



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

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Official Report

FRIDAY, MAY 28, 1976

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, MAY 28, 1976

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

DEPUTY SPEAKER (Mr. Stewart): The Assembly will come to order.

ITEM NO 2: QUESTIONS AND RETURNS

Turning to Item 2, questions and returns.

Mr. Deputy Commissioner, are there any returns?

Return To Question W13-59: Reduction Of Number Of Seals Taken For Scientific Purposes

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on Friday May 21, Mr. Pudluk asked Question W13-59 concerning the number of seals to be taken from Lancaster Sound and the Beaufort Sea this summer by the Canadian Wildlife Service for scientific purpose. Federal fisheries has issued permits to the Canadian Wildlife Service to collect the following seals: 50 ringed seals and 50 bearded seals in the Beaufort Sea, 300 ringed seals and 300 bearded seals in Lancaster Sound. None of the seals killed shall be killed within 20 miles of a settlement or hunting camp. In addition Canadian Wildlife Service has been granted permission to purchase seal specimens from Inuit hunters. The permit states that "every effort must be made to procure all specimens from the usual Inuit seal harvest". The permit also states that Canadian Wildlife Service shall meet with the hunters' and trappers' association to discuss the collection. The permit states that every effort must be made to donate all hides or pelts and meat to Inuit co-operatives or communities. Copies of the permits will be circulated for the information of Members.

Return To Question W20-59: RCMP Policing Agreement

On Tuesday, May 25, Mr. Nickerson asked Question W20-59 concerning the status of negotiations with the RCMP re a new policing agreement. The 1976-1981 five year policing agreement for RCMP services in the Northwest Territories is still under negotiation. The old contract expired on March 31, 1976. However the Solicitor General of Canada has agreed that the services now provided by the RCMP will continue uninterrupted during the renegotiation of a new agreement. The Solicitor General agrees that in so far as non-police duties are concerned the situation in the Northwest Territories is somewhat unique from the rest of Canada and, in many instances, it would be impractical or impossible to provide alternatives for these services as was originally proposed in the new agreement. It should be pointed out that the proposed agreement by the RCMP would standardize the contract format for RCMP policing services for the provinces and territories. However, as previously stated, the Solicitor General and the RCMP have accepted our view that the Northwest Territories is in a different position from that of the provinces and thereby deserves special consideration. The Director of Public Services and chief of legal services will be meeting with officials of the RCMP and Solicitor General as soon as a date is finalized by Ottawa to complete negotiations towards finalizing the 1976-1981 contract agreement. The final agreement will be signed by the Solicitor General of Canada and the Commissioner of the Northwest Territories.

Mr. Speaker, the question that Mr. Stewart asked regarding the fourth crew for the Merv Hardie was read into the record yesterday.

Return To Question W29-59: Request from Freshwater Fish Marketing Corporation.

On Wednesday, May 26th, Mr. Stewart also asked whether the Freshwater Fish Marketing Corporation had approached the Government of the Northwest Territories regarding the possibility of this government providing a subsidy to the corporation for the 1976 fishing season. The administration has been informally contacted by the Freshwater Fish Marketing Corporation regarding this matter as it is anticipated that the actual 1976 pool deficit for the Northwest Territories will be approximately \$98,000. This Assembly can be assured that no subsidy of that nature would be paid to Freshwater Fish Marketing Corporation without its prior approval.

Mr. Speaker, I will have a number of additional replies ready probably before the luncheon break and, if it is agreeable, I will seek your consent to read those at an appropriate time.

MR. DEPUTY SPEAKER: Thank you. Questions? Mr. Evaluarjuk.

Question W45-59: Gasoline Price, Cape Dorset

MR. EVALUARJUK: Mr. Speaker, I wish to ask a question. One of my constituents at Cape Dorset has asked me a question and that is if we know fuel for skidoos is very high in the community and I would like to know if this could be equalized within all the communities because to date the price of gasoline per gallon is very, very high and I would like to know if my colleagues in this chamber realize that the price of gasoline in this community is very high.

MR. DEPUTY SPEAKER: Mr. Deputy Commissioner.

Return To Question W45-59: Gasoline Price, Cape Dorset

DEPUTY COMMISSIONER PARKER: Mr. Speaker, in response to Mr. Evaluarjuk's comment on the price of gasoline, the territorial administration took over the purchasing and selling of gasoline in the Eastern Arctic and in certain parts of the Keewatin two or three years ago and we have been attempting to budget money to buy bulk tanks, to buy large tanks in order to bring the gasoline in in bulk quantities and pass on any of the savings to the people. Now, we have not charged the people of the territories for the cost of the tanks, that has not been included in the price, but still it is true that the price of gasoline remains fairly high. About the only thing I can say is that had we not gone to bulk purchasing the price of gasoline would have been even higher, very much higher. We try to average prices, not right across the Northwest Territories but we do average prices for probably four to six communities in an area. So, even though the price in one place, or even if the cost I should say in one place may be higher than in a neighbouring community we average those and charge the same price. I would be pleased though to look into the situation at Cape Dorset to see if there is anything that has gone wrong there. I believe that the situation in Cape Dorset is going to change because at Cape Dorset there was a commercial firm distributing the gas, and we have just this winter entered into an agreement, I believe it is with Shell Oil, to buy out their tanks and for the government to sell the gasoline. I can not make a promise but I would hope that we will be able to offer gasoline at something of a saving to the people of Cape Dorset.

MR. DEPUTY SPEAKER: Thank you. Questions? Mr. Pudluk.

Question W46-59: Classroom For Square Dances, Resolute Bay

MR. PUDLUK: Mr. Speaker, I am sorry that this question is too long. The question is about in Resolute Bay in the school classrooms with a rug on it in Resolute Bay and the people do not like to dance on that rug because every time they have a square dance when they touch their hands they get a shock and I wonder if the Executive is looking at something else other than this classroom for square dances?

MR. DEPUTY SPEAKER: Mr. Deputy Commissioner.

Return To Question W46-59: Classroom For Square Dances, Resolute Bay

DEPUTY COMMISSIONER PARKER: We will be pleased to look into the situation at Resolute Bay to see if we can not assist the people to find some wooden floor on which to dance.

MR. DEPUTY SPEAKER: Thank you. Written questions? Mr. Butters.

Question W47-59: Removal Of Taxes For Resource Harvesters

MR. BUTTERS: Mr. Speaker, could the administration advise what assistance is currently being given to trappers and fishermen especially by its officers to assist them in recovering excise, sales or other federal taxes placed on goods required by them in the carrying out of their livelihood and could the administration advise what actions and approaches are being considered and made by the officers of the administration to remove other onerous taxes and imposts on the harvesters of northern renewable resources?

Is there any legislative action that could be taken by this Assembly to further ease the financial burdens of persons harvesting northern natural resources and provide incentives to encourage those making their living from the land and waters?

Return To Question W47-59: Removal Of Taxes For Resource Harvesters

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will take the question and probably have to forward a reply by mail to all Members. With regard to the latter part of the question which dealt with assistance which the government might give to people following a life of trapping and hunting we have examined the matter of tax concessions on gasoline and so forth but thus far have determined that the cost of doing such a thing would be relatively high from an administration standpoint and not of that much benefit. However, this is an ongoing review and I will be pleased to forward to Members the latest information we have on this subject.

MR. DEPUTY SPEAKER: Mr. Butters.

Question W48-59: Information Item For Next Session

MR. BUTTERS: A supplementary, would the Deputy Commissioner also see that the item might be included as an information item at the 60th session of this house?

Return To Question W48-59: Information Item For Next Session

MR. DEPUTY SPEAKER: The Deputy Commissioner nods in the affirmative.

Written questions? It is my understanding that we will be returning to this item for further returns some time during the course of the day and thus revive Item 2 of the order paper.

Item 3, oral questions. No oral questions?

Item 4, petitions. No petitions.

Item 5, reports of standing and special committees. No reports this morning, Mr. Nickerson?

MR. NICKERSON: No.

MR. DEPUTY SPEAKER: Item 6, notices of motions.

Item 8, motions.

ITEM NO. 8: MOTIONS

It is my understanding that Motion 17-59 has not been dealt with. It was moved by Mr. James Wah-Shee, Motion 17-59. It is noted that Mr. Wah-Shee is absent. Motion 20-59, Mr. Butters.

Motion 20-59: Recommendations, Carrothers' Commission

MR. BUTTERS: Mr. Speaker:

WHEREAS the Carrothers' Commission recommended that its decision of 1965 against division of the Northwest Territories into two distinct political jurisdictions be reviewed in 1975;

AND WHEREAS change is occurring with great rapidity in Canada's northern territories;

AND WHEREAS this house has a responsibility to advise the Commissioner and the Minister regarding government policies being proposed for, and implemented, in the territories;

NOW THEREFORE, I move that the Legislative Assembly of the Northwest Territories request the Commissioner to provide this house with executive, administrative and technical assistance to (a) review the social, economic and political development of the Northwest Territories since the publication of the Carrothers' Commission Report and (b) review, in keeping with a recommendation of Dr. Carrothers' Commission, the matter of territorial division and (c) examine the future development of the Northwest Territories over the next ten years including territorial, political, economic and social evolution in relation to the elements of northern native land claims, large scale petroleum development and the territories' place in Canadian confederation.

MR. DEPUTY SPEAKER: The motion is in order, do I have a seconder? Mr. Lyall. Discussion, Mr. Butters.

MR. BUTTERS: Thank you, Mr. Speaker. What I am suggesting here is we use a mechanism which has been used only sparingly in the past by Members of this body and that was described two days ago by the Commissioner at the occasion of Mr. Arvaluk's and Mr. Amagoalik's attendance with us. The Commissioner mentioned that the former minister of Indian Affairs and Northern Development, the Hon. Jean Chrétien, had made available to this Assembly a provision by which it could develop executive assistance, special assistance to pursue and examine interests, collective interests of Members.

To my knowledge it has only been used twice, once to develop a report on the transfer of provincial-type responsibilities to this administration and, secondly, to acquire the services of Dr. Norman Ward who produced a very brief paper that we now have. What this motion sees is the establishment of really our own, the beginnings of our own executive and research function. We have talked about this frequently but I think that it might be a very good subject upon which to begin. Certainly we are all wondering what the future holds in store for the people of the North. We are all wondering what large scale exploration and development is going to mean to the people of the North. We have heard very many horror stories. We have heard very many suggestions that there would be great benefits as well. We have heard of the various land claims in preparation or that have been prepared for presentation to the Government of Canada which relate directly to what is occurring in these territories and the people resident in these territories. I think we are all interested in where we go from here in simple terms, so what I am saying here is that the Commissioner at our request begin to set in motion this body, this mechanism which the Hon. Jean Chrétien foresaw that we might be using. Get it rolling.

MR. DEPUTY SPEAKER: Thank you. To the motion. Mr. Nickerson.

History Of Development Already Available

MR. NICKERSON: Mr. Speaker, had Mr. Butters moved this motion several days ago I would have suggested it be dealt with in committee of the whole. I am afraid I do not quite know what he is getting at here and I would have liked the opportunity to ask questions both of him and other people with some knowledge of the subject. Is it that Mr. Butters recommends that the Legislative Assembly hire some form of consultant as they did with Dr. Ward to do this review, what would be the purpose of doing a review of the developments over the last ten years, it might be a nice assignment for a history student, but I think that most of the information is available and a few days in the library in the Laing building would probably enable somebody to get a pretty good idea of what has gone on over the last ten years.

In (b) where it says "review in keeping with the recommendation of Dr. Carrothers' recommendation on territorial division" is it that Mr. Butters again expects a consultant of some kind to be hired to give his recommendations, to report on the matter, or is it that he would foresee a committee of this Legislative Assembly or a committee of several knowledgeable people both northerners and non-northerners? There are very many questions in my mind and I just do not know exactly the approach Mr. Butters would take on this.

In (c) again "examine the future development of the Northwest Territories over the next ten years" I would suggest that at the present time it would be very difficult to do this because there are two or three very important decisions that have to be taken at this time, and depending upon these decisions, the outcome during the next five to ten years could be very different. For instance one of the most important decisions facing all of us in the Northwest Territories today is whether or not a pipeline will go down the Mackenzie Valley. If a pipeline does go down the Mackenzie Valley that means that there will be a great deal of exploration work done all the way from the Delta down to the Northwest Territories border, there will be a big drive for industrial development such as occurred in Alberta after oil was discovered at Leduc. The whole direction will be changed, whereas for instance if the decision was not to build a pipeline we would be left in the backwoods for many, many years to come. So, depending on this type of decision which is made today what happens over the next ten years will differ very much and I do not think you can come up with an idea now, or forecast, or make a reasonable forecast of what might happen in the next ten years unless you know what these decisions are going to be today. I am afraid that was not a very good speech on my part and I did not really mean to knock down Mr. Butters in what he is trying to do here, I think he has some very good ideas, but these are the kind of questions I would like to see answered before I could make up my mind on which way to vote on this motion.

MR. DEPUTY SPEAKER: Thank you. Any other speakers to the motion? Any summation, Mr. Butters?

Planning Is The Key

MR. BUTTERS: Thank you very much, sir. The Hon. Member is correct, there is something missing and the word in simple terms is planning; planning. The information you say you could rush over and get at the library, yes, but it is on information and an examination of various options on which we can plan. I mentioned in the "whereas" clauses that this house has a responsibility to advise, and that was a very weak word but I think in actual fact we have a greater degree of power and input than just to advise.

Certainly nobody can plan for tomorrow or next year or for the next ten years unless you have information, unless you have it set down so it can be seen concisely and readily and you can examine the various options that are open, and the various possibilities that might occur if this step is taken or that step is taken. Is it the responsibility of the administration to do the planning for the people of the North? I do not think so, I think that you, sir, and I, elected to this house have that responsibility and the remainder of the Members here too. These people act under our direction and yes, I did not include the word "planning" but that is what I see this body would do for us so that

we could make the proper decisions, the realistic decisions in this house to ensure that the people of the North benefit in the years ahead.

It has been very difficult for Members of this new Assembly, this is the first wholly-elected Legislature. We lost some appointed Members of some very great knowledge and very great expertise and as you said in your opening remarks on the first day, we are a strange bunch of cats that have been thrown together, but we have been thrown together and we are beginning to work together, we are beginning to understand and respect each other's viewpoints. We appreciate the excellent job done by our translators and the increased amount of material that is made available to the Members from the Arctic regions is enabling our discussions to go ahead and to be fruitful and to be productive.

Legislative Assembly Must Give Views On The North

In the last two years in these very important years, I think that the federal government and the Minister, the Prime Minister, and various church groups and ecological groups, and any kind of group you want to imagine has been telling Canada what should be done to the North. There has been one voice silent. There has been one voice absent from this torrent of words, from this tower of Babel, and that has been the voice of this Assembly. This is what we should be doing, telling the Minister what it is that we understand the people of the North desire, telling the Minister what the people have told us to repeat here and to repeat it to him. Thank you.

Motion 20-59, Carried

MR. DEPUTY SPEAKER: Thank you, Mr. Butters. Are you ready for the question on Motion 20-59? All those in favour of Motion 20-59? Seven. Opposed? The motion is carried.

---Carried.

I direct your attention to Motion 21-59. Mr. Butters.

Motion 21-59: Brief On Berger Inquiry

MR. BUTTERS: Mr. Speaker, Motion 21-59.

WHEREAS the Mackenzie Valley pipeline development and/or energy corridor will have irreversible effects on the Mackenzie River Valley, its inhabitants and indirect effect on all residents of the Northwest Territories;

AND WHEREAS Inquiry Commissioner, Mr. Justice Thomas Berger, will be making his recommendations to the federal government on the basis of the evidence and briefs his commission has received and audited;

AND WHEREAS this house, the first wholly-elected Legislature of the Northwest Territories after 1905, has a responsibility to represent the interest of all residents of the Northwest Territories;

NOW THEREFORE, I move that the Legislative Assembly of the Northwest Territories request the Commissioner to provide this house with executive, administrative and technical assistance to develop with all reasonable haste a comprehensive brief containing a series of recommendations related to the terms of Mr. Justice Thomas Berger's Mackenzie Valley pipeline Inquiry for presentation to Justice Berger in Yellowknife before he completes his examination and hearing of evidence related to the application for construction of a Mackenzie Valley natural gas pipeline and/or energy corridor.

Mr. Speaker, I agree with the Hon. Member from Yellowknife North that these motions should have been tabled earlier so that they could have been put into committee. I could not have said anything during the last motion with regard to moving into the committee but I would welcome Members who would so move to move this into committee and we could consider it at some length today. The two motions, by the way, Motions 20-59 and 21-59, are very related because they both refer to the same type of executive body or group that would be working for us. Mr. Nickerson...

MR. LYALL: On a point of order, sir. Was the motion seconded?

MR. DEPUTY SPEAKER: I am very sorry. I am used to working in committee without the benefit of a seconder and I apologize. Motion 21-59, do I have a seconder? Mr. Lafferty. Now, Mr. Butters, I am sorry.

Research Body Similar To That Of Native Organizations

MR. BUTTERS: Thank you, sir. I welcome the point of order from the Hon. Member from the Central Arctic. I would see that this would be, this body would not be just a consultant, it would be a body very similar to those research arms that have been developed by native organizations. The Inuit Tapirisat has received and spent hundreds of thousands of dollars developing such a research body. The Indian Brotherhood of the Northwest Territories likewise has had similar research and specialist groups working for them and working for them on a continuing basis. What I would see this motion doing is establishing such a group to be working for this body on a continuing basis at our direction. I recognize in putting forward this motion that time is very short and Justice Berger has indicated his sittings will soon terminate, some time I think in September or in the near future and that possibly we may not see developed an acceptable brief or a brief that would be acceptable to all Members for presentation to Justice Berger but I do think that even if such a brief were not presented that the work in developing it would also be of very great value to Members of this house.

The reason I say this is that the main parameters or terms of reference of Mr. Justice Berger's Inquiry are to recommend to the Government of Canada the conditions that should be established should a Mackenzie Valley pipeline, natural gas pipeline or corridor be constructed. I suggest to you, sir, that legislation places conditions, conditions on the activities of corporations and individuals and that really the conditions that will be placed on such a construction project, on the operators of such a massive project hopefully will come into this house as legislation, legislation that will both protect northern people and their environment and legislation that both enhances and ensures that northern people benefit and are full partners in that development. I would agree that possibly any brief developed by the group that I see here may not be presented but the work could go ahead and if an opportunity does exist that it would be ready for such presentation. I would remind Members of the Assembly that the Commissioner's opening remarks invited us to consider both these ideas and I think it would be very valuable and very worthwhile.

MR. DEPUTY SPEAKER: Thank you. To the motion, Mr. Nickerson.

Recommendation Not To Present Brief To Berger Inquiry

MR. NICKERSON: Mr. Speaker, I do not wish to belabour the point but you are well aware during my reply to the Commissioner's Address I strongly recommended that this Assembly does not present a brief to the Berger Inquiry and the reasons for this were quite clear. Not only because the Berger Inquiry has lost its credibility, because they are behaving in such a fashion as to milk every last ounce of publicity out of the deal, it is because we as a Legislative Assembly have no business going before the Inquiry. That, as I said before, is something that individual Members could do, should they so wish. Chambers of Commerce, native organizations, municipalities, these types of organizations and persons of course, this is what the Inquiry was originally set up for, to find out their feelings on the subject, but if we were to make suggestions in this field the obvious thing that we should do is to send it directly to the Minister. Then when the cabinet comes to make a decision on this they will have the National Energy Board report, they will have the report of Mr. Justice Berger and they will have our report and they would be able to look at them at one and the same time and this would be the correct way of going about things.

Amendment To Motion 21-59

Therefore, Mr. Speaker, I have considered moving two amendments to this motion and I am just trying to think which one would probably meet with the greatest degree of approval from the mover. I think Mr. Butters was quite right when he said that if this was to be done there

would probably be no time for it to be presented anyway so I figure the best way of amending this would be just to take out everything after the word "Inquiry" so that the resolve clause would then read: "Now therefore, I move that the Legislative Assembly of the Northwest Territories request the Commissioner to provide this house with executive, administrative and technical assistance to develop with all reasonable haste a comprehensive brief containing a series of recommendations relating to the terms of Mr. Justice Thomas Berger's Mackenzie Valley pipeline Inquiry..." and everything else after that would be taken out.

MR. DEPUTY SPEAKER: Mr. Nickerson's motion, is it understood? Do I have a seconder? Do I have a seconder to the amendment? Hon. Arnold McCallum. To the amendment on Motion 21-59. Does anybody wish to speak to the amendment? Mr. Butters.

MR. BUTTERS: Mr. Speaker, I see that I am becoming very excellent at writing motions that can be amended by just putting a period in and deleting the remaining sentence. Speaking to the amendment and yet there will be other times which refer to Mr. Nickerson's remarks on the motion and I hope he will bear with me if I can support such references. The amendment reduces or removes the significance that this body make an appearance before Mr. Berger if time will permit. I disagree very much with the Hon. Member's belief and assumption that Mr. Berger's Inquiry has just become a circus.

Berger Inquiry Monopolized By Special Interest Groups.

All he has to do is read the papers and realize that Mr. Berger's commission is just what he set out to make it: the most important single Inquiry on development that has occurred in this country and it is being monopolized by special interest groups. Not only has it been monopolized by special interest groups, we have had a government who has funded the monopoly of these special interest groups. The good judge in his ignorance in beginning the Inquiry felt that there were certain elements, dimensions of the community whose voice may not be heard unless special consideration were given, consideration in cash and this was done. These are the voices that are being heard across the country and Mr. Justice Berger's hearing is for real. The Minister refuses apparently to speak in that arena, in that forum to set the record straight. Certainly I doubt the Commissioner or the Deputy Commissioner could speak in that arena or forum to set the record straight as they are agents of the Minister. Who then will refute all the nonsense that Mr. Berger is subjected to day after day, year after year? Who will do this?

