



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

60th Session

8th Assembly

Official Report

SATURDAY, OCTOBER 23, 1976

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

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RANKIN INLET, NORTHWEST TERRITORIES

SATURDAY, OCTOBER 23, 1976

MEMBERS PRESENT

Hon. David Searle, Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Lyall, Mr. Butters, Mr. Fraser, Hon. Arnold McCallum, Hon. Peter Ernerk, Mr. Pearson, Mr. Kilabuk, Mr. Pudluk, Mr. Whitford, Mr. Nickerson.

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. David Searle): Turning to the orders of the day, Item 2, questions and returns. Are there any returns?

ITEM NO. 2: QUESTIONS AND RETURNS

Return To Question W4-60: Shipment Of Anchor Cables To Grise Fiord

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on Tuesday, October 19, Mr. Pudluk asked Question W4-60 requesting that he be advised as to when the cable promised by the Commissioner for anchoring the houses in Grise Fiord would be delivered.

The Baffin regional director originally ordered the cable for Grise Fiord in the spring of this year. The original supplier for the cable, however, reneged on his order in June and another supplier had to be found. Another supplier has been located and has given a firm commitment to deliver the cable to the settlement by November 12, 1976. The assistant regional director in Frobisher Bay is monitoring the situation, and will advise Mr. Pudluk of any change in the delivery date.

Return To Question W12-60: Coral Harbour Road Bylaw

On Thursday, October 21st, Mr. Evaluarjuk asked Question W12-60 concerning bylaws passed by the hamlet of Coral Harbour on roads in their community.

Under the terms of the Municipal Ordinance traffic bylaws do not require approval by the Commissioner. The administration regrets any misunderstanding by the hamlet council of Coral Harbour in this regard, and Local Government staff from the Keewatin region and Yellowknife will be visiting Coral Harbour in the near future to explain in detail to them the authority of the hamlet council to pass bylaws and will be sending to them sample bylaws to further indicate proper procedure in this regard.

Return To Question W14-60: Airstrip Construction, Spence Bay

On Friday, October 22, Mr. Lyall asked Question W14-60 concerning the length of the proposed airstrip for Spence Bay.

Present plans call for the construction of a 3000 foot airstrip in Spence Bay. The decision to construct the airstrip to this length was made by the Ministry of Transport under the terms of the northern airports policy. The administration is well aware, however, of the concerns expressed by Mr. Lyall in this regard, and has written to the regional administrator, Ministry of Transport, to request a meeting for the purpose of discussing further the length of the airstrip to be constructed. Mr. Lyall will be kept fully informed of further developments as they occur.

Return To Question W16-60: Lumber Stock, Fort Resolution

On Friday, October 22, Mr. Whitford asked Question W16-60, requesting information on the Slave River Sawmill Ltd., Fort Resolution.

The following information has been obtained in reply:

1. Current inventory on hand, dressed lumber, 1,390,000 BFM; rough lumber, 1,072,000 BFM; logs, 130,000 BFM.
2. There is presently difficulty in marketing Northwest Territories lumber in the Northwest Territories because: (a) It is not accepted by large northern contractors such as Poole and Carlson. They claim it will not meet specifications as to maximum, 17 per cent, acceptable moisture content, although our testing of moisture content is below 17 per cent at time of shipping. (b) Although we have sold 1,500,000 BFM this season the existing excess stock has been produced from 12,460 logs that were originally cut for the Housing Corporation log lathe project. The Northwest Territories Housing Corporation's decision to cancel these purchase orders forced Slave River Sawmill Ltd., to divert these logs to dimensional lumber production. (c) The building season is now over in the Northwest Territories and there is not a substantial Northwest Territories demand for dimensional lumber at this time.
3. Notwithstanding the foregoing, the Slave River stock is now beginning to move as 14 truckloads of lumber have been sold in southern Canada, approximately 300,000 BFM, in the past two weeks, and it is anticipated that the remainder of the existing inventory can be sold before year end.

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

Question W17-60: Town Plan Study, Fort Rae

MR. WHITFORD: Mr. Speaker, I would ask the administration if there is a town plan for Fort Rae being done, as I spoke to Mr. Peter Anderson this morning, and our concern is when will the study be done and handed to the council of Fort Rae for review?

MR. SPEAKER: I am sure they will take that as notice and file a reply as soon as they get the information.

MR. WHITFORD: Yes, Mr. Speaker.

MR. SPEAKER: Gentlemen, just before we go on, I have asked the Sergeant-at-Arms to open the doors and try and cool this place down. It is about 80 degrees, so if you are wondering why we are doing that, that is the purpose. I am sure you would agree. I know that I am nearly roasting up here. Mr. Nickerson.

Question W18-60: Gravel Supplies, Yellowknife Highway.

MR. NICKERSON: Mr. Speaker, is it a fact that there are no gravel stock-piles between Cameron River and Mosquito Creek for use by highway maintenance crews? This of course pertains to the Yellowknife highway. If so, what measures are being taken to rectify that?

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

Question W19-60: Increased NCPC Power Rates.

MR. BUTTERS: Mr. Speaker, has Mr. John Parker, the Northwest Territories utilities board chairman, to date received a ministerial decision pursuant to the Hon. Judd Buchanan's promised reappraisal of the drastically increased Northern Canada Power Commission power rates assessed territorial residents beginning, I believe, in June of this year? If so, could the Northwest Territories utilities board chairman summarize the minister's position, and if not, might the Commissioner determine from his Minister when such reply or decision can be expected by the people of the territories since: (a) I believe Mr. Buchanan promised a reply in the fall of 1976, or I assume it was 1976, and not 1977, and (b) the time of darkness and cold is once more upon us and people paying their own power bills will be required to pay on average \$200 a month for electricity to service their residences.

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W19-60: Increased NCPC Power Rates.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I am advised by the Northwest Territories Public Utilities Board that no response has yet been received from the Minister. I must say though that the utilities board has held a meeting with the chairman of NCPC and he discussed openly with us the measures which he was pressing for with the Minister and those measures, if achieved, should go a long way towards making NCPC an economically viable operation and not at the expense of northern residents.

---Applause

Now, I would not clap too prematurely, but in regard to the latter part of the Member's question, I will seek to determine when the answer from the Minister will be forthcoming.

MR. SPEAKER: Any further written questions? Mr. Butters, do you wish to follow up on that?

MR. BUTTERS: I have one more.

MR. SPEAKER: Fine.

Question W20-60: Public Examination Of Dene Land Claim Presentation To The Cabinet 25 October 1976

MR. BUTTERS: Mr. Speaker, I believe that Mr. Georges Erasmus, the president of the Indian Brotherhood of the Northwest Territories, will be presenting the land claims position of the Dene nation to Prime Minister Trudeau, cabinet members and the people of Canada two days hence, on Monday, October 25. In view of this Assembly's keen interest in the Dene claim, would the Commissioner obtain as soon as possible for public examination a copy of the Dene claim statement so that it may be examined by Members and tabled during the sixtieth session of the Legislative Assembly of the Northwest Territories?

Return To Question W20-60: Public Examination Of Dene Land Claim Presentation To The Cabinet 25 October 1976

MR. SPEAKER: Mr. Commissioner.

COMMISSIONER (Mr. Hodgson): Mr. Speaker, I understand that the presentation is to be made only to the Minister, Mr. Allmand, and it is in the public archives building. We have directed Mr. Murray Smith, who is one of our officials working on land claims, to represent us there, and we have asked him to send us the document as quickly as possible. I understand, however, from sources in the media, that the document has already been published in the News of the North. I have not seen a copy so I can not confirm this.

MR. SPEAKER: Are there any further questions? Mr. Pearson.

Question W21-60: Establishment Of A Community College

MR. PEARSON: Mr. Speaker, in light of the news item heard on Canadian Broadcasting Corporation radio that a study program has been initiated by the administration into the matter of establishing a community college, could the administration give us some background information into this study and exactly what has taken place?

MR. SPEAKER: Mr. Commissioner.

Return To Question W21-60: Establishment Of A Community College

THE COMMISSIONER: Perhaps with your indulgence you might give me the opportunity during discussion of the bill, and perhaps in a more relaxed atmosphere, I can explain what we have been doing and then I could accept questions rather than in a formal setting, if this meets your approval.

MR. SPEAKER: That seems to be eminently reasonable. Do Members agree to that course of action?

---Agreed

Are there any further written questions?

Item 3, oral questions, questions of an emergency nature. Mr. Butters.

ITEM NO. 3: ORAL QUESTIONS

Question 022-60: ACND Document XWD-180

MR. BUTTERS: Mr. Speaker, as there was no return relative to my request yesterday for a document, I am wondering whether or not a request has been made of Ottawa to release this document, and if so, has Ottawa decided to do so or not to do so?

MR. SPEAKER: Mr. Commissioner.

Return To Question 022-60: ACND Document XWD-180.

THE COMMISSIONER: The answer is yes to the first part, and to the second part I expect to hear early next week.

MR. SPEAKER: Thank you. Are there any further oral questions?

Item 4, petitions.

Item 5, reports of standing and special committees.

Item 6, notices of motions.

Item 7, motions for the production of papers. Mr. Butters.

MR. BUTTERS: No, sir.

MR. SPEAKER: Item 8, motions.

MR. BUTTERS: A point of order, sir.

MR. SPEAKER: Mr. Butters.

MR. BUTTERS: Just to say that there is an error in Motion 12-60 which is attributed to myself, as it is not my motion.

MR. SPEAKER: There is an error in Motion 12-60, did you say?

MR. BUTTERS: It says it was moved by Mr. Butters, and this is incorrect.

