

There are a couple of other things that were brought up or said that were slanted. I think Mr. Pearson said it was slanted and I agree with him to a certain extent because the costs of moving the kids back and forth between their communities in the High Arctic or Eastern Arctic or Western Arctic were not brought into the figures. You know, if we had that put in there too it would have been a better position for us to make a decision and it would have been a lot easier for me to say one way or the other. Nevertheless I think I will support the motion because if I did not then I would be voting against a thing that I believe in and I believe that we must decentralize education in the Northwest Territories.

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

MR. LAFFERTY: Mr. Chairman, you have got me slightly confused here. We have a motion before us that deals with an education matter. From my viewpoint after hearing the remarks of my colleagues I feel we are jeopardizing the future of our people. I do not think the question here is decentralization. I think that the question is what type of teachers, native teachers are we going to produce? To reiterate Hon. David Searle's remarks we are not training heavy equipment operators, cooks, etc., we are training teachers. In my view, and having had the broad experience of having travelled throughout the world, I know the value of going away from home to learn. I feel that training a teacher in his home environment, in his home town does nothing for that person. As Mr. Pearson always likes to say, native people are used as the tune for his argument but let us reverse the table and look at the white man. How does he teach his teachers? He sends them all over the world, and in some instances for years, so that he can acquire knowledge about the affairs of the world.

Broader Experience For Native Teachers

I think this is the idea of training native teachers so that they can gain a workable knowledge of the economic systems of the world, by which they could teach the incoming generations to take leadership of their own affairs. I feel that these native teachers that we are so concerned about and the native people must be exposed to broader experience. I would prefer to have a native Indian from Fort Simpson or Fort Liard, or any part of my constituency, spend ten years if he must in Frobisher Bay, but by the same token I feel that the Eskimo fellow from Frobisher Bay should be exposed to the same treatment and should have equal opportunity and be exposed to broader experience, and they do become better citizens in their community and they become people of knowledge. In that sense I will support this motion and our Minister -- not this motion, I will not support this motion, but rather I would support the recommendation of the Minister.

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

MR. EVALUARJUK: Mr. Chairman, I am not going to say very much because what I was thinking of has actually just flown away, but I certainly have been in agreement with Mr. Pearson and we should not forget this because education is certainly very important and so, as a result, I would like to say a few words about it. I have not had anyone telling me lies, and I would not want to accuse anyone of doing that, but anyone who says this is better or that is better about education, or if anyone says this place is better than that place for education, from them I would also like to know what the people think. If we agree about the funding of education and because the people of the Eastern Arctic and the Central Arctic agree with this and if we say that we as Members agree with this place or that place we would have to talk to the government and then they would have to approve. Thank you very much.

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

MR. KILABUK: Mr. Chairman, I do not have very much to say. I am all mixed up because I have heard so much controversy about this subject but I would like to know if we are talking about school children and I would like to ask that and if I could have an answer to that I probably would have more to say.

Education Program For Senior Students

THE CHAIRMAN (Mr. Stewart): Mr. Kilabuk, the subject involved in Motion 9-59 is about the teachers' education program. So, answering your question it would be for senior students, and they certainly are not children, but on the other hand they are not necessarily adults, so they are in between, and it is for more senior education, the education, the teacher education program.

MR. KILABUK: Mr. Chairman, thank you for explaining that for me. I would have had more to say if it had been for the education of children. I do not mind so much about this program because it helps the adults to get more training and I have always said that we need and want more native teachers to run the education system, and I think this is going to help if more of the education system is run by the native people, and so I would support the motion.

On the other hand when the Inuit are away from their homes they miss their native food and they wish to stay in contact with the people in their homes, so I think it would be better if they had a more suitable place, the West and the East. However, it is very hard for me to say exactly what I think would be helpful, but I was a little mixed up and I did not know whether you were talking about sending school children to the Fort Smith area because I think in the North it is better for the teachers to get more knowledge from these other places. I can not really say whether I could support or not support this motion right now until I have heard the different arguments, not only the other side and vice versa. We must say what we think and we should not agree with anybody just because of what they say, but we must take into consideration what we ourselves think.

Now, when we can talk about exactly what we think we must sometimes go against what the authorities have said because no one will ever be exactly right on the dot with what they say and what we may say is not always necessarily agreed upon by everybody. So, what we think is better, if we agree on them, but we must try harder because we were elected. Thank you.

THE CHAIRMAN (Mr. Stewart): On Motion 9-59, any other speakers who have not spoken yet who wish to? Mr. Nickerson.

Vote Of Confidence For Minister Of Education

MR. NICKERSON: Mr. Chairman, I intend to vote against this motion for one reason and one reason only and that, sir, is that I would like my vote to be interpreted as a vote of confidence in our Minister of Education.

THE CHAIRMAN (Mr. Stewart): Any other person who has not spoken who wishes to speak at this time? Mr. Pearson.

MR. PEARSON: Well, I would just like to wrap it up, Mr. Chairman, but before doing so I would like to apologize to the Hon. Arnold McCallum for any statements that I made which caused him to react in the way he did, but I am surprised and appalled that Members of this Legislature would use a motion that is obviously controversial to try to somehow distort it into being a vote of confidence in the Minister of Education. I think that is most unfortunate and I think it is a very poor tactic. We have a motion on the floor that is controversial. Some people agree with it and some people do not agree with it, but I do not see any reason why the Minister should even consider this a matter of confidence, or anybody else in this house. I mean, surely we can disagree, we can agree to disagree. We can sit here and argue with each other without that kind of approach developing. I think that is very bad. I mean the Minister is going to have a hell of a lot more disagreement during the remainder of his term, as is the Minister of Social Development and anybody else who wants to take on a portfolio in this house. I mean, that is what it is all about, that is the name of the game.

It is a very simple matter, Mr. Chairman, the matter of this motion, a very simple matter and we have a responsibility to the people we represent, and all I can tell you is that many, many dozens of native people who have been sent to Fort Smith for one reason or another have been extremely unhappy with it, extremely unhappy with it. They do not like it, they do not want to go there, they do not stay very long, it is not a conducive atmosphere, for particularly the Eskimo people I happen to represent, for any training facility whatsoever.

Facilities In as Many Areas As Possible

There is no reason, no reason at all, no good reason, why the teacher education training program can not remain in Frobisher Bay. There is no reason why there is not one in the Keewatin, as those people over there are entitled to it, and this Legislative Assembly at the last session made a motion that there be an increase in the number of native people working in the schools and I think that can only be brought about if the Hon. Arnold McCallum's department listens to the wishes of this Legislative Assembly and makes those changes and provides facilities for as many people as is possible in as many areas as possible. I call for the question, Mr. Speaker.

THE CHAIRMAN (Mr. Stewart): The question is being called. Are you ready for the question?

SOME HON. MEMBERS: The question.

THE CHAIRMAN (Mr. Stewart): On the motion and the motion reads thusly "Now therefore, I move that this Legislative Assembly recommend the Department of Education to cancel its plans to move the teacher education program to Fort Smith and have it remain in Frobisher Bay."

Motion 9-59, Defeated

That is the motion. Those in favour? Five. Opposed? Seven. The motion is defeated.

---Defeated

That disposes of Motion 9-59. I would direct your attention to Motion 10-59 and we were to call witnesses. Are there witnesses available?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, yes. Mr. Holden, the Director of Finance is available and he has been the head of an administration committee which has studied all aspects

leading up to the Rent Control Ordinance and I think he would be able to answer quite a number of the technical questions. I would suggest, if I may, that he be supported by Mr. Don Trent whose field is consumer protection. He is sort of the sole person in that area, or I suppose there is a staff of two in that area in our government and I would like it very much if he could accompany Mr. Holden.

THE CHAIRMAN (Mr. Stewart): The suggestion is we call Mr. Holden and Mr. Trent, is this committee agreed?

---Agreed

Call him please. 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.

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

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.

This was moved by Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, as you recall, sir, it was the recommendation of the standing committee for many good and valid reasons that Bill 11-59 not be proceeded with at present. During the discussion on second reading it was mentioned by several Members that although they do not necessarily agree with rent control at present, they foresee in the future, in the case that we have major industrial development such as a pipeline, and they feel in those circumstances we might have to look into the possibility of imposing controls on rent and possibly retail prices and this sort of thing. Therefore, this motion was moved to enable Members to make their views known on these particular subjects and to receive the expert advice of people in the field. I have, as chairman of the legislation committee, prepared a committee motion which I intend to introduce to this committee probably after we have had some general type discussion.

THE CHAIRMAN (Mr. Stewart): Thank you. Would our witnesses care to make a general statement at this time relative to rent control and possibly we could start it that way? Mr. Holden.

Ten Provinces Have Rent Control Legislation

MR. HOLDEN: Yes, Mr. Chairman. As you recall at the last Legislative Assembly meeting when Mrs. Plumptre explained the intent of the federal anti-inflation program to the Legislature, I think at that time it was indicated that rent controls being a provincial jurisdictional item the federal program only recommended that the provinces enact controlling legislation on a provincial basis. All of the ten provinces now have rent control legislation in keeping with the intent of the anti-inflation program. The Yukon Territory has not. I believe their intent is not to legislate rent controls in the Yukon. The act that is before you is basically designed on the provincial models. We examined all of the provincial legislation that was ready at the time and took the features that appeared to be most applicable to the territories in making up the draft that is in front of you now.

Both the subcommittee on legislation and I believe the standing committee initially reviewed the ordinance. We laid out some of the main features of the legislation and indicated what several of the provinces were doing in each of the areas and asked for a decision as to which should be incorporated into our legislation and what is before you has that decision in it. That is all I would like to say at this time.

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

MR. BUTTERS: Just one question with regard to Mr. Nickerson's comments. I would be very happy to receive from the Pages a copy of his motion at this time rather than waiting until he makes it so I can understand the thrust of the motion while the debate goes forward. That is a suggestion.

Secondly, do I understand from the witnesses that the reasons that the legislation has been brought before this house is not that there has been any great request for it from the community in toto as it were but because Madame Plumptre made the recommendation during her visit to the house in the last session or because other jurisdictions in Canada are doing this?

THE CHAIRMAN (Mr. Stewart): Your first question I did not understand, Mr. Butters. Perhaps possibly Mr. Nickerson did.

MR. NICKERSON: Yes. Mr. Butters requested that the motion which I intend to introduce later be circulated. I would be very pleased to do this. The only reason I held it back for a while is to see if the debate is going in the way that I might expect it to go. If it does not, then maybe I would not make this motion or I would amend it before I introduce it but I am quite prepared to have it circulated at the present time.

THE CHAIRMAN (Mr. Stewart): Thank you. If you have a copy for circulation, might it be circulated, please? Mr. Holden, could you -- Mr. Deputy Commissioner, would you answer Mr. Butters' second question?

Views Of Administration

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the administration brought forward this bill at the last session and it did seem premature, at that I agreed because of not having had much public exposure. We re-introduced it at this time because we feel that with wage controls a fact of life that the other side has to be protected, the other side of the picture had to be protected and the occupants of rented accommodation having their wages controlled should have the protection afforded by a bill such as this. Our views were strengthened somewhat by Mrs. Plumptre's comments, but our move was made before her appearance before Council as you will recall. Therefore, it was an administration move for protection of the public. With regard to the kind of response that we have received in this area perhaps Mr. Trent or Mr. Holden could provide us with some background.

THE CHAIRMAN (Mr. Stewart): Thank you. Do the witnesses wish to make a statement on this?

MR. TRENT: Mr. Chairman, as chief of the consumer division I almost daily get inquiries about whether or not the government is going to introduce any rent controls. In most cases the individual is under a lease but has already been given notice by his landlord that his rent

will be going up substantially, well beyond the proposal here, going up substantially in the future. Therefore, there is quite an interest in the government doing something about this or what is going to happen.

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

Applying Controls For Short Periods.

MR. BUTTERS: Just a supplementary relating to rent controls. I wonder if either of the witnesses can advise that the experience in the past, not talking about the provinces now bringing in rent controls, but the experience in the past where rent control legislation may have been applied for a short period of time, whether that experience has been a positive one and has the action been successful? It seems to me that if you restrict the amount of return that a developer or investor may make from that product which he is selling, which is the accommodation, to the point that it is not worthwhile to invest in rental accommodation, the resulting effect is that people stop building such accommodation or stop buying accommodation to use for that purpose.

What I am saying is really what you might do through rent controls is shrink the available market of rental accommodation being offered and as a result put it out of reach anyway. The care of supply and demand, through rent controls you are altering this supply and demand relationship and the supply will diminish as the people who supply that factor, that accommodation, feel that their money would be better invested elsewhere and so get out of the business. Therefore, the amount of accommodation available in the free market system diminishes where rent controls apply. Do I make myself clear?

THE CHAIRMAN (Mr. Stewart): Mr. Holden, would you care to comment?

MR. HOLDEN: Yes, Mr. Chairman. The committee considered that as did, I guess, most of the provinces. There are two points I think that Mr. Butters brought out. One is the disincentive to invest in new rental accommodation. The ordinance that is before you does also include restrictions of rent on new construction for a period of five years. That is similar to the legislation that all of the provinces have introduced. That was recommended in the federal anti-inflation program guidelines. They recommended that because of the housing problem right across Canada they should not discourage new construction.

Federal Program On New Construction

The federal program initially was announced as a three year program with the non-inclusion of new construction for a period of five years and hopefully it will never ever be controlled. The program will be finished before the five year period.

In the area of current accommodation there is provision in the ordinance where a landlord can indicate that his cost increases, etc., are such that he is getting a reduced rate of return and he can negotiate with the rent control officer an increase over and above the eight per cent maximum. That is strictly based on costs.

One of the major costs, of course, to a landlord is the cost of financing the investments in the structure and in current accommodation that cost now basically is fixed but if he has a mortgage that is adjusted every five years when the rate is increased and he can prove to the rent control officer that his rate of return has in fact diminished he can negotiate a larger increase. So hopefully there is some protection there for him.

THE CHAIRMAN (Mr. Stewart): Is there anyone who has not spoken to this who wishes to do so at this time? Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, with regard to input by members of the community and community groups at large our experience with the standing committee on legislation is that we have had a good deal of input from people who are absolutely against any form of rent control whatsoever. We have not had any submissions from people who are in favour of rent control. To me it would seem in the Northwest Territories that we should do our utmost to encourage an independent housing industry.

Majority Of Housing Controlled By Government

Right now we have been given to understand by the managing director of the Northwest Territories Housing Corporation that in excess of 90 per cent of the housing units in the Northwest Territories are owned or controlled one way or another by the government, either the federal government or the territorial government and this surely is not a very desirable thing. I would hate to see anything done at all that is going to jeopardize what we have of an independent housing industry.