Maybe, as Mr. Nickerson says, we should report to the Minister, but Mr. Berger is going to make his recommendations on the basis of what he hears. He runs this Inquiry, as I understand, like a court room. He will not make his recommendations in the letters to editors he reads in the newspaper or the debates in this house or the talk in beer parlors. He will make his recommendations on the briefs, on the oral presentations, on the community hearings, on the tabled documents, on the evidence, such as it is, that is presented before him. To date the evidence presented before him all leads in one way and I think that if the good judge makes his decision on that evidence it would be very simple to determine what that decision would be. It certainly will not ensure, I do not think, benefits for northern peoples. Therefore I feel there is a responsibility, although it may be a unique responsibility, but then the Berger Inquiry is a unique Inquiry, there is a responsibility on the Members of this Assembly to develop the positions, develop the parameters and tell Mr. Justice Berger. Thank you.

MR. DEPUTY SPEAKER: Thank you, Mr. Butters. To Motion 21-59 as amended. Mr. Lyall.

Credibility Of Inquiry Not Lost For Natives.

MR. LYALL: Mr. Speaker, I feel very strongly the same way as Mr. Butters feels, Mr. Justice Berger is doing the very best job that could be done. The only credibility he lost I think was among some of the high people, because of the fact that every time us Eskimo people or Indian people talked about the various problems that we have had day to day, every time that happens, every time the native people start to get ahead in whatever they try and do then it is called a circus, like it was called by one of the newspapers in town. I lost face in that kind of reporting because whatever the native population of this Assembly has ever said it is our true feeling. I feel very humiliated when I see that kind of thing written about and what comes to my mind is it is something that is directed towards me. The credibility of Mr. Justice Berger is not lost among the native people and that is the way I see it and I was very sorry that I did not go to any of the Inquiry which I would liked to have done, after I have heard reports from down South and if there is a time when there is a circus I think it is when the white population makes it that way. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you. To the amendment. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I seconded the motion to amend so we could discuss this particular topic and I believe that this Assembly must make its views well known. I think that this Assembly has been attempting to make its views known in the past through the particular avenue of going to the Minister, but as with most things that go that way we get nowhere. We have an avenue that could be opened to us now, the Inquiry, and if we are to make our views known, if we are to be able to place before anybody the views that we have as a body or individually, the Inquiry may be the best particular place to do it. It seems that our experience has told us that letters, proposals, or our views being sent to the Minister get lost, they get nowhere, or they go unheeded. I think that this Assembly, although it would be a unique step for a legislative body to go in front of an inquiry, this may be the best avenue that we have to make known our views and, as Mr. Butters suggested, to set everything straight. Thank you.

MR. DEPUTY SPEAKER: Thank you. To the amendment. Mr. Nickerson, do you wish to summarize, be the last speaker to the amendment?

MR. NICKERSON: No, Mr. Deputy Speaker.

MR. DEPUTY SPEAKER: On the amendment, which is for the deletion of everything after the words "Mr. Justice Thomas Berger's Mackenzie Valley pipeline Inquiry". It is in effect the deletion of the last three lines on that page and of course the remaining on page 2. To the amendment. All those in favour?

MR. NICKERSON: What did we just vote on, Mr. Speaker?

Amendment To Motion 21-59, Defeated

MR. DEPUTY SPEAKER: The vote is being called on Motion 21-59 as amended. Those in favour of Motion 21-59 as amended, a show of hands, please. There seems to be some confusion and you may have thought this vote was called and I do not think it has been called but if it has been then we will call it twice. To the motion as amended, those in favour. Motion 21-59 as amended. Pardon me, the amendment. Those in favour of the amendment? One. Opposed? The amendment is lost.

---Defeated

Back to the motion, are you ready for the question on the motion?

SOME HON. MEMBERS: The motion.

Motion 21-59, Carried

MR. DEPUTY SPEAKER: The question being called. All those in favour of Motion 21-59? Seven. Opposed? One. The motion is carried.

---Carried

Now, I understand that -- has Motion 22-59 been dealt with? It appears it has and Motion 23-59 has been dealt with. I understand that Motions 24-59, 25-59 and 26-59 have not been translated. I am prepared to proceed if there is no objection that these motions have not been translated. Mr. Butters.

MR. BUTTERS: As the mover of the first motion made, sir, I would prefer that translation be carried out before I proceed.

MR. DEPUTY SPEAKER: Thank you. Then, we will leave this section on motions open and shall return when the translations have been completed. I would direct your attention to Item 9, the tabling of documents. Mr. Nickerson.

ITEM NO. 9: TABLING OF DOCUMENTS.

MR. NICKERSON: Mr. Speaker, I wish to table, Tabled Document 19-59, the Report of the Standing Committee on Legislation dealing with meetings held on May 20th and May 26th, 1976.

MR. DEPUTY SPEAKER: Thank you. The tabling of documents. Item 10, continuing consideration in committee of the whole of bills and other matters.

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

Is it your wish that we continue with Bill 12-59 in committee of the whole, Legal Profession Ordinance?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker.

MR. DEPUTY SPEAKER: The Assembly will resolve into committee of the whole with Mr. Butters as chairman to study Bill 12-59, the Legal Profession Ordinance.

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

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

THE CHAIRMAN (Mr. Butters): The committee will come to order. We are considering, or we were considering yesterday evening at the close of the day the Legal Profession Ordinance, Bill 12-59 in your legislation books. The Hon. Member from Hay River, Mr. Stewart, could you pinpoint where you had got to yesterday when you were in the chair?

MR. STEWART: We were dealing with clause 6, the matter of deleting -- we were on clause 6 and dealing with subclauses (7), (8) and (9) relative to their not being in keeping with the requests of the legal association and we were in debate on that section, whether they should be changed or deleted.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Yes, that is page 11 at the bottom of the page, (7), (8), (9) are the subclauses there. On that occasion I had moved an amendment and I believe it was prepared and the Hon. Member from Slave River, Hon. Arnold McCallum, will introduce it at this time.

Motion To Amend Subclauses 6(7), 6(8) and 6(9) Of Bill 12-59

HON. ARNOLD McCALLUM: Mr. Chairman, I move that clause 6 be amended by (a) amending subclause 6(7), "The Society shall file with the Commissioner a copy of each rule of the Society and no such rule shall become operative or have effect until 30 days after such filing and (b) to delete subclauses (8) and (9) of clause 6.

THE CHAIRMAN (Mr. Butters): Pardon me, sir? Delete subclauses (8) and (9)?

HON. ARNOLD McCALLUM: To delete subclauses (8) and (9) of clause 6.

THE CHAIRMAN (Mr. Butters): I understand that the amendment has been distributed to Members but as it has not been translated, Hon. Arnold McCallum, could you give background to the amendment and what it will do if you have that?

HON. ARNOLD McCALLUM: Mr. Chairman, I think this would take into consideration the anxiety, if you like, of the Bar Association over the proposed subclause (7) that says that "No such rule will have effect unless approved by the Commissioner." What this amendment does is to remove the approval by the Commissioner but still allows the Commissioner to do an audit and I think that will satisfy, or it should hopefully satisfy, any apprehensions that that Bar Association have and it is something that this kind of a proposal will satisfy the administration's as well as I think the Legislative Assembly's concern.

THE CHAIRMAN (Mr. Butters): Is there any discussion or any questions from Members? Mr. Nickerson, Hon. Member from Yellowknife North.

MR. NICKERSON: Mr. Chairman, I think that all of us can recognize the slightly different position that the legal profession is in relative to other professions and taking notice of this I would be prepared to support the amendment proposed by the Hon. Minister of Education. I would, however, point out to this committee and have it in the record that by doing this in the case of the members of the legal profession I do not think that the Members of the Legislative Assembly would consider that we are setting a precedent for any other profession. We have over the years offered a set of guidelines governing professional legislation and one of the items that this Legislature and previous Councils have set their minds to is that generally bylaws and rules of professional associations should be subject to some degree of control by the Commissioner so on that understanding that we are not creating a precedent for other professional societies I will support that amendment, Mr. Chairman.

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

Protection Of The Public And The Administration

HON. ARNOLD McCALLUM: Mr. Chairman, I think it should be understood by Members as well that if the Society does adopt a rule that is against the Bill of Rights or is unconstitutional or is in conflict, that the Commissioner will be able to notify the Society within the time limit, 30 days, and then advise the Bar Association or ask them to amend the rule. I think that this can be worked out. However, if the Bar Society does not wish to do this, to amend the rule, that the Commissioner then has recourse to the court to have the rule or ask the court to have the rule declared null and void. If the rule is unfair, there would be public pressure brought to bear on it and the administration would have recourse as well to bring in amendments to the ordinance to take care of this. I do not see where there would be any difficulty with the Bar Society over any of the rules but again to reiterate what Mr. Nickerson said, we are not attempting to create precedents here. We as an Assembly and the administration of course recognize that there is a difference with the Bar Society as opposed to other associations because of their profession and the amendment simply is an attempt to take that into consideration and still see that this house as well as the administration and the public are protected.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Any other comments or questions? I recognize that our witnesses are with us. Are there any suggestions or comments from the table? Mr. Stewart, the Hon. Member from Hay River.

MR. STEWART: Mr. Chairman, I was just going to suggest that we have comments from the witness table in regard to the suggested amendment.

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

MR. BAYLY: If I could speak on behalf of the Bar Association we would be content with this amendment and we can see the sense of it.

THE CHAIRMAN (Mr. Butters): Thank you very much. Mr. Irving?

MR. IRVING: Mr. Chairman, I believe the Hon. Arnold McCallum has given the rationale here and there is nothing further I can add.

Motion To Amend Clause 6, Agreed

THE CHAIRMAN (Mr. Butters): Thank you very much. If there is no further discussion, would Members approve then the amendment that has been made? Clause 6 of the rule as amended?

---Agreed

Now we move to clause 7 on page 12, eligibility. Agreed?

---Agreed

Clause 8, voting. Agreed?

---Agreed

Clause 9, officers. Agreed?

---Agreed

Over at the top of page 13, auditor, clause 10, is it agreed?

---Agreed

Clause 11, annual general meeting. Is it agreed?

---Agreed

Clause 12, at the bottom of the page, quorum, eight active members constituting a quorum. Is it agreed?

---Agreed

Clause 13, at the top of page 14, financial statement. Is it agreed?

---Agreed

Clause 14, special meetings. Is it agreed?

---Agreed

Clause 15, roll. Is it agreed?

---Agreed

Clause 16, over the page on page 15, resignation. Is it agreed?

---Agreed

Clause 17, qualifications of applicants. The Hon. Member from Hay River.

MR. STEWART: I wondered if we could have from the table advice on the other sections which may be in dispute so that we know which ones we could have discussion on?

THE CHAIRMAN (Mr. Butters): I welcome your suggestion. I would welcome the witnesses to interrupt me. I may not look at you but just interrupt me if there is something you wish to raise or discuss. Where were we?

Clause 17, Is it agreed?

---Agreed

Clause 18, at the top of page 16, students-at-law. Is it agreed?

---Agreed

Clause 19, qualifications for membership. Mr. Nickerson.

Communication From The Department Of Justice.

MR. NICKERSON: Mr. Chairman, the Department of Justice sent a communication to the Government of the Northwest Territories respecting clause 19, and it is their submission that they would like to see people such as the Attorney General admitted to the Northwest Territories Bar. I believe it is the position of the Northwest Territories Law Society that such people should be made honorary members, pursuant to rules or bylaws which they might enact. However, I feel that I should read out the suggestion coming from the Department of Justice, and they suggest adding a subparagraph (iii) to clause 19 which would read as follows: "Notwithstanding anything in this ordinance, a person who is or has been Minister of Justice and Attorney General of Canada or Solicitor General of Canada, and a person who is or has been Deputy Minister of Justice and Deputy Attorney General of Canada or Deputy Solicitor General of Canada, if he is a lawyer, is entitled to be enrolled as a member of the Law Society of the Northwest Territories without complying with the Legal Profession Ordinance or any of the regulations or rules of the Society as to admission, examinations, payment of fees or otherwise, and is thereupon entitled to practice at the Bar of Her Majesty's courts in the Northwest Territories."

I wonder, Mr. Chairman, if we might have the views of the witnesses on this particular matter?

THE CHAIRMAN (Mr. Butters): Yes, sir. Mr. Irving, would you lead off and I wonder if the administration's position could be put first?

MR. IRVING: Mr. Chairman, I would have to go to our Legal Advisor here who has been dealing with this matter. Perhaps he could give the legal interpretation.

Annual Practice Fee, Department Of Justice.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, this proposed amendment is identical to one in the Ontario Act, and I honestly do not know how many provinces have similar provisions. In effect it does what is in the old Legal Profession Ordinance, in fact more narrowly than the old one. I am quite willing to leave it up to the Legislature, and I would think after hearing the thoughts of Mr. Bayly, to make a decision on the matter. These people have, through the years, been members, and the record of most -- Mr. Bayly may suggest that the Bar would make them honorary members. I may say that all federally employed lawyers to date, which would include the lawyers in the crown attorney's office here and various others that come up from the Department of Justice in Ottawa and other of the regional offices in the past have been made members here and have not been asked to pay an annual practice fee, but I think that with the enactment of this new ordinance they will have to pay the annual practice fee just as a practising lawyer. So, we are taking away quite a bit that federal lawyers had previously and they have asked for this special consideration for the Minister of Justice who is the Attorney General of the Northwest Territories, and also his Deputy, the Solicitor General and his Deputy. They have further asked in a telex that provision be made for the Bar to waive the annual practice fee of people like the resident crown attorney or the various gentlemen like Mr. Whitehall or Mr. Fromkin who come up here from time to time. It seems to me that that is already adequately covered under paragraphs 6(1)(a) and 6(1)(q). I think we should have Mr. Bayly or Mr. Sigler comment on this though.

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

MR. SIGLER: Mr. Chairman, of course the situation right now is as Mr. Slaven stated it, the Attorney General of Canada is as well the Attorney General for the Northwest Territories. I suppose one consideration in looking at this kind of a section is whether this will always be the situation. Maybe it always will not be, I do not know, that is a political consideration and of course one we are not interested in.

THE CHAIRMAN (Mr. Butters): Excuse me, sir, but could you slow down? Thank you.

Exemption For Attorney General Of N.W.T.

MR. SIGLER: So, I think in terms of the wording of any kind of exemption that it might be prudent to keep the wording as the Attorney General for the Northwest Territories being the person we are concerned with in terms of the Northwest Territories. We of course would have no objection and would welcome, and always have welcomed the Attorney General for the Northwest Territories being a member of the Bar Association and, of course, being presented to the Bar in the Northwest Territories. As Mr. Slaven mentioned Mr. Basford has recently become admitted, before him Mr. Lang was admitted and before that Mr. Turner and so on. Our concern would be I think as long as the Attorney General for the Northwest Territories is a lawyer then he would be welcomed as a member of the Law Society. If the Attorney General for the Northwest Territories, either now or in future were not a lawyer we would not welcome such a person as a member of the Law Society because that would enable that person to practice law in the Northwest Territories and we do not feel the public would be well served by a person as a member of the Law Society entitled to practice law if he were not a lawyer. He may well serve us as Attorney General but he would not well serve us as a lawyer.

I hate to harp on our experience but once again in Alberta we had the situation for a number of years where the Attorney General for Alberta was Mr. Manning who is not a lawyer. He is still Attorney General but he is not a member of the Law Society of Alberta and not entitled to practice law in the Province of Alberta and he is not today entitled to practice law in the Province of Alberta because he has been Attorney General for the province. So, our position is that it is the feeling of our association that anyone who is a lawyer is entitled to become a member under the way the ordinance is now set up and that there would be no reason to change that provision because the Attorney General for the Northwest Territories being a lawyer would be entitled to membership.

Question Of Fee

It amounts to a question of what fee might be charged that person but that would be a matter of the rules that the Law Society sets up for fees. It has not been our practice to charge a fee to the Minister of Justice to keep his membership alive in the Northwest Territories in our Bar Association. I suspect that our Law Society would continue that tradition but once again that would be a matter of the rules that the Law Society would set down. Our practice has not been to charge the Attorney General an annual fee to keep his membership alive in our association.

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

MR. NICKERSON: I was going to speak to the suggestion that we set clause 19 aside for a while until after coffee because I must admit that personally I am rather confused over the communication from the Department of Justice. Both myself and several other Members might like to talk it over with the Legal Advisor during coffee break to find out really what it is all about. So, I would suggest that for the time being we set clause 19 aside and getting back to the question raised, by means of a telex from the Department of Indian Affairs and Northern Development which I strongly suspect was written by somebody in the Department of Justice, regarding the payment of practice fees by federal lawyers who come up to the Northwest Territories and the advice that the Legal Advisor just gave us that he feels that whether or not these fees should be paid is covered adequately in paragraphs 6(1) (a), 6(1) (d) and 6(1) (q) and I wonder if we could hear from the witnesses on this particular problem.

THE CHAIRMAN (Mr. Butters): Do the Members agree with the suggestion by the chairman of our legislation committee that in view of the lack of warning with regard to this proposed amendment that he have an opportunity to discuss this with members of the administration and the Members of his committee? Is that acceptable, can we set this clause 19 over until he can do that? Is it agreed? Is it agreed?

---Agreed

We would then go on -- is coffee ready?

MR. STEWART: Not yet.

THE CHAIRMAN (Mr. Butters): No? Well, then we will move on to clause 20, appeal, at the bottom of page 18. Mr. Nickerson.

MR. NICKERSON: Excuse me, Mr. Chairman, but perhaps this matter would more properly have been brought up when we were dealing with clause 6, this matter of payment of practice fees by federal lawyers. It would appear to me that this matter is adequately covered under clause 6, more specifically as the Legal Advisor points out in 6(1) (a), 6(1) (d) and 6(1) (q) and if at all possible I would like to hear the comments of the witnesses on this particular problem brought to our attention by the Department of Justice.

Federal Employees Should Pay Fee

MR. BAYLY: If I could comment on that, and I have discussed this both with your Legal Advisor and with people from the Department of Justice, it is the opinion of the Bar Association that those federal employees who are lawyers practising in the Northwest Territories should pay a practice fee on the basis that at the present time the Government of the Northwest Territories is in charge of policing, and if this ordinance passes the Law Society would be in charge of policing those lawyers as well as those in private practice.

Now, it is true that federal lawyers practising for the Department of Justice do not keep trust accounts and so that part of policing would not apply. If I could give you an example, if somebody in one of the communities were to complain about the conduct of a lawyer in the Department of Justice, that would come to the attention of the Law Society and would have to be discussed and perhaps a hearing held by them to see whether this person should be disciplined or not for conduct that might be unbecoming a lawyer and that kind of administration as well as the keeping of the rolls of the solicitors, the lists of the lawyers is an administrative cost which I feel that lawyers should not be exempt from simply because they are in the employ of the federal Department of Justice.

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

MR. NICKERSON: I wonder if Mr. Irving has a different view of this matter or whether it is a matter that is in general agreement between members of the Law Society and the administration so to speak?

MR. IRVING: Mr. Chairman, I would support my friend's position on this. I think he has a valid point and in so far as the administration is concerned we would go along with it.

THE CHAIRMAN (Mr. Butters): Does that help you, Mr. Nickerson?

MR. NICKERSON: Yes. I think under the circumstances we have heard that everybody is in agreement that clause 6 should be left the way it is and I myself personally am of the same opinion so I consider that particular matter settled.

THE CHAIRMAN (Mr. Butters): Thank you very much. Now what do I do? Do we go on to clause 20 or shall we have coffee? Coffee is ready, I understand, so may we break for 15 minutes and return to the discussion of this bill?

---SHORT RECESS

THE CHAIRMAN (Mr. Butters): We still do not have a quorum. Recognizing a quorum as being present, may we continue with our discussion of Bill 12-59? Mr. Nickerson, do you wish to proceed?

Motion That Subclause 19(4) Be Added To Bill 12-59.

MR. NICKERSON: Yes, Mr. Chairman. It would appear that the question brought to the attention of this committee by the Department of Justice has now been resolved to everyone's satisfaction hopefully so I would therefore move that subclause 19(4) be inserted reading as follows: "Notwithstanding anything in this ordinance, a person who is Attorney General of the Northwest Territories, if he is a lawyer, is entitled to be enrolled as a member of the Law Society of the Northwest Territories without complying with the Legal Profession Ordinance or any of the regulations or rules of the Society as to admission, examinations, payment of fees or otherwise, and is thereupon entitled to practice at the Bar of Her Majesty's courts in the Northwest Territories."

THE CHAIRMAN (Mr. Butters): Thank you, sir. Do Members accept that addition to the bill?

---Agreed

HON. ARNOLD McCALLUM: Just one comment, Mr. Chairman. I thought from the explanation we received that it was not necessary for this particular amendment or additional clause from the explanation of the Law Society people, that this person would be covered with any existing regulations that are there under clause 6. Maybe I misinterpreted it.

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, in the powers given to the Law Society they would have the power to provide something to this effect or to provide for an honorary membership or I suppose any kind of special membership just as they would for other persons. What we are doing here is we are not leaving it up to the Law Society. If we do this, it is locked into the ordinance and the Law Society can not bury that. Otherwise there is no guarantee in the ordinance that the Law Society must make a provision for the Attorney General but certainly there is power for them to do so if they wish. The question is do we leave it to the Law Society or do we put in the ordinance?

HON. ARNOLD McCALLUM: That is copacetic.

Motion Agreed.

THE CHAIRMAN (Mr. Butters): Are Members agreed to clause 19 with the addition of subclause (4) on page 18?

---Agreed

May we then go to clause 20? Is clause 20, appeal, agreed?