MR. SPEAKER: I would assume that that was moved by Mr. Whitford, since it concerns Fort Rae.

MR. WHITFORD: Yes, Mr. Speaker.

MR. SPEAKER: I am told with respect to the motions that neither has yet been translated and that the interpreters apparently are having some trouble with them and have to discuss them with the Members. So I would think that if they are not translated that we should simply hold them over until Monday and get that problem of interpretation sorted out. Would you agree with that? That concerns both. The same problem exists with Motion 12-60 and 13-60.

MR. WHITFORD: Okay.

MR. SPEAKER: Agreed?

---Agreed

Item 9, tabling of documents.

Item 10, consideration in committee of the whole of bills, recommendations, other matters and information items.

ITEM NO. 10: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS, OTHER MATTERS AND INFORMATION ITEMS

This house will resolve into committee of the whole for continued consideration of Bill 1-60, the Education Ordinance, with Mr. Butters in the chair. Mr. Butters.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 1-60, Education Ordinance with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-60, EDUCATION ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order to continue consideration of Bill 1-60, the Education Ordinance. When we reported progress yesterday evening to the Speaker we were considering clause 32, annual audit. Before I return to a discussion of that clause, I wonder if Mr. Stewart may wish to comment generally on the full aspect of this section as he did not have an opportunity to do so yesterday.

MR. STEWART: Thank you, Mr. Chairman. The point that I wanted to raise with regard to this section is the similarity on the part of the board of education and actually it starts on pages 21 and 22 and the other organization, the community education society. It would appear to me that as long as there is a great financial difference between what the municipality must pay between the community education society and/or board of education it is quite likely in most communities, if not all communities, that they would opt for the community education society and yet of course the board of education becomes redundant. If they are getting to be the same and I think what we are talking about here is basically a matter of dollars and cents as far as taxation is concerned, I understand, for example, that Yellowknife's mill rate for education is somewhere around 16 mills where in the broad sense it is 15 mills across the rest of the territories. These two mill rates are getting to be very, very close together.

I understand too, of course, that if you have a board of education in place and I suppose some places would actually have to provide for a board of education, but it would appear to me that if people are paying the same amount of money for their education, the same dollar values, that they should have the same privileges and that would mean one type of organization rather than two. That is of a very general nature.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Stewart. I neglected to ask the Minister of Education whether he wishes advisers to be present with us.

HON. ARNOLD McCALLUM: I would, Mr. Chairman, yes.

THE CHAIRMAN (Mr. Butters): Do I have agreement of the committee to allow the experts on education within the ropes?

---Agreed

Yesterday there was a discussion relative to clause 32 and two aspects had been presented, the main one by Hon. David Searle from one point of view and I think the Minister and the Deputy Commissioner replied from the other point of view and that is where we left off.

MR. PEARSON: Mr. Chairman, I wonder in light of the question that was asked and the response of the Commissioner if we could not deal with that matter now?

Community Colleges

THE CHAIRMAN (Mr. Butters): It does not appear under boards of education but if Members wish to discuss it it would give the opportunity for the Commissioner to reply at this time. Do Members wish the Commissioner to reply regarding community colleges at this time?

---Agreed

Mr. Commissioner.

THE COMMISSIONER: Mr. Chairman and Members of the Assembly, under the present fiscal arrangements with the Government of Canada each year we put together a series of what are called A level programs and of course our priorities as we see them for funding these approved programs. New programs, as you know, are introduced through our B level funding. This year is the only year that we have ever received B level funding, so we have had to sneak in the back door new programs as requested by the Assembly, the administration or various groups within the territories. Last year we received recognition and were able to introduce a number of B level programs. These, once accepted, being recognized by Treasury Board and the interdepartmental committee on finance the following year become A level.

During last year we finally were able to persuade the Government of Canada to recognize and support the museum. This next year the final amount of funding will be placed before you for your approval and with that approval will pretty well end my involvement from a policy point of view and it will become more of an ongoing administrative responsibility. So, I have been turning my attention to the next major undertaking that the government should concern itself with. I have to come to the conclusion that there are really two things, one is more of a static or stationary problem and the other would be in the form of a major program. The static one is simply a new courthouse which has been badly needed this past ten years but that is something that we will undertake without that much preparation or investigation because it is rather, as I said, a static one.

The other one is the entire question of higher education. As you know, the Northwest Territories government pays for the tuition, transportation, per diem allowance, books, accommodation for students attending higher education institutions outside the Northwest Territories. The reason they do this, of course, is because we have nothing higher than grade 12.

University Of Canada North

There are a number of ways to approach this. One is through I believe it is called the Association of Universities, which is made up of representatives from every university in Canada. Another suggestion was the university of Canada north which was the project which Mr. Richard Rohmer was promoting some years ago. Very little has emanated from these two organizations so when I was thinking about it this spring I came to the conclusion that we should see whether it might not be in the best interests of the territories if we were going to build a university in the North, that we should not start small, starting perhaps with first year or second year university. To do this, of course, we would be in what is accepted outside as a junior college or community college. The administration or central place of the college could be located somewhere within the territories. The campus could be the entire Northwest Territories, depending upon the students, the courses offered and the instructors and the professors.

I thought that there are a number of other ways to do it. One, of course, is strike a committee or task force within government to do it or to get some outside organization to look at it. It seemed to me as a start that the latter perhaps was the best approach, so I on my own responsibility contracted a small contract with Concordia College in Edmonton to have a preliminary look at this situation to see whether or not there was interest within the Northwest Territories for a college, a university.

Dr. Luther Schwabe, of Concordia University, Dr. Paul Scott and another gentleman I believe connected with the United Church came up as a committee of three and did some interviewing in communities in and around the Great Slave Lake area. I selected that area as the test area because, of course, the majority of the population lives in that area but, of course, prior to doing this I took Mr. Scott with me on a trip through the Keewatin and he had opportunity to see such places as Repulse, Coral Harbour, Rankin and the committee then visited these areas and talked to a multitude of people. They produced a report. I apologize that I do not happen to have a copy of it here, which posed I suppose more questions than answers. I took it to the Executive and the Executive looked at it and said "We have to answer some basic questions first before we decide on what course of action we should take."

Questions Concerning A University

The questions they want to find out for themselves are questions that have been asked in this very Assembly and that is: How many of our students -- and we were thinking I suppose heavily towards the native students -- graduate from high school and those who do not graduate, why do they not graduate? What steps would have to be made to make it possible for them to stick with the education system to graduate? Then, what kind of courses would they be interested in at that college or university because, of course, we could not offer the vast number of subjects that are offered down in the major universities. Then, of course, recognizing that it would not be a degree granting college, rather that it would be a college which prepared the students for entry into the third or fourth year, depending upon whichever university they went to, then we would be able to assemble the necessary statistics to decide which direction we should go from there.

Of course, there is no reason why it should be ecumenical. There is no reason why it should be run by one of the universities in the South, and there is no real reason, I suppose, why it should be run by the government. We do not know which as yet would be the best route to follow, but the reason that I thought an ecumenical group might be worth looking at is the fact that the churches should not dabble in the affairs of state, they should stick to things perhaps of a more spiritual nature.

MR. NICKERSON: Hear, hear!

THE COMMISSIONER: However, they have been recognized as making quite a contribution in the field of education. If it was ecumenical, then there would be no thought of the government favoring one religion or the other, as there should be no thought that the churches would favour one group or the other. So, in this particular instance we chose a small denomination and Concordia is Lutheran. Now, I do not know how many Lutherans there are in the Northwest Territories but I think it would be safe to say we could get them all in this auditorium. So, they would not be trying to outmanoeuvre anybody. However, it was a place to start and so the initial, very, very preliminary study of it has begun, and I have asked Mr. Pilot to bring copies of it over here, when he comes over on Monday and I will be more than happy to give it to the chairman for the Members of the committee to have.

We have begun a study within the Department of Education to see if we can find some answers to these, or what we think are basic questions, and again, as I repeat, the preliminary study poses more questions than it does solutions, and I suppose that is what really it should have done, or what was expected of it.

Finally, we will continue working on this until we have something put together that looks acceptable and workable in the Northwest Territories, and then we will, of course, put it before this Council, and then we will put it together in the form of a B level submission to the Government of Canada, via the Treasury Board, for their support. At the moment, we are using the Adult Vocational Training Centre as a foot in the door, the thin edge of the wedge, and we are doing this so that we can keep it active in front of Treasury Board, that we do have a facility that offers a number of programs already that might be included as part of a university, or college.

Professional And Semi-Professional College

The college would not necessarily be entirely devoted to academic subjects, there would be some I would think, there would be some vocational, there

might even be some professional or semi-professional. In Fort Smith we already have a course for teachers, we have a course for nurses' aides and dental therapists, plus a number of others. It would seem to me that a target date for a college, or the earliest we could look forward to putting it into operation, would be the fiscal year 1980. So, that may seem a long way away when you are in 1976, but when you realize that we already have the estimates pretty well put together for presentation to the finance committee, for presentation to the January session of Council for 1977 and 1978, and we are already working on the program forecasts for 1978 and 1979, you can appreciate it is not that far away.