With regard to the exemption on new construction I do not think that provides anything of an incentive, really. Once you start putting on controls people know they are there and they know these exemptions can be closed off at any time and they just will not have anything to do with it. I know that in Yellowknife today desperately needed housing units are being taken off the market. This is happening right today. People are taking out of circulation apartments and are going to turn them into commercial type properties for this very reason, that with us just talking about rent controls. It is scaring them off.

I have one question of the expert witnesses, Mr. Chairman, and that is in regard to the 90 per cent or more than 90 per cent of the housing controlled by the government and these are the houses that would be in the settlements. Obviously this legislation would not apply to the Arctic regions that much because nobody there has rental accommodation. It is all government accommodation. My question is simply this and I expect the answer to be yes. Surely it is within the power of the government to set what rents they wish for the accommodation which they control without having to resort to legislation to do this?

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

Power Of Government To Set Rents

MR. HOLDEN: Mr. Chairman, one point I would like to mention there is that of the 90 per cent of the housing that the territorial government controls I am not sure what of that is leased accommodation which we are leasing and then renting out to staff. I know that the Department of Public Works has received some pretty fantastic increases on some of the accommodation that we lease ourselves. When I say "large" I am speaking of 20 to 30 per cent increases in leases to the government of apartment buildings and row houses and so forth. So, possibly some of

the 90 per cent that we are in effect controlling, we can control the rent to a staff member in that unit but we can not at the present time control what the government itself is paying and when I say 20 to 30 per cent I am talking about in some cases the second and third rental increase in the course of a year.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any further speakers? Mr. Lafferty.

Rents In Fort Simpson.

MR. LAFFERTY: I think it was indicated by the administration here that there are no inquiries as to rent control. In my constituency there are a lot of people coming to me and either myself or the government area administrator, Danny Linkert, asking or they are requesting that there be some kind of controls on rent. My viewpoint on this matter is that there should be rent control. A great bulk of the population in the Mackenzie area do not own their own homes, they rent and in the case of apartments, rents are very, very high. I myself for instance lived for a year in an apartment at \$310 a month for a single unit, and I had to pay utilities besides that, bringing my cost of living without my food budget to a total of \$400 a month and that was the cheapest rent I could get.

Now, this rent is being increased by \$37 as of the 1st of June and people who are living in these apartments are forced to stay because there is no place else to move to, all the government low rental units in the government controlled buildings are rented. So, this puts a large number of people at the mercy of apartment owners and private housing. So, in that regard I would say that we definitely do need rent control but, on the other hand, if you look at wage control, when we have wage controls, the landlords can take it away from us and what have we got left to eat? In that regard I would support any motion or rather I would support rent control.

Figure Allowed On Assessment

THE CHAIRMAN (Mr. Stewart): I wonder if the Chair would be permitted one question of the advisers? When the value of a rental property is computed to establish a fair rent return on investment, what figure is allowed in the assessment? In any new assessment on land in such places as Yellowknife and Hay River land has actually increased in value according to assessment, sometimes as much as ten times the actual value paid and I understand that a move is afoot at the present time to assess improvements on property at full market value. So, in computing these values what figures would be allowed the owners?

MR. HOLDEN: Mr. Chairman, I am not quite sure what aspect of the legislation you are looking at. The rent is controlled by establishing a base rate based on the rent in 1975 and then providing a maximum increase on that base rent. For some protection against the landlords who did not get their 1975 increase established before October, which is the date the control is retroactive to, there is provision in establishing the base rent at a figure no higher than 110 per cent of the last rent paid in 1974. That is common to several of the provincial acts inasmuch as some landlords could possibly get two increases in 1975 and another landlord who was late and who did not get an increase at all until after October 1st would be at a disadvantage.

Now, if there is possibly one area which relates to your question, that is where a landlord makes a submission that the eight per cent is not adequate to meet his additional costs and in effect his rate of return has been reduced and if he makes an appeal to the rent control officer then the rent control officer will review his records to determine what the rate of return is on his investment, what it was before the control program came on and what it is after and if it has in effect, if his rate of return has been reduced. That does not really pertain to the value or the market value of assessed value, it relates to the rate of return on the investment he has in the property before the controls as opposed to subsequent to the controls. I am not sure if that answers your question.

Return To The Buyer

THE CHAIRMAN (Mr. Stewart): It partly does. I would take it a little step further if I may. Let us presume that an apartment building in Yellowknife may have been built five years ago for \$1 million but at present market value in Yellowknife it is now worth \$2 million. With this program in effect -- if indeed the person who owned it with rent controls in effect being able to sell it but if he were able to sell it for \$2 million would the rate of return to the buyer be based on the price that he paid for it?

MR. HOLDEN: What you are saying is if the buyer bought it at a \$2 million figure and was stuck with the old rents he would have half the return. Well, in establishing rent it is based on 1975 actual rents so hopefully the inflation in the market would have been picked up by the landlord in the first -- taking your example, in the first four years, he would have increased his rents up to 1975 and, in establishing the base it would be included in that base, from 1975 for the next three. What the program in effect is saying is that there are going to be controls and you might have difficulty in that area, but I think you would.

We have some instances with government leases which are leases negotiated seven or eight years ago where just what you are indicating has happened. We negotiated what appeared to be an equitable lease, seven or eight years ago and it is a 20 year lease and the property in question has gone up as much as three times in market value. The owner would like to sell but he can not get that price because they are tied in basically to the old rents for another 13 or 14 years. It is a situation that was negotiated in good faith but no one could really predict what was going to happen to property values. I think the anti-inflation program is saying in effect for three years they want to slow it down and after three years when the program is closed down then it will pick up that increase in evaluation.

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

Effect On Northern Rental Housing Scheme

HON. DAVID SEARLE: Mr. Chairman, I have really only two points I want to make and I suppose I have questions on. Knowing as I do that the northern rental housing scheme is in effect with respect to all of our native people and by that I mean to the extent that there are houses available, I do not mean that all native people are in northern rental housing but that it is a program which is generally available to our native people and it is a highly subsidized program, with rents based on one's earnings and hence his ability to pay with a minimum sum, including all utilities, I assume that this program therefore will not in any way affect the northern rental housing scheme because of the already high subsidized nature of it, is that correct?

MR. HOLDEN: Yes.

HON. DAVID SEARLE: Yes. Then, we look at the other large group of people in the North, the public service, federal and territorial public service whose housing benefits and allowances again are highly subsidized and arrived at through negotiation with the Public Service Union or Alliance. I assume those arrangements will not be affected.

MR. HOLDEN: Territorial staff housing accommodation is included in this program.

HON. DAVID SEARLE: Is included?

MR. HOLDEN: Is included. Public housing, that is where the rent is based on income levels, is excluded.

HON. DAVID SEARLE: I see, but it is not necessarily included unless the ordinance specifically says it is. Mr. Slaven?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, subsection 3(2) states that the ordinance and the regulations are binding on the Government of the Northwest Territories and its agencies. Subsection (3) says it does not apply to units of public housing in which the rent is dependent upon the income.

Rents On Houses Owned By Mines

HON. DAVID SEARLE: Yes, okay. Then, we have a large group of people who, I take it, are employed by mines, say Con and Giant who, through collective bargaining have arrived at a highly subsidized housing arrangement. Now, even though the legislation may apply in law I do not assume that these people will be affected by it, though.

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

MR. HOLDEN: With regard to the mines, their wage negotiations would come under the wage guidelines and this is part of the same package. If they are being restricted on their wage negotiations to the eight to 12 per cent maximum wage increase this would also protect them with regard to the possible rent increases that the mines might place before them.

HON. DAVID SEARLE: I appreciate that but the point is these people are subject to a collective bargaining arrangement and if on the one hand there are wage controls obviously in the negotiations they will be taken into consideration and rises in rent which will not wipe out increases in wages, in other words, there is a built-in protection to such people through their collective bargaining unit.

THE CHAIRMAN (Mr. Butters): Do you agree, Mr. Holden?

MR. HOLDEN: Any collective agreement has to be submitted to the Anti-Inflation Board for approval and when the board reviews the wage increases they also review all of the benefits attached thereto, whether they are in the agreement or not. Any change in benefits such as vacation travel assistance, any benefit whatsoever is included in the total package and is either approved or disapproved on that basis. Now, in the case of the mines I assume that that would include the rent they are paying for staff housing.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Hon. David Searle.

Few People Will Receive Protection

HON. DAVID SEARLE: I guess the point I am making is this, and I appreciate the bureaucracy involved in all of this in the Anti-Inflation Board and rent control officers with all their various approvals and I suppose it is a tremendous exercise for the employment of more people in the public service, but the point I think I am making is if you look at the majority of people in the Northwest Territories, and by that I mean the people who enjoy the northern rental housing program, people who are protected through the collective bargaining agreements in the civil service, people who are protected through their collective bargaining agreements in industry, then you really have very few people who this is of material protection for. Those very few it seems to me would be the same few that are not protected and not covered by anything, those who pay the full shot and the removal fares to and from for sickness where everyone else is covered.

In other words there is lack of protection to those few nuts who are in free enterprise, are surviving by themselves, but that is not new, it is not new and I guess my first question is: How many people is this legislation really going to protect? My guess is one or two per cent of the population I would think. However, the next thing of course is this. If it is not going to protect very many people then what are the likely implications to our non-existing, our non-existent construction industry that, in the construction of badly needed new housing units -- it is not as if, gentlemen, we had so many construction companies building so many new houses and apartments that we could afford any disincentives. Or if we had so many developers with so much money making such a great rake-off that we had units going for the asking.

Implications On Development Of New Public Housing

My second question is: Has anybody considered the implications of such legislation on the development of new public housing? I do not mean it in the normal governmental sense. I mean housing for sale, housing for rent by those poor three per cent, those nuts I call them like

me and my employees and staff who do not get housing provided for us by anyone. If we want it, we have to go out and rent it or buy it. What is the implication of this legislation on guys like that, the guy who operates the service station and wants to bring in a mechanic and wants to find an apartment for him?

These are the questions I have therefore, too, essentially just at the risk of repetition. Firstly, what percentage of our population of 40,000 people is this going to affect, and secondly, what are the implications on the housing industry? I think we can almost laugh because I do not know that there is really an industry that we could properly call such. What are the implications? Are we going to be in a worse position? Are we going to pay a terrible price for a nominal protection? That is really the question.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Any further comment? The Member from Mackenzie Liard, Mr. Lafferty.

Policy Discourages Home Ownership

MR. LAFFERTY: Mr. Chairman, the comments by the Hon. Member for Yellowknife disturb me greatly. When we really examine the native subsidies and subsidization of housing units in the Northwest Territories it stinks of discrimination and racism. The present practices of today discourage private home ownership. Our present housing policy in the territories does discourage private home ownership. It is literally impossible for a person like me to acquire his own piece of land and to find financing for housing simply because of governmental policies directed at native people. We seem to put all these people in one great big block and then justify our moves by saying they constitute a large number and by saying, to quote the Hon. David Searle, three to four per cent of the population will be affected by this rent control. I think that is incorrect. I think that there are at least 75 per cent of the total population in the North who are forced into government housing who desire to acquire their own homes. Presently under this system we have here the little guy, whether he is native Indian, native Metis or a white long-time resident or a native white man, they are unable to acquire land upon which they can build their housing simply because these lands are grabbed up by private enterprise or the contractor to whom we are extending certain privileges, denying the majority of our people the right to acquire the lands upon which they have lived for many, many years.

People Want Their Own Housing And Land

This is where this Indian land claim comes in. They do not want the whole goldarned Northwest Territories. All they want is the title to the land upon which they have lived as long as these communities existed. What are we doing through our housing policy, governmental policies? We are zoning these areas right out from under them. That is because of such tactics that are here. If we went to these people and honestly asked them how do they desire to live and what type of housing do they want, they want housing of their own design on lands which they have title to. And presently we have no such regulation. If we do, it does not mean a damned thing, it does not mean anything. It is not even worth the paper it is written on. We are forced into a government subsidized house and not by choice. We have not got a choice here.

I, for one, can sit here and you can go through your legal books and look at my status. I am a native person. Perhaps I am more Indian than a lot of Indian people running around as I said the other day with beads hanging around their necks but I am a person of white status and I am forced into a government low rental because I can not afford to pay the high rent because we have handed the monopoly over to some contractor or some builder in the name of free enterprise. I believe in the free enterprise system but I believe too, that people have the right to acquire their own lands and homes.

THE CHAIRMAN (Mr. Butters): Hon. David Searle, do you wish to speak on the motion?

HON. DAVID SEARLE: Mr. Chairman, I am trying to figure out what I said to cause Mr. Lafferty to go off the track, if I may say so. I want to assure him that what he said I agree with entirely but his comments were directed surely to the ills of the northern rental housing program which does not permit the acquisition of housing by the people who are living in it and who have lived in it for many, many years. This Legislative Assembly is on record a long time ago as to favouring the disposition of housing units under that program to the people who live in them, even for one dollar, just so they have the responsibility for the maintenance and repairs. Mr. Butters was involved in many discussions about how a home ownership program could come out of that. There is no question that I and I think everybody else here am convinced that that is the way to go.

Home Ownership Not Accomplished By Rent Control

With all due respect to what we are talking about here in this rent control measure, I do not think it is the same subject. This rent control bill, Mr. Chairman, does not solve the problems Mr. Lafferty referred to. While I agree with everything he said about the need of home ownership by people of their lots and their houses, to dictate what their design should be and be responsible for their maintenance, that is not something that is accomplished by this rent control bill.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson and then Mr. Lafferty.

MR. NICKERSON: Mr. Chairman, I am very pleased that Mr. Lafferty brought up these remarks. I think we all heartily endorse what he has to say on this problem that is facing us. I think what Mr. Lafferty is bringing up is something that I have been trying to get across, that if we go ahead with this rent control bill the very thing will happen that he is scared of, that people will not be able to develop a housing industry aside from government. This is a very great concern of mine too. I thoroughly endorse what Mr. Lafferty had to say regarding the getting out of the housing business by the government and to encourage private ownership of housing. This is one of my prime objections to the rent control bill because what I see happening here is that government is going to take more control over the housing industry. They will virtually be able to dictate all kinds of things concerning housing if this goes through. What we have got to do is to get government out of the housing industry and get private people into it so that we can accomplish the ends that Mr. Lafferty would like to see. That is all I have to say on Mr. Lafferty's comments. Maybe I will be given permission to speak later on on other matters.