---Agreed

Over the page, clause 21, order final. Agreed?

---Agreed

Clause 22, certificate of approval. Agreed?

---Agreed

Page 20, clause 23, question of guilt. Agreed?

---Agreed

Clause 24, investigation, discipline committee. Agreed?

---Agreed

Clause 25, inquiry. Agreed?

---Agreed

Clause 26, natural justice. Agreed?

---Agreed

Clause 27, counsel. Agreed?

---Agreed

Clause 28 at the bottom of page 22, suspension or restriction of privileges pending investigation. Clause 28, agreed?

---Agreed

Clause 29, trust moneys. Agreed?

---Agreed

Clause 30, inquiry where member absent. Agreed?

---Agreed

Clause 31, in the middle of page 24, discipline of barrister and solicitor. Agreed?

---Agreed

Clause 32, on page 25, discipline of student-at-law. Agreed?

---Agreed

Clause 33, report of committee. Agreed?

---Agreed

Clause 34, appeal. Agreed?

---Agreed

Clause 35, assurance fund. Agreed? The Hon. Member for Yellowknife North, Mr. Nickerson.

Mandatory Assurance Fund

MR. NICKERSON: Mr. Chairman, with respect to the assurance fund to be administered by the Society the standing committee on legislation had two main points that it wished to bring to the attention of this committee. The first point is this, sir, that subclause 35(1) now reads: "The Society may maintain a fund known as the 'Assurance Fund'" and this would allow such a fund to be established at the discretion of the Law Society. We note that in other provinces this is mandatory. The Society has to, the Society shall maintain this assurance fund for reimbursing members of the public who have sustained pecuniary loss as a result of actions by members of the legal profession, members of that Society and we would recommend that this assurance fund be made mandatory in the Northwest Territories.

THE CHAIRMAN (Mr. Butters): That would require an amendment to that clause that "may" shall be deleted and "shall" inserted.

MR. NICKERSON: We recognize there may be some disagreement over this matter and we would like to bring it to the attention of this committee so that the matter can receive full discussion at the present time.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Are there any Members who wish to raise a question related to the point that Mr. Nickerson has brought before us? Are all Members clear as to what he has said? Would any of the witnesses wish to comment? Mr. Bayly.

MR. BAYLY: Mr. Chairman, I would like to comment on this. I agree with the spirit of what Mr. Nickerson has said, that there should be a fund known as the assurance fund and perhaps I could explain what that fund is. We put into our brief our concern with regard to this section and the wording of it. The assurance fund would be a fund taken from the fees collected from the lawyers and it would be set aside to help to compensate people if a lawyer had misappropriated funds belonging to any of his clients. This is quite apart from what is called errors and omissions insurance which we all now carry. That is insurance for mistakes that solicitors acting in good faith may make, like the kind of insurance that you might carry on your automobile. This fund, the assurance fund, would try to help to compensate people who had suffered loss because a lawyer was a crook in essence because he had taken funds that he was not entitled to. Certainly no other profession does this and every other jurisdiction I know of in this country has an assurance fund under the jurisdiction of its Law Society.

Problem With Start Up Period

Our concern is with that start up period. We would certainly hope we would not run into this kind of discipline problem at all but let us say we ran into it in the first five to ten years of operation of the Law Society and somebody in the first year, for example, ran off with his client's trust funds in the amount of \$100,000 and we had only been able to collect \$10,000 a year from our members, \$9900 of which was used to administer the Law Society to do its day to day business quite apart from this fund. It might then at the beginning be impossible to set up this fund and the concern that we would have would be that we would have to do that and might not even be able to administer the Society in order to have a fund that was worth something. There is a way around it. I guess if you put in "shall" you could put \$100 into it in the first year because that is all we would have left over but that does not make very much sense as far as a client who might have been gypped out of \$10,000 would be concerned.

The other thing while I am on the subject of the assurance fund that I might mention is that in other jurisdictions it is left to the discretion of the Law Society and this will come up as well I believe in clause 60 to award claims out of the assurance fund.

Let us say we had \$10,000 in the assurance fund and in a particular year we had two dishonest lawyers, each of whom misappropriated \$10,000 from his client. If we paid out the \$10,000 to the first person then the second person gets nothing. Our concern would be that it should be left, there should be some discretion in the Law Society to say "Okay, let us leave the reserve in case there is another, or if there are two cases let us at least try and compensate as much as we are able, those clients who have run into this kind of situation" and you may know that in other jurisdictions in the few cases that this has happened, it has happened in a big way, that lawyers have run off with hundreds of thousands of dollars if they have run off with any at all. We might as well be honest about it, this is the problem.

Assurance Against Money Taken In Trust

Now, no other profession maintains this kind of fund but on the other hand no other kind of profession takes in money on trust from their clients in the kinds of ways that lawyers do. So, I think it is appropriate to do so, but what the lawyers are then doing by setting up this fund is, in a sense, voluntarily agreeing to compensate the public as much as possible

for the misdeeds of their fellow lawyers if any should arise. In other words, it is compensation by the Society for criminal acts of members of that Society, and I would suggest that because of the start up problems that the word "may" rather than "shall" should be left in the ordinance, realizing that the Bar Association sees it as one of its first tasks when financially able to do so, to set up an assurance fund. We would be flying in the face of everything everybody else is doing in this continent in law societies if we did not do so.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Bayly, and I wonder if the administration's position on this is available.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I only asked to speak because in a letter to Mr. Nickerson as chairman of the standing committee on legislation dated May 17 I may have misled him by oversimplifying. I advised him that the Alberta Assurance Fund is compulsory, however, that is true as far as it goes, but in looking into it in detail there is nothing in the Alberta act that sets a minimum amount that must be in the fund or a minimum amount that must be collected, and it is also left completely at the discretion of the Alberta Bar as to whether they pay anything out of the fund. So, as Mr. Bayly says, Alberta could conceivably have a fund of \$1 or \$10 and still comply with the act. To make a realistic provision regarding a compulsory fund I suggest that you would have to put in a minimum amount that must be in the fund at all times and possibly some provisions regarding minimum assessments against lawyers annually that must be made if the fund is below a certain amount.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson would you wish to comment on what you have heard?

MR. NICKERSON: Yes, in fact I have a couple of questions to ask in this regard. The first one is, do at present the lawyers in the Northwest Territories have some kind of assurance fund? Do they anticipate if they do not already, do they anticipate as soon as this ordinance comes into being, attempting to set up such a fund? My second question is, would it not be possible for you to take out collective insurance so that if somebody did run away with \$100,000 and you had only \$10,000 in your fund, the people would be able to collect from the insurance company and you could take the premiums from your fund?

Clients Protected By Other Assurance Funds

MR. BAYLY: I can answer your first two questions and I will ask Mr. Sigler if he could answer your third one. Your first question was, do we now have an assurance fund, and the answer to that is, in the Northwest Territories, no, but each lawyer practising in the Northwest Territories does, I think, without exception, belong to another Law Society in Canada and because of his participation in that other Law Society he is -- his clients are protected by that assurance fund. Mr. Sigler belongs to the Bar of Alberta and I belong to the Bar of Ontario and others belong to the Bars of British Columbia or Saskatchewan and, so, to that extent there is a fund.

Under the Law Society's ordinance, in answer to your second question, we would want to set up a fund as soon as possible, the problem being only this, let us assume that there are 200 members of the Law Society and let us assume that they have to pay \$200 a year for their fees. It may be that that is only enough money to set up an office and get a Law Society going in the first year or two. It might be possible to put, as Mr. Slaven has pointed out, a nominal amount into that fund at the beginning and then increase it from time to time. Mr. Sigler has suggested to me that perhaps a compromise to your suggestion on this amendment might be that the Society shall maintain a fund but shall set it up over a period of time, say in the first five years or first two years or whatever the Legislature thought was sensible. Our only problem then with your amendment is a clearly practical one about setting up a meaningful fund. It is not a question of us disagreeing with the intention that one should be set up. Your third question on assurance, for fraudulent acts, is one I will ask Mr. Sigler to answer.

Insurance Coverage Of Law Firms

MR. SIGLER: Mr. Chairman, each of the lawyers in the territories now in the law firms, individual firms, cover or take out insurance, it is not done on a group situation through the Bar Association. For example, I can speak for my firm, we have \$1 million in insurance coverage for any type of error that any member of our firm might commit. So, that is done through our firms and we have our own insurance contracts on that and so do all the other firms in the territories. Now, certainly one of the first rules that would be carried on with the new Law Society would be that all lawyers practising here would require a certain amount of insurance. The exact amount required will I suppose vary or depend upon the type of work that the law firms are engaged in. For example, somebody that is doing exclusively criminal work would not require as large an amount of this type of liability insurance as, say, firms who do a lot of real estate work where they are handling large sums of money routinely.

Whether or not under the Law Society that will carry on, on an individual firm basis as it was in the past, or on a collective group policy basis through the new Society is a question that will have to be worked out by the Law Society. The Bar however over the last two years has been attempting to set up a group policy for all the lawyers in the North and we are very close to implementing that as of this date. I would say there is about a 90 per cent certainty that there will be a group insurance policy for all the lawyers, covering all the lawyers in the North probably next year and, taking out this insurance will be a condition of your membership in the Law Society if you are a lawyer here.

MR. NICKERSON: Excuse me, Mr. Chairman, but I wonder if Mr. Sigler was referring to insurance just covering errors or omissions or was he also referring to insurance covering fraudulent acts?

MR. SIGLER: That was for errors and omissions. It is impossible to get insurance to cover fraud and that of course is the reason behind the establishment of an assurance fund.

Reassurance From Witnesses Re Assurance Fund

MR. NICKERSON: I think, Mr. Chairman, that we have been given a fair amount of reassurance on the questions we had in mind when this was brought up in the committee meeting and unless any other Member of the committee of the whole would like to pursue the matter I personally am satisfied that the Law Society of the Northwest Territories will do everything possible to see that this assurance fund is set up at the earliest opportunity. I wonder if we could have some kind of undertaking from the Law Society that they will communicate to the Government of the Northwest Territories within a reasonable period of time what action they have taken in this regard, and should they undertake to do this I think we can safely forget about whether that word should be "may" or "shall".

THE CHAIRMAN (Mr. Butters): Would the witnesses from the Law Society give us that guarantee?

MR. BAYLY: We certainly can on behalf of the Bar Association. I think there is no question. When we are finished here we can write a letter to the Commissioner saying one of our first rules will be one to cover the setting up of an assurance fund.

THE CHAIRMAN (Mr. Butters): Is that satisfactory?

Lawyers Acting As Investment Counsellors

MR. NICKERSON: That is satisfactory, Mr. Chairman. The second point in regard to clause 35 was that this fund would only be applicable to members of the Society acting in their capacity as a barrister and solicitor. We all know that members of the legal profession frequently engage in other aspects of business besides strictly that of a barrister and solicitor. They very often act as investment counsellors, for instance, and we had a good deal of concern over somebody going to a lawyer and perhaps receiving investment counsel, not necessarily legal counsel. If, in those particular circumstances, there were some fraudulent act by the lawyer and they lost the money they would then be unable to recover any money from the assurance fund. Most people, when they go to a law firm and talk with a lawyer, do not really have it in the back of their minds, "Now I am talking to him as a barrister and now I am talking to him as an investment counsellor." We had I think some legitimate concern in this area.

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

MR. BAYLY: At some point one has to draw a line on what claims against lawyers can come out of the assurance fund. I can appreciate that as Mr. Nickerson says, a man may go in to a lawyer to buy a house, for example, and the lawyer may give them financial advice as well, which he considers part of the legal advice and for which he may charge a fee which is called his legal fee, even if that advice was perhaps financial more than legal. One of the concerns that we have about this is that, if I can give you just a statistic, that after five years seven out of ten lawyers who graduate from law school are not practising law. They are doing other things. They are in business, they are in real estate, they are in politics or government. There are a large number of things that lawyers do. They have a law degree and they may even have an office but if they are largely organizing real estate transactions, for example, they may not be practising law at all. They may not be taking a fee in the regular way either.

The only concern we have is that we do not want to see the assurance fund used for all the kinds of things that lawyers might do. We do want to restrict it as much as possible to things that occur in the law office and which are related to the practice of law. For example, you might have a lawyer on the territorial Legislative Assembly who was to get involved in some sort of a transaction with some of his constituents which really was not related to his being a lawyer and if something went wrong it should not be the assurance fund in my opinion that has to pick up the tab for that any more than you would expect the assurance fund to pay off the costs of an unsatisfied judgment if a lawyer was involved in a car accident. That is going a long way away from his business as a lawyer.

Dangers Of Covering Too Many Things

All I am suggesting is that there should be some point at which the line is drawn and lawyers do a lot of things other than practise law in offices for which this assurance fund is probably not designed to cover. It may be appropriate that those things which are done in conjunction with the practice of law should be covered even if they are quasi-financial, investment counselling that is involved in a real estate transaction for which a person is charged a legal fee for example. We would be concerned if we went much farther than that that they would be assuring the public that whatever a lawyer did it would be available to give them some money.

MR. SIGLER: Mr. Chairman, I think the wording as it now stands would limit the assurance fund responsibility to claims that were made on that lawyer for work he mishandled because he was a lawyer, work that he was doing because he was a lawyer that somebody who was not a lawyer could not be doing, that type of work. I think that is the main limiting thing on the words in there now, so that if it is something that any investment counsellor or any real estate person could have done for that person other than a lawyer, it might not come under this fund so that would be the way it is set up now. As Mr. Bayly stated, it would be very hard to

draw a line further than that, I think, to come under this assurance fund. If a lawyer did something unethical or dishonest or illegal in his business other than as a lawyer, it would still be of concern to the Law Society and that lawyer may well be disbarred because of those kinds of practices that he has done outside of his actual law practice and that would of course be relevant to the Law Society and in terms of our keeping that person as a member of it.

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

MR. NICKERSON: I think the witnesses have some very good points there and I think we can all see their point of view. However, the way it is worded here -- I will give you an example. Say if somebody walked into a law firm in Yellowknife and we will take the example of the house. They receive some financial advice regarding the house and at the same time they may have received some similar legal advice regarding the same house and the lawyer involved acts wrongly and walks off with some of the money so the people go to the assurance fund of the Law Society and the Law Society says, "Well, obviously under the circumstances you were treated very badly and you were obviously under the assumption that you were dealing with this person in his capacity as a barrister or solicitor but according to our rules here, although we would like to give you some money, some of your money back we can not because our rules forbid us to do so."

Amendment Suggested

I have a suggestion. I do not know. Maybe the Legal Advisor could help me with the wording here but I would suggest some kind of an amendment along these lines, that it be reworded as follows -- I will just repeat the last three lines: "That the Society has money or other property entrusted to or received by him in his capacity as a barrister and solicitor..." and then add to that, "...or such other capacity as the Law Society might designate." Would that be a suitable arrangement or compromise?

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

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I see no difficulty with the wording of the proposed amendment and it might be useful. I think historically the largest theft by lawyers acting in another capacity is where they say, "If you will give me your money, I will get you 18 per cent on second or third mortgages," and they are really acting as an investment broker. This gets into big money sometimes though but often the lawyer will become aware of it by acting for a client. Let us say the client has sold a house and the lawyer knows the client has \$50,000 to invest somewhere and it is very difficult to tie it down. You go from something like that that is very close to his acting as a barrister and solicitor to the other end, as Mr. Bayly pointed out, a far-fetched one, you can be involved in an automobile accident or even robbing a bank which I think lawyers have done, so possibly the wording is the best that can be achieved because it leaves a degree of flexibility.

THE CHAIRMAN (Mr. Butters): The wording being the best that can be achieved, do you wish to move on the amendment?

Motion To Amend Subclause 35(1) Of Bill 12-59.

MR. NICKERSON: Yes, in that case I would so move that subclause 35(1) be amended by adding after the word "solicitor", "or such other capacity as the Law Society might designate".

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I am sorry, I think perhaps that "may" would be better than "might".

MR. NICKERSON: Yes, "may designate". So it would be "as the Society may designate". I think my honourable colleague from Yellowknife South would have been very pleased to hear that my legal drafting was not as good as Mr. Slaven originally suggested it might be.

LEGAL ADVISOR (Mr. Slaven): I am very glad to catch the chairman of the standing committee on legislation on the wording of his amendments.

THE CHAIRMAN (Mr. Butters): The wording is that the following words be added at the end of subclause 35(1) after "solicitor" to add "or other such capacity as the Law Society may designate".

MR. NICKERSON: I would like to talk to that a little further on something I forgot. These same words occur in other places in the ordinance. I do not know quite where but perhaps we could deem that where they occur the same amendment be made there too and perhaps during lunch hour Mr. Slaven could go through the Ordinance to check on this.

THE CHAIRMAN (Mr. Butters): Any Members wish to speak to that amendment on subclause 35(1)? Mr. Sigler, did you have a comment?

MR. SIGLER: Yes, Mr. Chairman. I believe that paragraph (b) of clause 59 is one such place.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I wonder there if it would be possible for a lawyer to get insurance if it was not restricted to his capacity as a barrister and solicitor?

MR. BAYLY: I think, Mr. Chairman, that might be a problem. This is different from the assurance fund.

THE CHAIRMAN (Mr. Butters): Any comments on the amendment Mr. Nickerson has made to subclause 35(1)? If there are none are Members agreed to that addition?

---Agreed

Is the whole of clause 35 now accepted?

---Agreed

Clause 36, on page 29, reports re assurance fund. Is it agreed?

---Agreed

Clause 37, subrogation of rights.

MR. NICKERSON: Mr. Chairman, perhaps as we are going through this clause 37 we might have some explanation as to why subclause 37(2), why there should not be any action against the assurance fund. I do not wish to make a formal motion, I just think under the circumstances it might be to the advantage of this committee to have some explanation on this.

THE CHAIRMAN (Mr. Butters): Would the administration please advise us?

MR. IRVING: I think the president of the Law Society could perhaps explain this in detail.

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

Explanation Of Subclause 37(2)

MR. BAYLY: Mr. Chairman, the reason, as I understand it, that subclause 37(2) is in there was one that I touched on just a few minutes ago and that is that if a person had a right of action against the fund for a misappropriation of \$100,000 and there was only \$10,000 in the fund then that person could get a judgment against the fund and not only would the next \$90,000 that went into the fund have to go out to that claim, but there would be no money left over for any other claimants and this assurance fund, as I say, was made up of contributions from fees, fees as large as the Law Society has given but it has to charge a fair fee to its members but not one that cripples them. We could put \$100,000 into this with 100 members if we charged them all \$1000 a year for all their administration costs in their licence and that, for some firms, it might be an awful lot of money. For a firm with ten lawyers that is \$10,000 for the licence to practice over and above whatever else you have to collect to run your Law Society. So, we are assuming that the assurance fund may, especially in the beginning be too small to pay out the entire amount of claims or if for some reason you have more than one case where payments have to be made out of an assurance fund at one time you might want to split what is in the assurance fund in such a way that you pay something to each claimant and have something left over in case there is a claim a week later, a year later or two years later. I think that is the reason that subclause 37(2) is probably in there, so that it is discretionary and there is no question that the Law Society will attempt to pay out as much as possible to each claimant, at the same time trying to keep a reserve in case of an occurrence that requires a pay-out to a person that has been wronged.

THE CHAIRMAN (Mr. Butters): Is that clear?

Rights Of Individuals Suffering Loss.

MR. NICKERSON: Except I am trying to get clarification. One thing I would like to know in connection with this is that in other provinces they have a similar provision for their assurance fund and I am a little bit concerned about an individual who has been or who has a legitimate complaint or has suffered a good deal of loss, and for some reason, best known to themselves, it might even be a kind of political type of decision and the Law Society or the managers of the assurance fund might refuse to give back any money from the fund to the person who suffered the loss. Would he have any right at all, any recourse at all in that case?

MR. BAYLY: He certainly has rights against the individual lawyers. I think it should be realized that this is over and above any rights in civil proceedings in court actions that he may take against the lawyer personally. He can sue the lawyer for any loss and if the lawyer has any money he can seize that or seize his house to pay off the debt. So, this is over and above that, this is in a sense assuming that the lawyer can not be reached, he has run off with the money and disappeared and then the Law Society, as far as it possibly can would want to try and compensate members of the public for the wrongs of fellow lawyers. It may be that the Law Society in the case you have suggested would say "No, that lawyer is still here, he runs a \$1 million business and we think you should pursue him civilly and if you are successful we will not pay and if you are unsuccessful we may consider paying."

Accepted Provisions In The Provinces

MR. NICKERSON: My first question is, what is the generally accepted way of doing this in the provinces, is it the same, do they have similar provisions?

MR. BAYLY: I am sorry I did not answer that before. Yes they do, this is similar to what is in the provinces and we have checked into that.

THE CHAIRMAN (Mr. Butters): Is clause 37 now acceptable?

---Agreed

Clause 38, definitions. Is it agreed?

---Agreed

Clause 39, on page 31, failure to account to client. Is it agreed?

---Agreed

Clause 40, appointment of custodian. Is it agreed?

---Agreed

Clause 41, on page 33, in the centre of page 33, examination and disposal of property in custody. Is it agreed?

---Agreed

Clause 42, liability. Is it agreed?

---Agreed

Part VI, clause 43, interpretation. Is it agreed?

---Agreed

Clause 44, books of account. Agreed?

---Agreed

Clause 45, clients' funds. Are Members agreed to clause 45?

---Agreed

Clause 46, amount on deposit. Is it agreed?

---Agreed

Clause 47, right to money. Is it agreed?

---Agreed

Clause 48, spot audit. This has been mentioned earlier on. Does the administration or the Hon. Member from Slave River, Arnold McCallum have any comments?