So, this is the beginning, this is something that we want to involve as many people as we can in, and we have absolutely no hesitation in discussing it with anybody at any time, but I am convinced that if we want to be in a position of insuring that the students, the young people, particularly those of the future, graduating from secondary schools, are able to take full advantage of the opportunities that would be available in the Northwest Territories, we must have such a facility functioning in the Northwest Territories and such a facility that we can have some input as to how it is going to operate. That, Mr. Chairman, is a brief outline of what has transpired to date.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Commissioner, for your long and detailed reply to Mr. Pearson's question. Your discussion has brought us into clause 83, which deals with universities or I expect community colleges. I wonder rather than trying to talk this section out that we maintain our comments relative to what the Commissioner has just told us and return to clause 32 and go in order. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I was going to suggest something quite the opposite. Since this subject has been brought up and it is a subject of some importance, we have already listened very intently for quite a while on the subject and I wonder if it might not be possible to engage in a little discussion on this subject for maybe another 15 minutes or so. I for one have some comments that I would like to make in reply to what the Commissioner has just told us.

THE CHAIRMAN (Mr. Butters): Proceed.

News Releases To The Media

MR. NICKERSON: First of all, I was very pleased that the Commissioner mentioned the construction of a courthouse. This is something for which this Legislative Assembly has been pushing for quite a while and it is a facility that is very badly needed in the Northwest Territories, and I am very pleased that eventually something is being done with it. On a number of occasions where the Legislative Assembly has expressed their interest in an institute of higher learning to be established in the Northwest Territories, and I think we all must be very pleased that this matter is being given a great deal of attention and thought by the administration. I for one never thought that we would look forward to such a set-up being put into effect by as early as 1980, I thought it would be a few years after that, the way things have been going on. Now, one little dig to get in at the administration while I am still able to, is that I would have preferred that this information had been released first of all to this house, especially because we are sitting at this time, and had it been a time when the house was not sitting it might have been a little different, but a thing of this nature, I think it is quite proper that it should be released to this body prior to release to the media, for instance.

Motion To Hear Professor Williamson's Views

I know, Mr. Chairman, that in suggesting what I am about to suggest now might engage us into discussions for little more than the 15 minutes I mentioned earlier, but I see that Professor Williamson is in the gallery and I know that he is very knowledgeable about this subject of higher education in the North, and I thought it might be a good idea, of course, if it meets with the committee's approval if he were to be able to give us some of his views on the subject. I would request that you inquire of the committee whether or not this meets with their approval.

Motion Carried

THE CHAIRMAN (Mr. Butters): I think as Members have attended Professor Williamson's lecture or discussion and have found it very interesting, would it be the wish of Members, as Professor Williamson is in the hall, to invite him forward to discuss this matter? Is it agreed?

---Agreed

HON. DAVID SEARLE: A point of order, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Go ahead, Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I have no strong feelings one way or the other except simply to say that the meeting at 1:00 o'clock p.m. as I understood it was arranged to make sure that those Members who were interested in the subject matter could have a private meeting and private briefing

and that was done. Now, I wonder what is to be gained? Surely you are not going to repeat that all here, are you? Was that not what was done at 1:00 o'clock p.m. for those Members? I do not suggest we go through it all again as those Members who were interested attended and presumably the others had sufficient knowledge of higher education.

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

MR. PEARSON: Well, I just wanted to add to Mr. Nickerson's comments that I think that the intentions of the Commissioner are certainly to be complimented. I think the Commissioner is to be complimented for his concern in matters relating to education and matters of great concern and grave concern to the people who live in the Northwest Territories. I am appalled that such a study or such an examination would be carried out without the knowledge of this Legislative Assembly, the Legislative Assembly elected by the people and responsible for this area, an area so vital and so controversial at this time. I was very concerned. The Commissioner has said he has had no hesitation in discussing it with the Legislative Assembly but I suggest that the Commissioner did hesitate or else these discussions could have taken place with, say, the Executive or with a committee that could have been established for this express purpose.

The Need For Another Viewpoint

Now, not being a university graduate myself, I feel somewhat reluctant to make snap decisions on matters pertaining to the higher levels of education and I do know that Professor Williamson has made some interesting comment, or did today to some of the Members who made the effort to go down and listen to him, and his approach may be a different approach than the one outlined by the Commissioner. I see no reason why at this time Dr. Williamson could not be asked to give us a very brief description of the kind of things we discussed. I think that the administration sits here, before us, with its witnesses and experts and yet we the Legislative Assembly whenever we try to suggest that we bring in somebody to present another viewpoint, whenever we try, the Legislative Assembly, to get research on our side, some back-up for ourselves, there is a great bloody ballyhoo about it, and yet the administration sits there with its armies of witnesses at these meetings and the Legislative Assembly can not do the same. I think that in 15 minutes or even ten minutes ...

THE CHAIRMAN (Mr. Butters): I do not think that is quite the point but proceed. Are you finished?

MR. PEARSON: Yes.

THE CHAIRMAN (Mr. Butters): I was going to say from the viewpoint of procedure the reason we are here is that Members wished to give the Commissioner an opportunity to reply to your question and by "here" I mean in clause 83 which is universities. Now, as I am guided by the wishes of this committee I would like to know if Members wish to go beyond discussing or relating to the Commissioner's reply. That is, to examine and consider fully clause 83.

HON. DAVID SEARLE: Mr. Chairman...

THE CHAIRMAN (Mr. Butters): I had not quite finished but go ahead. My suggestion is that Members who wish to continue with clause 83 to its conclusion might advise me and then we can determine if this is what we want. The alternative being that we just confine ourselves to the Commissioner's reply. Hon. David Searle.

The Purpose Of A Saturday Sitting

HON. DAVID SEARLE: Mr. Chairman, I thought Mr. Pearson quite properly put a question in formal session and I thought we could discuss it a little better by having the answer being given here in committee of the whole which is clearly a departure, in my view, from the business at hand. Though we are discussing education, we are specifically discussing this bill and we were in the middle of a clause by clause study of it. It seems to me, therefore, that having once got into committee of the whole, having once had the reply and an opportunity to discuss it, but then to go the further step of calling a witness to discuss higher education when that is not what we are dealing with in the bill seems to me to be taking liberties. You know, we sat this Saturday afternoon to get some of the business of the house done and we are going to end up, I submit, not doing that. Then I question the purpose of having sat Saturday. My suggestion is to go on with the business of the house.

THE CHAIRMAN (Mr. Butters): I have a recommendation from a Member of the committee that we continue with the business of the house after having heard the Commissioner, which we have done, which is discussion of clause 32. Members in favour would they please raise their hands?

MR. PEARSON: I give over to Hon. David Searle's logic.

THE CHAIRMAN (Mr. Butters): Thank you. I direct Members' attention to page 28, clause 32, subclauses (1), (2). Yesterday, as I indicated, there had been discussion on this. One side being presented by Hon. David Searle and the other side of the matter presented by the Minister and the Deputy Commissioner. Is there any further discussion on this or may we have your agreement? Is the clause agreed?

---Agreed

Clause 33, rules.

MR. NICKERSON: Mr. Chairman, I wonder with the approval of the committee, there is a very minor point that I forgot to bring up when we were discussing clause 19 yesterday. All it is is a one word typographical error and maybe while it is still fresh in my mind we could direct our attention to that.

THE CHAIRMAN (Mr. Butters): Clause 19 was approved yesterday. Do I have Members agreement to return to clause 19 to make a typographical correction?

---Agreed

Page 17, Mr. Nickerson.

Motion To Amend Subclause 19(4)

MR. NICKERSON: Yes. On page 17 subclause 19(4) on the last line but one the word "committee" should be "society".

Motion, Carried

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Agreed?

---Carried

With that correction being made, may we return to clause 33, subclauses (1), (2), and (3). Discussion? Mr. Stewart.

MR. STEWART: Mr. Chairman, subclause 33(3) gets to be very cumbersome. I know in municipal work we can by motion -- I do not know if the word "can" is the word but we do by motion waive before reading a bill. That means that you would have to read the whole thing and you have the bill in front of you. You can imagine an education board could be tied up for hours on what are really routine types of things and if they go through their committees that would set up the legislation, if they have to read it completely at meetings, it seems to me that is an imposition. I think it should be done if anybody wants it done and require full consent of the Assembly to waive reading.

THE CHAIRMAN (Mr. Butters): Would you wish to make an amendment and point out what that would be?

MR. STEWART: Not right at the moment. I see Mr. Nickerson is waving his hand again and he may have some comments that would change my mind on it.

MR. NICKERSON: No, sir, I did not have a comment on this. I was just waving at the Legal Advisor.

THE CHAIRMAN (Mr. Butters): Back to you, Mr. Stewart.

MR. STEWART: I just brought it up as a point and if no one else agrees with me, I would not bother.

THE CHAIRMAN (Mr. Butters): Clause 33, rules. Agreed?

---Agreed

Clause 34, meetings open to public. Agreed?

---Agreed

Clause 35, resignation. Agreed?

---Agreed

Clause 36, vacancy on the board. Agreed?

---Agreed

By-Elections

HON. DAVID SEARLE: Mr. Chairman, the only thing that bothers me is that the by-election provision, that might be an expensive way to go. To date I think as with the municipalities the boards in Yellowknife vacancies

are filled by appointment of the board. I am just wondering if we really want to put a by-election provision in there in view of the fact that there are I think elections -- this is a staggered process to begin with and I do not think that there is any real convenience to the public just as long as that position is filled at the next election. I am wondering if we really have applied our mind to that.

THE CHAIRMAN (Mr. Butters): Mr. Minister, was there any strong ground for including that provision in the clause?

HON. ARNOLD McCALLUM: No, not really, Mr. Chairman. I think that the point is well taken and I do not see where that would cause difficulty.

THE CHAIRMAN (Mr. Butters): Should this provision be stood down for the Legal Advisor to make the necessary amendment, to obtain Hon. David Searle's objective?

MR. NICKERSON: I beg your pardon, Ms. Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): If you wish clause 36 changed, it can be done but not immediately.