THE CHAIRMAN (Mr. Butters): Mr. Lafferty and then Mr. Stewart.

Housing Of Metis People

MR. LAFFERTY: I appreciate the replies by my Hon. colleague from Yellowknife. It does concern me gravely as perhaps it does many other persons of my status who are Metis people. They seem to be the most neglected, the most oppressed and suppressed people in the territories and they do constitute a clear majority of the people in the Northwest Territories. Somehow that is not the issue. The thing that I am going to say here is seemingly I am on the same brain wave as you people are but the fact remains that if we do not control the rent then these people profit a great deal. We know for a fact that the rents do not have to be that high. We know. In most instances what happens is the people who live in this country by birth, have lived and are living in older types of buildings. I can almost take you to any community, even here in Yellowknife and I can point out every Metis family in this community and show you that these people are living in shacks because that is the only rent they can afford. If they can not afford that rent, then they live in shacks because that is the only building they can afford. They are low income people. As most low income people are, regardless of race or ethnic background, they do have large families and by having no controls on rent, the owners of these buildings do profit enough to acquire properties in the communities.

I am happy to be a member of the village council. In most cases people who are influential in the community were also that type of people and zoning these small developing communities to sweep out the lands on which these people live for a long time through the tax structure. We really have a problem here and it is a real mess. I believe, as I said, I believe in the private enterprise system but the fact remains that when it gets out of balance and when it is continued, then it is not going to result in anything good; it is going to result in dissension in the community between the poor and the haves and it is happening right now. I feel that if we took strong action to control some of this type of activity it will result in people working together, to better the community. I am not too concerned with the individual person when it comes down to a community problem, which is housing.

Right Policies Encourage Home Ownership

If we have the right regulations, the right policies, people will have a chance to acquire their own homes and then of course there would be at least 40 per cent of the people who would not want to get their own home. Even if you give it to them they would not look after it. This is where my argument comes in, I am not saying that we should discourage people, I am saying that we should encourage people by some kind of control, not to let a few people make fantastic profits in buying these properties from under us and allowing them to monopolize on the housing developments in the Northwest Territories.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Lafferty. I recognize the Hon. Member from Hay River, Mr. Stewart and then Mr. Lyall.

MR. STEWART: Thank you, Mr. Chairman. This housing proposition of course has been a major problem that has been with us for a long time, and it appears to be getting worse. I sometimes wonder if we really have not designed a Cadillac when all we can afford to run is a Ford. We have taken all of the improvements of the people to the South, and always objecting, we were following the route of the South, but certainly if there is any one good example of this, housing must be one of them. We have created a housing proposition where to live in it, you cut the value of the house, and if you gave people in the Northwest Territories houses in many instances they could not afford to operate them from the point of view of utility costs, taxes and various other expenses related in the maintaining of a home.

Modern Conveniences In Houses Discourage Ownership

Now, a part of this of course is I think the over-design feature that we have gone for, the cost of running water, the cost of sewage, the cost of automatic oil heat. You take today almost all the houses in my particular area are built in this manner. If the man does not have the money to go out and buy oil he has no heat. Previously with

two hands and an axe, the bush was at the back door and he went out and cut his wood supply and he could exist and continue. So, we have created a situation where money is the only method by which a person can maintain himself in our housing program. This is fine as long as we have a wage economy and sufficient work so that everybody can go out and work and make the money to buy the oil, but unfortunately in too many places in the Northwest Territories this is not possible. So, the end effect to live in the houses we are creating, a person essentially has to go on welfare to be able to stay there or has to be supported by very heavy subsidizations.

Now, nobody likes to go backward and I do not for one moment wish to leave the impression that I am suggesting that we go back to the honeybucket and the slop pail, but really, if we are going to look at the main ill of the territories, this is one of them I think, the lack of ownership of your own home. We have got to either have an expanding economy where there is work for everyone to make the money that is necessary to live in this manner, we have that as an alternate, and that seems many moons away or we will have to cut our sights and come back down to the type of accommodation that a person can afford to live in. Somehow I seem to feel that in many instances the pride of ownership, with the honeybucket and slop bucket may be a great deal more satisfactory to that person than living in the surroundings of everything modern and on welfare to be able to stay there.

Peculiarities In N.W.T.

With regard to the Rent Control Ordinance itself we have got so many peculiarities in the Northwest Territories that they really are not that much applicable to the general application across Canada. For example, in Hay River we have a highrise building that has roughly 30 per cent occupancy. The rents in that building have been lowered to try and fill the building to a point of being below normal cost figures. Now, if this program were to go into effect of course they would be stuck with the base figure they are operating with now I would presume. So, supply and demand, we have the situation at Hay River which might be quite peculiar to the rest of Canada and possibly the rest of the Northwest Territories in that we have an over-abundance of accommodation. So, when you start speaking of regulations it certainly will not particularly hurt Hay River and on that point I am not really in strong support of the program but I am not really opposed to that extent, except that basically being a free enterpriser I would prefer to go without controls unless they are absolutely necessary to sustain a good percentage of our population, and I do not think that that exists at the present moment. Thank you.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Stewart. The Hon. Member from the Central Arctic, Mr. Lyall.

Housing In Cambridge Bay

MR. LYALL: Mr. Chairman, just a comment of a general nature. I think when they built the four-bedroom houses in Cambridge Bay, I was asked if I would like to move into one, and they gave me all the things you have to do before you move in, you have to give them the wages you make, and I told them that I was not able to afford to move into a four-bedroom house. I would have liked to but about a week later I went to one of the homes where a family receiving welfare had moved into, a brand new four-bedroom house and the thing that really hurt me at the time was that the guy was paying one-third of the rent in a four-bedroom house that I was paying in a three-bedroom house. He had running water in that house and I did not, I had to go with a bucket to get my water. However, at that time I thought to myself, "Well, I think I should go on welfare so I can afford to go into a better home." Anyhow, another comment I would like to make is that seeing that the Members are elected by the people to be the Government of the Northwest Territories, I wonder if we are eligible to go into government staff housing?

DEPUTY COMMISSIONER PARKER: No.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Lyall. Are there any further comments? Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I can really appreciate what Mr. Lyall said, because I thought of that before I became part of the Legislative Assembly. I was living in staff housing before I came onto the Legislative Assembly and I know that in Resolute, we went and looked at some of the low rental housing and it was certainly different, and they were using them for the transient centre. They were more like doghouses. I really felt stupid running in the election because I lived in that stupid doghouse.

Housing For Eskimos

Anyhow, my real comment is that in 1965 when the government started to build these low rental houses for the Eskimos in the North they told them, the government told them, that they were not asking for money to give those houses to the people up there, they just wanted to help, so they could live in a comfortable warm home. But right now it is happening, I can see it in my constituency. Some of the people are moving back to their own ways, going back and living on the land because the rent is getting higher and higher and they can not afford it any more, myself either. I think the government should look into this very, very carefully and they may be building these houses for nothing if the Eskimos start moving back to the land. That is the comment that I have.

THE CHAIRMAN (Mr. Butters): Thank you, sir. The Hon. Member from Slave River, Arnold McCallum.

Some Rent Control Needed

HON. ARNOLD McCALLUM: Mr. Chairman, I find myself at odds with the whole question. I am not a person who has been in private business, unless you consider that during my earlier years I sold myself to the highest bidder who would pay me to play hockey or ball, I guess that is a form of it. However, I believe that we have to have some form of rental control in terms of stopping the excessive rates, or restricting the excessive rates being charged by entrepreneurs, if you like, people who are in developing businesses. Certainly it poses a problem in terms of the administration and yet, like Mr. Stewart, I still feel one should be able to make his mark in this world. So, the only comment that I have, basic to the program itself as presented by the administration is that I believe we have to be able to exercise some control over the rapidly increasing number of rental increases being charged and as such I think that is in the public good.

THE CHAIRMAN (Mr. Butters): Before I accept any further comments I remind Members that the time is approaching 1:00 o'clock. Mr. Nickerson has suggested that he wishes to introduce a motion relative to our discussion and, at 1:00 o'clock I believe the Members are invited to a luncheon hosted by Canadian Arctic Gas in this building, and I wonder if I might have guidance with regard to the continuity of this discussion. Mr. Nickerson.

No Discussion On Principles In Context Of Possible Development

MR. NICKERSON: Mr. Chairman, during the debate on second reading it would seem from the comments of several Members that they wish to discuss the principles in the context of possible developments in the Mackenzie Valley. The biggest proponent of this point of view I see is not with us at the present moment, and other Members do not seem to be quite so concerned about this aspect. Therefore I would probably not wish to move this particular motion at the present time because it does not seem appropriate because that aspect does not seem to be of interest to most of the Members at this time. What I was proposing to do was to see the form, the shape in which the discussions were taking place and it would appear to be that the concern of most Members is to make housing more readily available and probably I would prefer to rephrase my motion, bringing into account the concerns of gentlemen such as Mr. Lafferty and Mr. Stewart. So, possibly if nobody wants to talk about the Mackenzie Valley situation and they are not really concerned with that, maybe what we could do is break now and over the lunch period I could possibly come up with an amended motion which might be acceptable to people in the house here.

THE CHAIRMAN (Mr. Butters): It would appear that the motion circulated will not be put. Therefore I will continue to accept questions or directions from Members of the committee. Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I realize that as Mr. Nickerson says, he does not wish to put it in this form, but I still think that it would be proper for me to say that the very initial thinking on that subject would lead me to believe that short of an ordinance similar to the one before you there is no other reasonable way of applying controls. The only other alternative would be a more broadly based ordinance which would give to the Commissioner even greater executive powers and I would suggest to Members of this committee that that is not likely to be the direction they would wish to go, to give blanket control. However, enough on that.

I would like very much if this matter could be drawn to some kind of a conclusion whether or not Members are prepared to proceed with the Rent Control Ordinance. I have listened with great care to the discussion, it has roamed around the subject, the matter of the nature of housing that should be provided and so forth has come into the discussion and it is part of it but only marginally part of the matter before us today.

Office Accommodation In Yellowknife

The reference to apartment accommodation in Yellowknife that is likely to be or has been converted into office accommodation is easily answered. Office accommodation rents for about double the square foot price that living accommodation rents for and therefore if a person has a building that he can convert to office space he is going to do it if there is a demand for office space, but that demand it looks to me is going to be saturated very soon with an 11 storey building going up precariously close to my house. So, I do not think you will see very many more conversions from residential accommodations to office space in Yellowknife and I do not think that is an argument any more.

The administration will leave on the order paper the matter of the rent control and, given the first opportunity, we will ask that it proceed into committee unless there is some resolution of the subject reached at this time by this committee.

MR. NICKERSON: Mr. Chairman, I wonder if the Deputy Commissioner could tell us why he feels the law of supply and demand works for office accommodation but not for housing accommodation?

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

DEPUTY COMMISSIONER PARKER: The law of supply and demand works for both but I was just speaking to the question of the possibility of conversions one way or the other and that indeed is on the basis of supply and demand. With regard to new accommodation you can not escape the fact that the ordinance that is before you would not bridle new construction because of the five year clause to prevent that.

THE CHAIRMAN (Mr. Butters): Thank you. If the Members have no further questions or motions, would you agree that I report to the Deputy Speaker that your committee has discussed the motion and refer it back to the formal session.

MR. NICKERSON: I think that both myself and the Deputy Commissioner would like some indication from this Assembly as to whether or not they are in fact in favour of or against the principle of rent controls. It seems we have to make that decision here today. We do not have to make it today. We can make it next October if we really wanted to. We could defer it but it would be advisable if we made it today.

Motion Now Moves Into Second Reading Of Bill

THE CHAIRMAN (Mr. Butters): It is already on the order paper and as the Deputy Commissioner said it will be moved into committee at second reading and that is the way it presently stands. Unless there is a motion to suggest anything otherwise, that is what will happen.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could just say, the procedure that you have outlined is entirely proper. If the Assembly agrees to go into committee of the whole discussion of the bill, then it will proceed as you wish. In other words, it will proceed through clause by clause, or a motion will be put that it not proceed, so I think the procedure that you have suggested is the best one, that it go into committee and we will just see where the ground lies.

THE CHAIRMAN (Mr. Butters): I did not suggest that it go into committee. I suggested that there be required a motion to put it into committee and if sufficient Members feel it should not go into committee, then that is it. It just dies. Mr. Stewart.

MR. STEWART: Mr. Chairman, as the hour is now 1:00 o'clock I suggest that we adjourn and come to a decision immediately following lunch. We may be able to come up with something over the lunch break.

THE CHAIRMAN (Mr. Butters): I accept your suggestion that we recess until 2:30 o'clock p.m., with Mr. Stewart in the chair.

---LUNCHEON ADJOURNMENT

THE CHAIRMAN (Mr. Stewart): The committee will come to order, please. The Chair recognizes a quorum. Prior to the luncheon break we were dealing with Motion 10-59. Can I have the direction of this committee?

Motion To Defer Rent Control Ordinance

MR. NICKERSON: Mr. Chairman, I move that further consideration of the Rent Control Ordinance be deferred until the October sitting of the Legislative Assembly.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. To the motion? The motion is to defer the Rent Control Ordinance until the October sitting. Mr. Nickerson.

MR. NICKERSON: I think, Mr. Chairman, as a result of the discussions that we have had this morning some very valid and important points have been brought up, especially by Mr. Lafferty and yourself, sir. I think the administration might need some time to take these points into consideration. It might very well be that they might like to change certain aspects when they have looked into what is occurring in Hay River and Fort Simpson. Hopefully by the next sitting of this Assembly Mr. Berger should have completed his inquiry into what is going to happen in the Mackenzie Valley and he might have some recommendations dealing with this type of thing. Therefore, I think it would make an awful lot of sense to put it off until that time and then if the administration still feel the same at that time and if they want to they can bring it back in again in October.

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

MR. BUTTERS: Mr. Chairman, I give support to the motion as outlined by Mr. Nickerson but I would like to see certain things done prior to the time it is returned. I would like to see the administration make very specific requests of those sections of our total community which will be most affected. These are the major municipalities and especially the municipalities along the river because I think as the Hon. David Searle outlined today, that it is probably in these areas where the pressures will come and let us ask the municipalities what they see and get their advice and have a paper back from them through Mr. Macleods's office or somebody before we look at it again.

THE CHAIRMAN (Mr. Stewart): Thank you. To the motion. Are you ready for the question?

SOME HON. MEMBERS: Question, question.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Question being called. All those in favour? Nine. Opposed? The motion is carried.

---Carried

Shall I report this committee out to the Speaker?