Motion To Amend Clause 48 Of Bill 12-59

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to move an amendment to clause 48 that would in effect renumber the present clause 48 and put a -- make that a subclause if you like, 48(1) and add a subclause 48(2) and this is the amendment: "Where an audit is made upon the request of the Commissioner pursuant to subsection (1) the Commissioner shall be

responsible to pay the costs of the audit, unless the costs are recoverable under the provisions of the rules made pursuant to paragraph 6 (1)(j)." If I may, Mr. Chairman, that is on page 9. The present clause 6 (1)(j) reads "requiring any member to pay to the Society the cost of any inspection or audit of his books and accounts where the rules have not been complied with."

THE CHAIRMAN (Mr. Butters): Thank you. Mr. Nickerson, do you wish to comment in your capacity as legislative committee chairman?

MR. NICKERSON: I think this amendment would be acceptable to us, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Are there any comments from Members of the committee or our witnesses? Mr. Bayly.

MR. BAYLY: Mr. Chairman, we did make a submission with regard to the question of spot audits and with this amendment we are prepared to accept this as being a compromise we can live with.

THE CHAIRMAN (Mr. Butters): Thank you. Mr. Irving, proceed.

MR. IRVING: Mr. Chairman, we have reviewed this amendment and we agree with it. We think it is very important and I think as it is now stated with the addition of the subsection it covers it very adequately.

Amendment To Clause 48, Agreed

THE CHAIRMAN (Mr. Butters): Thank you, sir. Do Members approve the section as amended, clause 48 as amended, agreed?

---Agreed

Clause 49, accountant's certificate, at the bottom of page 36. Agreed?

---Agreed

At the top of page 38, clause 50, Northwest Territories Law Foundation, agreed?

---Agreed

Objects of the Foundation, clause 51.

MR. NICKERSON: Mr. Chairman, this would appear to me to be an important innovation in the Northwest Territories and I think that it might be enlightening to hear from the members of the Law Society what this Law Foundation is all about in general terms.

THE CHAIRMAN (Mr. Butters): In general terms, Mr. Bayly, could you provide the information?

Explanation Of The Law Foundation

MR. BAYLY: Yes. If you could have a look at clause 51 in your proposed ordinance I think it sets out the basic purposes. The Foundation, the Law Foundation is something which is not contained in every Law Society ordinance and its purposes are first of all to receive moneys to enable it to do various things and they are set out in the numbered sections: (i) is for conducting research into questions of law and administration of justice. Number (ii) is for the establishing of law libraries and if any one of you have ever seen the law libraries in the Northwest Territories, they are less than adequate. Number (iii) is contributing to the legal education of not only members of the Law Society but also people, citizens of the Northwest Territories and providing programs for this education to enable the Society to provide assistance to legal aid programs and similar projects. If I can think of one that might be analogous, the court worker program that is going on at present is one thing the Foundation could assist in either by providing programs or by providing funds or by importing expertise to help get something like that going.

The reason this has been put into the ordinance is because as I understand it the administration felt that it was sufficiently important that this be codified so that it was not something that might happen but so that it was something that would happen.

Lack Of Legal Education In N.W.T.

We certainly were behind that because we felt that this is a peculiar jurisdiction in Canada as far as legal education is concerned. Legal education lags a long way behind legal practice. The people of the Northwest Territories may require a lot more participation from the Law Society and from the Bar in explaining to them what the processes are that they are often involved in. If any of you have seen the courts in action in the smaller settlements in the Northwest Territories, you may realize that very often they are bewildering and there is a big gap between those people who are administering and conducting the business of the courts and those people who are the most affected by them. It is for that sort of reason that I believe this was an idea we wanted to put forward and to see codified and not just left to chance.

THE CHAIRMAN (Mr. Butters): Thank you. Are Members agreed with clause 51?

---Agreed

Clause 52 on the top of page 39, board of directors. Agreed?

---Agreed

Clause 53, bylaws. Agreed?

---Agreed

Clause 54, application of funds. Agreed?

---Agreed

Clause 55, at the bottom of page 41, annual report. Agreed?

---Agreed

Clause 56, borrowing. Agreed?

---Agreed

Clause 57, trust accounts. Mr. Nickerson

Interest Paid On Trust Accounts.

MR. NICKERSON: I think, Mr. Chairman, clause 57 makes it mandatory that the interest paid on all trust accounts except those referred to in 57(3) which I am glad to see was included in there, will be paid to the Law Foundation. This may be an unfair question to ask the representatives of the Law Society we have before us today, because it is an internal matter, but I am wondering, Mr. Chairman, whether all or by far the greater majority of the members of the Law Society are in accord themselves with this provision under 57(1)? I notice that it may affect one or two firms. There are to my knowledge only one or two firms in the Northwest Territories that handle large amounts of trust funds and under this presumably those particular firms would be not themselves paying the money into the fund but they would be responsible in effect for practically all of the money collected by the Foundation rather. I just wonder whether you have that support of your complete membership on this particular provision.

MR. BAYLY: Yes. We have been over this section at meetings of the Bar Association and there was some discussion of it. People were concerned, so we took a look at the interest that was payable on our trust accounts and despite the fact that in some cases large amounts of money go through the trust accounts, there is not a great deal of interest. The reason for that being that the interest is paid on the minimum monthly balance and although on occasions there may be even hundreds of thousands or perhaps even over a million dollars in a trust account if there is a large amount to be paid on a mortgage, for example, it may not stay there for longer than a week or ten days before it is paid out to whoever is supposed to get it so no interest is collectable on that amount. It appeared that there was probably less than \$10,000 in total per annum that could be collected on interest from trust accounts at the present rate of interest that is being paid on them from the firms that are presently situated in the Northwest Territories, so the Law Foundation, although it would get this interest, could not look at this at the moment as a major source of its funds. That is quite different in a province like Alberta or British Columbia or Ontario where you have thousands of lawyers and you quickly build up a very large fund. We would anticipate that any programs we wanted to carry out in the early years of the Foundation would have to attract funds from other foundations, perhaps private foundations that were interested in projects that we wanted to organize.

However, in answer to your question, yes, the firms do agree that the interest on their trust accounts should go into this fund.

MR. NICKERSON: Do I take it then, Mr. Chairman, that should we pass clause 57 into law we would not then be inundated with those having a contrary opinion?

THE CHAIRMAN (Mr. Butters): Thank you very much. With that advice, clause 57, agreed?

---Agreed

Over the page, clause 58, dissolution of foundation. Is it agreed?

---Agreed

PART VIII, clause 59, definitions. Mr. Nickerson.

MR. NICKERSON: I wonder if we could give the opportunity to the witnesses to say a few words about the professional liability claim in a general way and the difference here to the type of claims which might be made upon the assurance fund?

THE CHAIRMAN (Mr. Butters): Briefly and in a general way, yes, proceed.

Professional Liability Claim

MR. BAYLY: I understand "briefly". The difference between this and the assurance fund is that professional liability insurance covers errors and omissions made by solicitors acting in good faith, it does not cover fraud, and every law firm as Mr. Sigler pointed out now carries voluntarily this insurance or carries it through the requirements of other Law Societies to which the lawyers belong.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Members, with that explanation, would you accept the definition section, clause 59?

---Agreed

Clause 60, over the page, the top of page 45, professional liability claims fund. Is it agreed?

---Agreed

Clause 61, on page 47, group insurance. Is it agreed?

---Agreed

Clause 62, payment of claims. Is it agreed?

---Agreed

Page 49, PART IX, clause 63, designation as barristers and solicitors. Is it agreed?

---Agreed

Clause 64, officers of court. Is it agreed? Are Members agreed?

---Agreed

Clause 65, recovery of fees. Is it agreed?

---Agreed

Clause 66, student-at-law as counsel. Is it agreed?

---Agreed

Clause 67, offence and penalty, prohibitions. Is it agreed?

---Agreed

Mr. Bayly.

Student-At-Law

MR. BAYLY: Back to clause 66 if I could make a comment there. There is subclause (2): "Where a student-at-law acts under subsection (1) he shall advise his client that he is a student-at-law before so acting." Our position is that he should not conceal the fact and that there are sanctions for him doing any things he is not allowed to do as a student-at-law, both in the ordinance itself and we anticipate in the rules. Our concern was that this might mean that every time he answered the phone he would have to say, "John Smith, student-at-law, speaking," and when he appeared in court he would have to have his student-at-law button on so in case he forgot to tell the client then the client would be advised of that. Our feeling is that there are enough sanctions so that he must not do anything he is not allowed to do and he should not conceal that he is a student-at-law. In the same way that a secretary answering the telephone does not say, "Joan Smith, legal secretary," not lawyer. We would hope that an articling student would not have to identify himself as that on all occasions.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Bayly. The Hon. Member from the Western Arctic, Mr. Steen.

MR. STEEN: Mr. Chairman, I still think that when a client has a lawyer he should know, he should have the right to decide to use that particular person, or he should be able to have a choice of taking that particular person or it should be left up to his discretion.

THE CHAIRMAN (Mr. Butters): Does this provision restrict in any way the client to choose, or a free choice of legal counsel?

Client Should Know Status Of Legal Counsel

MR. BAYLY: I believe, Mr. Chairman, that it does. I can see the concern that Mr. Steen has that a client might appear in court and a student might be assigned to him without him knowing that that person was a student rather than a lawyer because in 66(1) a student-at-law can appear in a court, in a proceeding which is punishable by summary conviction. I think the obligation is probably on the student to say that he is a student-at-law and not a lawyer in the first instance. Our only concern was that because he is restricted in what he can do he should not have to identify himself as this before speaking to anyone. Any letters he sends out for example are the responsibility of this law firm and certainly the practice here and in the provinces is that if anything is sent out by a student-at-law it is looked at first by the lawyer who is his principal to ensure that that is something that the lawyer himself would have sent out if he would have been doing it.

THE CHAIRMAN (Mr. Butters): Are you satisfied with the answer?

MR. STEEN: Mr. Chairman, it is just that I agree to some of the suggestions of the lawyer, and as Mr. Bayly said he should not have to identify himself at all times but I believe that the client, if he is brought to court, he should know who is representing him and how much experience he has had.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, have you a comment on this point?

MR. NICKERSON: Yes, the standing committee on legislation recommends that 66(2) be kept in. We are fully aware of the instances that have been given to us by the representative of the Law Society, and we would submit that what it says here is not the fact that every time a student-at-law answers or picks up a telephone outside he has to identify himself, it is not the intent, and in my opinion it is not the wording here. You will notice here, Mr. Chairman, that everything referred to in clause 66 as in 66(a) when the student-at-law is appearing before a magistrate, in 66(b) appearing again, or acting as counsel or agent again before a magistrate and (c) acting as counsel before a judge. So, this certainly does not apply to the case where the student-at-law writes a letter to a client or picks up the telephone, it is only for important proceedings and I would also suggest the way it is written here, he only had to tell his client once, he would not have to tell him on every occasion and he certainly would not have to have a button on his vest or a sign on his back proclaiming that he was a student-at-law. I think that in putting this in we have taken notice of the concerns of the Law Society but I think, as it stands, I think it should stand as is written here, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Mr. Steen, would you agree to the assurances of the chairman of the legislation committee, do those meet your concerns?

MR. STEEN: I believe so.

MR. BAYLY: Mr. Chairman, I think that most of my concerns have been laid to rest by this as well.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. The committee has approved clause 66 and now we are looking at clause 67, we are now on clause 67, prohibitions. Is clause 67 agreed?

---Agreed

Over the page, page 51, clause 68, misrepresentation as to professional status. It is agreed?

---Agreed

Clause 69, suspended member. Are Members agreed?

---Agreed

Clause 70, penalties. Is it agreed?

---Agreed

Clause 71, injunction. Is it agreed?

---Agreed

Clause 72, secretary's certificate of evidence. Is it agreed?

---Agreed

Clause 73, protection from liability. Is it agreed?

---Agreed

Clause 74, Society's communications not actionable. Is it agreed?

---Agreed

Clause 75, fees etc., belong to the Society. Is it agreed?

---Agreed

Clause 76, service of documents. Is it agreed?

---Agreed

Clause 77, rules of the court. Is it agreed?

---Agreed

Clause 78, civil contempt. Mr. Nickerson.

MR. NICKERSON: There was a rather minor technical change recommended by the standing committee on legislation regarding clause 78, and this was in 78(b) and (c) where the word "notice" appears. We recommend that that word be changed to "summons issued pursuant to subclause 26(2)" and I do not know whether this was missed out as a typing error or whether there was a valid reason why we were not able to proceed along these lines, and perhaps we could have the advice of the Legal Advisor on this matter.

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

LEGAL ADVISOR (Mr. Slaven): I apologize and yet I offer no apologies. There were 38 proposed changes to this ordinance made by the standing committee and I sat down with a representative of the Bar and we went through them one by one and adopted virtually all of them except the few that have been debated here today. Now, for some reason on this small change I have marked, "No, do not change", and my memory is not up to why, and the representative of the Bar who was with me is not here today. I can not see any reason why we should not make that change, but perhaps Mr. Bayly or Mr. Sigler have a view. The summons of course is to a witness before some court of inquiry.

MR. NICKERSON: You will notice in clause 26 it refers to summons and in clause 78 it refers to notice, it is just a matter of wording more than anything else.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, would you repeat the details of your amendment again so I can note them here?

Motion To Change Wording In Paragraph (b), Clause 78 Of Bill 12-59

MR. NICKERSON: Our suggestion was that the word "notice" in 78(b) and also I think in 78(c) should be replaced with the phrase "summons issued pursuant to subsection 26(2)".

Motion To Amend, Agreed

THE CHAIRMAN (Mr. Butters): Yes, I have that. The word "notice" as appears in paragraph 78(b) be deleted or be replaced with the phrase "summons issued pursuant to 26(2)". Is the committee agreed to the amendment as made by the legislation committee chairman? Agreed?

---Agreed

The amended Clause 78, agreed?

---Agreed

MR. NICKERSON: Excuse me. We are having a little private conversation here regarding 78 again. It might have been that in 78(b) the word "notice" was okay and the change should have been made in 78(c). Maybe we could have the advice of the Legal Advisor again on this subject.

LEGAL ADVISOR (Mr. Slaven): I think we can leave 78(c) alone as it is. There is no specific notice mentioned in this section and I see no objection to the word "notice". There is nothing in clause 26 to tie it to.

THE CHAIRMAN (Mr. Butters): Thank you. That amendment has been made and noted in my notes here. May we then proceed to clause 79 with regard to repeal and the coming into force section, clause 80 on page 56. Agreed?

---Agreed

Returning to the short title, clause 1. Agreed?

---Agreed

Mr. Legal Advisor, advise us what we are speaking to, please.

LEGAL ADVISOR (Mr. Slaven): Certainly, Mr. Chairman. I believe we made an amendment to clause 35(1) where we widened the terms "acting in his capacity as a barrister and solicitor" and I was directed at lunch to check through the ordinance to see other places this occurred. Mr. Nickerson has pointed one out to me and I would like while the members of the Bar are here to discuss two such references and as to whether they should be changed in the spirit of the change in clause 35(1).

The first one I wanted to refer to is in clause 44. I have been wracking my brain to little avail to see how we could widen that to other moneys held by the barrister and solicitor in another capacity or in any business he transacts. I think we would likely have to leave clause 44 as it is. He can be engaged as a director of an investment company or real estate company, he can be a member as a citizen of an investment club. He can take moneys for others to Edmonton and bet them at the racetrack for people. Maybe Mr. Nickerson or the Bar would comment as to whether they see any practical change that could be made to clause 44.

THE CHAIRMAN (Mr. Butters): I did not know that was still open but obviously it was. Mr. Nickerson, would you want to make a comment on the remarks of the Legal Advisor?

Records Of Moneys Received

MR. NICKERSON: In clause 44 I can not see any reason why the Law Society should not be able to require of members to keep records of money received and dispersed on account of such other activities as they might designate by rules or regulations. I am afraid I did not quite get the other reference to this term we have discussed when the Legal Advisor was speaking.

THE CHAIRMAN (Mr. Butters): I was hoping you had because I had not either.

LEGAL ADVISOR (Mr. Slaven): The other reference was paragraph 50(d). I already commented I do not think we can change that.

MR. NICKERSON: In the second case I do not think you could change that.

HON. ARNOLD McCALLUM: Mr. Chairman, is it not clause 59? You are talking about PART VIII, not clause 50.

THE CHAIRMAN (Mr. Butters): Yes. Apparently it can not be changed.

MR. SIGLER: Mr. Chairman, I do not think those words would hurt in clause 44. It might be useful to the Society to have a little more -- it leaves it a little open-ended in case some situations came up that were probably regulated by the Society, that we could then expand on our regulations so I do not think it would hurt to have these words in clause 44.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, would you like to speak to that?

MR. NICKERSON: I would imagine it would be with everyone's approval to make some alteration along the lines suggested in clause 44 but I can not see how it could be done in clause 59. I think we should leave clause 59 as it reads right now but make some small alteration in clause 44.

THE CHAIRMAN (Mr. Butters): Yes. Proceed.

MR. NICKERSON: The exact wording of those changes I would leave up to the Legal Advisor.

THE CHAIRMAN (Mr. Butters): Mr. Legal Advisor, could you come up with a proper wording?

LEGAL ADVISOR (Mr. Slaven): I would love to right now and close this off but in addition to this I have been asked at lunch to go through the ordinance word for word to see if there are any other references identical or similar to "capacity as barrister and solicitor" and I would love to close it off now but I do not see how I can advise you to do so.

THE CHAIRMAN (Mr. Butters): It would appear that clause 44 remains open as the only clause that requires completion and on that basis it would appear I should report progress to the Speaker.

---Agreed

MR. STEWART: What about the schedule?

THE CHAIRMAN (Mr. Butters): I did not get approval for the schedule. I will ask for Members' agreement on the schedule on pages 57 and 58, FORM A, accountant's certificate. Agreed?

---Agreed

And the certificate of barrister and solicitor? Agreed?

---Agreed

Thank you. I shall follow your advice and report progress.

MR. DEPUTY SPEAKER: Mr. Butters.

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

MR. BUTTERS: Mr. Speaker, your committee has been considering Bill 12-59, An Ordinance Respecting the Legal Profession and I wish to report progress.

MR. DEPUTY SPEAKER: Thank you. It is my intention to return to motions that were left open this morning awaiting translation of three motions. I understand that this now has been done. Motions 24-59, 25-59 and 26-59. This reopens motions. I was wondering if I would have the indulgence of the house to have unanimous consent to return to notices of motions for two motions of a housekeeping nature.

---Agreed

ITEM NO. 6: NOTICES OF MOTIONS

You have copies of them I understand and they have been translated. Motion 27-59, the Hon. Minister, Arnold McCallum.

Notice Of Motion 27-59

HON. ARNOLD McCALLUM: Mr. Speaker, I would like to give notice that I would move a motion of appreciation to the late Assistant Director of Education, Mr. Devitt.

MR. DEPUTY SPEAKER: Thank you. Motion 28-59, Mr. Lyall.

Notice Of Motion 28-59: Annual Formal Ball

MR. LYALL: Mr. Speaker:

WHEREAS an annual formal ball was held on the opening night of the winter session each year from 1969 to 1973 inclusive;

AND WHEREAS the standing committee on finance meeting in March of this year expressed general support for holding this type of social function in the future;

NOW THEREFORE, I move that this Assembly request the Commissioner to hold a formal legislative ball on the opening night of the January, 1977 session and on the opening night of future winter sessions.

REVERT TO ITEM NO. 8: MOTIONS

MR. DEPUTY SPEAKER: Thank you. I will turn the Legislative Assembly's attention to Motion 24-59. Pardon me. I will recall another motion that has not been dispensed with and that is relative to Motion 17-59, Mr. Wah-Shee. It is noted that he is not present. We will proceed then to Motion 24-59, Mr. Butters.

Motion 24-59: NCPD Rate Increases

MR. BUTTERS: Mr. Speaker:

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. DEPUTY SPEAKER: It has been pointed out that possibly the wording of your "now therefore" clause may have to be amended and it may be out of order, and that is the wording "for the generation of electricity be removed". I think we have to put ourselves in a request position rather than a direct order.

Motion Reworded

MR. BUTTERS: Mr. Speaker, I accept that change and (2) would therefore read, "to request that the territorial fuel tax on oil used for the generation of electricity be removed". Does that meet the section of the Northwest Territories Act?

MR. DEPUTY SPEAKER: That is now acceptable. Members will note the change taking the word "that" out and putting in its place "request". Do I have a seconder? Mr. Evaluarjuk. Mr. Butters.

MR. BUTTERS: I think that all the concerns in the territories in the last three months, especially this matter of the proposed rate increases by Northern Canada Power Commission has been the most grievous, and of most interest to the majority of our residents. We have seen spring up an ad hoc committee of concerned people in these territories who have brought their case to not only the Northwest Territories Public Utilities Board but to the Minister and I think they have been very successful in making known the problem, but whether or not they will be successful in ameliorating that problem only the future can tell.

We know too that the Northwest Territories Public Utilities Board, chaired by our Deputy Commissioner has produced a concise and yet very excellent report with recommendations regarding these concerns and they have been submitted to the Minister. We know also I think by press release of a few days ago that Northern Canada Power Commission has informed, that it is going ahead with the hikes that it suggested two or three months ago. That is most alarming. I think that all Members will agree that the recommendations of the Northwest Territories Utilities Board are most important for NCPC efficiency, to ensure efficiency of the Canada Power Commission operations, its proceedings, and federal assistance to reduce capital and interest payment costs.

NCPC Prepared For Rapid Growth Situation

I for one believe that Northern Canada Power Commission and rightly so, has developed its plant in preparation for a rapid development growth situation and, being good managers they should be ready to be onstream when that development occurs. Certainly power, communications, air transportation infrastructures have to be in place before it happens and I think this has been done but the people of the North are paying for this without the development that the Northern Canada Power Commission have been planning for. The removal of the territorial fuel tax was also recommended in the report of the Northwest Territories Public Utilities Board and one I trust that this administration can adopt and accept.