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

MR. NICKERSON: Yes, Mr. Chairman. If a Member resigned very shortly after taking up his position and presuming him to be one of those elected for a three year term, that would, if we were to dispense completely with what we have here, mean that the person appointed to take his place would retain that position for nearly three years. In fact the appointed person would be on there for a longer term than the elected person. This does not quite sit right with me. I would prefer to see, if we are to amend this, to have it amended so that an appointment would only be good until the next election which would, of course, occur yearly.

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner and then Mr. Lyall.

DEPUTY COMMISSIONER PARKER: As Mr. Nickerson has said, that is the usual practice, to have an appointment hold only until the next regular election and certainly I would recommend to you that you follow that practice so the person would never be appointed for longer than one year.

MR. LYALL: Just a general comment. The way we always do it is that you have eight board members and generally you have about 14 or 15 run. We just keep track of how many votes the lowest one or the next one up, we just move everybody up and ask the person who has the next highest vote if he would like to serve on the board. Generally it is yes, so we just bring everybody up one.

THE CHAIRMAN (Mr. Butters): Thank you, sir. I think that is a general practice in many communities. The Legal Advisor suggests we should stand down this. If there are no further comments or suggestions, I would receive your permission to do so.

---Agreed

LEGAL ADVISOR (Ms. Fieger): Mr. Chairman, I have the words of the present section dealing with appointments to fill vacancies if you would like that read. "When a vacancy occurs in a board the Commissioner shall appoint a person qualified to be elected as a trustee for the unexpired term of office of the person whom he replaces."

THE CHAIRMAN (Mr. Butters): I think the intent was slightly different from that expressed there. So if you understood the suggestion of Mr. Nickerson I think the committee feels that suggestion should be incorporated into the clause. With your permission, with the committee's permission we will stand down clause 36.

---Agreed

Clause 37, duties of board, page 30, continuing over pages 31, 32 and half way down page 33.

Motion To Amend Paragraph 37(j)

HON. ARNOLD McCALLUM: Mr. Chairman, we have circulated and I think it has been translated as well a new paragraph 37(j) on page 32 and I would like to move an amendment that the circulated paragraph 37(j) be placed in the ordinance and replace the one that is in the book.

THE CHAIRMAN (Mr. Butters): Proceed.

HON. ARNOLD McCALLUM: I do not know whether it is necessary to read it since it has been circulated, but it will then read that, "Every board of education shall (j) provide, maintain and furnish school buildings, and in consultation with the director, prepare and execute plans for construction and alteration of all school buildings."

THE CHAIRMAN (Mr. Butters): Thank you. I believe Members should all have copies of the amendment that has been made by the Minister, 37(j) on this piece of paper. Is there any discussion on the amendment? Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I think we have to bring out into the open the reason for the change which appears fairly obvious on the face of it and that is that the draft as it was, of course, permitted the school boards to plan their own capital construction projects without reference essentially if they wish to, without reference to the Department of Education and the new draft clearly requires there to be consultation with the director and I presume the reason being because the territorial government pays 100 per cent of the cost. Frankly, I think that is entirely appropriate, that they have to consult with the director when the territorial government is paying 100 per cent of the cost, but I wish that to be clearly indicated, that we feel that we take now, once having done that, where in this decentralization program do you have greater power in the school board than in your society, for instance? Because as I understand it there were two things the board did have that a society did not have and one was in paragraph (k) the recruiting and appointing of principals which was solely and completely at their discretion and, secondly, the matter of capital construction.

Now, if you curb their ability in the area of capital construction, then, as I read the bill, about the only thing different we have with respect to societies is the business of hiring and firing their own staff and the societies seem to do this as agents of the Commissioner. So I guess my point is, while I agree, every time you do something like that, the difference between the board and the society becomes less and less, does it not? Then

are we not back to my point then that we run the risk of having societies and no boards, particularly if your 25 per cent, of your operations and maintenance ever gets out of whack with what would otherwise be a 15 mill requirement of a society ... I just make the observation.

Difference Between The Two Powers.

HON. ARNOLD McCALLUM: Mr. Chairman, Hon. David Searle's comments are correct. The government does provide 100 per cent of the capital funding, and I would concur that as such it should certainly provide some kind of direction. If I could just go back to page 19 and suggest to the Hon. David Searle that one of the differences in this regard would be under paragraph 21(j), a school or society reviews and advises, and here we are talking about preparing and executing the plans for the construction and alterations, and I would suggest that there is a difference between those two powers.

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner, I thought you might wish to contribute something.

DEPUTY COMMISSIONER PARKER: No, Mr. Chairman. Well, if I could just say, Mr. Chairman, the present situation with school boards calls for them to consult, and the reason is, as Hon. David Searle says, it is not a change from the present but it is consistent with the present, and the reason is because we are putting up 100 per cent of the money. Now, I think historically we have really only established certain minima and maxima, and within those ranges then the school boards have indeed designed and constructed their own buildings, I think that we would like to ensure through the ordinance that this consultation takes place, because we simply can not afford to be too surprised at budget time in things as major as schools, where very often we are dealing in buildings beyond two million and three million dollars. These have to be planned so far ahead, and in order to get them into our stream we really need to have this kind of contact with the boards.

Motion To Amend Paragraph 37(j), Carried.

THE CHAIRMAN (Mr. Butters): Thank you. Any further discussion on the amendment by Members? With that, may I determine if the committee approves the amendment made by our Minister, paragraph 37(j) and the deletion?

---Carried

Then for the paragraph (j) that is in the book -- I'm sorry, Mr. Nickerson.

MR. NICKERSON: I agreed with that.

THE CHAIRMAN (Mr. Butters): So paragraph (j) as in the book is deleted and a new amendment has been placed in. Mr. Nickerson.

MR. NICKERSON: I am in a very awkward position, you do not see me right away, but earlier on in paragraph 37(c), this is the same wording, or nearly the same wording which was used when the ordinance spoke earlier of school committees and school societies. I think it would be appropriate that we use the same terminology here as we did there. So maybe you could stand that down for a while.

THE CHAIRMAN (Mr. Butters): Did I understand you that the terminology which you feel should be used is "review and approve" or are you suggesting that the terminology suggested "approve or disapprove" is more correct?

MR. NICKERSON: I think that the Legal Advisor has prepared revised wording where this particular paragraph was used elsewhere in the bill, and it would seem entirely appropriate to me that we use it here.

THE CHAIRMAN (Mr. Butters): Madam Legal Advisor, do you see that reference?

LEGAL ADVISOR (Ms. Flieger): I do.

THE CHAIRMAN (Mr. Butters): With regard to the suggestion that the clause be stood down if all business is completed relative to it, does that meet with the approval of Members of the committee? Is it agreed? We will still continue to discuss it.

The Name "Legislative Assembly".

MR. NICKERSON: Secondly, Mr. Chairman, in paragraph 37(g), this may be a question which could best be answered by the Legal Advisor. Would there be any impediment to changing the words "Council of the Northwest Territories" to "Legislative Assembly of the Northwest Territories"?

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

LEGAL ADVISOR (Ms. Flieger): I think under the Northwest Territories Act, the proper name of the Legislative Assembly is "The Council of the Northwest Territories", and I say 'a rose by any other name'. I do not know.

THE CHAIRMAN (Mr. Butters): That may be the legal name, but the proper name is "Assembly".

LEGAL ADVISOR (Ms. Flieger): I think that the law is clear that the proper name, or the proper name under the law is "The Council of the Northwest Territories". I am really uncertain as to what effect inserting the words "Legislative Assembly of the Northwest Territories" would have. I do not know what it would be.

THE CHAIRMAN (Mr. Butters): It would seem that your suggestion, Mr. Nickerson, is ultra vires, or something like that. Is there any further discussion? Is there any further discussion on this? Mr. Nickerson.

MR. NICKERSON: Although it would seem to me that it would probably be inopportune of us to change this at present, it would seem to me that what we should do, or what we should consider is an amendment to the Interpretation Ordinance whereby we would then say that "Legislative Assembly of the Northwest Territories" means "Council of the Northwest Territories" because I could foresee this that amendment to the Interpretation Ordinance we will be stuck with using the now historical term "Council of the Northwest Territories".

THE CHAIRMAN (Mr. Butters): Thank you. I think your suggestion makes good sense, but it would be out of order for me to accept such a motion or amendment at this time. If you wish to amend the present clause, that I would accept, but possibly you would have to pursue the other matter in your own manner and at another opportunity.

MR. NICKERSON: That is of course what I would have intended to do. However, I doubt if I could do that now, and possibly some other Member would like to take up that suggestion at a later date. I am very reluctant to move that in paragraph 37(g) we use the term "Legislative Assembly" if in fact it will be contrary to law and that is why I was requesting a definitive statement from the Legal Advisor on this particular question.

THE CHAIRMAN (Mr. Butters): I think the Legal Advisor provided a definitive statement. Is there any further discussion? Mr. Pearson.

Native Teaching Personnel

MR. PEARSON: Mr. Chairman, in the same clause, in paragraph (k), there is a line or several lines in there that bother me and I think they bother a lot of people. I am certain that with the number of people I have discussed this with, it burns them as well, but "recruit and appoint principals and teaching personnel, qualified under this ordinance and the regulations..." and then it goes on to say "...select and appoint other staff for the

education programs of the district", and it seems to me that there lies the undercurrent, the whole concept of the education that is presently in use today, that native people can not be classified as teachers, they are not considered in the same light as qualified people, competent to deal with their own children.