---Agreed

MR. SPEAKER: Mr. Stewart?

Report of the Committee of the Whole of Motion 9-59 and Motion 10-59

MR. STEWART: Mr. Speaker, your committee has been studying Motion 9-59, Cancellation of Department of Education's Plan to Move Teachers' Education Program to Fort Smith, and this motion was defeated in committee. We were also studying 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, and from this discussion a motion postponing the Rent Control Ordinance to the fall session was passed.

MR. SPEAKER: I take it, Mr. Parker, that it would be your wish now to go to Bill 10-59, the Supplementary Appropriation Ordinance, No. 1, 1976-77?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Legislative Assembly will resolve into committee of the whole to consider Bill 10-59, the Supplementary Appropriation Ordinance, No. 1, 1976-77. Mr. Stewart, was there anything you wanted to discuss about the supps or are you willing to take the chair?

MR. STEWART: If the Deputy Chairman is available, I would prefer he take the chair.

MR. SPEAKER: Mr. Butters, would you be prepared to take the chair?

MR. BUTTERS: Yes, sir.

MR. SPEAKER: Legislative Assembly will resolve into committee of the whole for consideration of Bill 10-59 with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 10-59, Supplementary Appropriation Ordinance, No. 1, 1976-77 with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 10-59, SUPPLEMENTARY APPROPRIATION ORDINANCE, NO. 1, 1976-77

THE CHAIRMAN (Mr. Butters): The committee will come to order for consideration of Supplementary Appropriation Ordinance No. 1, 1976-77, which is contained in this document here. Are there any words of advice or explanation that one might expect from the chairman of the finance committee, Mr. Lafferty?

MR. LAFFERTY: Mr. Chairman, in the meeting of the standing committee on finance we have approved the supplementary estimates and referred them to this Legislative Assembly.

THE CHAIRMAN (Mr. Butters): Thank you. Deputy Commissioner Parker, would you wish to make any explanatory remarks relative to these supplementary estimates?

Explanation Of Supplementary Estimates.

DEPUTY COMMISSIONER PARKER: Yes, Mr. Chairman. The supplementary estimates being placed before you today comprise in the most part of money which we are asking to be re-voted for projects which were not completed in the last fiscal year, and therefore the funds were returned as it were to the Northwest Territories consolidated revenue fund. In order to complete the projects which are under way it is necessary for us to seek spending authority from this body. This is not a complete list of projects that were incomplete and which are being carried on. We will be coming back to you at subsequent sessions with perhaps half a dozen more projects which will be revotes. The reason that we do not bring all of the revote money forward at this time is that there are certain projects which, at this stage, we can not quite accurately enough forecast the total cost, or the finished cost, that is, in some instances. In other instances they may be part of a larger program and we may not need to come to you for authority but be able to carry them out as individual projects under a major program. That is why we do not bring them all forward at this time, but we may be bringing some forward later. There are two or three new items in here which call for the expenditure -- Mr. Chairman, could I ask you to call for the members at the press table to be less distracting?

THE CHAIRMAN (Mr. Butters): Yes, sir, I would ask that to be carried out by the honourable gentlemen of the press.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there are three or four projects which are new projects and these must be funded, if this Council agrees, from contingency funds, and as we come to each one in the details I will be certain to advise you as to whether it is a carry-over or whether it is a new project. One of the major expenditures that is contained within these estimates is for the highways program. The reason that the highways program was not contained in the main estimates in January-February was that the federal government had not come to a conclusion as to the size of the program, and we did not have the figures available at that time. We do have them now and therefore we are voting the highway program for the first time. I think those are the only remarks I would like to make of a general nature.

THE CHAIRMAN (Mr. Butters): I wonder, in view of some guidance from the committee on how we might proceed, would it be the wish that we start on page 1 which is a summary of the total supplementary expenditures being brought forward here? Under this section we could take general questions and move on through each of the particular or specific items as they follow in the book, and then after that we will go back to the bill itself and cover the bill clause by clause. Is that satisfactory?

---Agreed

Going to page 1, any general comments or questions relative to this bill? Shall we go to specific items?

---Agreed

Executive, O and M - Activity 1016, Grants To Organizations.

Well, we will go then to page 3 which is the first of the specific items, grants to organizations, an additional amount of \$129,000 in addition to the amount voted in the main estimates which was \$208,500 and the two items that the money will be going to, the \$129,000 will be the Yellowknife YWCA a grant providing for furnishings for the new YWCA and to the Northwest Territories Metis Association to provide care funding for the Yellowknife, Hay River and Fort Smith locales. Mr. Nickerson.

MR. NICKERSON: Not really on the amounts involved, Mr. Chairman, but I presume where it says "care funding" that means core funding, does it?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, it is a freudian slip.

MR. NICKERSON: I was wondering we quite often come across this particular term and I wonder just as a matter of general interest whether we could have some definition as to what core funding really means and what use this money is put to. My second question on item 2 here is with regard to the Northwest Territories Metis Association, would it be correct to assume that they are also getting substantial funding from the federal government, or is that not the case with this particular organization?

DEPUTY COMMISSIONER PARKER: Mr. Chairman...

THE CHAIRMAN (Mr. Butters): I recognize Mr. Lafferty first. Mr. Lafferty did you wish to speak?

MR. LAFFERTY: Mr. Chairman, I believe that the finance committee in meeting decided not to approve this core funding to the Metis Association unless we get into similar problems with other organizations and we are provided to core fund for all other organizations in the future. I feel as chairman of the standing committee on finance that this should not be allowed, we should scratch that off the estimates and have some kind of report coming back from the administration at a later date as to some other form of funding.

Core Funding

THE CHAIRMAN (Mr. Butters): Could you advise with the definition of core funding and what has been the precedent in the past if such has existed?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I am afraid I will have to correct the record because the standing committee on finance, if I remember correctly, came to the conclusion that they would not indeed pass this item for \$54,000. However, they recommended that it be brought before the full committee of the whole for discussion, at which time I was to present an explanation. The committee did not vote against the item, the committee referred it to this group for a full discussion.

Now, in anticipation of that I have gone back to my notes to look into the background of this situation. In the latter part of April on the request of the executive of the Metis Association the Commissioner and I met with those people and I must say that we had a very good meeting at which their aims and objectives were outlined to us and we were introduced to their executive members, and this included their representatives from each of the surrounding communities. With regard to the matter of core funding, to some extent that is a misnomer. The request from the Metis Association for a grant of \$54,000 is to assist them to set up and operate three local offices, one in Fort Smith, one in Hay River and one in Yellowknife. This would bear no direct relationship with their central executive and none of the money would be used for the core funding of the association per se.

Now, the purposes in having these offices in these communities, as they were outlined to us, and I can only pass on my best recollections of their arguments, ran something like this: they operate a number of programs and there are demands for offices by their membership. They have some other sources of funds, the total requirement for manning these offices is \$122,000, and they have found other sources for all but the \$54,000. They received some assistance from the Secretary of State but that is tending to taper off.

The membership apparently is asking that there be offices which will act, to a very great extent, as liaison offices to assist the people to play a larger role in economic activities in particular. They feel that if they staff these offices with two people and that is exactly what they are asking for, two people in each of these three centres, and they hope to have very small premises which they can use then for people dropping in -- that they can then acquaint with job opportunities available and assist them to, as I think they put it, take their place in the economic life of the territories. They would be able to dispense information on opportunities that were available and they would be able to assist their people to take up these opportunities. As I said before they advised us that the interest was very high and that this kind of a stepping stone operation was really essential to taking their places in the economic field. We were very much impressed by the words that were spoken to us by people from each of these centres and since our territorial objectives, and I believe the Council's objectives have been very much in the line of people trying to work for a living, trying to make their own way, we saw a reasonable kind of partnership arrangement here whereby with some assistance they might well be able to work in conjunction with our own people to meet these ends. It is for that reason that we agreed that we would place before you a request for this kind of assistance.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Deputy Commissioner. Then the words "core funding" in this case is not quite correct. It is for a specific purpose and that is the opening up of information offices in three communities.

DEPUTY COMMISSIONER PARKER: Yes.

THE CHAIRMAN (Mr. Butters): Yes, the Hon. Member from the Western Arctic, Mr. Steen and then Mr. Stewart.

The Real Reason For The Funds

MR. STEEN: Mr. Chairman, I disagree with the allotment. I think the reason why they need these funds, or they see a reason for the requirement of funds is to do something where the administration is not doing it, and that is economic development. If Economic Development were doing

their job they probably would not find a loophole. So, if as Mr. Lafferty said, if we begin giving funds to native organizations for core funding, or to the Metis Association then we are going to leave ourselves open for the Indian and other organizations, native organizations, and it could continue and get larger where the federal government has their responsibility to provide these funds directly.

THE CHAIRMAN (Mr. Butters): Two questions, Mr. Deputy Commissioner, and I guess you are the best able to answer them.

DEPUTY COMMISSIONER PARKER: Well, Mr. Chairman, on the latter point, it is true that anything any of us does forms a precedent. It is a precedent and sometimes we have to be strong enough to say that it is a one time thing and sometimes we have to recognize that there may be a continuing commitment, or a commitment to other organizations. We are at a very delicate time in our development here and all the good words that we can say about trying to stay together and work together and so forth, they are all very fine but sometimes it boils down to some very direct help. Now, it is true that the territorial government might carry out these functions, but frankly, these kind of functions are often better carried out by other organizations and probably carried out both more efficiently and more effectively. If you can have an interested group that has a vital interest in promoting employment and that sort of thing, they will probably do a better job than the government setting up an office and the government offering conversation and coffee and the government trying to help people out.

You know, on the one hand we are advised to not grow, do not get into any more things as a government and, in this case, this is one that I do not think we should get into. I think that the Metis Association has taken a very business-like approach and frankly they find they can do a better job in this area than we can.

THE CHAIRMAN:(Mr. Butters): Just speaking to that point, this is not the first time I believe that funds have been advanced for such a special program. I believe the Metis program of alcohol and drug abuse information was very successful and I think the territorial government provided funds for this purpose, is that correct, Mr. Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Yes. We have worked with various associations but particularly the Metis Association on alcohol and drug programs that we deemed to be successful and also on the administration of certain very specific housing programs.

THE CHAIRMAN (Mr. Butters): The Hon. Member from Hay River, Mr. Stewart.

Duplication Of Services

MR. STEWART: Mr. Chairman, I am concerned about the explanation for the use of these funds. Possibly I misinterpreted the Deputy Commissioner but I understood him to say that this was essentially to try to find work and this type of thing. I notice that the centres that this money is to be used in, Yellowknife, Hay River and Fort Smith all have Manpower offices in the communities which are specifically there for this purpose. I could support this request if it was for a drop-in centre or something like that where they have a place to go rather than the bar to have a cup of coffee or something of this nature but really for the reason given, if I understood it correctly and maybe I did not, if it really is a drop-in centre type of operation, then I could buy it, but if it is just to put a small office, as I understood it, with two people employed to look after finding work, then I say this is really out of order in that there already is a federal government agency in these three places to look after this. I think this is duplication.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could, Mr. Stewart is right. I did not mean to imply that the prime function was employment. That is one of perhaps two and the other one is to act as a friendship centre, drop-in centre. The function of that really though relates to getting people into the mainstream of employment. It reaches the same end but it goes through that function. I do not think I said a small office. I think I said a small place. If I did not, that is what I meant to say, which would serve as a friendship centre, drop-in centre, a place to disseminate information and a place to assist people to get jobs. It is true that Canada Manpower does this job and I think they probably do a pretty good job of it, but I think there is a little something missing that this organization could supply.

THE CHAIRMAN (Mr. Butters): The Hon. Member from Yellowknife North, Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I have been given to understand that Mr. Richard Whitford of the Metis Association is in the audience and with the permission of the committee, especially as I have some questions of importance that I would like to ask him, I wonder if we could have the approval of the committee that he be invited to attend as a witness?

THE CHAIRMAN (Mr. Butters): If Mr. Whitford is in the house and willing to attend, is it the pleasure of the committee to so invite him at this time?

---Agreed

Introduction Of Mr. Richard Whitford

Mr. Whitford, would you come forward and join us at the witness table if you would be so kind. Thank you, sir. There should be a microphone in front of you. You may have to pull it toward you to ensure that your voice is audible throughout the room. Mr. Nickerson, you have a few questions, do you want to direct those through the Chair to Mr. Whitford?

MR. NICKERSON: The first question I would imagine is of a very general nature and that is we have been given some explanation as to what this \$54,000 is to be for. The Deputy Commissioner has told us. I wonder if we could have some elaboration on this, if we could be told by Mr. Whitford both the aims and objectives of the organization they intend to set up to administer these funds and perhaps where they intend to operate and what really they intend to do with the money.

THE CHAIRMAN (Mr. Butters): Are you able to do that, sir, Mr. Whitford?

MR. WHITFORD: Thank you for inviting me here today, Mr. Chairman. I am the past chairman of the Metis Association representing the President, Rick Hardy, who is unable to be here today. This money is going to be used for the furnishing of little offices in Hay River and Fort Smith and of course Yellowknife. These buildings, as you know, one is the Roaring Rapids Hall in Fort Smith. It was built with moneys from territorial and Secretary of State fundings. These buildings have been managed by volunteers in these present communities and it is getting to the point now where though we are having bingos and dances and other activities, social activities, we are finding it very difficult to be able to handle in that we need to have a permanent person there to be responsible for the managing of funds and for the managing of the community hall.

At the same time we wanted to use it for the purposes of trying to find with government a liaison or a lobbyist and that we thought would perhaps be the best method. This lobbyist would then be able to bring to the Metis people in these present communities of Yellowknife, Hay River and Fort Smith a better understanding of the job opportunities available to them by territorial, federal and private industry. By this it would then enable our people to get into the working role...

HON. PETER ERNERK: Excuse me, Mr. Chairman. I am sorry, Mr. Chairman. I wonder if we would ask Mr. Whitford to speak a bit slower for our interpreters.

THE CHAIRMAN (Mr. Butters): My apologies. I neglected to advise you, Mr. Whitford, to slow your cadence down slightly so the interpreters in the booth can interpret.

For The Benefit Of The People

MR. WHITFORD: My apologies, Mr. Chairman. Anyway, as I was saying, this office or offices in these communities would then enable their people to go to the office or offices and ask or inquire about job opportunities and other activities or programs that are coming into the communities. We have, for an example, Economic Development has funds available for people to go ahead and to borrow these moneys to get into small businesses, perhaps it being water and sewer contracting or maybe house building or whatever. It would enable them to have a better understanding of where to go and what vehicles should be used to acquire these funds.