What I am concerned about is that for the first time in many, many years we are seeing the upper limit of costs being charged, power in small communities, go above the 12 cents per kilowatt hour, 12 cents per kilowatt hour, that is \$120 for 1000 kilowatts of power, ten or 12 times what is being paid by a resident of Toronto or Ottawa I believe. Baker Lake, it would appear that it is going up to 15.5 cents, 15.5 cents for 1000 kilowatt hours of domestic power. Broughton Island, 15 cents. This is just out of sight and as the Hon. Member from Mackenzie Liard outlined in a discussion on rental controls, this is putting home ownership, independence, just out of reach for people in the North and I do not think we can tolerate it. I think this motion should be seconded by every individual in this house, and I think we should more than urge the Minister to react to the recommendations that he bring it to cabinet and point out the discrepancies, the terrible cost being borne by people who wish to live in the North, not who are sent to the North such as in Siberia but those who wish to live in the North. Thank you, sir.

MR. DEPUTY SPEAKER: Thank you. To the motion, Motion 24-59. Mr. Nickerson.

Motion To Amend Motion 24-59

MR. NICKERSON: Mr. Speaker, I support Mr. Butters' position on this and I am in agreement with everything he says here, as I imagine everybody else is. I would like to move an addition to this motion, and this I think should also get the support of everybody here, and the addition, or the amendment I intend to move concerns Tabled Document 17-59 which, as you will remember is the brief submitted to this Assembly by the Northwest Territories power steering committee. What it in fact says in here is that the Northwest Territories power steering committee themselves are very pleased with the work done by the Public Utilities Board and wish to see their recommendations put into effect. So, Mr. Speaker, my amendment would be as follows, to add a section (3) which would read: "(3) This house endorses and supports the position of the Northwest Territories power steering committee as outlined in Tabled Document 17-59."

MR. BUTTERS: Hear, hear!

MR. DEPUTY SPEAKER: Do I have a seconder? To the amendment. Mr. Lyall. Do you wish to speak, Mr. Lyall?

MR. LYALL: No, I was just seconding.

Motion Carried As Amended

MR. DEPUTY SPEAKER: All those in favour of the amendment? To the motion? All those in favour? The motion is carried.

---Carried

I wonder if I might deviate from the order of the motions inasmuch as I understand there is to be a presentation made here prior to 1:00 o'clock, and that would be to deal with Motion 27-59. Do I have unanimous consent to do this?

---Agreed

Motion 27-59

HON. ARNOLD McCALLUM: Mr. Speaker, I would like to move the following motion:

WHEREAS William Gordon Devitt devoted twenty-four years in the most sincere and dedicated manner to the improvement and growth of the education system of the Northwest Territories;

AND WHEREAS he personally directed the development and extension of that system initially as Superintendent of Schools for the Mackenzie district from 1952 to 1957 and subsequently as Superintendent of Schools for the Arctic district;

AND WHEREAS throughout these earlier years and subsequently as Assistant Director of Education with the Government of the Northwest Territories he displayed an irrepressible enthusiasm for his work and a deep devotion to the young people of the North;

NOW THEREFORE, I move that the Legislative Assembly of the Northwest Territories express its most genuine and deep respect for William Gordon Devitt's very significant and untiring efforts in the interests of northern young people and the territorial school system.

MR. DEPUTY SPEAKER: Thank you. Do I have a seconder? Mr. Lyall. Is there any discussion? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I would just like to say, Mr. Speaker, that we would hopefully have Mrs. Devitt and her sons here to present a scroll commemorating Mr. Devitt's work and we would make the presentation along with it. I do not think it is necessary for me to go into any detail about the work of Mr. Devitt and the deep loss that the department and the government, as well as his family and friends have felt over his sudden departure. I would hope that we would be able to pass this motion and make the presentation this afternoon.

MR. DEPUTY SPEAKER: Thank you. Is there any further discussion? Mr. Butters.

MR. BUTTERS: Just to say, sir, that the words of the motion are very well chosen.

Motion 27-59, Carried.

MR. DEPUTY SPEAKER: Thank you. Any discussion? Are you ready for the question? The question being called on Motion 27-59. All those in favour? Let it be noted that the vote was unanimous.

---Carried

Hon. Arnold McCallum, at the appropriate time I will call upon you to do your duty in this regard. I would return then to Motion 25-59. Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, this is a motion concerned with the adoption of revised terms of reference for the standing committee on legislation. It is clearly a housekeeping matter to make certain changes in wording and numbers, etc.

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

WHEREAS the standing committee on legislation is now operating under terms of reference adopted by the 7th Council of the Northwest Territories;

AND WHEREAS certain changes in numbers, terminology and procedure have occurred;

NOW THEREFORE, I move that this Assembly adopt the proposed terms of reference of the standing committee on legislation appended hereto.

MR. DEPUTY SPEAKER: The motion is in order. Do I have a seconder? Hon. Peter Ernerk. Discussion? Mr. Nickerson.

MR. NICKERSON: No.

Motion 25-59, Carried

MR. DEPUTY SPEAKER: Question being called. Motion 25-59, all those in favour? The motion is carried.

---Carried

Motion 26-59, Mr. Nickerson.

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

MR. NICKERSON: Mr. Speaker:

WHEREAS the standing committee on legislation has reviewed a report entitled "Young People in Conflict with the Law" prepared by the Solicitor General of Canada and in conjunction with it a paper setting out the administration's position on this report;

AND WHEREAS it is desirable that the views of this Legislative Assembly be made known to the Solicitor General;

NOW THEREFORE, I move that this Legislative Assembly endorse the views of the administration as set out in the summary of its position paper attached hereto.

I think since the summary is an integral part of the motion with your permission, Mr. Speaker, I would like to read it out as part of the motion.

MR. DEPUTY SPEAKER: Proceed.

MR. NICKERSON: The summary reads thus: The Government of the Northwest Territories rejects the need to repeal the Juvenile Delinquents Act and to implement the proposed legislation in its place. The new legislation would be extremely difficult and prohibitively expensive to implement in the Northwest Territories. Many of the changes are unwarranted in our experience and some have potential to counteract the positive developments taking place under the present legislation.

The positive elements of the report can best be implemented through amendments to existing legislation. Increased financial participation on the part of the federal government is required to enable the provinces and territories to provide the additional resources required by this sector. Should the proposed act be introduced and passed by the federal government, it is essential that calling it into force be at the discretion of the provinces and territories.

MR. DEPUTY SPEAKER: Thank you. Do I have a seconder? Mr. Steen. Discussion, Mr. Nickerson.

MR. NICKERSON: Yes, Mr. Speaker. In talking to this motion I should apologize for the fact that it was not brought to the attention of the house earlier. It obviously should have been one of those matters discussed in committee of the whole. However, because of the shortage of time, this was not possible to arrange so the standing committee on legislation looked into the matter and studied it in some detail.

Paper Prepared By The Solicitor General

I would imagine that most Members have read the paper prepared by the Solicitor General. I

think it was distributed to all Members by the Minister of Social Development and although we feel that the intent of the proposed new legislation would probably mainly be in the best interests of young people who find themselves in this unfortunate position, I think the Government of the Northwest Territories has certain legitimate concerns in that the suggestions are mainly for large urban areas and could very well work in Montreal or Toronto but from a practical standpoint they would be almost unworkable in the Northwest Territories unless extremely large amounts of funding were made available to the Government of the Northwest Territories in order to set up a duplicate court system so to speak. Also duplicate jails and lockups and this type of thing.

I know that the Hon. Peter Ernerk, Minister of Social Development, has devoted a lot of time and energy to preparing the position of the Government of the Northwest Territories on this particular issue and the idea of bringing this up now so that should this Assembly wish they can give their endorsement to the position taken by the Hon. Peter Ernerk and the Department of Social Development. I think it would now be in order if I were to sit down and let the Minister who has been responsible for this work say how he arrived at it and what his position is.

MR. DEPUTY SPEAKER: Thank you. Hon. Peter Ernerk.

Department's Views On Draft Legislation

HON. PETER ERNERK: Mr. Speaker, I want to be very brief on this one here just to really give you some of the points which we in our department feel would be acceptable to the people of the Northwest Territories. Just to go back very briefly, Mr. Speaker, our departmental position respecting this particular paper, respecting this particular proposal was made available to the Solicitor General's department in December of 1975. Our department is not in favour of the proposed legislation and the points raised, the points of concern are expressed in our position paper. I might say that the responses received from local groups generally support our departmental position as well as the territorial position. Mr. Speaker, as we see it there would be a number of major problems and if I could just outline some of them.

The legislation may be applicable to jurisdictions with heavy population but will require a heavy outlay in personnel and facilities to save relatively few young persons in the North. The mechanisms required would be cumbersome and expensive. There is no consideration of preventative measures or after-care. If money is available, we would much prefer it being channelled into programs which support families and children to be healthy and independent rather than having services made available to them after they get into trouble with the law. We agree that it is desirable that children be represented by a solicitor but the screening committee does not provide the child with due process of law. Finally, there is no provision for the involvement of local community groups and it is our opinion that we must have the communities involved as only in this way can future problems be solved.

Mr. Speaker, I do not think I should go into this position of the Government of the Northwest Territories. It is a long one and it has been distributed to all of the Assembly Members. I believe it has been sent to northern communities across the Northwest Territories for their consideration. I might say that the support which we received from the communities in the Arctic was tremendous and that it has supported the position of the Government of the Northwest Territories in this case, Mr. Speaker. Thank you.

MR. DEPUTY SPEAKER: Mr. Butters.

Need To Repeal Juvenile Delinquents Act.

MR. BUTTERS: Mr. Speaker, I regret that I can not support the motion as it is presented, the main reason being that it includes in its resolve that this Assembly endorse the views of the administration as set out in the summary of its position paper. It is the position paper I find difficult to accept. It says, "The Government of the Northwest Territories rejects the need to repeal the Juvenile Delinquents Act..."

I think that is wrong. I do not think the Government of the Northwest Territories rejects that need. There is a very real need to repeal that act. I think it would be more correct to say "The Government of the Northwest Territories, while recognizing the need to repeal the Juvenile Delinquents Act ... however rejects the implementation of the new proposed legislation in its place." I would like to say why. The Juvenile Delinquents Act can see a juvenile defined, charged under any law, the Criminal Code, territorial legislation or even municipal bylaw as a juvenile delinquent and a person found guilty of that designation can be in an extreme case removed from their parents or their guardians and placed under the care of the court for an extended period of time. When such a charge of juvenile delinquent is made against a young person that person is not enabled the right to counsel.

Right To Counsel

I maintain that the Juvenile Delinquents Act if it were brought into the courts would be superseded by the Canadian Bill of Rights because I believe that the Juvenile Delinquents Act has removed from one large segment of our population a right enjoyed by all other individuals which is the right to counsel. There is no right to counsel for a juvenile delinquent. I would say that I would hope this statement as it appears on the first line of the summary is not correct. If it is correct, I just can not support the motion.

MR. DEPUTY SPEAKER: Thank you. Motion 26-59, further discussion?

SOME HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: Mr. Nickerson, you have the right to summarize.

MR. NICKERSON: The only additional point I wish to bring out at this time is that raised by Mr. Butters and maybe we should have attached the whole position paper to the motion instead of just the summary. I think that should you wish to read the whole position paper some of the points that Mr. Butters brought up are contained within it and the idea of the Department of Social Development here is to achieve the goals that Mr. Butters requests by means of amending the present legislation rather than putting in its place this rather unwieldy proposal. I would imagine when we vote on this we would have to keep this in mind, that we are really accepting the whole position paper rather than just the summary as attached to the motion. I think Mr. Butters' concerns are well taken care of in the government's position paper.

Motion 26-59, Carried

MR. DEPUTY SPEAKER: Thank you. Motion 26-59, all those in favour? The motion is carried unanimously.

---Carried

Motion 28-59, Mr. Lyall.

Motion 28-59: Annual Formal Ball

MR. LYALL:

WHEREAS an annual formal ball was held on the opening night of the winter session each year from 1969 to 1973 inclusive;

AND WHEREAS the standing committee on finance meeting in March of this year expressed general support for holding this type of social function in the future;

NOW THEREFORE, I move that this Assembly request the Commissioner to hold a formal legislative ball on the opening night of the January 1977 session and on the opening night of future winter sessions.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Ernerk. Any discussion? Mr. Lyall.

MR. LYALL: Just very briefly, Mr. Speaker. During our meeting it was emphasized fairly strongly that people from all over the Northwest Territories should at least try and get together once a year and we have been informed that we could get five people from every constituency and I think that is a good cross section if we could do that every year.

MR. DEPUTY SPEAKER: Thank you. Do I have any further comments on Motion 28-59? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, in support of this motion and at the meeting of the standing committee on finance last March, as Mr. Lyall pointed out, the support for this move was unanimous, and it was felt at that time that this type of function will allow the different people to understand what each other's communities are really like. It would also allow people to participate and get to know the Members of the Legislative Assembly from other constituencies. I feel that this is something that is necessary towards the eventual development of a provincial-type government in the Northwest Territories and so that people will become aware of what is taking place and so forth.

MR. DEPUTY SPEAKER: Thank you. Motion 28-59.

SOME HON. MEMBERS: The question.

MR. DEPUTY SPEAKER: The question being called. Do you wish to summarize, Mr. Lyall, or are you prepared for the question?

MR. LYALL: I am prepared for the question, sir.

Motion 28-59, Carried

MR. DEPUTY SPEAKER: Thank you. Motion 28-59, all those in favour? Opposed, if any? The motion is carried.

---Carried

That concludes motions. Are we ready to proceed Hon. Minister with the duty you have to perform or should we go to third reading of bills for a few moments?

HON. ARNOLD McCALLUM: Mr. Speaker, we are not as yet prepared, I expect Mrs. Devitt momentarily, but we could go to third reading, if you wish.

MR. DEPUTY SPEAKER: Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, could I have consent to give replies to a number of questions at this time?

---Agreed

REVERT TO ITEM NO. 2: QUESTIONS AND RETURNS.

MR. DEPUTY SPEAKER: Thank you, that would fill in the time, thank you.

Return To Question W27-59: Airport Lights At Coppermine.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on Tuesday, May 25, Mr. Lyall asked Question W27-59 concerning the provision of airstrip lights for the Gjoa Haven airstrip.

Provision of an airstrip lighting package for the Gjoa Haven airstrip is the responsibility of the Ministry of Transport and due to unforeseen changes in priorities in the Ministry of Transport's program, the original plan to transfer the Coppermine airstrip lights to Gjoa Haven was changed and these lights are no longer available for Gjoa Haven. The Government of the Northwest Territories is attempting to negotiate purchase of a portable runway lighting package and generator kit to be installed at Gjoa Haven this summer.

Return To Question W28-59: RCMP Lot In Paulatuk.

On Tuesday, May 25, Mr. Kilabuk asked Question W28-59 concerning land in the hamlet of Pangnirtung held by the Royal Canadian Mounted Police.

This administration has approached the RCMP several times requesting that they relinquish part of their reserve in Pangnirtung so that new residential lands may be developed by the hamlet. To date the response from the RCMP has been negative, but on May 21, 1976, we again wrote to the RCMP on this matter and a reply to this latest request has not yet been received.

Return To Question W31-59: Funds For Road Conditions In Spence Bay.

On Wednesday, May 26, Mr. Lyall asked Question W31-59 concerning the availability of funds for road construction in Spence Bay this year.

The Department of Local Government recognizes the requirement for road construction in Spence Bay this year and will attempt to identify from other programs \$20,000 to meet the need in Spence Bay. This may require that supplementary estimates be placed before this Assembly later in this fiscal year to ensure that all programs approved in 1976-77 main estimates are carried out as well.

Return To Question W32-59: Coral Harbour's Hamlet Council Wages.

On Wednesday, May 26, Mr. Evaluarjuk asked Question W32-59 concerning the raising of indemnities payable to hamlet councillors and the hamlet chairman for the hamlet of Coral Harbour.

An amendment to the Municipal Ordinance is before the Assembly at this current session which provides that hamlets may pass bylaws setting the rates of indemnities for hamlet chairmen and councillors. These bylaws will require the approval of the Commissioner before they are effective, but they allow hamlet councillors to decide on appropriate remuneration for council members and chairmen.

Return To Question W33-59: Vehicle For Resolute Bay

On Wednesday, May 26, Mr. Pudluk asked Question W33-59 inquiring as to the arrangements being made by the administration to acquire a snow removal vehicle for Resolute Bay.

Because of the considerable lead-time required for ordering heavy equipment of this nature, it will not be possible to purchase a snow removal vehicle for Resolute Bay until the 1977-78 fiscal year. By that time a parking garage will be available in Resolute Bay to house such a vehicle as well. For the coming winter, snow removal will be carried out by a local contractor, and the Department of Local Government is currently working on a contract for snow removal to carry out this work this coming winter.

Return To Question W35-59: Financial Assistance For Garage, Coral Harbour

On Wednesday, May 26, Mr. Evaluarjuk asked Question W35-59 regarding what arrangements the administration was making to replace the Coral Harbour hamlet garage destroyed following a windstorm in that community.

Following an inspection by the Department of Public Works, the garage has been declared as non-repairable and funds will be made available for complete replacement of the garage this fiscal year.

Return To Question W36-59: Airport Upgrading, Spence Bay And Gjoa Haven

On Wednesday, May 26, Mr. Lyall asked Question W36-59 concerning proposed construction dates for class "B" airstrips at Spence Bay and Gjoa Haven.

I am advised by the Ministry of Transport, whose responsibility it is for construction of this airstrip, that construction equipment has been purchased this year and construction is scheduled to start in 1977 on the Spence Bay airstrip. The projected completion date for this airstrip is 1979.

Following completion of construction of the Spence Bay airstrip, the construction equipment will be shipped to Gjoa Haven for construction of that airstrip and the Ministry of Transport is projecting a start on the Gjoa Haven airstrip in 1980 or 1981.

MR. DEPUTY SPEAKER: Thank you. Mr. Sergeant-At-Arms, would you escort Mrs. Devitt to the floor of the house. Mrs. Devitt, it is a pleasure to have you here today so that we have an opportunity to express to you and your family our deepest sympathy. Hon. Arnold McCallum, would you make your presentation?

Presentation Of Plaque To Mrs. Devitt

HON. ARNOLD McCALLUM: Thank you, Mr. Speaker. Mrs. Devitt, on behalf of the Legislative Assembly of the Northwest Territories it gives me a great deal of pleasure to make this presentation to you and I would like to read out the inscription on this plaque.

WHEREAS William Gordon Devitt devoted twenty-four years in a most sincere and dedicated manner to the improvement and growth of the education system of the Northwest Territories;

AND WHEREAS he personally directed the development and extension of that system initially as Superintendent of Schools for the Mackenzie district from 1952 to 1957 and subsequently as Superintendent of Schools for the Arctic district;

AND WHEREAS throughout these earlier years and subsequently as Assistant Director of Education with the Government of the Northwest Territories he displayed an irrepressible enthusiasm for his work and a deep devotion to the young people of the North;

NOW THEREFORE, I move that the Legislative Assembly of the Northwest Territories express its most genuine and deep respect for William Gordon Devitt's very significant and untiring efforts in the interests of northern young people and the territorial school system.

Mrs. Devitt, I would ask you to accept this.

---Applause

MR. DEPUTY SPEAKER: This house will stand recessed until 2:30 o'clock p.m. One moment please. There is an announcement, I am sorry, Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, I just thought I would take this opportunity to announce that there are a couple of meetings being held during lunch. There are soup and sandwiches laid on for the indemnities and allowances committee Members and those Members are Hon. Peter Ernerk, Mr. Lyall and Mr. Stewart. Then, there is a second meeting, a Commonwealth Parliamentary Association executive meeting being held for a few minutes and to which meeting Mr. Steen is invited to attend.

MR. DEPUTY SPEAKER: Thank you. This house stands adjourned until 2:30 o'clock p.m.

---LUNCHEON ADJOURNMENT

MR. DEPUTY SPEAKER: The house will come to order. Returning to the order paper, Item 10, continuing consideration in committee of the whole of bills and other matters, is the Legal Ordinance now ready to go back into committee?

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

MR. DEPUTY SPEAKER: Thank you. We will resolve into committee of the whole with Mr. Butters in the chair to continue consideration of the Legal Ordinance.

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

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

THE CHAIRMAN (Mr. Butters): The committee will come to order, please. We are considering Bill 12-59, An Ordinance Respecting the Legal Profession and the one clause remaining for committee's consideration was clause 44 and the Legal Advisor was to be returning to us with a recommended change in the section.

Clause 44 Amended

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I have prepared a recommended change to clause 44, copies of which have been just now distributed to all Members. The only real change is to add at the end under (b) "such other books, ledgers, journals and books of accounts as the Society may designate". The other changes are just in paragraphing and numbering of paragraphs for clarity.

THE CHAIRMAN (Mr. Butters): Do Members have the suggested amendments? You have heard the Legal Advisor's explanation. Are there any comments? The chairman of the legislation committee, do you wish to comment?

MR. NICKERSON: No, Mr. Chairman. This would appear to be acceptable to our committee and to everybody else for that matter.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Do Members have any comments on clause 44? The Hon. Member from Mackenzie Liard, Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, there is just a little matter here. There is a typographical error in the word "society".

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

MR. LAFFERTY: Pardon me. Right at the end "...such other books, journals, records, books of accounts as the society..." There is a typographical error in the word "society".