THE CHAIRMAN (Mr. Butters): A point of order, I believe that the Legal Advisor clarifying that point a day or two ago indicated that it was a very broad definition of the term and would include the people you have just discussed.

MR. PEARSON: Is paragraph (k) going to be rewritten?

THE CHAIRMAN (Mr. Butters): Under "staff", Madam Legal Advisor, would you assure me that my interpretation of what you have just said is correct?

LEGAL ADVISOR (Ms. Flieger): I agree that you are correct.

THE CHAIRMAN (Mr. Butters): So the sense of this is much broader than you are indicating at the present time, Mr. Pearson.

MR. PEARSON: The sense of this I disagree with. I disagree with the whole thing. I can not vote for any one of these.

THE CHAIRMAN (Mr. Butters): We know that.

MR. PEARSON: I can not vote for any one of these clauses.

THE CHAIRMAN (Mr. Butters): We know that.

MR. PEARSON: Surely the sentence would have been sufficient "recruit and appoint principals and teaching personnel, qualified under this ordinance".

THE CHAIRMAN (Mr. Butters): Thank you, sir. Any other discussion?

HON. ARNOLD McCALLUM: I could appreciate Mr. Pearson's point, but there are other staff people that must be selected and appointed to the school. This is obviously with a school board and not with a committee or society. They become a body corporate by themselves. They have a secretary-manager, a secretary-treasurer, a caretaker staff, you know, I think all of these are involved here.

THE CHAIRMAN (Mr. Butters): I thought the committee appreciated that as well. Mr. Pearson.

MR. PEARSON: Could Hon. Arnold McCallum give me a proper definition of "and select and appoint other staff for the education programs of the district"?

HON. ARNOLD McCALLUM: Well...

MR. PEARSON: I do not buy the explanation, sir.

Motion To Stand Down Clause 37.

THE CHAIRMAN (Mr. Butters): Very well. Any other questions on clause 37? Then with the committee's permission, may we stand this down for the amendment?

HON. ARNOLD McCALLUM: Just to set it straight, I think Mr. Pearson is reading it wrong.

THE CHAIRMAN (Mr. Butters): I have already told him that.

HON. ARNOLD McCALLUM: He is not satisfied with the explanation I gave, and I suppose I can not do much about that.

THE CHAIRMAN (Mr. Butters): That is his right, sir. He can be dissatisfied with the explanation if he wishes.

HON. ARNOLD McCALLUM: Fine.

THE CHAIRMAN (Mr. Butters): May we stand down clause 37 for legislative correction?

---Agreed

Clause 38 on page 33. I see there are almost three pages of this. Mr. Minister?

HON. ARNOLD McCALLUM: Mr. Chairman, as to clause 37, why are we standing it down?

THE CHAIRMAN (Mr. Butters): Well, there was a small amendment that was recommended by Mr. Nickerson in that there should be a balance between clauses that appear under societies with regard -- I forget where it was now.

HON. ARNOLD McCALLUM: Under paragraph (c)?

THE CHAIRMAN (Mr. Butters): Yes, under paragraph (c) "review and approve education program plans", and he thought there should have been a minor amendment. Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could beg to say, if it is being stood down, frankly I do not understand clause (k), and I was a party to it, why does it read like this? Why does it not read, and this is what Mr. Pearson is getting at, "recruit and appoint principals and teaching personnel, and other staff, qualified under this ordinance... for the education programs of the district"? I can not for the life of me see why we have all these categories in here unnecessarily. If this is an objection of the Members, surely we can correct it, because I do not know why it is that way in the first place. It sounds like a holdover from something, and it can be corrected.

THE CHAIRMAN (Mr. Butters): I agree, but I do not know if the objection of the Members -- it was an objection of one Member, and I heard no complaint from the other Members.

MR. PEARSON: Now you agree with Deputy Commissioner Parker. Five minutes ago you did not agree with me.

THE CHAIRMAN (Mr. Butters): I did not agree with Deputy Commissioner Parker at all.

MR. PEARSON: You just said you agreed.

THE CHAIRMAN (Mr. Butters): I agreed with your right to speak, but there has been no other request for changes. If someone wishes to amend this section, then please provide the amendment and we can discuss it.

Motion To Amend Paragraph 37(k)

MR. PEARSON: Remove after the comma "regulations, and select and appoint other staff for the education programs of the district;"

THE CHAIRMAN (Mr. Butters): Mr. Pearson has proposed an amendment to paragraph (k) in clause 37. To the amendment, discussion on the amendment?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, did Mr. Pearson add somewhere in there "other staff"? If that is the case, then perhaps...

MR. PEARSON: "Principals staff and teaching personnel," if you want.

THE CHAIRMAN (Mr. Butters): I think the Legal Advisor understands the intent and as the clause is to be put down anyway, she will make the correction required by the Member. This is still an amendment. Is there any further discussion? Question. Hon. David Searle.

HON. DAVID SEARLE: What would the section then read, Mr. Chairman?

THE CHAIRMAN (Mr. Butters): I do not know that the legal phraseology had been determined. Mr. Pearson provided only the intent.

LEGAL ADVISOR (Ms. Flieger): Do I understand correctly that Mr. Pearson would like the "other staff" added after "teaching personnel" and the last line deleted?

THE CHAIRMAN (Mr. Butters): Mr. Pearson?

MR. PEARSON: I am easy, quite frankly.

LEGAL ADVISOR (Ms. Flieger): The difficulty I see with that is the words "qualified under this ordinance" which relate strictly to the teaching qualifications, I believe, of teaching personnel and principals. I suspect that the reason for the separation is that "other staff" in this case could include people who are not adult educators because they are not full time employees. There are various people who are performing some function in relation to the education program but are not strictly speaking teachers under this ordinance.

MR. PEARSON: My interpretation of that, Mr. Chairman, is that it relates to native people who are allowed into the schools to assist the teachers with some of the cultural inclusion programs. According to the rules, the regulations as they exist now they are not qualified because they are not bona fide teachers with an arm's length of degrees, even though they are able to communicate with the kids in their charge, even though they can speak their own language. This Assembly at the last session passed a motion that there be a greater number of these people included in the education process and I believe that this is a discriminatory clause.

HON. ARNOLD McCALLUM: That is not so, Mr. Chairman. It does not relate to other native people at all. There is no discriminatory part in this at all in terms of that. If you put in "other staff" after "teaching personnel" we will have the regulations to qualify janitorial, secretarial and everything else. It was not the point in here to make anything discriminatory to anybody.

THE CHAIRMAN (Mr. Butters): That is what I understood you to say before. Mr. Nickerson.

Qualified Under The Ordinance

MR. NICKERSON: Mr. Chairman, I have two points. The first one is that it would seem to me we are getting into a big argument over something which is redundant anyway. You could take out the whole phrase "qualified under this ordinance and regulations..." completely take it out of there because elsewhere in the ordinance it says the same thing in a specific clause, that no one shall teach in a school in the Northwest Territories unless he is qualified under the ordinance so this is completely redundant.

Secondly, Mr. Chairman, the word "appoint" there, I think it is just to apply to principals so if this whole paragraph is to be taken out, the Legal Advisor who will redraft it might like to take this into consideration. Presumably in your talking about appointing you are only talking about appointing certain teachers as principals. As it reads now it might be a little misleading.

THE CHAIRMAN (Mr. Butters): Ms. Legal Advisor, would you comment on Mr. Nickerson's point?

LEGAL ADVISOR (Ms. Fieger): The definition of "teaching personnel" includes not just teachers, classroom assistants, but also adult educators. I think it is not entirely clear that all of those people are categorized in a way which you could describe as qualified under this ordinance although he may have a point there.

THE CHAIRMAN (Mr. Butters): I wonder if Members would see the problem being resolved if we left the matter with the Legal Advisor -- sorry, Mr. Pearson.

MR. PEARSON: Perhaps one of the phrases in there that bothers me is the final phrase "...of the district". What is the necessity of that? What is the explanation for that "of the district"?

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

MR. PEARSON: That I believe is the part that gives a very special sense that I do not like.

HON. ARNOLD McCALLUM: Mr. Chairman, I think we would have to go back to PART I and I will just read it as it is in the book notwithstanding that there have been changes: "The Commissioner shall administer this ordinance and is responsible for the establishment and dissolution of education districts and schools within an education district." I think if you go on from that and I am not sure just where, I think that we went through a number or an amount of discussion about schools in a district and every school shall be a district or some such thing as that. That was accepted fact. I think that we are talking here of the schools within, for example, the Yellowknife School District No. 1 or Yellowknife School District No. 2, that being the Yellowknife public school and the Yellowknife separate school. That is consistent with what we have done back in the past.

THE CHAIRMAN (Mr. Butters): Hon. David Searle, please.

Power To Approve Education Programs

HON. DAVID SEARLE: Mr. Chairman, I would like to suggest this whole discussion has been pretty much a tempest in a teapot. I can not see what the concern is. It is not a particularly well drafted section possibly, but surely the answer to Mr. Pearson's question is when you see the words "the education program of the district", then if he looks at the powers given to the district, particularly back at paragraph (c), you will see they have

the power to review and approve education program plans presumably with respect to the districts they are concerned with, so they do have the power to review and approve the education programs for the schools in their district. Then paragraph (k) just gives the authority to hire the staff to carry out the programs. It is that simple.

Now, there is nothing Machiavellian about it and I do not see why paragraph (k) simply can not say "recruit and appoint principals and teaching personnel and other staff". The principals and teaching personnel must be qualified under this ordinance, as is indicated elsewhere in the ordinance, and the "other staff" -- is there something wrong with that suggestion? Does the ordinance not indicate elsewhere that they must be qualified?