I say again in regard to the question I have been asked that it is not political at all. It is for the benefit of the people, to give them the best opportunity available in trying to understand what is happening around them.

THE CHAIRMAN (Mr. Butters): Thank you, sir, for your very, very full and complete answer. Mr. Nickerson, do you have a supplementary question?

MR. NICKERSON: No, I have a very double-barrelled question to ask Mr. Whitford.

THE CHAIRMAN (Mr. Butters): We will take questions from Members of a general nature before that. Are there any other general questions on this topic? Mr. Steen.

Record Of Moneys Spent

MR. STEEN: The question is probably to the Deputy Commissioner. Will there be a way or system of being able to know how this money is going to be spent or a record of the money that is being spent?

THE CHAIRMAN (Mr. Butters): Accountability, sir.

DEPUTY COMMISSIONER PARKER: Yes, there most assuredly will be. I am not sure that we did not make a mistake by labelling this as a grant. Our intention really is that it be a contribution. That is a very small difference but in the government language the difference is that if we make a contribution then we look for a full accounting of the use of the money. In this case my understanding is that the Metis Association are prepared to show us a fairly detailed budget before getting the money and then they are prepared to indicate to us after they have the money how it was spent and we would seek this information from them.

THE CHAIRMAN (Mr. Butters): Is that satisfactory? If there are no questions from other Members, Mr. Nickerson -- I am sorry, Mr. Stewart.

MR. STEWART: Yes. Relative to funding to the Metis Association I would like to make myself clear. I am not opposed to this thing at all but I think if we are going to get on the road to fully understanding and appreciating everybody's position there are certain things sometimes that must be said and it is not against the Metis Association nor directly toward what they are endeavouring to do. I witnessed a situation in Hay River where the Metis Association had quite a large sum of money and the apparent good that this money did was to support Avis car rentals and generally there did not appear to be any accomplishment. The books were in a terrible mess and it was a complete flop as far as I know from the information I have. I do not suggest that this may necessarily be so, but when we are dealing with moneys and giving it to specific associations such as this we must have assurance that the money is going to be spent in a constructive manner and accomplish something.

I think, Mr. Whitford, you can probably appreciate what I am saying. I do not know if you agree with what I have said in the past but that is what the people in the area thought of the program, whether that is right or not. I am prepared to support this thing as long as I have assurances that we are not going to have a repeat performance.

THE CHAIRMAN (Mr. Butters): I do not know whether you wish to comment on that, Mr. Whitford. I think it is something that happened in the past and certainly it is just a statement by the Member. We have the assurance of the Deputy Commissioner that there will be a program put in for accountability but you may comment if you wish.

A Learning Process

MR. WHITFORD: Thank you, Mr. Chairman, I will. Mr. Chairman, in regard to the Hon. Member's remarks, firstly the Metis Association was started up by the Secretary of State basically because we were known as the forgotten people and we were very oppressed and conditions across Canada were extremely terrible. The funding that we got from the Secretary of State is only core funding, period. There is no more funding available for worthwhile programs such as it is today so that we have to lean heavily on the arm of the Commissioner in asking him to give extra funds for these other programs.

It works very differently with the Indian people and Indian Affairs. Indian Affairs is most directly responsible for all their programs or a major part of their programs. With regard to the \$107,000 that was used, it was a learning process and that was before I came to the Metis Association as the chairman. It was a learning process and perhaps recognized by most as an expensive learning process but at the same time I think it has helped us, all the Metis people across the North, to understand and control money. I think there is a lot of bungling going on within the bureaucracy of territorial government and this I think at the same time is equally or sometimes even more costly than perhaps what the Metis people have done. I assure you that we have a person in our offices who is very good on the books and has been with us for the last four years and he is certainly capable of looking after the \$54,000 we are requesting.

THE CHAIRMAN (Mr. Butters): Thank you. I think the score is just about even. Mr. Nickerson.

MR. NICKERSON: First of all a comment and that is that I am very pleased to see the proper procedure for the accountability of these funds has been set up and hopefully will be adhered to. Now, I would like to support Deputy Commissioner Parker's view that very often the type of thing which is trying to be accomplished here can be accomplished better and at less cost by people outside the government than we ourselves could probably do it. I myself will support this vote and I would not have done so had this grant been made for political purposes. I do not think that it is up to this government to give organizations political funding so to speak but when it is a matter such as this is I think it is quite a proper expenditure of government funds.

Concerning The Dene Declaration

Now, the double-barrelled question which is really a rhetorical question is that I was under the impression that the Metis Association had been one of the signers of the Dene Declaration in which it stated that the Government of the Northwest Territories is not the government of the Dene. Is it to be implied, Mr. Chairman, that by accepting funds from us we are not getting that full recognition?

THE CHAIRMAN (Mr. Butters): I think it is a rhetorical question and requires no answer. Mr. Whitford was invited to assist us with the matter under discussion...

MR. WHITFORD: Mr. Chairman, I was here representing the Metis Association asking for funds for the purposes of helping our people, not to get into a political hassle over the Dene Declaration.

THE CHAIRMAN (Mr. Butters): Thank you. Very well put. Mr. Wah-Shee, the Hon. Member from Great Slave North.

MR. WAH-SHEE: I am sure that if you understood the concept and philosophy behind the Dene Declaration I can assure you I think you would support it as well.

Beside that I would like to make a comment with regard to the \$54,000 for the Metis Association. I have heard comments from my colleagues and I find it difficult to understand in some ways, why the Metis Association was isolated from any other native organizations when it comes down to financial contributions from the territorial government. Essentially what I would like to point out is that the federal government does have responsibility in some areas and the territorial government has responsibilities in other areas and you may find that between the federal and the territorial, in some of these areas, you do have cost-sharing arrangements. If we look at it on that basis then I do not think we should have our backs up every time there is a contribution from the territorial government to a native organization. This is what I find disappointing in some ways because here we are giving the Yellowknife YWCA \$75,000 and there is no discussion on that, we just give it to them, but when we come down to the native organizations, at least I find, people tend to feel that perhaps we should look at this.

In Support Of The Grant

The other thing too of course is that I do not know what you would consider as political because obviously it is very difficult to determine what is political and what is not at times. The other thing is that I think if we were to give the approval of the estimates for 1976-77 in the territorial budget and put the same kind of conditions under which we will approve, ensuring that in the end we will have results, then I can assure you that it is going to be pretty difficult to give approval to the estimates for 1976-77 for the territorial government because we all know that we do not get results for the millions of dollars that we are spending in various areas. One of these areas of course is economic development. So, with that I would like to say that I do support this grant for \$54,000. Thank you.

THE CHAIRMAN (Mr. Butters): Thank you very much. The Hon. Member from Slave River, Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I just want to again voice my support of the motion. I know full well of the work that the Metis Association are doing in Fort Smith in terms of the hall, in terms of the programs that they have been able to carry out. I believe that that association or that local of the association is a very active local in terms of providing services to the people in and around Fort Smith and I would be in support of this particular grant.

THE CHAIRMAN (Mr. Butters): Thank you. Any further discussion? It would appear that the matter is under consideration and it is not core funding but program funding and not really a grant but a contribution. Mr. Lafferty, the Hon. Member from Mackenzie Liard.

In Interest Of The Metis People

MR. LAFFERTY: Mr. Chairman, the comments are very interesting. I appreciate the fact that Mr. Whitford is in our presence as a witness, bringing new light to the intent of this amount of money which is not very much money, but we all have had varying experiences and knowledge of the previous activities of the Metis Association. Without discrediting anyone I know there was a lot of concerned people, truly concerned people, people who meant well, but somehow the moneys that have been spent in the North directed at helping the poor Metis people has never reached there. I would love to see my people get \$1 million turned over to them to handle their own

affairs, but that is not my question. The question that always arises in my mind is, how will this money be used and is it in the best interests of the Metis people as a whole? Will it reach the people who need it most or is it just creating a job for somebody who does not need it, because "He can get out and find a job the same as I have to do". I did see the value of extending this type of assistance to the Metis people who are, in most cases, out of touch with the community in which they live.

As Mr. Stewart pointed out and several others, in some instances the government can do a lot better job in dealing with this type of problem simply by hiring a Metis person to fulfil that need and use this type of money for some other needed areas. So, it is a matter of programming rather than a matter of funding. I support this money 100 per cent as I always have but when I introduced the comments in financial matters it was reflecting the viewpoints, the majority of viewpoints in the decision of the finance committee which did seek further explanation of the intent behind the money.

I think it was clearly brought out that this money should be accounted for, be used properly, not to be used for political purposes of any type, so that the Metis people could finally gain a little credibility and get up on top. They are a people who have lost their credibility, and that is quoting Mr. Whitford's own words, "the most oppressed". I could go further and say they are the most suppressed and they are floundering in disillusionment. We must have more guidance on the part of the executive of the Metis Association and further, if need be, we must have governmental control over matters that affect the Metis people greatly. They have not got that kind of protection at the federal level. They are Canadian citizens and taxpayers and we have to provide some kind of protection for the Metis person who needs help.

After those brief comments I do support this motion to grant the Metis Association the \$54,000, but not for core funding, but for the specific purpose as outlined by the Deputy Commissioner.

THE CHAIRMAN (Mr. Butters): Thank you for your general comments. Are there any other Members who wish to make a point at this time? If not, do I have leave to thank Mr. Whitford for his courtesy in joining us and assisting us very greatly in the consideration of this item on our agenda?

---Agreed

I thank you very much for coming forth.

MR. WHITFORD: Thank you very much, Mr. Chairman and all Members of the Assembly.

---Applause

O and M - Activity 1016, Grants To Organizations Agreed.

THE CHAIRMAN (Mr. Butters): Are there any further comments on page 3, activity 1016? Is it agreed?

---Agreed

Highways, Operations And Maintenance.

May we then move to the next page which is highways and if I remember the Deputy Commissioner's introductory remarks this item was not contained in the January budget book but has been brought forward at this time and that is the reason for the large amount of money that appears in the bottom column. Is this correct, Mr. Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Correct.

THE CHAIRMAN (Mr. Butters): So general comments regarding highways in the Northwest Territories, or questions relating to highway construction in the Northwest Territories. Is there a capital item, Mr. Deputy Commissioner, with regard to highways? Oh yes, the capital item with regard to highways is found on page 8 of the supplementary book. Mr. Stewart.

MR. STEWART: Mr. Chairman, I asked Question W21-59, and I have not received a reply and it has to do with the ferry operations at Fort Providence. I was wondering at this time if the Deputy Commissioner has a reply inasmuch as this is involved in money?

DEPUTY COMMISSIONER PARKER: What was the question in a word or two?

MR. STEWART: With regard to whether or not we were going to put on the fourth shift at Fort Providence.

DEPUTY COMMISSIONER PARKER: Yes, I have the answer. Maybe I will just read it. I have not read it so I hope it is good.

MR. STEWART: It better be.

Return To Question W21-59: Ferry At Fort Providence.

DEPUTY COMMISSIONER PARKER: On Tuesday, May 25th, Mr. Stewart asked if the administration intends to hire a fourth crew to operate the Merv Hardie and what savings if any are expected should this be done.

The Department of Public Works is currently in the process of recruiting for a fourth crew for the Merv Hardie on the basis that anticipated savings to be gained by this will be approximately \$7000 per season. Under the existing situation overtime wages are paid to three crews to man the vessel during its regular operating period of 20 hours per day, seven days per week. In addition, four hours daily are required for servicing and maintaining the vessel. Barring unforeseen complications in recruiting a fourth crew should be available for duty in early July.

THE CHAIRMAN (Mr. Butters): General questions of Members relative to highways? If there are no general questions, Mr. Nickerson?

MR. NICKERSON: This is not general, it is specific.

THE CHAIRMAN (Mr. Butters): Go ahead.

MR. NICKERSON: I wonder, Mr. Chairman, if we could be advised roughly of certain figures concerning the maintenance of roads by our own forces in activity 3141 and contract maintenance as in activity 3142. I notice the amounts here are roughly similar in dollar terms and I wonder if the mileage involved would be similar also.

THE CHAIRMAN (Mr. Butters): Would you wish to take that as notice to be given later?

DEPUTY COMMISSIONER PARKER: I will have to try and get that answer. Perhaps I could get it to you before we finish the study of these supps. Maybe you could take other questions and then I will try and deal with it.

Highways, Capital - Activity 3110, Administration

THE CHAIRMAN (Mr. Butters): If there are no further general questions, may we go to page 8 and as is our practice cover the capital expenditure first of the item for highways which is \$527,600? Are there any specific questions with regard to this capital item relating to highways? Are Members agreed?

---Agreed

Highways, Operation And Maintenance

We will return to page 4 and look at the item for the operation and maintenance, \$5,264,000. Specific questions? Mr. Stewart.

MR. STEWART: Back on ferry operations, Mr. Chairman. The information I have would indicate that the costs of adding a fourth crew in Fort Providence would be approximately \$5000 a year more by adding the fourth crew, not including the net added accommodation facilities that would be required to house these people. The present crews I understand oppose this move on the basis that this type of an operation being a wilderness type of operation in part that there really is nothing for the crews to do while not on duty and they prefer to work long hours because basically they are away from home. Their homes are not there. They are brought in and they would prefer, I understand, the three crews which are there now would prefer that a fourth crew not be hired and they be allowed to work. They claim there would be a saving of some \$5000 per year in actual wages as well as savings relative to accommodation and other things that would be required with a fourth crew.

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

Overtime For Ferry Workers

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think it is true that the one thing that has not been included here would be an amortization of the capital cost of any other similar accommodation but I think everything else is included. We feel that the level of overtime earnings is just simply unreasonably high and we are still confident of saving money in the long run and getting better performance. As a matter of fact, the eight month earnings of some ferry people with overtime are exceeding \$30,000 a year and we think that kind of payroll should be spread out a little more.

MR. SPEWART: Thank you. That basically is the feeling of the employees, not as to the efficiency of the operation in Fort Providence but that they may be earning more money than some of their bosses in Yellowknife and this is the reason for the change.

DEPUTY COMMISSIONER PARKER: That is not a bad reason.

THE CHAIRMAN (Mr. Butters): The Hon. Member from Mackenzie Liard, Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I have happened to have used that ferry a great deal last year in and out of Providence. I feel looking at the wages these people are earning on the ferry and improving the service I think this would result in a better service. In that regard I would support this budget for the ferry operations simply because I feel it would give us better service and maybe extend it over onto the other ferry at a future date because we are having a lot of problems. In some places we sometimes do not have a full crew to run the ferry.