THE CHAIRMAN (Mr. Butters): Thank you very much. With that correction is clause 44 agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

Before I ask for the bill as a whole, I will ask the Legal Advisor to report all of the amendments made so it will save me -- I misunderstood the Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): I was charged with the duty over lunch hour to go through the ordinance word by word to see if there were any words to the effect of being in connection with the practice or acting as a barrister and solicitor, words to that effect. I have checked the ordinance closely and the only reference I find that might have any pertinence is in paragraph 43(b) at the top of page 35 and the words "in connection with his practice". Because that definition of client carries through to "clients' trust accounts" and in fact the effect of it carries through clauses 45, 46, 57 and Form A but I am satisfied that the amendment we have made to clause 44 is adequate to achieve the intent of this committee.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Legal Advisor. If you are satisfied I am sure the committee is likewise satisfied. Then may we go to clause 1, the short title?

---Agreed

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

---Agreed

MR. DEPUTY SPEAKER: Mr. Butters.

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

MR. BUTTERS: Mr. Speaker, your committee has met in consideration of Bill 12-59, An Ordinance Respecting the Legal Profession and approves it for third reading as amended. I feel possibly I should read the five amendments at this time as they were spread out through the debate.

Amendments To Bill 12-59.

1. A. Amending subclause 6(7) to read: "(7) The Society shall file with the Commissioner a copy of each rule of the society and no such rule shall become operative or have effect until thirty days after such filing." B. Delete subclause 6(8) and 6(9).

2. The second amendment to 19(4) "Notwithstanding anything in this ordinance a person who is Attorney General of the Northwest Territories, if he is a lawyer, is entitled to be enrolled as a member of the Law Society of the Northwest Territories without complying with the Legal Profession Ordinance or any of the regulations or rules of the society as to admission, examinations, payment of fees or otherwise and is thereupon entitled to practise at the Bar of Her Majesty's courts in the Northwest Territories."

3. Subclause 35(1) amended as follows: after the word "solicitor" these words, "such other capacity as the Society may designate."

4. Renumber clause 48 as subclause 48(1), and add subclause 48(2): "(2) Where an audit is made upon the request of the Commissioner pursuant to subsection (1), the Commissioner shall be responsible to pay the costs of the audit, unless the costs are recoverable under the provisions of the rules made pursuant to paragraph 6(1) (j)."

5. Delete the word "notice" in paragraph 78(b) and that word is replaced with the phrase "a summons issued pursuant to 26(2)."

6. Clause 44, with changes as just discussed and the final paragraph to "money received and paid on his own account, such books, ledgers, journals, and books of accounts as the Society may designate." Thank you, sir.

MR. DEPUTY SPEAKER: Thank you, Mr. Butters. I thought at this time under Item 10 of the order paper, continuing consideration in committee of the whole, to now go to third reading of bills.

ITEM NO. 11: THIRD READING OF BILLS

Third reading of Bills. Bill 1-59, Hon. Peter Ernerk.

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

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-59, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Hon. Arnold McCallum. Discussion? Are you ready for the question? Question being called. Third reading of Bill 1-59, all those in favour? Opposed? The motion is carried.

---Carried

Bill 2-59, the Labour Standards Ordinance. Hon. Arnold McCallum.

Third Reading Of Bill 2-59: Labour Standards Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-59, An Ordinance to Amend the Labour Standards Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Hon. Peter Ernerk. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Third reading of Bill 3-59, the Wages Recovery Ordinance. Hon. Arnold McCallum.

Third Reading Of Bill 3-59: Wages Recovery Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 3-59, An Ordinance to Amend the Wages Recovery Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Lyall. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Third reading of Bill 4-59, Interprovincial Subpoenas Ordinance. Hon. Peter Ernerk.

Third Reading Of Bill 4-59: Interprovincial Subpoenas Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 4-59, An Ordinance Respecting the Reciprocal Enforcement of Subpoenas be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Steen. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Third reading of Bill 5-59, the Criminal Injuries Compensation Ordinance. Hon. Peter Ernerk.

Third Reading Of Bill 5-59: Criminal Injuries Compensation Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 5-59, An Ordinance to Amend the Criminal Injuries Compensation Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Lafferty. Discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 8-59, Municipal Ordinance. Hon. Peter Ernerk.

Third Reading Of Bill 8-59: Municipal Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 8-59, An Ordinance to Amend the Municipal Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Hon. Arnold McCallum. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Third reading of Bill 9-59, the Liquor Ordinance. Hon. Peter Ernerk.

Third Reading Of Bill 9-59: Liquor Ordinance.

HON. PETER ERNERK: Mr. Speaker, I move that Bill 9-59, An Ordinance to Amend the Liquor Ordinance be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Butters. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Third reading of Bill 10-59, Supplementary Appropriation Ordinance No. 1, 1976-77. Hon. Arnold McCallum.

Third 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 third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Lyall. Discussion? The question being called. Bill 10-59. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 12-59, the Legal Profession Ordinance. Hon. Arnold McCallum.

Third Reading Of Bill 12-59: Legal Profession Ordinance.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 12-59, An Ordinance Respecting the Legal Profession be read for the third time.

MR. DEPUTY SPEAKER: Do I have a seconder? Mr. Nickerson. Any discussion? The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

That concludes the third reading of bills. I would like at this time to call on the Deputy Commissioner re appointment of directors to the Northwest Territories Housing Corporation.

ITEM NO. 12: APPOINTMENT OF DIRECTORS TO N.W.T. HOUSING CORPORATION

DEPUTY COMMISSIONER PARKER: Mr. Speaker, as Council has been informed by the Commissioner, there is currently one vacancy on the Northwest Territories Housing Corporation and at the end of June or early July, the terms of three of the existing members will expire thereby creating three additional vacancies. I have a recommendation on behalf of the Commissioner to make to you as follows: That Bryan Pearson be reappointed as a director as of June 29th, 1976; that Lena Pedersen be reappointed as a director as of June 29th, 1976; that John Steen be appointed as a director effective today and that Ib Kristensen of Fort Smith, be appointed as a director as of July 2nd.

MR. DEPUTY SPEAKER: Thank you, Mr. Deputy Commissioner. Could I have a motion accepting the Commissioner's list as presented. Mr. Lafferty. Have I a seconder? Mr. Lyall. Any discussion? Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, if I could just at this time note that the one person who is retiring who will not be serving again on the board is Cecile Wetade and I would like to pay tribute to Cecile Wetade for the work that she has done as one of the original directors of the Housing Corporation and for her attention to that duty and for the wise counsel which she has supplied.

MR. DEPUTY SPEAKER: Thank you, Mr. Deputy Commissioner.

---Applause

Would you also convey the feelings of this house at the same time? On the motion, the question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

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

Now, gentlemen, we have left on the order paper the Inuit Tapirisat of Canada Land Claim Proposal, Nunavut, Tabled Document 15-59, Dr. Ward's Analysis of Nunavut and we have the information items that have not yet been in committee and possibly it would be well at this time if the Legislative Assembly agrees to go into information items. Mr. Butters.

MR. BUTTERS: Mr. Speaker, as I was one of the persons recommending the information items I would prefer to see these given second place to say, Dr. Ward's Analysis of Nunavut. I think our time is short, I do not think we will be sitting over but I would like to discuss possibly Dr. Ward's Analysis of Nunavut and then the information items second, if we get to them.

MR. DEPUTY SPEAKER: Fine, these appear on the order paper as separate items. I imagine it is the wish of the Assembly to keep them separate rather than put them both in committee at the same time or what would be proper in this regard? Are there any suggestions? If not, the house will resolve into committee of the whole to study Dr. Ward's Analysis of Nunavut with Mr. Butters in the chair.

MR. BUTTERS: With respect, Mr. Speaker, I approached the Member from Yellowknife North and he has consented to take my place on this occasion, on this agenda item.

---Legislative Assembly resolved into Committee of the Whole for consideration of The Inuit Tapirisat of Canada Land Claim Proposal, Nunavut, and Tabled Document 15-59, Dr. Ward's Analysis of Nunavut, with Mr. Nickerson in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER THE INUIT TAPIRISAT OF CANADA LAND CLAIM PROPOSAL, NUNAVUT, AND TABLED DOCUMENT 15-59, DR. WARD'S ANALYSIS OF NUNAVUT

MR. DEPUTY SPEAKER: Thank you. Mr. Nickerson.

THE CHAIRMAN (Mr. Nickerson): The committee will come to order and the subject for discussion is the Nunavut proposal and Dr. Ward's analysis thereof. Are there any Members who have comments? Mr. Butters.

MR. BUTTERS: Mr. Chairman, if I might direct the committee's attention first to the brief report of Dr. Ward and while it is regrettable that Dr. Ward could not be with us I do think that the report he has made available to us is most interesting. I recognize also the very short time that was also at his disposal has prevented him from examining the Nunavut proposal in the depth that we would have wished, but there are two or three things I find in here of very great interest. It is regrettable that both Mr. Arvaluk and Mr. Amagoalik only received the document 15 short minutes before they joined us in committee of the whole. I remember one of the comments being that Dr. Ward's response was, from their reading of it, was that he did not know. I think Dr. Ward's response was quite a great deal more than that. Admittedly he is knowledgeable in this area of constitution development, he does not make decisions and therefore can not provide a definitive answer to our question and I do not think we expected that.

I notice too he said it is not intended to argue here that the Inuit do not have a case or that the present situation offers adequate solutions to their problems so he makes it quite clear in his brief. He did not want to provide a brief which would support either the proposal or support the position of opponents to the proposal.

The Meaning Of Aboriginal Rights

Without going into too much detail about that, there is one very basic question that I would hope that comes out of the receipt and discussion of Dr. Ward's report and that is found on page 8 where he says in his report "If I were a Member of the Council of the Northwest Territories, no matter what view I took of 'Nunavut', I should want the problem resolved before reaching any decisions." I think this is key and core to his report and the problem appears in the preceding paragraph. I think that to be fair to native people who are making claims, to be fair as to jurisdictions such as this one which is an evolving provincial type jurisdiction, the question that Dr. Ward raises should be answered by the Government of Canada and Dr. Ward on a number of occasions has pointed out in recent months how the Government of Canada has equivocated, has skirted, has been unable to provide a full and complete answer to the question.

I will read the question in its entirety. "If the Supreme Court holds that the British North America Act, section 91(24) includes Eskimos as well as Indians; the Northwest Territories Act treats Indians and Eskimos as the same for purposes of hunting game but separates them for the general application of the laws; federal departments treat both Indians and Eskimos as wards of the government for administrative purposes while legal branches of the same government hold that the Indian Act does not apply to Eskimos; what then does 'aboriginal rights' mean when seen against the Inuit Tapirisat's proposals in 'Nunavut'?" I think that is a valid question and I think it is a question that only the Government of Canada could answer and I would hope that this committee, if we do nothing else, sends that question along to them and asks for an early, early complete and well documented answer to that question.

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Butters. I do not hold up too much hope of getting this answered by the Government of Canada but would you like to put that in the form of a formal motion to this committee that such a request be made to them?

Motion That Dr. Ward's Question Be Sent To Federal Government

MR. BUTTERS: Yes, sir, I think I would. I formally would request that the question posed by Dr. Ward in his report be sent along to the federal government so that both the people who are negotiating the claim and the people who are looking on can have some idea of what the federal government's position is when they stop shilly-shallying and lay it out.

THE CHAIRMAN (Mr. Nickerson): There is a motion before the committee. Is there anyone who wishes to speak to the motion? For the benefit of Members, I will repeat it once it is written down. Mr. Steen.

MR. STEEN: Mr. Chairman, this will not be speaking for the motion. It will be speaking probably against the motion.

THE CHAIRMAN (Mr. Nickerson): That would still be speaking to the motion.

MR. STEEN: Yes. On my part I would like to study in detail the Nunavut proposal and also Dr. Ward's report before I can even make up my mind which way to go, to support a motion such as this or to oppose it. So I do not think I can vote either way on it.

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

MR. BUTTERS: The question is very simple and I do not think it requires justification, even if Nunavut were never presented, even if Dr. Ward's proposal had never been written, the question would be just as valid and it is simply then what does "aboriginal rights" mean to the Government of Canada? The government, as Dr. Ward pointed out treats native people differently. Is there an aboriginal right which is the same across the country, has the same meaning? Has it the

same meaning in 1975 as it had in 1875 or 2075? What does "aboriginal rights" mean to the Government of Canada? I think that is all he is asking and then once that answer is provided, then you can examine Nunavut or the Dene Declaration or the claim of the Nishka people or the claim of the Indians in northern Alberta in the definition, the context of the federal government's acceptance of the meaning of "aboriginal rights". All we are really asking for is please define "aboriginal rights" and how you see it as the Crown and what special status you see of all the native people as a result of the recognition of such rights? That is what I would see the question means. Maybe someone else who has also looked at the question, Hon. Arnold McCallum or somebody, has another opinion.

THE CHAIRMAN (Mr. Nickerson): Mr. Steen first and then Hon. Arnold McCallum.

MR. STEEN: If it means it will help us to determine our decision of what we think of Nunavut, if it will help us understand and to make a decision, then I would support the motion.

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

HON. ARNOLD McCALLUM: I was not going to say anything but to endorse what Mr. Butters has said. I think this is what we have to find out from the Minister, from the federal government, just what they are going to do with it and I endorse Mr. Butters' comments. I do not want to get into any explanation or anything but I would like to find out a bit more.

THE CHAIRMAN (Mr. Nickerson): Is there anyone else who wishes to speak to the motion? Mr. Evaluarjuk.

Knowledge Of Native Land Claims

MR. EVALUARJUK: Mr. Chairman, I wish to say a few words on the subject about the land claims. There are very few of us here it seems who have a great deal of knowledge as far as native land claims. However, we had Inuit Tapirisat officials trying to explain to us what this land claim was all about. Even then we did not understand but we would like to speak to these people, the land claims officials and I think we will further confuse ourselves if we do not speak to the land claims officials a little bit longer. Thank you.

THE CHAIRMAN (Mr. Nickerson): Gentlemen, the motion before the committee, I have taken the liberty of paraphrasing it a little bit because we had trouble taking it down, but the motion, as I understand it, is as follows: "I move that the federal government be asked to provide the answer to the question posed by Dr. Ward on page 8 of his analysis of the Nunavut proposal." I wonder, Mr. Butters, if you could say whether or not this is a reasonable interpretation of your motion?

MR. BUTTERS: Yes, sir, it does not refer to the particular item but that seems to be the only question on the whole page about aboriginal rights.

Motion Carried

THE CHAIRMAN (Mr. Nickerson): I think the intent is clear. I am very sorry we did not get your original motion down. This is the motion before the house: "I move that the federal government be asked to provide the answer to the question posed by Dr. Ward on page 8 of his analysis of the Nunavut proposal." Is there anyone who wishes to speak to that specific motion? It would appear there is no one wishing to speak to that motion. I will now call the question. All those in favour of Mr. Butters' motion? Opposed, if any? The motion is carried.

---Carried

Are there any more comments on the Nunavut proposal or Dr. Ward's analysis? Mr. Butters.

MR. BUTTERS: My comments are on the Nunavut proposal. I have finished commenting on the analysis.

THE CHAIRMAN (Mr. Nickerson): Your comments?

MR. BUTTERS: Is everyone else finished? Mr. Chairman, it is regrettable that time has crowded us into this last half day and I doubt that we will be sitting on Monday, in fact I feel reasonably sure we will not be sitting on Monday and that we had no opportunity to examine the Nunavut proposal in depth. Not that we know about it, but sometimes in talking things over and looking at things one gets a different viewpoint of what the matter is about. I regret very much that we did not get into the proposal itself, especially as I believe it is the expectation of Inuit Tapirisat of Canada negotiators, or at least it was the request of Inuit Tapirisat of Canada negotiators that the federal government sign the agreement in principle by the end of this month, 90 days from February 27. So, if their hopes have any hope of being realized, that is almost today, we will have no other opportunity to discuss what is contained in the proposal and present a collective examination of the matters.

The Objectives Of The Inuit Tapirisat

I thought that the President of Inuit Tapirisat of Canada, Mr. Arvaluk and Mr. Amagoalik, the men in charge of the negotiating committee presented, or made a very excellent presentation. I was very impressed with the manner in which they answered our questions freely and frankly. Unfortunately again time did not allow us to get into the details, but it did give us an idea of how the senior executives of the organization feel about their proposal and some idea of the objectives of the members of Inuit Tapirisat of Canada.

I find the Nunavut proposal a most disturbing one for one or two reasons, one being that when you make a suggestion about what should be done you are trying to achieve some end, you are trying to accomplish something, you are trying to produce something. I sat and listened to Mr. Arvaluk and Mr. Amagoalik, and I think as you mentioned, sir, I mention that the objectives of those men who sat in those chairs are the identical, the same objectives of every Member of this house. I have heard Members speak the same words, the same things about housing, about independence from welfare, about pride, the same words. So, obviously our objectives are exactly the same.

Canada somehow in its wisdom has seen in this chamber, in this Assembly the mechanism by which these objectives that were so well expressed by our guests can be attained, and yet it seems to me that the Nunavut proposal is suggesting a new way, a very new and different way. This

is what Dr. Ward said too, very much outside Canadian traditions, and Canadian precedents or Canadian practices. This is what concerns me about the Nunavut proposal. I think there are many, many problems down the trail which they do not see. The Alaskans have run into very many difficulties with their land claims, and many aspects of the Nunavut proposal are similar to the Alaskan land claims.

Alaskan Land Claims

I was in Alaska in December last and one thing that shocked me was to meet native people in Alaska and see the way the native communities are being torn apart, to see the conflicts which you said, sir, the conflict between the overriding regional group and the village groups, there they call them regional corporations and village corporations. These groups, because of the same type of controls which are being proposed in Nunavut are locked in mortal battle, native against native, and who is benefiting? Unfortunately the white man who has always benefited from the difficulties and tragedies that the native people experience in trying to adapt to a new situation.

I talked to a lawyer for the native organization when I was in Anchorage and at that time they were working very, very hard to get as much money off the government as they could for their clients, the native organizations, and they said, "When we get all that money we will turn around and take it off the native organizations. So we have a job for the rest of our lives." And that unfortunately is true. Now, those are white advisers working for native corporations who say, "Well, we will find out what they want and package it for them because we can make money out of people like these." This was said to us in a person's house with members of the group I was with, native and white alike of the territories and this white adviser told us that in those words. It is just unbelievable! This is the way Nunavut is going because as Dr. Ward pointed out you can not develop the administration, the specialized skilled people which this paper talks of overnight.

Look how far the territories have come in 20 years, in 20 years, look at the young people who are now gradually taking more and more responsibility. It is happening, it is happening in these territories with this system. The Berger hearing in Edmonton, Dr. Noah Carpenter, an Eskimo from Sachs Harbour, a product of the Northwest Territories schools, and I think he has taken many, many courses in post graduate surgery and is probably one of the ten best young surgeons in Canada now. He spoke to Mr. Berger and said they could not go back, or as Mr. Lafferty has often said, there must be opportunities in running the country for native people. However, it will take time, it is occurring through this system and that is going to be very, very difficult to work, you will be depending upon another whole influx of whites.

Built-in Problems

It has many built-in problems, problems of eligibility which Mr. Pearson asked about. He could be an Inuk, yes, so I could quite see there would be lots of Inuks, lots of Inuks who have no grounds for -- no part of Eskimo ancestry, culture or heritage. The tragic thing too about the proposal as I read it is that an Eskimo person who is born five years after the final agreement is signed is not an Inuk in terms of the definition. You have two classes of citizens, Inuk as set aside by the bureaucracy of Nunavut and Inuks who are not Inuks, although they are blood Inuks. Again, that is set aside by this proposal. The proposal contains many, many of these anomalies. I have only touched on a few. There are all kinds of boards set up.

I was very encouraged to hear Mr. Arvaluk say that the government of Nunavut would be the government of the territories, that they would give the orders and they would make the decisions and they would make the laws, although this is not reflected in this document. In this document the government of Nunavut is the deliverer of water and the emptier of honey buckets and that is the way it reads in here and the real power as you said, sir, the real power is in the hands of the central corporate structure which is certainly not an Eskimo structure, the central corporate structure which comes straight out of the free enterprise system of the European tradition.

A Sharing People

There are other concerns too that are related to the proposal and it is one that grieves me because as Mr. Amagoalik advised us, the Eskimo cultural tradition has been sharing. When I

first came to the North I learned that the Eskimo people did have a system of welfare -- it was not welfare, sometimes you got it if you were a lucky hunter and if you had something extra you gave it and next year when you had nothing and the caribou did not come you moved to the camp of a hunter who had and you shared. The Eskimo people have shared to live. I think that the Indian people likewise have shared, I think this is a tradition of people of isolated places. It has to be or they do not survive. What alarms me is this large area of land which contains the only real valuable resources, valuable in terms of dollars and cents, the only real valuable resources these territories possess, the only real resources which this Legislative Assembly, which the Dene, which groups can tap for a share of petroleum resources, 20 to 30 trillion cubic feet of gas if found now, and maybe two billion barrels of oil and another eight trillion cubic feet in the Delta.

You know, if you worked that out on the basis of five per cent which is a three per cent royalty that they are asking for, excluding again Inuit land, the two per cent given under social and economic development, five per cent, I think on a per capita basis I think we would see each Eskimo person, if they got the money, would be getting something in the order of \$150,000 and that is just on known resources. How can you share? It is an odd situation that has occurred in the Mackenzie Delta. If such a proposal were accepted, what you would see happening is an Indian person born 40 miles from eight or ten trillion cubic feet of gas excluded from the royalties of that gas and an Eskimo person on the far side of Baffin or many thousands of miles away, 4000 miles away, would be entitled to it. This is an anomaly. I do not know how it can be resolved. I think it would be something of increasing embarrassment to Inuit Tapirisat of Canada negotiators as the proposal becomes better known, how a few can have so much and the remainder can have none of it.