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

Definition Of Education System

LEGAL ADVISOR (Ms. Flieger): The definition section includes a definition of "education system". "Education system" is defined as including adult education programs and it is my understanding that the description "adult education programs" is left quite loose. It is intended not to be restricted to a sewing class at night, nor to a program held in the classroom at a school necessarily. It was intended to be very broad and the term -- also I think and Hon. Arnold McCallum may wish to speak on this, but I think that the qualifications required of a person who teaches in an adult education program, although that person is not a full time teacher nor a qualified teacher -- I have lost my sentence now. At any rate, it was not intended that qualifications be imposed on these people and I think that is why there is a separation here. It is intended to give a very broad power I think.

THE CHAIRMAN (Mr. Butters): With the committee's permission may we recess for coffee and talk this over at our convenience? We will return in 15 minutes, please.

---Agreed

---SHORT RECESS

THE CHAIRMAN (Mr. Butters): Recognizing a quorum, the committee will come to order, please. Prior to coffee we were considering clause 37 which is to be stood down for amendments. There has been a motion on the floor to amend paragraph (k). All Members have had a chance to discuss this. All those in favour? That is, in favour of it being stood down to be amended in keeping with the suggestions made by this committee in the last half hour.

---Carried

If there is no further discussion on clause 37, would Members examine clause 38, powers of boards. We have discussed it and approved the amendment as suggested by the Honourable Member from Frobisher. You have more discussion? Mr. Whitford.

MR. WHITFORD: Mr. Chairman, on a point of order. My tutor here tells me it has been stood down.

THE CHAIRMAN (Mr. Butters): I am not going to cut off your right to speak. If you wish to speak to this, go ahead.

MR. WHITFORD: Thank you, Mr. Chairman. Mr. Chairman, I believe that I am on the right subject, paragraph (k) on page 32. My concern was simply in Fort Resolution the teachers aide at present is teaching in the capacity of a teacher and the principal felt, along with the advisory board, that she should have been classified as a teacher. One of the problems that would have been created is that she would have had to leave Fort Resolution and go to Fort Smith for a year in the winter, go back home in the summer, and that would make a very difficult problem in the home for the family, as it is. My point, Mr. Chairman, is to the Minister of Education. This paragraph (k), I would assume would be part of this. Is the board of education making some kind of progress in trying to find a way, whether it be the Executive or the education board, whether it be the superintendent and his assistant, to go into the community and meet with these kinds of people wherever it is virtually possible to maybe put them on an examination course, watch them in the classroom and give them a rating? From there on they could pursue some kind of correspondence between Fort Smith or wherever, to be able to get their ticket to be in a teaching role without having to go to Fort Smith before they can acquire this ticket.

THE CHAIRMAN (Mr. Butters): I expect this could come under qualifications of teachers but do you wish to speak to it at this time, Mr. Minister?

Certification Of Teachers

HON. ARNOLD McCALLUM: Mr. Chairman, the Department of Education is looking at alternative means of certification for teachers. We have not come up with anything definitive but we are looking at various means whereby one can become certified as a teacher. At the same time, Mr. Chairman, I have to take into consideration the direction I have heard expressed here by Members of this house that we certainly should be attempting to do all that we can to upgrade teacher qualifications. It is not necessary for anybody to go to Fort Smith to become a teacher, you can go to other places. There are many teacher education institutions all across the country. The teacher education program that the territorial government has, if one wants to enter that particular program, then they definitely attend the classes at the teacher education institution in Fort Smith.

THE CHAIRMAN (Mr. Butters): I wish to give Mr. Whitford an opportunity to pursue his question.

MR. WHITFORD: Thank you, Mr. Chairman. Mr. Chairman, my point was that the person, that is Mrs. Beaulieu, can not leave the community because of family matters. It could very well be for example, let us say, she is at Lac la Martre where the woman who is the teacher there at present has got eight kids. Because of the eight kids, she can not go to the course at Fort Smith at all. So, she wants to be a teacher and what I am saying is: is the superintendent of schools along with his assistant, are they able to go into the community, in this case into Lac la Martre, test her ability to see whether she can qualify, first of all, to take the course? The other thing is to see her ability by giving her a written exam and then after that, once they have established what level she is at, and then with the difference, whether it might take one year or two years to get her degree through correspondence, possibly related to Fort Smith without having to leave the community but stay there with her family. That is my question, not the fact that if she does not want to go to Fort Smith. She could go to Montreal or Edmonton or whatever. That was not the question.

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

HON. ARNOLD McCALLUM: I did not suggest she should go to any of those places, but answered the query where one could get teacher qualification and become certified through courses. The teacher in Fort Resolution has been teaching for the last two years on a letter of authority. The superintendent of that particular area or region does, in fact, visit that school and has in the past. As to the individual to whom Mr. Whitford was referring in Lac la Martre, that person is a classroom assistant, not a teacher.

Training By Correspondence

MR. WHITFORD: I am sorry, Mr. Minister, but I was just using that as an example. I was using an example of a person being there who wants to take up the opportunity. It does not matter in Lac la Martre and I am not suggesting anyone in Lac la Martre, I am just thinking of a remote area where the person does not have an opportunity to go to Fort Smith and therefore, wants to take it by correspondence from, say, the Fort Smith Adult Vocational Training Centre in that community and still pass her exams within a period of one year or two years. Is there that availability within the education system now under this clause 37, paragraph (k)?

THE CHAIRMAN (Mr. Butters): It would seem a yes or no answer could be made on this point.

HON. ARNOLD McCALLUM: I suggest with all due respect that we are looking at alternative methods of certifying teachers. I would suggest that that is in the affirmative, that is an affirmative reply.

THE CHAIRMAN (Mr. Butters): I beg your pardon?

HON. ARNOLD McCALLUM: I would suggest that that is an affirmative reply.

MR. WHITFORD: There are no means right now.

THE CHAIRMAN (Mr. Butters): No there are not, but he is looking at other options. I have two other speakers and we are on clause 38. I permitted Mr. Whitford to speak to this section but Mr. Stewart, were your remarks directed to clause 37?

MR. STEWART: Mr. Chairman, it is just that the information that was coming out was valuable, but it must be in the broadest sense because we are dealing with school boards under this section and pretty well all of the areas we are talking about do not have a school board or will not have one in the foreseeable future but anyway it is a technical point.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson, do you wish to speak to clause 37 or go on to clause 38?

MR. NICKERSON: I have something under clause 38 but nothing on clause 37.

THE CHAIRMAN (Mr. Butters): All right then. On clause 38, powers of boards, Mr. Nickerson.

Provisions For Pensions

MR. NICKERSON: Mr. Chairman, paragraph 38(b) reads as follows: Every board of education may provide for the payment of a pension to a teacher or other employee on retirement on account of age or disability. What I am after here is information, Mr. Chairman, and I wonder if the Minister of Education could tell us whether they work in conjunction with the school boards to set up pension plans and this type of thing, or do the school boards have to just set up their own. I was thinking that because of the larger number of people enrolled, a better deal might be able to be made if school boards were able to include their people in with the Department of Education.

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

HON. ARNOLD McCALLUM: Mr. Chairman, the two school boards in Yellowknife had an arrangement with a private company for pension plans prior to the Department of Education coming into force in the Northwest Territories. As far as I know they have never requested the department to be involved. In the case of Rae-Edzo the Department of Education did provide assistance in terms of setting up a pension plan for the teachers of that society.

THE CHAIRMAN (Mr. Butters): Thank you. I am just wondering, are you satisfied, Mr. Nickerson?

MR. NICKERSON: Yes.

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

HON. DAVID SEARLE: Mr. Chairman, I have a question of the Minister. Now, I am not sure if it falls under this section or the last one, but it deals with a situation that I know existed in Yellowknife in one of the school districts, and I do not want to identify the school district or the teacher, but what occurred was this. A teacher was given a sabbatical leave, in other words, a year off at full pay. Now, I understood that when it comes your turn for a sabbatical after so many years of teaching, the purpose of this was so that you could upgrade or renew your qualifications, or whatever. This particular teacher took the year off, got her full years salary of \$16,000 or \$18,000 or whatever it is, and then worked at a job in Yellowknife; in other words, did not leave Yellowknife for upgrading, but rather worked in Yellowknife at another job and, for that year, of course, was paid twice. It seems to me that that is not right. It seems to me that although there is nothing wrong with having a sabbatical, indeed to the contrary, it should be encouraged, but one should be required to go to an educational institution for that year for the purpose of the sabbatical which, as I understand it, is upgrading. So unless that is done, if the person wants to stay at home or work at some other job, then surely it should be a years leave of absence without pay. Now, what I am wondering is whether, accepting those circumstances as I have stated, how can we prevent that sort of thing from happening?

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

Sabbatical Leaves In Contract.

HON. ARNOLD McCALLUM: Mr. Chairman, the Yellowknife school board, or whichever of the two, negotiate a contract with their teaching staff to include a sabbatical leave clause. I am not aware of the particulars of it, but it is my understanding that a sabbatical leave with the present school boards, or board, as I am not sure if both have them, that sabbatical leave can be taken for anything at all. Now, that is a negotiated thing with the school board and we have no control over that. I would suggest that were I or you a taxpayer with that school board, certainly maybe you could query. I should not say you should but you may query. Now we have no control over the present school boards in relation to that negotiated contract; they hire their own teachers.

HON. DAVID SEARLE: I appreciate that but we are here dealing with the establishment of school boards and rules and regulations by which they shall govern themselves. I think that regardless of what contract has been negotiated it must be subject to the law and we are legislating. I suggest we legislate that that shall not be done and the school board will then have to administer its contracts in accordance with that law, must it not?