Dust Control Programs

THE CHAIRMAN (Mr. Butters): Thank you. I wonder if the Chair may direct a question to the Deputy Commissioner with regard to dust control. I notice the item there is approximately half a million dollars, almost one-tenth of the budget. What are you getting for your money in dust control programs and operations?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, that is very nice of you to ask that question because that is one of the answers I have ready. For the dust control we use calcium chloride salt treatment and we use bunker oil treatment on some lesser mileages. On route number one, the Mackenzie highway, we oil two passing zones, a quarter of a mile at the Alberta/Northwest Territories border crossing and at intersections between routes two and three and at Fort Simpson, to the Fort Simpson airport, a total of 16.5 miles. This is a salt treatment.

On the Hay River highway we treat 27.1 miles. On the Yellowknife highway which runs from just south of the ferry crossing into Yellowknife, we do the ferry landings, the access to Fort Providence, the approaches to Edzo and highway frontage at the campsites, two passing zones and the approach to the airport here for a total of 11.2 miles.

We do three miles on the Ingraham Trail beside picnic and campsites. On the Fort Smith highway we treat two passing zones, an intersection and the frontage coming into Fort Smith for another ten miles. On the Fort Resolution highway we do an intersection there and various other campsites for a total of five miles. The oil treatment is basically on the Ingraham Trail fronting on the Giant Mine property which is two miles and the Inuvik airport road for five miles and about eight miles of the section from Enterprise to the border.

Highways, Operations And Maintenance

THE CHAIRMAN (Mr. Butters): Thank you, sir. Further questions on highways, operations and maintenance? If not, does the committee give approval to this item?

---Agreed

Personnel, Capital - Activity 1448, Housing

On page 5 the item personnel housing, capital, supplementary estimate for \$1,525,000, revote for the completion of the 1975-76 staff housing program. Have any Members comments or questions? Agreed?

---Agreed

Local Government, Capital - Activity 2022, Municipal Affairs

Page 6, local government, capital, municipal affairs, \$306,100, revote funds for projects originally authorized in 1975-76 and those projects are listed: Fort McPherson, Spence Bay, Fort Franklin, Rankin Inlet, Eskimo Point, Sanikiluaq and Tuktoyaktuk. Any comments or questions? Are Members agreed?

---Agreed

Public Works, Capital - Activity 3032, Repair And Upkeep Of Buildings And Works

Public works on page 7, activity on the top of the page, repair and upkeep of buildings and works, activity 3032 in the amount of \$8000 for the completion of the 1975-76 tradeshop project at Cambridge Bay. Any questions? Do I have agreement?

---Agreed

Capital - Activity 3033, Operation And Repair Of Equipment

Activity 3033 in the amount of \$50,700, completion of equipment repair, tradeshops at Snowdrift and Gjoa Haven. Agreed?

---Agreed

Capital - Activity 3038, Operations

Activity 3038, \$26,400, various items, garage doors, utilidor repairs, generator, \$26,400, agreed?

---Agreed

Finance, Capital - Activity 5053, Supply Services

Over the page to page 9, finance, capital, supply services, activity 5053 in the amount of \$40,000. Funds for the purchase of fuel offloading pipe at Repulse Bay. This purchase will reduce the operating expenditures of the division for ship-to-shore transfer costs by an equal amount for the current and fiscal years. Agreed?

---Agreed

MR. STEWART: What is that?

Education, Capital - Activity 7071, Schools.

THE CHAIRMAN (Mr. Butters): Over the page to page 10, capital for education, schools, activity 7071 in the amount of \$1,521,000 to revote funds for the completion of the 1975-76 school construction program. That is Gjoa Haven, Yellowknife, Fort McPherson. Are there any questions relative to this item?

---Agreed

May we move then to the bill on the first page, clause 2 of the bill.

MR. NICKERSON: Mr. Chairman, I think before we agree to clause 2 it would be necessary to put the amount we are voting in there. Otherwise we are just writing the administration a blank cheque.

THE CHAIRMAN (Mr. Butters): Okay. Where is it? I did not get over the page.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, for a moment there I thought we were going to get that blank cheque. The figure is \$9,397,800. I will repeat. \$9,397,800 and you will see that that figure was taken from the bottom of the summary on page 2 and it consists of the total of capital and operation and maintenance requests.

THE CHAIRMAN (Mr. Butters): That item is put into the blank on page 2 of the bill. Is clause 2, amount granted for 1976-77 now agreed?

---Agreed

Clause 3, purpose and effect of each item. Agreed?

---Agreed

Clause 4, lapsing of appropriations. Agreed?

---Agreed

Clause 5, transfer of moneys and accountable advances. Agreed?

---Agreed

Clause 1, the short title. Agreed?

---Agreed

The bill as a whole? Agreed?

---Agreed

May I report the bill ready for third reading?

---Agreed

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

Report of the Committee of the Whole of Bill 10-59, Supplementary Appropriation Ordinance, No. 1, 1976-77

MR. BUTTERS: Mr. Speaker, your committee has considered 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 and I wish to report the bill ready for third reading.

MR. SPEAKER: Bill 2-59, the Labour Standards Ordinance is the one you wanted to deal with next, is it not, Mr. Parker?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: Legislative Assembly will resolve into Committee of the whole for consideration of Bill 2-59. Mr. Stewart, were you in the chair on Bill 2-59?

MR. STEWART: Yes, Mr. Speaker.

MR. SPEAKER: With Mr. Stewart in the chair.

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

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

THE CHAIRMAN (Mr. Stewart): Committee will come to order, and as it is just about 4:00 o'clock I understand that coffee is ready. Is it your desire we recess for 15 minutes?

---Agreed

---SHORT RECESS

THE CHAIRMAN (Mr. Butters): The committee will come to order and it has been suggested so that we can keep our forward momentum, that I take the chair in Mr. Stewart's temporary absence. I wonder, Mr. Legal Advisor, if you could just put us back on track?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I conferred with the chairman of the legislation committee before coffee and he was prepared to carry us through. The committee of the whole, when it earlier discussed the Labour Standards Ordinance directed 11 changes that have been made in a later draft getting ready for third reading, and they also asked the administration to endeavour to rewrite clauses 3 and 4. I think I should properly let Mr. Nickerson comment on what has been done with clauses 3 and 4.

THE CHAIRMAN (Mr. Butters): Are all Members in the correct place? Bill 2-59, page 2, clause 3. Mr. Nickerson, would you oblige the committee and advise what is to be changed or amended here?

Amendment To Clause 3

MR. NICKERSON: Mr. Chairman, clause 3 has been rewritten as follows: "Subsection 5(2), (3) and (4) of the said ordinance are repealed and the following substituted therefor: (2) The working hours of a person employed (a) in mining and hydrocarbon exploration and development in remote areas, (b) primarily in the transportation of goods to and from remote areas, or (c) in tourist camps, or (d) in any other occupation designated by regulation; shall not exceed one hundred and seventy-six hours in any period of four consecutive weeks." That rewording would meet with all the points which were brought up in discussion on this particular section and I assume it would now receive the approval of this committee.

THE CHAIRMAN (Mr. Butters): Thank you. Members have the sheet containing the amendment that Mr. Nickerson just provided. Hon. David Searle, do you agree with this? You had some idea that the past bill as worded might be satisfactory. Do you agree with the new draft?

HON. DAVID SEARLE: Mr. Chairman, this is the current one plus (d) which says "in any other occupation designated by regulation", and I think it is satisfactory all right.

THE CHAIRMAN (Mr. Butters): Are there any other comments? Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I just want to ask about "one hundred and seventy-six hours" as is written on here. Is this only for government employees or is this for all employees in the Northwest Territories? That is the question I wanted to ask.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, could you oblige?

MR. NICKERSON: Yes, sir. This clause would apply to all people to which the ordinance applies which would be by far and away the vast majority of people employed in the Northwest Territories. It would include both, to my knowledge, government employees and employees in the private sector and the only people who would be exempt would be a few people in very specific occupations.

THE CHAIRMAN (Mr. Butters): Does that answer the Member's question?

MR. EVALUARJUK: Yes.

THE CHAIRMAN (Mr. Butters): Any other comments on the revision to clause 3? Other than that, is it agreed to as amended?

---Agreed

Mr. Nickerson, clause 4.

Maximum Hours Of Work

MR. NICKERSON: Clause 4, I think you will remember, Mr. Chairman, that the trouble here was whether or not this section would be applicable to workers with a union contract and, the opposition to the clause was brought to the attention of this committee by union representatives. Apparently when this section is read in context with existing sections in the ordinance the conflict disappears, there is no conflict, and the union has apparently withdrawn any objection they had to this section and, in light of these developments it would now appear that clause 4 is satisfactory as it appears in the books.

THE CHAIRMAN (Mr. Butters): I see. Thank you very much. Do Members have any questions with regard to the explanation provided us by the chairman of our legislation committee? If not is clause 4 acceptable? Is it agreed?

---Agreed

MR. NICKERSON: Mr. Chairman, on page 7, clause 6 there was a minor typographical error which has now been corrected.

THE CHAIRMAN (Mr. Butters): Was that clause 7?

MR. NICKERSON: That was on page 7.

THE CHAIRMAN (Mr. Butters): Sorry.

MR. NICKERSON: There was a minor typographical error, the spelling of the word "standards", I think.

THE CHAIRMAN (Mr. Butters): Would Members please make that correction on the fifth line, the word "standards" to be corrected.

MR. NICKERSON: Could we have agreement on clause 6?

THE CHAIRMAN (Mr. Butters): Is agreement available for clause 6, evidence required? Is it agreed?

---Agreed

Amendment To Clause 15

MR. NICKERSON: Clause 15. Mr. Chairman, the following alterations have been made to the draft. Subsection 37(1) on page 10, the number of members has been changed from three to five, and subsection 37(4) on page 11, the number of people in a quorum, or to constitute a quorum has been changed from two to three.

THE CHAIRMAN (Mr. Butters): What was that second change, where was that?

MR. NICKERSON: That was on page 11, subsection 37(4).

THE CHAIRMAN (Mr. Butters): What was the change there again?

MR. NICKERSON: In 37(4), in the third line from the top, the old wording was "two members of the board constitute a quorum" and the new wording is "three members of the board constitute a quorum".

THE CHAIRMAN (Mr. Butters): With those changes in clause 15, the changing of three to five members and in subsection 37(4), two to three members, is that agreed?

---Agreed

MR. NICKERSON: There are a number of changes which we requested be made to clause 15 and maybe I could go through all these changes which were made at our request, and then we can have agreement on the whole of clause 15 if that meets with your approval, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): That seems satisfactory. Do we have a sheet so Members could check these off as they compare them or will we just accept your direction? There appears to be no written amendment so we will have to very carefully listen to Mr. Nickerson's direction and guidance and follow him through this long clause 15. Mr. Nickerson.

Amendment To Subparagraph 38(6)(b).

MR. NICKERSON: The next change was made on page 13 in subparagraph 38(6)(b) which occurs near the bottom of the page and the new wording will read, "by double registered mail, in which case the seventh day after the date of mailing shall be deemed the date of delivery."

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

MR. LAFFERTY: Could I have that repeated, please?

MR. NICKERSON: Certainly, Mr. Lafferty. This is on page 13 subparagraph 38(6)(b) and this will be the ninth line from the bottom of the page, and the new wording will be "by double registered mail, in which case the seventh day after the date of mailing shall be deemed to be the date of delivery." Are you ready for the next alteration, Mr. Chairman?

THE CHAIRMAN (Mr. Butters): Proceed.

Amendment To Paragraph 39.4(d).

MR. NICKERSON: The next alteration which we requested appears on page 17, paragraph 39.4(d) right at the bottom, the last word in 39.4(d) is "family" and we have inserted before that "immediate" and so the words will now be "...to the employee's spouse or other member of his immediate family".

Amendment To Paragraphs 39.6(4) And 39.6(5).

The next change if we are ready for it, Mr. Chairman, occurs on page 19 in paragraph 39.6(4) and (5), they have been altered. Paragraph (4) will now read, "An appeal lies to a judge of the Supreme Court from the board upon any point of law raised before the board under this section, and such appeal shall be lodged within 30 days after the date of the decision appealed from," and paragraph (5) will be amended to read, "The decision of the judge is final."

THE CHAIRMAN (Mr. Butters): Do Members have that amendment? Is it agreed?

---Agreed

Amendment To Paragraph 39.10(1).

MR. NICKERSON: The next change, Mr. Chairman, is on page 21, paragraph 39.10(1), and the change being made here is to reword this paragraph as follows: "The board may order an employer to furnish to the board a bond or other security conditioned for the payment of all wages in an amount and form, and for such period of time not exceeding two years, as may be satisfactory to the board; and an employer shall comply with the order."

THE CHAIRMAN (Mr. Butters): Are Members agreed?

HON. ARNOLD McCALLUM: Could you please slow down? I can not write shorthand.

THE CHAIRMAN (Mr. Butters): All these amendments were agreed to, this is just what the Legal Advisor has brought back to us.

Amendment To Paragraph 39.12(3)

MR. NICKERSON: The next change in clause 15 of the bill is on page 22, and it concerns paragraph 39.12(3) of the ordinance and the rewording of this paragraph is as follows: "Where the board receives money under this ordinance for an employee who is named as an employer in a certificate issued pursuant to section 39.6, the board may pay the money to the employees named in the certificate."

THE CHAIRMAN (Mr. Butters): Are Members agreed to the change?

---Agreed

Proceed, Mr. Nickerson.

MR. NICKERSON: The remaining changes to clause 15 appear on page 23 where section 39.13 has been amended to read as follows: "Where a corporation commits an offence under any provision of sections 39.13 to 39.16 any officer or agent of the corporation who knowingly, directed, authorized, assented to, acquiesced or participated in the commission of the offence is, whether or not the corporation is prosecuted for the offence, a party to and guilty of the offence."

And section 39.14. Excuse me one moment, Mr. Chairman. I did pretty well. I got through about ten there.

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

MR. LYALL: On 39.1, sir, you have just taken out the word "director"? And also on 39.14 "director and other" was taken out?

THE CHAIRMAN (Mr. Butters): That is my understanding.

LEGAL ADVISOR (Mr. Slaven): Also in the fourth line of 39.13 we added the word "knowingly" before "director".

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Legal Advisor.

MR. NICKERSON: A final change, Mr. Chairman, to clause 15 is to amend section 39.14 to read on the first line of 39.14, the words "director and other" have been deleted. That, Mr. Chairman, concludes the changes we requested of clause 15.