THE CHAIRMAN (Mr. Nickerson): Thank you for those very enlightening remarks, Mr. Butters. Is there anyone else who would like to speak on the Nunavut proposal? There apparently being no one else who wishes to speak, is it your wish that I report progress? Mr. Stewart.

MR. STEWART: Mr. Chairman, I thought probably as I read it, the intent of these two papers being in the committee was to come to some type of consensus on behalf of this Legislative Assembly to present to the Minister. I am not exactly sure how we are going to arrive at such a position. There is a possibility that this committee may decide to form a committee to write up such a paper but I would not like to see the matter left in no man's land. I would like some sort of directive to come from this committee as to how we are to proceed with this.

THE CHAIRMAN (Mr. Nickerson): Your point is well taken, Mr. Stewart. Does anybody wish to pursue along the same lines? Mr. Lafferty.

MR. LAFFERTY: Yes. I would definitely move in that direction. I think it would be worthwhile.

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

Little Is Known

MR. STEEN: Mr. Chairman, just to elaborate on what Mr. Butters the Member from Inuvik said, there is quite a bit of concern in my area pertaining to the land claims and through my travels especially in Eskimo communities, there seems to be very, very little known about what is in that proposal on the land claims. No one seems to really understand what was proposed in the Nunavut land claims. When Inuit Tapirisat of Canada had their general assembly meeting in Tuktoyaktuk I spoke to people in the chambers, in the school where they had their conference and also in the streets. I asked them "Do you understand what is going on?" or "Do you know what they are talking about?" and the answer I got in the community was "I do not know. Maybe it is land claims." When I asked them what really are they talking about "Do you know what land claims is?" they would say "I do not know". So there are very few people who know anything about the whole concept of land claims in the Western Arctic, especially the Nunavut land claims.

After the Inuit Tapirisat of Canada left there seemed to be a lot of confusion about just what was the land claim, what was the land claim of Nunavut? So, the Committee for Original Peoples Entitlement tried to go back into the community and tell the people what was in the land claim so what it really boils down to is that Nunavut is not really the claim of the people on the street. What it means is that some place in the Nunavut territory some people have decided to have a claim and they used white people from the South to draw up the land claim and had these Nunavut people agree with it. One thing that bothered me a little bit was what Mr. Butters was saying, that the Western Arctic people are the people who are right in the middle of the fast paced development and Mr. Butters was saying something about sharing. I think James Arvaluk said that people in Nunavut want to share their resources with other Canadians. When you draw the line between the Nunavut and the Western Arctic it makes me wonder, are they going to share their claims with the Indian people or the people of the Western Arctic?

Setting Up A Town North Of Aklavik

There are a lot of questions. Another question in my mind is one which I do not think is working too well, is that setting up of another town north of Aklavik where all the native people, all the Nunavut people could move. The people in Aklavik are trying to protect Aklavik from erosion and the minute that they decide to move to another place that would bring down the population in Aklavik so much as the majority of the people, almost two-thirds are Nunavut people and the rest are Indians, Metis and white. There would be very little need then to build a wall to protect Aklavik from erosion. I think now people are beginning to see that and they are also very concerned. There are a lot of things that I think have to be ironed out and I am pretty sure that my concept, the whole government concept, the whole Nunavut thing would take almost ten years and by that time there will be so much influx of white people in to the territories we would be right back to where we started. With that comment, Mr. Chairman, I will stop.

THE CHAIRMAN (Mr. Nickerson): Are there any other speakers on that Nunavut proposal?
Mr. Lafferty.

Breakdown In Communities

MR. LAFFERTY: Mr. Chairman, just to reiterate what the Hon. Member from the Western Arctic stated, I believe that in the native land claims situation in the Northwest Territories we are experiencing very similar problems and dangers. One of the facts that is becoming more and more evident in the communities regardless of wherever you are, as my colleagues here are aware of my travels and I have been up into the Arctic and I shortly will be going up again and into the Yukon, I have found that there is definitely deterioration and breakdown in communities against much of the wishes and good intentions of the native people, whether they be Indian, Metis or Inuit. I think that basically what is happening is that many of the decisions of the policies, philosophies that are being arrived at are without prior consultation or come from the top down rather than from the grass roots up. I think much of the documentation that has been presented and that is before us is only pieces of material which has been ratified or decided and ratified by the largely ignorant, semi-literate people. I am not knocking them when I say that — it is a fact -- without any consultation or any attempts to make them understand the details and complexities of a technical society.

The danger here lies in the fact that as more and more divisions in the communities take place because of this type of activity we will find also as Mr. Steen points out the creation of a lesser community which will result in putting or demanding more money from the territorial government and coming right back into the territorial Legislative Assembly for approval of more funding.

I think we are actually being used as tools and we are doing nothing about it, we are sitting back waiting. I think my recommendation to this committee is that we take positive action, right or wrong and conclude with some kind of decision in the way of advice to the federal government. I feel that under the Northwest Territories Act it is within our right and if the federal cabinet changes legislation then they are bloody well wrong and it is up to us to point these things out. We are the Government of the Northwest Territories.

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

Segregation Of People

MR. STEWART: Mr. Chairman, the present papers in front of us cover a great deal of area and in many instances are extremely complex. However as far as I am concerned I think that any type of action that separates people, whether they be in the Northwest Territories or any other place in Canada, although they may hold forth for the immediate future, in the over-all long run will be to the detriment of the people they are trying to help. I think the position of reservations in the South has proven beyond doubt that this type of segregation has not worked to the benefit of the people who it was designed to help. There are many reservations in the South that are extremely wealthy but money on the reservation base has not indeed brought happiness nor well being to the people that it was supposed to.

I had hoped when I first moved to the Northwest Territories some 40 years ago as a young man, that I had at last found the country, or a part of Canada where everyone was the same. I was raised next to a reservation and had never felt that the reservation concept worked at all. The people there, although money was available, and the country they had was the best agricultural land in the country, were not being successful. There were nothing but problems and unhappy people and really whatever we try and do it must be to try and realize happiness in the well being of the people we are trying to serve. Now, why we continue, and why it is being brought in now into the territories, a system that has been tried outside and failed miserably, but we continue along the line, along the same line that has failed, is beyond me.

The Inuit proposal is in the sense of the word a reserve, it is segregation in the matter of race. This has not worked, it will not work here and I do not know why we are continuing to strive to do something that has proven in the past to be unworkable. By that I do not mean that the Eskimo people and indeed the Indian and Metis people of the Northwest Territories have certain rights that the government should not recognize, but as I see it, land should be given to the individual, payment if necessary should be given to the individual and the matter settled. To set up something that will perpetuate forever, a difference, has got to be wrong. The Nunavut proposal does this. Mr. Arvaluk in his presentation the other day made it abundantly clear to this Assembly that the Eskimo belief in sharing -- and I got the feeling that the white man did not have this. I can say to you that the pioneers who developed Canada to the state it is now, shared in the construction of Canada because without this kind of sharing Canada would not have been built.

Sharing Has Disappeared

In the 20th century however, and the 20th century is here, sharing, in a sense, has disappeared. In my short experience in the Northwest Territories, 25 years ago in Hay River the Indian people there shared. If moose were shot, fish were caught, I was privileged to be accepted into the community and my share was left on my stage behind my house. Nobody came in and made a big proposition out of a gift, it was dropped off there and I suppose it was a form of the community saying "We accept you". I did not have material things of this nature to share. When letters were required to be written to Eaton's catalogue and this type of thing I was asked to do this. Nobody offered to pay me for my services. This was expected and this was part of sharing within the community. Sharing today in Hay River is gone but is it the white man's fault that the sharing is gone or is it indeed that we are in the 20th century and, with material things that we now all have, they are far beyond the expectations we had 25 years ago, to the point that sharing as was once done is in fact no longer required. Welfare and our government programs have set it up so that each individual is looked after by the government. The government has taken away the necessity for sharing that made us really that much better people in the old days, it is no longer required basically. It is a funny thing within the bounds of human nature that as soon as something is no longer a necessity or a requirement it disappears.

I suggest to you that if the Nunavut proposal continues and grows that the sharing will disappear in that area for the simple reason that it would no longer be required. However, to assume to set up a double-barrelled type of operation as suggested where money is handled by a corporation and government is handled by a different section that has no means of raising money under the proposal as I see it, and must depend completely on the handout of the federal government to exist, then I really do not see how this government can do as well, and I underline "as well" as this Legislative Assembly can serve the people.

Bound By Handouts.

If indeed the federal government is prepared to entertain the Nunavut proposal and its ramifications, if they were to give to this territorial government the rights that are contained in this document for the Eskimo we certainly could fulfil the job as a Legislature far better because we would then have money to be able to do it. But this Legislature is bound by handouts, basically, from the federal government, but when we come back to government, the Nunavut proposal puts that government back in the same position so there is no improvement. They do allow a corporation to raise funds for which really it is not clearly spelled out exactly what they would be doing with these funds and the amount of these funds could become beyond our imagination. Indeed this corporation could, with what they are asking for in these documents, make General Motors and General Electric look like small potatoes.

MR. BUTTERS: Hear, hear!

MR. STEWART: And yet there does not seem to be a control factor built into this proposal of just exactly how these funds would be controlled for the betterment of the people that they are supposed to serve. So, I can not personally accept the proposals as presented and I suppose really the thing I really oppose most is the segregation of people, and as long as we continue to do this we are doomed to the same failures that have been evident in the rest of Canada. Thank you.

---Applause

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Stewart. Further Members who wish to speak on the Nunavut proposal? Mr. Butters.

A Second Government

MR. BUTTERS: Speaking on the Nunavut proposal, yes, but to just come back to Dr. Ward, there is one thing in Dr. Ward's paper which I think might be well worth reading here because it has not been brought out in the remarks of any of the speakers and that is the statement on page 13 which possibly the administration might also direct to the government. "It seems to be genuinely eccentric that the federal government, having just given the Council a new constitution, should simultaneously negotiate with another group in the territories as if it constituted a second government not merely equal to but more important than the Council and Government of the Northwest Territories."

I think that that is a statement that has been recognized throughout the life of this house by Members on both sides that there seems to be a separate government or parallel government and possibly that is why we are becoming very shrill in saying "We are the government," and we have to keep repeating it so that we believe it ourselves.

THE CHAIRMAN (Mr. Nickerson): Am I now correct in thinking that everyone has said all they wish to say on this subject? Is it your wish that I now report -- sorry, Mr. Stewart.

Motion To Form A Committee

MR. STEWART: Mr. Chairman, I was wondering if it was the desire of this committee to form a committee to study and bring forth a paper relative to these two documents that we are dealing with that could be presented at the next session in Rankin Inlet. I think that we must try as a Legislative Assembly to come forth with a position paper and I do not know of any other route that we may take to accomplish this. Something should be done. Again I emphasize that we should not leave this item hanging.

THE CHAIRMAN (Mr. Nickerson): The Chair would entertain a motion to that effect, Mr. Stewart. Would it meet with your requirements if we recessed briefly, it now being nearly 4:00 o'clock, nearly coffee time, and perhaps you would like to approach, during that time, other Members who you feel might be willing to serve on such a committee to undertake that task? When we returned, perhaps you would like to move formally that such a committee be established? Would that meet with your requirements?

MR. STEWART: Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Nickerson): Is it agreed, Members of the committee, that we recess for coffee for 15 minutes?

---Agreed

This committee stands recessed for 15 minutes.

---SHORT RECESS

THE CHAIRMAN (Mr. Nickerson): The Chair recognizes a quorum. The subject is continued discussion on the Nunavut proposal and Dr. Ward's analysis. Mr. Stewart, do you wish to speak?

MR. STEWART: Thank you, Mr. Chairman. During the coffee break every Member that I contacted is interested in sitting on the committee. I believe I missed one or two but I think I got everybody who is here. The ones I have missing on my list are not here, so on this basis I would move that this Legislative Assembly sit as a committee of the whole some time in the near future, the time would of course be based on what is the best for the majority of the committee, to put together a position paper on the Nunavut and the Ward documents.

Motion Carried

THE CHAIRMAN (Mr. Nickerson): Is there anyone who wishes to speak to the motion? Question. All those in favour? Contrary, if any? The motion is carried.

---Carried

Are there any more people wishing to speak on the Nunavut proposal or Dr. Ward's analysis? Mr. Butters.

MR. BUTTERS: One brief last word. I would suggest the thanks of this committee be expressed to Dr. Ward for his very helpful paper and even though the time was a bit short I think the document he provided us was very helpful.

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Butters. Is it your wish that I report progress or shall I report that our discussions on the subject are now completed?

---Agreed

MR. DEPUTY SPEAKER: Mr. Nickerson.

Report of the Committee of the Whole for Inuit Tapirisat of Canada Land Claim Proposal Nunavut and Tabled Document 15-59, Dr. Ward's Analysis of Nunavut _____

MR. NICKERSON: Mr. Speaker, your committee has concluded its discussion on the Nunavut proposal and Dr. Ward's analysis thereof. During the discussion, Mr. Speaker, the following motion was passed: "I move that the federal government be asked to provide the answer to the question posed by Dr. Ward on page 8 of his analysis of the Nunavut proposal."

During the debate, Mr. Speaker, a committee was established to look further into the Nunavut proposal and Dr. Ward's analysis in order to prepare a position paper on this.

MR. DEPUTY SPEAKER: Thank you, Mr. Nickerson. Mr. Wah-Shee.

Unanimous Consent Granted

MR. WAH-SHEE: Mr. Speaker, on a point of privilege I would like to request that Members of this house allow me to address this house and require unanimous consent. Thank you.

MR. DEPUTY SPEAKER: On a point of privilege, Mr. Wah-Shee is requesting from this house permission to address the house. It is not on the order paper and will require unanimous consent. Do we have unanimous consent for Mr. Wah-Shee to address this house? Any opposition?

MR. LYALL: Mr. Speaker, I would just like to know how long his address is going to be.

MR. DEPUTY SPEAKER: One never knows when one is speaking how long it may be. I am assured it will be something in the neighbourhood of ten to fifteen minutes.

MR. LYALL: As long as it does not go over that I guess I might agree.

MR. DEPUTY SPEAKER: I take it on that that you are not disagreeing? You are not denying consent? Are there no denials? Mr. Wah-Shee, you have the floor.

Mr. Wah-Shee's Resignation Speech

MR. WAH-SHEE: For a while, Mr. Speaker, I did not think I would have the privilege. First of all, may I say that I do appreciate the privilege that has been extended to me by my colleagues. I would like to make a general comment in regard to the point of privilege and the way I feel about the present situation in regard to myself personally.

First of all, I would like to outline the present situation in the North as I see it. I would like to say that in the days from the beginning of October 21st of last year and since I have been a Member of this territorial Legislative Assembly it has been extremely difficult and very trying. I have been the subject in regard to various rumors, various press releases in regard to the way I feel, the way I think and I would have to say that it has been extremely difficult. May I say that the focal point was back in December from the 1st to the 5th during which time my fellow colleagues not in this particular house but the people who have been working with me have made it quite difficult in regard to my continuing within the native organizations and as far as I am concerned they have made unsubstantiated charges and accusations in regard to my political philosophy, the way I feel about the North, not only in regard to the Dene people but as well the non-native people, the various institutions that do exist in the Northwest Territories, not only in the North but also in southern Canada. But I would have to say that my experience here on this Legislative Assembly has been very worthwhile. I have learned a great deal. I have learned that I am not always necessarily right in my point of view, that likewise my colleagues when we are discussing various issues are not always right but somehow we manage to reach a compromise.

Concerning The Leadership Of The Dene Organization

So, I have been approached by many of my people, not only the Dene people but people from various walks of life in the territories and I have been very encouraged by the sort of support I have received thus far. People have not only supported me with words but also with action, also speaking for me in the settlements of the Mackenzie River and the Mackenzie Delta. There are people who are working very quietly for my attempt for the reinstatement with regard to the leadership of the Dene organization. I intend to take direct action in response of that report and in recognition of the urgent need for a resolute and rational leadership at this critical time in the development of the native people of the Northwest Territories.

Although I have also enjoyed the protection and privilege afforded a Member of this Legislative Assembly to speak as I wish, keeping only within our rules, I do not intend to describe in detail the treachery or the identity of the people who have conspired against me or document the method by which I was betrayed within the Dene organization except to say that the so called conspirators are real and they still hold the position of trust and power within the Dene organization.

The personal statement issued last week by Rick Hardy, the President of the Metis Association in my estimation reflects the situation, that is his organization from within, and the tactics that are currently used against the Metis Association are the same that were being used against me in my removal of the Dene organization last fall.

The tragedy, if I may say so, is not so much for myself as an individual, as a person, but rather I see the tragedy in the internal struggle and deceit within the native organization as a real sad situation. The tragedy is that there are many, many real good people within both organizations who are helpless, who neither know what to do or how to reverse the situation.

February Address Of The Minister

Although the past few months have been exciting in some ways, in some ways it has been disappointing. I find it difficult to understand and rationalize what occurred in this chamber in February. I purposely absented myself on the occasion when the Hon. Judd Buchanan was addressing this house because of the fact that I was aware of what his address would contain and his address on that Friday afternoon consisted of a token slap on the wrist to the palace revolutionaries if I can call them of the Dene organization of the territories. He made a promise of more money for the revolutionaries, other staff members and advisors to get on with their land claims. However, I find it difficult to understand the motive and the reason behind the Hon. Minister in making reference to the Regina meeting and the deal which was made between the federal government and the self-appointed leaders of the Indian Brotherhood. May I add that at the time, as far as I understand, the organization was experiencing a crippling deficit and they were more or less helped out by the Minister.

Political Development Of The North

However, at this time I see a need for unity not only among the Dene people but also among the native people and non-native people as well. It is important that when we make reference to native lands that those claims do not affect only native people but also will affect the non-native people, whether as individuals, or as a group people we derive benefits directly or indirectly. The reality of the North as I see it is that the population of the Northwest Territories consists of Dene people, Metis people, Inuit and non-native people and that in the interim period between now and when the claims are settled I see a situation where you will have this particular Legislative Assembly presenting its views with regard to the political development of the Northwest Territories. You will also find that native organizations will be negotiating with the federal government with regard to the political development of the North as well. In the final analysis, my particular point of view is that whether you are a native or non-native you will find that we all have to live together and that at some point in time in the future an arrangement will have to be made with regard to the type of political development that everybody can agree to, can work together with and can also co-operate on.

So, in the interim period, I see a situation where you will have differences of opinion between this Legislative Assembly, the native organizations, the various political philosophies, whether socialism or other types of political philosophy but my hope is that no matter what happens we can not afford to see issues strictly based on racial lines. I do believe that in the end when we say we are northerners that it will make more sense not only to the native people but also to the non-native people because we will have the resources at our disposal, we will go into economic development, we will go into various activities to ensure that as a group of people, as a Dene person or as an Inuit person, we will be assured that our culture is protected and that we can be viewed for who we are and not necessarily what you would like us to be, or what I think you should be.

I hope that in future we will not experience so much difficulty relating to each other and I wish in future when we talk about equality, when we talk about equal opportunity that it will be real, real in the sense that we know it is happening. Once again may I say that I would like to express my appreciation to the Members of this house for allowing me to say a few words and with that I would like to say to the Clerk of the House that I am submitting my resignation not because I have any disrespect for this Legislative Assembly, as a matter of fact, I admire and respect various Members of this house. This respect is not due because we have differences of opinion politically I do not think like some of the people who sit on this Legislative Assembly as I do have respect for all of them. Thank you very much.

---Applause

MR. DEPUTY SPEAKER: Thank you. On behalf of the Legislative Assembly I regret to receive your resignation, Mr. Wah-Shee. I think the exercise we have been through together shows that there is an inner co-operation between us all, despite racial backgrounds and I hope that you carry this message forth in future, in any future work that you may do.

---Applause

Returning to the orders of the day, we have Information Items 4-59, 5-59, 12-59, 16-59, 18-59 and 24-59. As most of these items of information were submitted by Mr. Butters, Mr. Nickerson, possibly you could take the chair. This house will resolve into committee of the whole to study the information items as previously listed.

---Legislative Assembly resolved into Committee of the Whole for consideration of Information Items 4-59, 5-59, 12-59, 16-59, 18-59 and 24-59, with Mr. Nickerson in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER INFORMATION ITEMS 4-59, 5-59, 12-59, 16-59, 18-59 AND 24-59

THE CHAIRMAN (Mr. Nickerson): The committee will please come to order to study Information Items 4-59, 5-59, 12-59, 16-59, 18-59 and 24-59, starting with Information Item 4-59 concerning a possibility of constructing a small oil refinery. Mr. Butters.

Information Item 4-59: Mini-Oil Refinery

MR. BUTTERS: Mr. Chairman, I know this is an item close to your heart as well because it seems it formed the basis of one of your past motions. The aspect of this information item which I wish to raise was over on the second page and it notes in the second paragraph talking about Norman Wells now, Norman Wells is currently supplying I think only about 50 or 60 per cent of the fuel required in the Mackenzie River along the Arctic coast and down to the Great Slave area but it is only supplying a proportion of what is actually being consumed. That proportion is going to I understand domestic use. My question is this: relative to the potential of Norman Wells the proven reserves are presently about 50 million barrels. This is the figure I heard given as the potential in Norman Wells when it was first found. It says that but the potential may be many times this figure and they are only producing one million barrels per year which is half our requirement. They are punching down wells all over the country, dry holes, and I am wondering why we can not work out a deal with these guys and say, "How about punching a couple more down in Norman Wells and enlarging that field and developing a production plant that can serve not only up the river but down close to Great Slave?" Right now you people are bringing the fuel in from Edmonton. Maybe if Norman Wells had a few more holes down and were producing two million or three million barrels, that more residents could benefit from that.