THE CHAIRMAN (Mr. Butters): I wonder if I could ask the Legal Advisor to clarify something for me. Would the amendment, if it were to be an amendment, come in under clause 38? Madam Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): I think it would be possible to bring it in that section, yes.

HON. DAVID SEARLE: What I would like to suggest and I do not know where it comes in, but it might be something that could be done by way of regulation.

THE CHAIRMAN (Mr. Butters): Would you move that a provision be made?

HON. DAVID SEARLE: My suggestion is that we know what the problem is and I would like to leave it with the Legal Advisor to consider where it may, if it may, be included. I do not think it is the sort of thing we can properly ask her to indicate off the top of her head, but she might have to review the ordinance and see where it can be appropriately inserted. I am just wondering if you would seek the agreement of the house though, that this be done.

Legal Advisor To Examine Clause

THE CHAIRMAN (Mr. Butters): As I understand it, Hon. David Searle has not moved an amendment he has just asked that the Legal Advisor be given authority to examine the pertinent section in the present draft bill where such a provision could be included if the committee so wished it be done. Do I have the agreement of the committee? Is it agreed? Is anyone against? No.

---Agreed

Any further discussion on clause 38? If there is no further discussion, I think I should also stand that down as the Legal Advisor has said it would probably be within this clause that the addition of the recommendation of Hon. David Searle would fit. So, if Members agree ...

LEGAL ADVISOR (Ms. Flieger): I wonder if I could clarify that motion. Do I understand correctly that the Honourable Member from Yellowknife South wants an amendment to empower a board of education, or in fact to require a board of education to set out provisions governing sabbatical leaves of teachers?

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

HON. DAVID SEARLE: I want a provision somewhere in the ordinance prohibiting sabbatical leaves being granted, or rather payment being made when they are granted, if the teacher is not at some...

LEGAL ADVISOR (Ms. Flieger): If it is not leave for educational purposes, it should not be classified as sabbatical, but leave without pay.

Provision Governing Sabbatical Leaves Needed

HON. DAVID SEARLE: We need a prohibition against paying someone for a year off when they are otherwise employed as well, putting it simply, and where that fits in I do not know, but I am so damned angry about it. I do not think I would get anywhere going to the school district and trying to persuade them to alter their procedures. I think this is the place to prohibit them from doing it, right here.

THE CHAIRMAN (Mr. Butters): We will leave that. It is my understanding the committee has asked that it be left with the Legal Advisor to pursue. Mr. Fraser.

MR. FRASER: On paragraph 38(e), I would like a little more on this "provide equipment and supplies for a noon lunch or other food service for students and the necessary staff to operate such a program". That simply means that the kids going to school will have to stay there for their noon lunch, will get fed, and what kind of food?

THE CHAIRMAN (Mr. Butters): Mr. Minister, can you enlarge on the intent of paragraph (e)?

HON. ARNOLD McCALLUM: Mr. Chairman, the paragraph simply allows for a board of education to provide that if they want. If they want to provide it, they may. If the parents, the taxpayers, if you like, or the school board are prepared to provide that service, they may do it. It does not say that they have to.

THE CHAIRMAN (Mr. Butters): Thank you. Any further discussion of clause 38? Clause 38 then is ... Mr. Pearson.

Source Of Financing

MR. PEARSON: Mr. Chairman, just a general question. In areas where things do not now exist such as school meals and provision for such, should a community decide suddenly that it wants to embark on a program such as this, or that it would like to provide an adequate library -- we have schools in the North currently operating with inadequate libraries, grossly inadequate libraries -- where are the finances? How does the administration see the financing of this being carried out? "Provide equipment and supplies for noon lunch." That is a very expensive undertaking, as is audio-visual equipment and what have you. The trouble we have in the municipalities, for example, is that the municipalities have inherited in a lot of cases a pile of junk when they became hamlets and inherited all the headaches that go with that community in this program of hamletization. Suddenly when they go to seek aid and assistance to overcome these difficulties they get the old answer, "Sorry, folks, there is no money".

THE CHAIRMAN (Mr. Butters): Did you include libraries?

MR. PEARSON: Yes, I included audio-visual equipment, I included noon lunches, I included all kinds of things in that little thing there.

THE CHAIRMAN (Mr. Butters): That is not with specific reference to paragraph (e). Mr. Minister, relative to the financing of noon lunches and libraries and audio-visual equipment ...

MR. PEARSON: And new bulldozers.

THE CHAIRMAN (Mr. Butters): And new bulldozers.

Decision Must Be Planned

HON. ARNOLD McCALLUM: Well, Mr. Chairman, we would hope that the decision to do these things would not be done quickly, that it would be planned and there would be consultation with people involved with it whereby a plan is prepared on it; but like that, no way. With the clause 3, I think there is a provision there, or a clause to provide for certain provision of meals where, in their opinion, such provision is advisable. We would want them to plan on it. If there was a proper plan to it, and it had to be taken

over by a municipality, that would then be budgeted for and we would move along with that kind of budget.

THE CHAIRMAN (Mr. Butters): You do not mean a municipality, you mean ...

HON. ARNOLD McCALLUM: I thought that was what Mr. Pearson was referring to when he talked about the takeover, having something started and then the municipality taking over, have control of it all. All these things having been laid upon them, now they have to go look for money again. Is that not what you meant?

MR. PEARSON: Yes. It was not quite that, Mr. Chairman.

HON. ARNOLD McCALLUM: The principle is the same thing.

MR. PEARSON: That opens another avenue for discussion too.

THE CHAIRMAN (Mr. Butters): Let us stick with clause 38.

MR. PEARSON: It is dealing with clause 38 in a very broad sense, but I will forgo my opportunity to speak even though the red light is glaring at me.

THE CHAIRMAN (Mr. Butters): Then, if we may, may we move on to clause 39, remembering that there is a possibility that there will be an insertion to this suggestion made by Hon. David Searle? Mr. Fraser.

MR. FRASER: Just one more question I would like to pose to the Minister; it is school lunch, back at paragraph 38(e). Is it being practised now in some of the communities in the North and, if so, who is paying for it?

HON. ARNOLD McCALLUM: Mr. Chairman, in schools where it is the practice to provide a noon lunch to students, the government is paying for it.

MR. FRASER: Once this ordinance is passed it will be up to the committees?

HON. ARNOLD McCALLUM: Again, Mr. Chairman, in this particular section, if the board of education wants to provide that, they budget for it. That is, I guess, operation and maintenance money where they supply some of it and the taxpayers supply some of it. In schools that are not under the jurisdiction of a board of education, the present boards, the government pays.

MR. FRASER: Thank you.

THE CHAIRMAN (Mr. Butters): Mr. Fraser, are you satisfied?

MR. FRASER: Yes.

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

MR. WHITFORD: Mr. Chairman, the school in Rae-Edzo, where the school board is running it, we have soup and sandwiches at dinnertime. What they also do is that they send the students back to the land as part of, I suppose, a cultural program, they go back to the land and they kill caribou. That caribou then is dressed and taken back to the school. Again, they use that as well as part of the meals throughout dinnertime. For those who are in residence, of course, they have supper too. The meals are working out really well there. The cost factor for supplying meals is really, really low. You know, per meal. It is working out real well.

THE CHAIRMAN (Mr. Butters): Thank you very much. I am sure the Minister will be glad to hear something is working out well in education.

MR. WHITFORD: It is run by the board of education.

THE CHAIRMAN (Mr. Butters): No further discussion? May we move then to clause 39, assessment and taxation? Comments on clause 39, pages 35 and 36.

Motion To Amend Subclause 39(2), Carried

MR. NICKERSON: Mr. Chairman, one minor change which was recommended by the Legal Advisor, subclause 39(2) in the first line, the words "may be" should be changed to "practicable".

THE CHAIRMAN (Mr. Butters): Do Members agree to that change? It does not alter the intent. Members agree to that change?

---Carried

MR. NICKERSON: I was scared there for a moment that the present Legal Advisor might have disagreed as happened yesterday. I am glad it did not happen this time.

THE CHAIRMAN (Mr. Butters): It is all the same so we can move along. Any other suggestions or comments on subclauses 39(1), 39(2), 39(3) and 39(4)? Mr. Pearson and then Mr. Stewart.

MR. PEARSON: It is not clear in my mind how the assessment and taxing will take place in a community that decides to become a board of education. I wonder if the administration could explain to me how they see the mechanism going into effect, who will become a taxpayer? How will the taxes be collected? How much will they be? Frobisher, for example, currently has an education mill rate of 15 mills. I guess that is standard across the territories, but how do they plan to set up a mechanism for this?

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

Mechanism Of Taxation

HON. ARNOLD McCALLUM: Mr. Chairman, the assessment and taxation, preparation, revision, adoption of assessment rolls, the appeals to those assessments upon complaint, all the regulations concerning these matters that are followed in the Municipal Ordinance apply here, so are the means by which the school levy or tax would be applicable, where they apply or are already carried out, within existing municipalities who do in fact pay the tax levy.

MR. PEARSON: But, Mr. Chairman, I understand the community may desire to become a school board and have total authority. If that is the case, is it not conceivable that a community that is not now a municipality could become a school board? If that is not conceivable, then how would one establish a school board in a community such as Frobisher Bay where you have a very, very few people who are actually taxpayers? Are those few taxpayers going to carry the burden? What about the literally thousands or hundreds of people in the community who do not pay taxes?

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

HON. ARNOLD McCALLUM: Well, Mr. Chairman, boards of education are indeed the ultimate of the three education authorities.