THE CHAIRMAN (Mr. Butters): Do the Members of the committee approve those amendments as provided us by Mr. Nickerson?

---Agreed

Deletion Of Section 39.16

MR. NICKERSON: A technical error has been made. There is one other change of a rather important nature. This concerns section 39.16 which has been deleted altogether.

THE CHAIRMAN (Mr. Butters): That is on page 24?

MR. NICKERSON: That, Mr. Chairman, is on page 24. That, Mr. Chairman, completes the changes to clause 15.

THE CHAIRMAN (Mr. Butters): Thank you, sir. May I then report the bill as amended? I beg your pardon.

MR. NICKERSON: If we now have agreement on clause 15, there is one amendment to clause 20.

THE CHAIRMAN (Mr. Butters): I beg your pardon. I believe there is agreement, please proceed.

Amendment To Clause 20

MR. NICKERSON: Clause 20 has been amended to read as follows: "20(1) Section 5 of this ordinance shall come into force on June 7, 1976. (2) This ordinance, except for section 5, shall come into force on November 28, 1976."

THE CHAIRMAN (Mr. Butters): Thank you. Does that meet committee Members' approval?

---Agreed

May I now then report the bill as amended to the Speaker as ready for third reading?

---Agreed

MR. SPEAKER: Mr. Butters?

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

MR. BUTTERS: Mr. Speaker, your committee has been considering Bill 2-59, An Ordinance to Amend the Labour Standards Ordinance, and a number of amendments have been made which makes it now ready for third reading. I wonder so that it would be most efficiently reported out that the Legal Advisor read the amendments at this time rather than going back and poking through each clause?

MR. SPEAKER: We have just been through them in committee of the whole. Let us deem they have been read in in formal session, is that satisfactory?

MR. BUTTERS: That is satisfactory, sir.

MR. SPEAKER: In the interests of saving time. Mr. Parker, Bill 12-59, the Legal Profession Ordinance.

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. SPEAKER: This Legislature will resolve into committee of the whole to consider Bill 12-59, the Legal Profession Ordinance, with Mr. Stewart in the chair. That is all I am going to say about it.

HON. ARNOLD McCALLUM: I would hope so!

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 12-59, Legal Profession Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 12-59, LEGAL PROFESSION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 12-59, An Ordinance Respecting the Legal Profession. The purpose of this bill is to revise the existing Legal Profession Ordinance to grant legislative sanction to the Northwest Territories Bar Association and to allow the association to govern its own affairs including registration and discipline of members. Mr. Nickerson, have you any comments on Bill 12-59 as chairman of the legislation committee?

MR. NICKERSON: Mr. Chairman, the committee studied this ordinance and we recommended that it be dealt with now by the committee of the whole. Most of the amendments which we suggested have been made to the draft which appears before you. There are one or two issues that might be of a contentious nature which I will bring to your attention when we get to them.

THE CHAIRMAN (Mr. Stewart): Thank you. Does the administration have any comments to make relative to Bill 12-59?

DEPUTY COMMISSIONER PARKER: No.

THE CHAIRMAN (Mr. Stewart): Are there any witnesses the committee wish to call at this time relative to Bill 12-59? The Chair will accept comments of a general nature on Bill 12-59. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I think this matter has been before this body on previous occasions. I wonder if we might have a little bit of the history as to how it has been developed. Are there any changes or any differences in the over-all approach by the administration?

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

History Of Bill 12-59

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the bill that is before the house today is somewhat changed from earlier discussions as a result of the recommendation to Council which Council considered a few sessions ago dealing with professional organizations. At that time there were certain basic principles set out in that paper and those principles have been followed in the preparation of this ordinance. The Northwest Territories Bar Association has raised a number of concerns. I believe they see two or three areas as being in contention from their standpoint and I think that those things can only be resolved through a discussion here. You mentioned the possibility of witnesses. I believe that the president of the Northwest Territories Bar Association, Mr. John Bayly is here today and I would recommend that he be the witness for the Northwest Territories Bar Association. We would ask that Mr. Vic Irving, the Director of the Department of Public Services be seated at the witness table as well.

THE CHAIRMAN (Mr. Stewart): Agreed to calling the witnesses?

---Agreed

If Mr. John Bayly, president of the Northwest Territories Bar Association and Mr. Vic Irving of the administration will come forward please.

THE CHAIRMAN (Mr. Stewart): There has been a question by Mr. Butters relative to the history of this legislation. Is there someone here who could answer this for us?

MR. BUTTERS: I am satisfied, sir.

THE CHAIRMAN (Mr. Stewart): You are satisfied, sir, thank you. Possibly, Mr. Bayly, you would like to make comments of a general nature respecting Bill 12-59 for us on behalf of the Northwest Territories Bar Association.

MR. BAYLY: If I might, sir, begin with a general comment. As I understand the history of this bill it arose out of a motion in this Assembly I believe in 1974 at which time the Assembly expressed the wish that a new Legal Profession Ordinance be drafted which would allow the public a window on the legal profession and which would allow the Law Society or the legal profession to become a self-governing body. I had distributed to your Assembly, gentlemen, a brief prepared by the Northwest Territories Bar Association which sets out those things that we from our point of view are concerned with and I believe all Members of the Legislative Assembly have been given copies of that brief.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Irving, have you any comments of a general nature to make at this time?

A Policing Action

MR. IRVING: Just of a general nature, in so far as the Department of Public Services and particularly our consumers affairs division believe that this is an important ordinance in that it provides for different provisions that there was no previous legislation provided for. It is in some effect a policing action on the legal profession where they are able to look after their own, in effect, and provide some direction which was not there before. We are very happy to see this ordinance as it has been presented. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comment of a general nature? If not, are you ready to go clause by clause?

---Agreed

Clause 2, interpretation.

MR. BUTTERS: Mr. Chairman, I was just wondering if an individual wishes to have a member of the Bar represent him in the territorial court and that lawyer is not a member of the Northwest Territories Bar Association is it very difficult for such

membership to be granted and representation be made? Is there any chance this might be a closed-shop situation, if one knew of a lawyer who had a specialty and lived in Edmonton or some other centre of the provinces would it be difficult to get membership?

THE CHAIRMAN (Mr. Stewart): I wonder, Mr. Bayly, would you answer that question, please?

Granting Of Membership

MR. BAYLY: Yes, sir, I can answer that. Under the present system that we have the basic requirements for membership in the Northwest Territories Bar, if a person is a member of a Bar elsewhere in Canada, is the presentation of a certificate of good standing from that jurisdiction that the lawyer comes from, the payment of a fee of \$200 and the providing of two letters of good character from lawyers practising in the applicant's jurisdiction. There are in other jurisdictions in Canada in the provinces the same kinds of stipulations. The fee may be different but the general requirements are the same. If you want a person to appear for you on a single appearance, then you have to have that person admitted either for the single appearance or to become a full member in the Bar in which he is practising. That allows in this case the Northwest Territories Law Society as it would be and at present the territorial government to make sure that people who do appear in the territorial court are at least qualified as lawyers in systems that are recognized in Canada.

MR. BUTTERS: Is there a time period specified regarding such admission when the proper qualifications are presented?

THE CHAIRMAN (Mr. Stewart): Did you hear the question, it was time on qualification?

MR. BAYLY: If I understand the question correctly about time, at present a person who is qualified in another jurisdiction can become a member in the Northwest Territories Bar immediately afterwards. There is no length of practice he has to have to appear in the courts here.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 2, interpretation, is it agreed?

---Agreed

Clause 3 on page 4, the establishment of Law Society. Is it agreed?

Composition Of Executive

Clause 4, executive. Is it agreed?

MR. NICKERSON: Mr. Chairman, the committee has undertaken to bring it to the attention of this committee that the appointment here in paragraph 4(1)(a) allows the Commissioner to appoint the person who is to be the window on society. Discussions previously in this chamber had indicated that this house probably felt that should such -- such appointment should be made by the Commissioner on recommendation of Legislative Assembly or some other such term of designation. Apparently the other day a precedent was set for leaving it up to the Commissioner and I just thought I would like to bring it to the attention of the committee at this time and should they wish they can carry on with the precedent we established yesterday.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 4. Is it agreed?

---Agreed

Powers Of Executive

Clause 5, powers. Is it agreed?

MR. BUTTERS: These are the powers of the executive, or the powers they have relative to the society. That is correct, is it?

THE CHAIRMAN (Mr. Stewart): That is the way I read it. Clause 5. Is it agreed?

MR. BUTTERS: Is there anything in here that relates to the payment -- I know that during the time when the matter was brought up before that the Bar admitted that members of their profession make mistakes also and where it had been proven to the satisfaction of the members of the legal profession that such had occurred, then the aggrieved person, or client, would be assisted in some way financially. Is that discussed in here, or is it discussed in some other section?

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

MR. BAYLY: I think you will find, Mr. Chairman, it is discussed elsewhere in the ordinance and I will just check the clause. I believe the clause Mr. Butters is searching for will be either 35(1) or 60(1) or a combination of the two, and that refers to an assurance fund and a professional liability claims fund.

MR. BUTTERS: Thank you very much.

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

MR. NICKERSON: At the legislation committee meeting where we were discussing clause 5 there was some discussion at that time as to how the texts of legal discussions and judgments could be made more readily available to the public and although this is probably not dealt with in this ordinance I think the committee here would probably like to hear from the two witnesses how they feel this could be done.

THE CHAIRMAN (Mr. Stewart): Who would like to field that one?

MR. BAYLY: Could we ask Mr. Nickerson if he could put that question again as both of us are backing away from it from lack of an understanding of it?

Legal Discussions And Judgments.

MR. NICKERSON: The question is, although it does not really relate to the ordinance, how can the texts of legal discussions and judgments be more readily made available to the public? We noticed that sometimes it is very difficult to get a copy of a judgment, and it might take several weeks after the judgment is given before, especially, members of the general public can get access to these types of things.

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

MR. BAYLY: I think I could respond to that in this way, and I think you are referring now to judgments in the Northwest Territories. We have as a Northwest Territories Bar Association recently been requesting on a regular basis the judgments that are rendered by the territorial court, that is written reasons that are given by the court and copies are going to the Bar Association. They are available to the public from the courthouse and I am just thinking short of us distributing them to either the newspapers or the media. They are available to those, to both the media and the newspapers if they require them and we would certainly be willing to co-operate with anyone who wanted to get, anything we had.

I think one of the difficulties is that some judgments that are given are orally given and if there is no one there to broadcast them to the public they may be lost as far as general information is concerned.

MR. NICKERSON: We fully realize that this is not a proper item to bring up under here but this was a concern that we had at that time, and probably the delay in getting these things is not really your fault at all. It probably rests with us, or rests with having insufficient courthouse staff.

MR. BAYLY: I suspect it is a concern we should all have because public access to the decisions of the court is a very important thing.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 5, is it agreed? Do I have agreement on clause 5?

---Agreed

Clause 6, rules.

Rules

MR. NICKERSON: Mr. Chairman, I have a point to bring up on clause 6 but I think I would require some advice from the Legal Advisor before I do so.

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

MR. BAYLY: It was in particular clause 6 subclauses (7) and (8) that we addressed our first point in our brief to and I am wondering whether Members of this committee have copies of that brief before them at this time. I would be prepared to read those points out if that would be of any assistance to people.

THE CHAIRMAN (Mr. Stewart): If you would, Mr. Bayly.

MR. BAYLY: I wonder also if it would be permitted for me to ask Mr. Sigler who is also a member of the committee that was involved in drafting this presentation to sit with me in case I forget anything.

THE CHAIRMAN (Mr. Stewart): It has been suggested that we add another adviser. Do I have agreement?

---Agreed

Mr. Sigler, if you would join us please?

MR. BAYLY: If I could read those portions of this brief then.

THE CHAIRMAN (Mr. Stewart): If you would, Mr. Bayly. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, since Mr. Sigler is being added to the table may I make it clear for the record that Mr. Sigler is a partner of mine, in the practice of law, that I am a licensed barrister and solicitor and, for all of those reasons, I will not participate, either in the discussion or the voting of the clauses, nor will I undertake private discussion on the merits of any of the clauses with any of the Members.

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

Commissioner Must Approve Rules

MR. BAYLY: Our first point is clause 6 subclause (7) and (8) set out a system whereby the Commissioner must approve the rules of the proposed Law Society before they are affected. The Northwest Territories Bar Association feels strongly that this so seriously erodes the independence of the profession that the ordinance should be withdrawn unless this provision is eliminated. This section gives the power to the Commissioner to continually veto rules until he has rules which suit the government.

The Legislative Assembly should not forget that the legal profession unlike any other profession is frequently an adversary of government representing the rights of the individual against the state and an essential requisite to protect the rights of the citizen is an independent legal profession. When the independence of the legal profession has been removed historically the rights of citizens have become subservient to the rule of the state. The existence of an independent legal profession itself furthers the public interest.

The Bar Association also feels strongly that half measures to self-government are even more undesirable than the present licensing system. It is felt that it is most dangerous to make it appear that the legal profession is self-governing when in fact it is not. For this reason we propose that the recourse of government in the event of a breakdown of the Law Society due to financial crisis, prolonged inactivity or actions clearly contrary to the public interest should be the appointment of an administrator in a similar fashion to the manner in which an administrator is appointed for a municipality which finds itself in financial difficulty. The Bar Association would accept such provisions since the take-over of the legal profession would be open and undisguised and it would be clear to the public that the government has stepped in and was controlling the legal profession, and there is such a provision in the Municipal Ordinance and I do not have the section before me. I believe it is 154.

We therefore proposed clause 6, subclause (7) to clause 6, subclause (9) be removed entirely. If the Legislative Assembly feels that emergency legislative powers should be granted to the Commissioner we suggest the system refer to above.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Sigler, have you anything to add to those comments?

MR. SIGLER: Briefly I would simply remind the Assembly that the historical background I think is relevant to this particular section in that the original -- the discussion of the whole ordinance arose from a resolution of this Legislative Assembly that was passed, I believe in 1974, that called for the ordinance being redrafted to provide for a self-regulating Law Society or legal profession within the territories, and this is the basic question and I think that is before the Legislative Assembly in considering these particular subclauses, should there in principle be a completely self-regulating society or should the professions still be regulated by the Commissioner of the Northwest Territories. Our association feels that we wish either to be self-regulating or completely regulated by the Commissioner.