THE CHAIRMAN (Mr. Nickerson): There certainly would seem to be a discrepancy between the figures here and the figures given to us at an earlier date by Imperial Oil. Mr. Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, although I had seen this information item after it was prepared I am afraid I did not read it carefully enough because I do not find this statement in that second paragraph on page 2 to be very accurate. I apologize for this. Whether an oil field is of a certain size or a mine is of a certain size is always problematical until the last drop or the last ounce has been produced. However, the information that Imperial Oil has given us over the years would indicate that the limits of the field are well known, that there has been a very considerable amount of seismic work done there to outline the field, that it has been drilled off to the extent that any more holes would be inefficient and further that it is being produced now at or near its most efficient rate. My understanding is, subject to correction, that if the field were produced at any greater rate the likelihood of the inflow of salt water would be very great. I am afraid, therefore, that the information here may well be misleading. The potential in the area though is another matter. The field itself I am confident has been fully outlined but in the area and I mean in a very much larger area there may well be greater potential that has not yet been fully explored.

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

Expansion Of Facilities At Norman Wells

MR. BUTTERS: I am sorry to hear that reply from the Deputy Commissioner but as hope dies eternal or whatever it does eternal I wonder if we could examine that one sentence "Expansion of the facilities at Norman Wells would seem to be a real possibility", and maybe we could get a later report on that at another session, whether it is a real possibility or not.

DEPUTY COMMISSIONER PARKER: Certainly, Mr. Chairman.

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Deputy Commissioner.

MR. BUTTERS: Possibly if we are developing an executive for research as by the two motions this morning, maybe we could get a report from an independent petroleum consultant relative to the potential of the field.

THE CHAIRMAN (Mr. Nickerson): Are there any more Members who wish to speak to Information Item 4-59? Hon. Arnold McCallum, did you signify?

HON. ARNOLD McCALLUM: No.

Information Item 5-59: Vacation Travel Assistance.

THE CHAIRMAN (Mr. Nickerson): Turning to Information Item 5-59, Vacation Travel Assistance, Mr. Butters.

MR. BUTTERS: Mr. Chairman, this item was of interest to Members I think at our first session and so much so that a motion was introduced and approved by this house relative to vacation travel and the desirability that people would be taking their holiday leave in the North or in the vicinity of their employment and receive the same vacation entitlement for travel assistance as their fellow employees who decide to go to what is usually termed "outside". I understand negotiations have recently been completed which have developed a policy in this area. Can the administration make this public at this time?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, it is true that negotiations have been completed. However, the employee organizations have not yet concluded their voting on the proposals that were agreed to with the executives and therefore, I am sorry that I can not at this time reveal the details of the plan. Suffice to say though that I do believe Council Members will be satisfied that we will have negotiated a position for those persons who wish to take their vacations in the North and it will be on as equitable a footing as possible as those who wish to take them in the South. I have taken this on as a personal task and I think I can give you a personal guarantee on that.

MR. BUTTERS: Thank you, Mr. Chairman. I understand then that the negotiated settlement or program would become effective during the holiday season beginning now, May and June? This summer or this fall?

DEPUTY COMMISSIONER PARKER: Yes, that is correct.

THE CHAIRMAN (Mr. Nickerson): Are there any other comments on Information Item 5-59? There being no further comments if we could turn to Information Item 12-59, the Timing of Television Programming. Mr. Steen.

Information Item 12-59: Timing Of Television Programming

MR. STEEN: Mr. Chairman, with the information I have here I think I remember at the last session of the Legislative Assembly we introduced a motion to have Canadian Broadcasting Corporation change their timing into the Mackenzie district from Pacific or Mountain Standard time and, with the information in front of us now they are saying that they can not do that because it would require another channel on the Anik satellite. They are also saying that if the communities in the Western Arctic or Western Mackenzie district would like to change from Pacific Standard time to Atlantic time they would be very interested to know if the communities were interested in changing. So, it seems now that we can not change from Pacific time to Mountain Standard time. So, it seems to me that the only alternative would be for us to change our time from Mountain Standard time to Pacific time.

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

MR. BUTTERS: Mr. Chairman, I think this is a perfect example of the bureaucratic technique to confuse by writing out a lot of words. What they are saying is no. Technically I can not see why because when Anik was first being introduced there was a lot of publicity regarding how it was easy to broadcast from towers from Anik and back and you could send signals from Toronto to Vancouver and all around the country and it seemed a very simple thing. From what I gather, what Mr. Steen was requesting was that somehow the signal generator be established in Edmonton, which seems to be very simple to do to me and it shoots out to Anik and comes back. It seems to me that just establishing a transmitting station and putting on the tapes, they must have great big tapes and put them on and shoot out the signal and it seems technically simple. I can not accept that we have got an answer to our motion, I can not accept that they have proved to me that it can not be done. Somehow they can give us the Maritime signal which signs off at 8:00 p.m. but they can not give us a signal out of Edmonton. I do not understand it and there is no one here who is an expert. Unless perhaps Mr. Parker.

THE CHAIRMAN (Mr. Nickerson): Could we hear from the resident expert on communication?

Can Not Afford To Change

DEPUTY COMMISSIONER PARKER: I do not claim to be an expert in that field but the only thing I think I might be able to add is that I do not believe they use tapes in the fashion perhaps that it may seem. They do the programming in Toronto and then they spread it out to one of two places, to the Atlantic side for the Eastern Arctic and then to Vancouver for British Columbia and the North. The error that was made was in the original instance when they did not set up the broadcasting station for the North in Edmonton instead of Vancouver. What they can not seem to say, as you point out, in a few words is that that is a mistake and in fact they did not set it up in Edmonton, they did set it up in Vancouver and now they can not afford to change it. Now, I understand that their figures run to a few million dollars to change this system. I do not really understand why it would be that expensive, but I understand that that is the whole problem, that they went ahead and used the wrong centre and now they do not have -- they do not have the channels available to change that.

They are trying to kill two birds with one stone, they are trying to look after the western half of the North and the Yukon and British Columbia all from one station. Obviously we feel that it would have been a better average fit had they used Edmonton, put us on the same time as Alberta and broadcast to the western half of the Northwest Territories and the Yukon. However they did not do that and they can not afford to change, that is what their story really is.

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Deputy Commissioner. Mr. Lyall.

MR. LYALL: Just a comment of a general nature, Mr. Chairman. We the Eskimo people in the Central Arctic were led to believe that as soon as they put Anik up that we were going to get television and radio programming right away but now we are beginning to understand that that was just an excuse so that Vancouver could get their National news on time.

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

MR. BUTTERS: One thing. I wonder if in some way the Canadian Broadcasting Corporation might invite a member of this Legislative Assembly, maybe the Hon. Member for the Western Arctic, if it could be arranged, to go to Vancouver and Edmonton and have it explained to them why they can not technically make the shift. It seems to me you put the transmitter on a boxcar and send it to Edmonton and put it on a tower that you are in business. However I guess that is not it.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could suggest, the CBC Northern Service has recently received a new Director, Mr. Doug Ward, I believe it is. I do not know him but one of our people spoke to him on the phone and he sounds like an enthusiastic kind of guy. Perhaps it might be in order for us to seek to have him come and speak to the Legislative Assembly. We have tried with others but here is a fresh one and maybe we should take a crack at it.

---Applause

THE CHAIRMAN (Mr. Nickerson): Thank you, Mr. Parker. Mr. Steen.

MR. STEEN: Mr. Chairman, I think Edmonton is receiving their signal on time, and I wonder why it could not be shot up North because there are microwaves coming from Edmonton. Maybe we should meet with this fellow.

---Agreed

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

Motion To Continue To Pursue The Subject.

MR. STEWART: Mr. Chairman, I move that this paper and this subject continue to be pursued and we discuss the matter further at our next meeting.

THE CHAIRMAN (Mr. Nickerson): Was there any opposition to the motion just put by the Hon. Member from Hay River? Is it agreed?

---Agreed

Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, since we are going to be holding our next session in Rankin Inlet, my constituency, I wonder if it is possible to invite Mr. Ward to Rankin Inlet?

---Agreed

THE CHAIRMAN (Mr. Nickerson): That would appear, gentlemen, to conclude Information Item 12-59. Turning now to Information Item 16-59 regarding the Taxation Ordinance, Mr. Butters.

Information Item 16-59: Taxation Ordinance

MR. BUTTERS: Mr. Chairman, there is an error here. The question about updating the Taxation Ordinance was to include capital items outside the municipal boundaries and that was not clear. If you remember, the question arose and I attempted to ascertain the amount of taxation that would accrue to the Government of the Northwest Territories if there existed a Mackenzie Valley four foot pipeline. I was shocked to get the reply from the taxation people that under our present ordinance relating to the taxation of pipelines that the tax that would accrue to us from the Mackenzie Valley pipeline would be about \$54,000. I would have assumed it would have been a lot more than that, especially since I think the taxes that accrue from Pointed Mountain on the capital infrastructure at Pointed Mountain are in the order of \$54,000. So, what I asked was that the ordinance which develops taxation for pipelines be re-examined to determine whether that ordinance which was passed at Baker Lake back in 1968 is really in keeping with the current situation. I think the Deputy Commissioner was aware of what I meant and maybe that could be pursued, that matter could be pursued.

THE CHAIRMAN (Mr. Nickerson): Mr. Parker?

DEPUTY COMMISSIONER PARKER: I was well aware of what Mr. Butters was getting at and I am afraid this one slid by me.

THE CHAIRMAN (Mr. Nickerson): Thank you. Any further remarks by Members concerning the Taxation Ordinance? That therefore concludes Information Item 16-59. The next one on the list is Information Item 18-59, Costs for Sewage Pick Up by Settlements. Mr. Butters again.

Information Item 18-59: Costs For Sewage Pick Up By Settlements

MR. BUTTERS: Really I was using this information item to just get a progress report or ask a progress report from the Deputy Commissioner with regard to the water and sewage policy and program which the previous Council provided to the federal government I think four years ago. The costs of the program I think were in the order of \$60 million to \$80 million to upgrade the services in all northern communities. I am just wondering what happened to that program. Did it get shot down or what?

DEPUTY COMMISSIONER PARKER: No, Mr. Chairman. The program received federal Treasury Board approval as a program but the funds for the program were to be negotiated on an annual basis along with and at the same time as our regular financial negotiations. Unfortunately, the program came forward as double digit inflation and what had been expected to be an adequate amount of money under the program soon became about half as much as we needed to achieve our ends and, therefore, although we are still spending I guess in the neighbourhood of \$10 million a year or at least \$7 million on water and sewer programs, this amount of money does not go nearly as far as it used to and we are not really gaining. We have it as a very, very high priority item in any of our negotiations and in our discussions with the Minister to draw to his attention and other federal officials that we must make more progress in this area if we are to even meet the rules and regulations set down by, for instance, the Department of the Environment, they are very sympathetic but they tend to be a bit parsimonious at the moment.

MR. BUTTERS: I was afraid that would be the answer, sir.

THE CHAIRMAN (Mr. Nickerson): It very often is, Mr. Butters. Is there anyone else who would wish to speak on Information Item 18-59? No? Then turning to the final Information Item 24-59, Erosion at Aklavik. Mr. Steen.

Information Item 24-59: Erosion At Aklavik

MR. STEEN: Mr. Chairman, I was in Aklavik just the other day and I took a look at some of the dangers of the erosion there and it seems that they do not have very many more years, maybe summers or maybe even only one summer left before the bank will reach over the top and cut through and turn Aklavik into an island. There is a lake behind Aklavik, a long slough and there is only about 50 yards between that and the bank just above Aklavik. It was brought to my attention that if something is not done pretty soon this is going to cut through. Maybe we should ask the department to speed up a little bit and elaborate a little bit more over what they are going to do on this information item.

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

DEPUTY COMMISSIONER PARKER: Yes, Mr. Chairman. This is a very, very difficult matter because I think, as all Members will understand, it can be very, very expensive fighting nature. The same thing applies at Tuktoyaktuk in the protection of the shoreline as applies at Aklavik in the protection there. Really all I am saying is that we know that it is going to be very expensive and we are looking at it. I will take the Member's advice that we have got to go at it harder.

THE CHAIRMAN (Mr. Nickerson): Thank you. Any further Members wishing to speak on Information Item 24-59?

MR. STEEN: Mr. Chairman, some council members in Aklavik have suggested that perhaps when your engineers go there that you meet with the council because they have some suggestions which might be of some help.

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

DEPUTY COMMISSIONER PARKER: Certainly, Mr. Chairman.

THE CHAIRMAN (Mr. Nickerson): There apparently being no further Members who wish to speak -- I am sorry.

DEPUTY COMMISSIONER PARKER: Could I beg your indulgence to just mention one matter that I had intended to bring forward or had hoped to bring forward as an information item previously but simply did not get the material far enough in advance to do so? It will just take a moment and it is this. We have told this Assembly from time to time of our plans to further home ownership and get out of the maintenance business ourselves as a government by selling some of our staff houses to our employees. This seemed to have the approval of Members whenever the subject was discussed. In fact we were directed to do this by the standing committee on finance a time or two.

I can not tell you our plans in detail now but I would like to let you know broadly speaking what we are looking at. We are looking at doing this on what could be called a test basis and that is testing it in Yellowknife with the houses that the territorial government owns, of course. We are not able to deal with the houses that we rent. We would accept or we would promote a policy whereby here in Yellowknife we would start to get out of the single family dwelling business. We will still have to rent apartments and row houses for some time but we would start by getting out of the single family dwelling business and we will raise our rents gradually until they meet the true market rate for rents. We are thinking at the present time of making the first houses available to employees who have been with us for four years or more, that is, who seem to have established an intention of staying in the North. We propose to sell them at an appraised value which would be in so far as we can tell approximately the same as market value, appraised that is by an outside group such as the Central Mortgage and Housing Corporation. We propose to establish an interest rate of approximately nine per cent and we propose a buy-back for ten years. In other words, the employee would not own the house for the first ten years but we would guarantee to buy that house back from him during that first ten year period so that at the end of that ten year period an ownership could be passed to the employee. That is just the very bare bones of our proposed policy.

THE CHAIRMAN (Mr. Nickerson): Thank you very much, Mr. Deputy Commissioner. Can I take it, gentlemen, that we have now concluded discussions on the information items and would you wish that I now report these discussions completed?

---Agreed

MR. DEPUTY SPEAKER: Mr. Nickerson.

Report of the Committee of the Whole of Information Items 4-59, 5-59, 12-59, 16-59, 18-59, and 24-59

MR. NICKERSON: Mr. Speaker, your committee has been studying various information items and during the discussion on the item concerned with television programming it was recommended that the discussions be continued at a later session of the Legislative Assembly and that appropriate witnesses be asked to appear on behalf of the Canadian Broadcasting Corporation.

MR. DEPUTY SPEAKER: Thank you. Returning to the orders of the day. If my calculations are correct, we have now completed the order paper down to Item 13, assent to bills. Mr. Clerk, would you and the Sergeant-at-Arms please determine...

HON. ARNOLD McCALLUM: May I interrupt? I wonder if I could have the house's indulgence to go back and reply to a written question that Mr. Butters asked.

MR. DEPUTY SPEAKER: Is there any objection to going back to replies?

---Agreed

Hon. Arnold McCallum.

REVERT TO ITEM NO. 2: QUESTIONS AND RETURNS

Return To Question 06-59: Northern Air Tariff

HON. ARNOLD McCALLUM: On Tuesday, May 18, Mr. Butters asked Question 06-59 requesting that the administration urge the Canadian Transport Commission to give early consideration to the application by Pacific Western Airlines for reduced fares for northern residents. I am pleased to advise this Assembly that word has been received today that the Air Transport Committee has approved the tariff for Pacific Western Airlines for an effective date of July 1, 1976. Certain provisions in that tariff require the company has been asked to take appropriate action. Assuming that the company complies with the requirements the tariff will come into effect on July 1, 1976.

---Applause

MR. DEPUTY SPEAKER: Hon. Arnold McCallum, it is always nice to close on a cheerful note.

HON. ARNOLD McCALLUM: I thought so, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you for providing same. Mr. Clerk, would you and the Sergeant-At-Arms see if the Deputy Commissioner in the absence of the Commissioner is available to assent to bills and to prorogue this house.

ITEM NO. 13: ASSENT TO BILLS

DEPUTY COMMISSIONER PARKER: Mr. Speaker, Hon. Members, in the absence of the Commissioner, pursuant to the powers given to me by subsection 3(3) of the Northwest Territories Act I do hereby assent to the following bills: Bill 1-59, Bill 2-59, Bill 3-59, Bill 4-59, Bill 5-59, Bill 8-59, Bill 9-59, Bill 10-59, and Bill 12-59.

ITEM NO. 14: TIME AND PLACE OF NEXT SESSION

Time and place of next session. I submit for your consideration 9:00 o'clock a.m., October 18, 1976, at Rankin Inlet.

MR. DEPUTY SPEAKER: The house has heard the recommendations of the time and place of the next sitting of this Legislature and are we agreed?

---Agreed

Recognitions

DEPUTY COMMISSIONER PARKER: Thank you, Mr. Speaker. Mr. Speaker and Members, not having this rare opportunity very often I propose to make just a very few remarks. First of all, I would like to offer a few congratulations to people who perhaps do not receive them very often. I would like to say that in the production of the debates, all of our words, yours and mine, are taken down with what I believe to be amazing accuracy and I would like to congratulate Shaun Shambleau and Colin Nethercott for their good work.

---Applause

I would like also to congratulate the interpreters for carrying out a function which hardly a year ago was unheard of in the Northwest Territories, certainly unheard of in the Eskimo language, and I must congratulate you people for the tremendous work which you were doing.

---Applause

I would also like to recognize the good work of the Pages, of Mr. Slaven, of Mr. Remnant and his staff and all of those people who, behind the scenes are producing material, producing copies on the spur of the moment, proofreading material and so forth. I think, I do believe that the Legislature here has been very well served.

---Applause

Appointment Of Dr. O. M. Solandt

It is my pleasant duty to be able to announce that Dr. O. M. Solandt of Ottawa has accepted the chairmanship of the Northwest Territories Science Advisory Board. Dr. Solandt is a distinguished Canadian scientist; he served for six years as chairman of the Science Council of Canada and has had many important posts, both in government and in industry, and particularly in the research field. It is a great delight to me to be able to say that Dr. Solandt has accepted what we believe to be a very, very important post. We will be, commencing in July be naming members to the advisory board.

---Applause

I would also like to note the growing responsibility and effectiveness of this Legislative Assembly. Your Ministers who have been serving for only one year are becoming increasingly effective and it has been a pleasure to have them on the Executive and a pleasure to have them with us doing the kind of work that they are doing. I must say to you that you are very well served.

---Applause

I must say that the session, particularly today, if I could say that, has come forward with some very, very interesting and important statements. I think that your stand on the future development of the Northwest Territories is of paramount importance. This Council exists, this Council is doing its job and the future of this Council must not be decided by others.

---Applause

I regret very much to learn of the resignation of James Wah-Shee. In so doing he has outlined very carefully his reasons for leaving this body, because clearly he sees that he must work with undiminished effort in the other field, and from the statements he has made clearly he has moved towards a more central position and he has recognized the need for full co-operation among the people of the North.

---Applause

Sir John Franklin Graduation

Last night I attended the Sir John Franklin graduation exercises. Two things impressed me at those exercises very much. The first was that a former Member of this house, Nick Sibbeston was the guest speaker and Nick spoke movingly and very effectively about his contacts with education in the North. That was a very positive kind of a statement that he made. He also spoke of the desolation of the lives of some of the native people. This is a very sad thing to hear. However, it is a subject to which each and every one of you are turning your thoughts and your attentions. I just leave it with you that there is this desolation, part of it caused by alcohol and in the bill that you studied at this session perhaps there will be some hope for change there but this desolation does exist and we must continue to recognize it and continue to try and remedy it.

On the other hand, the other thing that I recognized last night and was impressed by was the graduates who represented all of the races of the Northwest Territories. These were very bright and very enthusiastic young people. They are the kind of young people that all of us can be and should be proud of. I thought to myself as I saw these people gathered last night winning awards and the awards were being won by representatives of all of the races, not by any one race, and I thought to myself of all the people of the South who are currently telling Mr. Berger that there should be a ten year freeze in the North, I wondered is this what these young people want? Do they want to have their futures frozen for ten years? I think not. I think that what is being said in the South is a demonstration of the well meaning ignorance of the people who are testifying.

---Applause

I mean well meaning too but these people are patronizing to the people of the North because they are demonstrating an ignorance of our stage of development which they should not have in 1976.

SOME HON. MEMBERS: Hear, hear!

A Stage Of Development

DEPUTY COMMISSIONER PARKER: We have reached a stage of development which can not be turned back from all of a sudden through some kind of a ten year freeze. You as a Council have consistently said that the clock can not be stopped. The full range of life's activities must go on sensibly, with care, with concern for the people, at a reasonable pace and with concern for the northern environment. I submit to you that these conditions can be met and will be met if bodies such as this Legislature continue to work as it does and if we are able to still some of the voices from those people who speak as I have said earlier in ignorance of the situation in the North today.

Another observation while I am speaking about the South concerns the organized churches. Strangely enough, the organized churches who are saying these things, these things about ten year freezes, they are not supported by their northern congregations. Is that not a very strange thing? I do not think that they are consulting their northern congregations.

There is a real need for more voices of reason in the North today, for more people to speak out who truly understand the middle ground that is available to us. Obviously James Wah-Shee in his remarks today recognized that middle ground and he suggested to us that each of us perhaps had to move a little way toward that. That is how I would interpret his remarks or the gist of his feelings. The moderate view seldom gets reported but I submit it is the view held by most northern residents.

---Applause

ITEM NO. 15: PROROGATION

Mr. Speaker, with those few remarks I prorogue this the 59th session of the Legislative Assembly of the Northwest Territories.

---Applause

---PROROGATION

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