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

Unwarranted Intrusion Upon Self-Government

MR. IRVING: Yes, I do, Mr. Chairman. In particular, the one where we note that the Bar Association feels that to grant the Commissioner the power to make a spot audit on his own initiative without first obtaining the approval of the committee is an unwarranted intrusion upon self-government. We do not agree with this at all. I can not emphasize too strongly that in the money area where we think this is a very important ordinance, in the past there was no such ordinance which would govern this profession, and we believe that to take this out, or to ignore it, leaves the government in the position where we have no teeth at all. I think that this is probably our most important part of the ordinance and gives the Commissioner the right to step in if he thinks that something is wrong. As you will note in the past there was nothing to regulate or govern this body at all, and now we have this ordinance and this is a very important part, thank you.

MR. BAYLY: As I understand the sections on spot audit are not in subclause (6). I may be mistaken on that...

THE CHAIRMAN (Mr. Stewart): It is not. We are dealing with clause 6 at the moment as I understand it.

MR. IRVING: I am sorry I jumped a page, I jumped ahead and as far as clause 6 is concerned I have no further comment at this time.

THE CHAIRMAN (Mr. Stewart): As I understand the recommendation of the Law Society it is that such audits, or subclauses (7), (8) and (9) appearing on page 11 be deleted, is that correct? Mr. Deputy Commissioner.

Approval By Governor In Council

DEPUTY COMMISSIONER PARKER: Mr. Chairman, perhaps I could ask a question of Mr. Bayly. To his knowledge is it the practice in all law societies in Canada that they not submit their rules or bylaws for approval by either a Governor in Council or Lieutenant Governor in Council?

MR. BAYLY: As I understand it, Mr. Chairman and Mr. Deputy Commissioner, with the exception of Ontario, it is the case that there is no submission of the rules to either Lieutenant Governor in Council or to the cabinet. In Ontario, and I have a copy here of the Law Society Act of Ontario, sections 54 and 55 provide for the Ontario Law Society to make rules, some of which are not subject to the scrutiny by the Lieutenant Governor in Council and others of which are, and I can make that available for the Members.

I can go through that section if anybody wishes to know what the Lieutenant Governor in Council in Ontario has jurisdiction to look at in the way of rules of the Law Society.

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

MR. BUTTERS: Am I correct in believing that all professional societies formed to date in the territories contain this provision in the legislation that establishes their organizations, that is, that their rules be referred to the Commissioner for approval or are there some professions that have been permitted to make their own independently?

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I believe that the provision for the submission of rules or bylaws to the Commissioner is contained in the ordinances affecting other professions that we have passed so far. However, perhaps the Legal Advisor could correct me if I am wrong.

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman, that is correct. There is a slight aberration in the Teachers' Association Ordinance which was passed quite a few years ago. I forget what it is listed under.

THE CHAIRMAN (Mr. Stewart): While you are looking it up I will accept Mr. Nickerson if he wishes to speak.

MR. NICKERSON: First of all I have a question for Mr. Irving. Is it his understanding that in all other jurisdictions with the exception of the Ontario Bar Association they do not have to submit their rules and regulations for approval by some other body?

MR. IRVING: That is a technical question, Mr. Chairman. Unfortunately I can not answer that. I think they do but I can not be sure. Perhaps our Legal Advisor can give us some information on that. I can provide that information for you in the near future.

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

The Setting Of A Precedent

MR. BUTTERS: Just to say, sir, that it would appear that if we did remove the sections from this ordinance then we could expect that they would be removed from all ordinances dealing with professional persons. This is what we are in effect doing, setting a precedent with one and I see no reason why we should not extend it to all. I am just wondering whether the fear, and I am using the word "fear" advisedly, that has been expressed by our witnesses is true, that there is a possibility to develop a conflict situation between the Crown as it were, in

this case the Commissioner, and the independent legal profession. I can not quite see here the reason for the concern. Has this occurred in other jurisdictions that a professional group were refused or had their rules refused to be accepted by an authority such as the Lieutenant Governor or so on? I find it very difficult to accept that there are grounds for concern.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters. I will see if we can get an answer for you. I understand the Legal Advisor has an answer to a question previously asked and then we will get to your question.

LEGAL ADVISOR (Mr. Slaven): Regarding approval of bylaws in other associations in the territories I was half correct. The existing Teachers' Association Ordinance provides that the bylaws must have the Commissioner's approval but the proposed ordinance which is in your books provides that only bylaws respecting the discipline of members or eligibility for membership require approval. On the other matter I have not looked into it recently. My best recollection is, as Mr. Bayly said, generally speaking Law Societies in the provinces do not require any approval of their bylaws. I was researching through the Alberta statutes on another matter some weeks ago and I looked at this matter at the same time. I found in Alberta that the Law Society there does not have to get approval for its bylaws but in the other half dozen or eight or ten societies I noticed that veterinarians, architects, and I forget the others, appraisers, provided either that the bylaws be approved by the Lieutenant Governor in Council or, as in the proposed Teachers' Association Ordinance, certain matters in the bylaws required approval. It can be important.

N.W.T. Teachers' Association Bylaws

I do not want to cast aspersions on the Northwest Territories Teachers' Association and certainly I do not because I will refer to an occurrence of about four years ago where the teachers submitted their bylaws for approval and if those bylaws had gone into effect they purported to make classroom assistants members of the Northwest Territories Teachers' Association which would have been in contravention of the Teachers' Association Ordinance and the Public Service Association Ordinance. So there might be a very valid reason for the administration looking at bylaws to ensure that they do not contravene any existing laws in the territories or in this case, purport to infringe on someone else's turf.

MR. BUTTERS: Mr. Chairman, that answer sounds to me most wise and I just wondered if our witnesses could see if that one word "approved" in subclause (7) were removed and it would meet their concern? Is it not the idea that the Commissioner in this case is approving the bylaws that are made by the Society and the request to file them with the Commissioner and they shall not become operative until a few days after filing, would that not be satisfactory? This would prevent any conflict of laws and at the same time give the Bar Association the independence which it seems to require.

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

MR. BAYLY: Do I understand Mr. Butters to have suggested that after the word "unless" in subclause 6(7) the word "approved" would be deleted and the word "filed" be substituted?

MR. BUTTERS: Something of that order. There should be a period of time before they become operative so that the officers of the administration could examine them for contextual clashes or whatever happens, say 14 days after filing or something.

Legal Profession An Identity In Themselves

THE CHAIRMAN (Mr. Stewart): With all due respect I think you are dealing with two entirely different subjects that have been brought up by the Legal Advisor inasmuch as the teachers are part of the territorial government structure and as such there are certain rules and regulations that govern the teaching profession and your bylaws could be in conflict with this as I suggested where we are going to reclassify the student teachers. However, I do not see how this would be applicable myself as far as the legal profession is concerned because they are an identity in themselves. Deputy Commissioner Parker indicated a desire to speak.

DEPUTY COMMISSIONER PARKER: Thank you, Mr. Chairman. I see what Mr. Butters is proposing and I think at the very least it would be seen as a courtesy to file them. However, the act of filing, if it does not carry with it the requirement for approval, does not of course give any guarantees. Council Members should have to be aware of that, that they could be filed and sit there for three months but if the Commissioner had no power to advise them that they were out of order, then it would be just that, an act of filing them for the sake of information.

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

Contesting Government Decisions

MR. BAYLY: I wonder, Mr. Chairman, if I could respond to the question raised earlier by Mr. Butters. What he asked, as I understand it, was whether or not first of all the legal profession is any different from the other professions which, as the Legal Advisor has told the committee, have their rules approved by the Commissioner. I would only restate what we have outlined in our brief, that of all the professions only the legal profession has the occasion for its clients to have to sometimes contest government decisions, to take the government to court. This is not true of the teachers or the architects, the engineers or the doctors. Their bylaws are very important and their rules are very important to the running of their society but they are not in a profession which by its nature takes for its client an adversarial position to the government. Mr. Sigler has an example of what happened in Alberta in the 1930's to give you an idea of why the Bar Association considers it so important that there be complete self-government with the exception, as we have said in our brief, that if things seem to be going badly the government should have the ability to step in and say, "Sorry, you can not run your affairs properly and we are taking over completely."

MR. SIGLER: I first mentioned, Mr. Chairman, that the principle of a self-regulated legal profession is not a new one that has been created by statute. It is a right that has developed in the common law I believe historically in Great Britain and the reason it is contained in most of the provinces in Canada today is not historical accident. It is an incident to the individual's right to independent counsel as a basic civil liberty, not merely the right to counsel, but the right to independent counsel which distinguishes

our system of justice to a large degree, perhaps compared to systems of justice that may exist in other countries in the world, say, countries where they have a facade of a trial or a court is acted out but that the state really controls the entire proceeding. It is an important distinction, the right of the individual to have independent counsel that has led to the evolution in our common law system of self-regulating Law Societies. These two patterns have developed side by side historically.

Independent Law Society

I believe that when Council last discussed this matter it was when the resolution was passed by territorial Council in 1973 or 1974 to adopt an independent Law Society for the territories. Letters of support were filed at that time and one of the letters of support was from Mr. Justice Morrow, Justice of the Supreme Court of the Northwest Territories supporting the position of the Northwest Territories Bar Association that there should be complete independence of the Bar, free from any type of licensing by the state other than the legislation such as the Legal Profession Ordinance.

I believe Mr. Justice Morrow in his letter tabled at that time alluded to the experience that was prevalent in the province of Alberta in the 1930's I believe, when the Government of Alberta was attempting to regulate the freedom of the press and there are several judgments reported in the courts at that time and I believe some went to the Supreme Court of Canada that alluded to the right of freedom of the press, but also commented very strongly on the need to preserve the right of independent counsel.

Now, to my knowledge the reasons for those circumstances, the right of independent counsel being alluded to at that time was because the Government of Alberta at that time felt itself threatened by the legal profession which was constantly taking it to court to strike down the legislation it was passing, such as the press bill. There was a common fear amongst the legal profession and amongst the people of Alberta at that time the government was going to interfere with the licensing process of lawyers if all its legislation was continuously being struck down by the Supreme Court of Canada.

Protection Of The Public

There was a great fear in the province in those days of this privilege being abused, the privilege of the individual to obtain independent counsel to take a case against the state. Now, that of course is the important principle, a different principle in considering regulation of the legal profession as opposed to regulating any other profession and I submit more so in the Northwest Territories than in any other part of Canada. We have all seen the great growth of government in the Northwest Territories and I would suggest to Members that there is a greater, larger presence of the state in the Northwest Territories and there is a larger likelihood of the individual requiring to enforce his legal remedies against the state in the Northwest Territories than perhaps anywhere else in Canada. So, we feel for this reason that this right should not be eroded, especially here to protect the public, it is not something we are asking for to protect the profession, it is really to protect the public and it is a historical situation that has gone all through the common law and it is something the territorial Legislative Assembly drafted.

THE CHAIRMAN (Mr. Stewart): Pardon me, but not too fast, the interpreters are having a terrible time.

MR. SIGLER: I am sorry, Mr. Chairman. It is something, these considerations were what led this very Legislative Assembly to pass its earlier resolution and to bring forward this kind of legislation, somewhere between the last resolution of territorial Legislative Assembly and this ordinance being presented to the Legislative Assembly that principle has been forgotten.

THE CHAIRMAN (Mr. Stewart): Thank you. Is it true, Mr. Sigler, that the law profession is the second oldest in the world?

MR. SIGLER: I have no personal experience on the other one, sir.

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

For The Future Of The Country

MR. IRVING: If I could reply very briefly, Mr. Chairman, to that address. I think it should be remembered that the Northwest Territories is a very important place and along those lines is the only area that does not have an ordinance. Every province and the Yukon have and for this very reason I think that the Legislative Assembly should be most careful in dealing with this proposed ordinance and looking at our future in this country. As it now stands there is no legislation or anything else to govern the conduct of a lawyer, particularly perhaps dealing with trust accounts and this type of thing unless the Criminal Code was involved. A member of the legal profession, once he got over the border and was away, we might have all sorts of trouble. I am not suggesting that this would happen in the Northwest Territories but I think we have to be careful in dealing with this and I would think that the Bar Association in looking at how they have policed themselves in the provinces over the years, have done a very good job.

I think I have to go back to what I earlier mentioned in jumping out of clause 6, that we would hold that the Commissioner should have the right to exercise some power here, particularly -- again I go out of clause 6 -- to the matter of the spot checks. I think this is probably one of the most important things we are looking at. I think there has to be something else besides just the profession looking after themselves and I think we are in a position to perhaps help them help themselves and maybe the Commissioner should have some prerogative here. Thank you.

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

Motion To Remove The Word "Approved"

MR. BUTTERS: I do not want to get involved in spot checks I just want to work on the word "approved". I do not wish to make a motion without knowing what the text of that motion should be, but the word "approved" should be deleted and I think the explanation given by

Mr. Sigler convinced me that we could drop that word. I think that the society should file with the Commissioner a copy of the rules but I do not think I would see that the word "approved" be dropped and the mechanism which Mr. Bayly suggested put in but I think that "approved" might be a little strong in this case. So, I would move that the "approved" aspect of the clause be removed and it be worded to exclude that.

THE CHAIRMAN (Mr. Stewart): The hour is now 5:30 p.m. and would you like to look this matter over and bring it up as a motion when we reconvene on this particular vote tomorrow so that you have something definite for this motion?

MR. BUTTERS: I would publicly ask our Legal Advisor to help me so do that.

THE CHAIRMAN (Mr. Stewart): If you would take that action -- are we agreed that we should report?

---Agreed

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

Report of the Committee of the Whole of Bill 12-59, Legal Profession Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 12-59, An Ordinance Respecting the Legal Profession and wishes to report progress at this time.

MR. SPEAKER: Any announcements?

MR. BUTTERS: Mr. Speaker, I wonder if Members of the house might meet briefly for a short caucus meeting at the table following the recess for this evening?

MR. SPEAKER: Any further announcements? Mr. Clerk, orders of the day.

ITEM NO. 13: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, 9:00 o'clock a.m., May 28th, 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. Continuing Consideration in Committee of the Whole of Bills and Other Matters: Bill 7-59, Bill 6-59, Bill 12-59, Bill 11-59, Inuit Tapirisat of Canada Land Claim Proposal, Nunavut, Tabled Document 15-59, Dr. Ward's Analysis of Nunavut, Information Items 4-59, 5-59, 12-59, 16-59, 18-59 and 24-59
11. Third Reading of Bills

12. Appointment of Directors to Northwest Territories Housing Corporation
13. Assent to Bills
14. Time and Place of Next Session
15. Prorogation

MR. SPEAKER: This Legislative Assembly stands adjourned until 9:00 o'clock a.m., the 28th day of May, 1976, at the Explorer Hotel.

---ADJOURNMENT

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