MR. PEARSON: Right.

HON. ARNOLD McCALLUM: Present agreements in the financing of boards of education would be that the municipality in which the board operates has to raise 25 per cent of its operating and maintenance budget. I think that is one of the reasons why we would put in the provision of an education society.

MR. PEARSON: Mr. Chairman, how would that be done? I agree they have to raise 25 per cent of their money. How do they do that, with a bingo every Friday night?

HON. ARNOLD McCALLUM: Mr. Chairman, most of the areas in the Northwest Territories are assessed or are currently under assessment. That is the information I would have from Local Government. I think that was said at our last session.

Frobisher Bay Grants In Lieu Of Taxes

MR. PEARSON: Mr. Chairman, might I say again, the community has been assessed, but I gather then that the housing association which picks up the tab for the majority of the people in Frobisher Bay, grants in lieu of taxes, would therefore be responsible for finding this 25 per cent of the operating budget of the school. I can not see that that is a contributory sort of basis for it from a community point of view. Surely people have to be directly responsible. It has to be seen they are paying money towards the school. I would like to understand or try to understand the mechanism which you have conceived.

THE CHAIRMAN (Mr. Butters): I understand the mechanism was recommended to Mr. Gillie by the previous Assembly when he was commissioned to draft -- no? I see the Deputy Commissioner shaking his head. Could you explain what did happen, Mr. Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think that a basic fact has to be understood and that is this. My conception of this whole ordinance is that places that are not municipalities probably will not aspire to have school boards and they will progress as far as having school societies. That is the reason why the school society had practically as many powers as a school board. It is designed that way simply because it was recognized that the school board is related to a taxation base and there will, for a number of years in the Northwest Territories, be a pretty limited number of places with that kind of a taxation base. So, it is in fact related to assessment and the taxation base.

MR. PEARSON: But, Mr. Chairman, what the Deputy Commissioner is saying, with all due respect, is that there is no plan, or no plan conceived, to allow any community that may wish, to become a school board unless it has already reached the sophisticated stage of being a municipality. Now, surely the ultimate aim, the ultimate objective is for every single community in the Northwest Territories to be under a school board, education being the sole and total responsibility of the school board. Surely we are not still considering that one day all communities will not be school boards. After all, all communities in southern Canada are school boards.

DEPUTY COMMISSIONER PARKER: No.

MR. PEARSON: No?

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

MR. PEARSON: I will take that back and throw another one at you. Surely to God the option must be made available -- surely to God if Pangnirtung, which is not now a taxed community or Broughton Island, decides to be a school board, to have a school board -- so that there is provision made for that to happen?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I do not think that is contemplated in the ordinance.

MR. PEARSON: You do not think it is what?

Difference Between Board And Society Not Great

DEPUTY COMMISSIONER PARKER: That is not contemplated in the ordinance, because the school board, the highest level, is tied in fact to a lever of financial sophistication that many places will not reach. However, I have to keep underlining, as the Minister has underlined, the fact that the school society provides, for practical purposes, the same powers to a community as does the school board, but we would have been foolish to design an ordinance with only the two forms in it, the committee and the society, because we already have at least two groups of people who have opted, at a financial cost, to take that one extra step.

However, the difference as we have discussed in the last couple of days between the two is not very great, it lies in a little more discretion in the design and the managing of construction of schools and in the method by which teachers are paid. A board provides more services, which it pays for itself to some extent, in the administrative end, but as far as controlling the real elements of education, the curriculum, the hiring of the teachers and that sort of thing, the society is just as sophisticated as is the board. I do not think we should mislead ourselves by letting you think that boards can be achieved in places where there is no tax base.

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

MR. PEARSON: Mr. Chairman.

THE CHAIRMAN (Mr. Butters): You have had the floor for a long period of time.

MR. PEARSON: I do not think I had the floor very long.

THE CHAIRMAN (Mr. Butters): I do not want to cut you off, so go ahead.

MR. PEARSON: I want to go ahead with this concept of decentralization.

THE CHAIRMAN (Mr. Butters): I think that is irrelevant to this section.

MR. PEARSON: I beg your pardon. If communities are given the opportunity by the administration to take on responsibilities such as welfare, social development, whatever else they may wish to pawn off on them, and the community opts for a total carte blanche society, how can that be achieved? How could Broughton Island become a school board? Surely if Broughton Island wanted to be a school board...

THE CHAIRMAN (Mr. Butters): You said it could not be achieved.

MR. PEARSON: Then you chuck it in the garbage because there is no point.

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

DEPUTY COMMISSIONER PARKER: That is a great shame for Mr. Pearson to indicate that he would throw it in the garbage because of that, because he is not understanding the very great powers that a society has. It has already been pointed out to us by a number of Members that the difference is so slight that the two existing boards may well opt to become societies.

Need For Later Amendment May Be Obvious.

In any event, with the use of this ordinance for two, three or four years, and the experience that will be gained by the societies, Council Members may well, at that point, request an amendment and the amendment might well become obvious, that there is some further step that could be taken while the government still continues to supply 100 per cent of the funds. I think that this document we are working on today has to be considered as a living document and from time to time, as indicated through experience, it should be amended. So, what Mr. Pearson says in two or three years might well be the case, maybe there is some extra step that should be taken and can be taken in the light of experience.

MR. PEARSON: At least the Deputy Commissioner is flexible.

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

MR. STEWART: I would like to direct a question to the Deputy Commissioner relative to municipalities. We find in this day and age that quite often the word "ratepayers" is being dropped and their ability to vote on money bylaws, but I see it being maintained in the Education Ordinance. In the Municipal Ordinance it has been dropped. Is that not correct, Mr. Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, did Mr. Stewart say that that provision has been changed in the Municipal Ordinance?

MR. STEWART: In some sections, yes.

DEPUTY COMMISSIONER PARKER: I really do not know how to respond to that. I think the only thing we would do would be to make the provisions regarding school boards in that regard similar to those in the Municipal Ordinance because they are very closely allied and I hope that they are now and if not then some day they will have to be changed.

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

Non-Ratepayers Voting On Money Bylaws.

MR. STEWART: This is a problem and I am not sure I agree with dropping the ratepayer theory but it is being done and people who are not ratepayers are voting on money bylaws. Of course when someone else has to pay the bill it gets to be a tough situation but they say they are renting a house and so they are in effect paying taxes and you get into quite an argument. Thank you. I just wanted that for clarification.

THE CHAIRMAN (Mr. Butters): Any further discussion on clause 39? With that one amendment of Mr. Nickerson's is clause 39 approved? Mr. Nickerson.

MR. NICKERSON: I have a point pertinent to clause 39, especially subclause 39(4). We have a problem in Yellowknife, I should not really say it is a problem but we have the situation where children from the settlement of Detah attend school in Yellowknife and to the best of my knowledge the people of Detah have no representation on the Yellowknife school boards at all. This would seem to me to be a grossly unfair situation, and I notice in subclause 39(4) and elsewhere in the ordinance it assumes that the school board or the education district will be restricted to one municipality. I would like to inquire of the Minister whether he foresees the extension of, for instance, the Yellowknife education district to include people in outlying areas and, if so, does he see the need to amend this and certain other provisions of the ordinance to take that into account?

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

HON. ARNOLD McCALLUM: Mr. Chairman, that may well be one alternative. I think that we would have to look at some alternatives as to what we could do to ensure this. It may well be that that is the method we would use; that is, to broaden the boundary lines of that district to incorporate that area. However, I can not definitively suggest that that is what we are going to do, but we will certainly look at that, or in that light.

THE CHAIRMAN (Mr. Butters): Will the assurances of the Minister satisfy you?

Input By People Into School Operation

MR. NICKERSON: I think this is an important point. I do not myself wish to move an amendment or anything to the ordinance at the present time because we have been told on numerous occasions that it is a living document and can be changed, but this would seem to me to be a pretty important point in that all people who have children attending school should have input into the operation of that school. So, what I would request of the Minister, and if he will give me this undertaking I will pursue the matter no further at the present time, is that he will look into this matter and at the next session of the Legislative Assembly he will report to the house on his findings in this regard.

HON. ARNOLD McCALLUM: You have got it.

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

MR. STEWART: Just a question. Does not subclause (3) give the school board the right to tax outside the municipality if it is in the district? Is that not what that says?

THE CHAIRMAN (Mr. Butters): Would you repeat your question?

MR. STEWART: Does not subclause 39(3) give the school board the right to tax outside the municipal boundaries as long as it is within the school district boundaries? I ask as a point of information.

LEGAL ADVISOR (Ms. Flieger): That is the intention of subclause (3).

MR. STEWART: That then in part would answer Mr. Nickerson's question. If Detah wanted representation they would be taxed.

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

Taxation Mechanism Complicated

MR. PEARSON: Again we come back to the same thing, how would that be achieved? If for example, Frobisher Bay has a high school for which there is a school board established, a tax based operation, a tax based community perhaps one day, and kids are attending the high school from Lake Harbour, how do you set up -- what I am trying to ascertain from the administration is how you set it up, as the mechanism would be extremely complicated for that to happen? Do you just pop over to Lake Harbour and have a couple of games of bingo, that may be one way of doing it to raise some funds, but to set it up properly so that it is properly set up and conceived, I am at a loss to figure it out, I really am and what does "mutatis mutandis" mean, please?

THE CHAIRMAN (Mr. Butters): Madam Legal Advisor, "mutatis mutandis"?

LEGAL ADVISOR (Ms. Flieger): In subclause (3) the use of that phrase indicates that the sections of the Municipal Ordinance shall be incorporated and apply as soon as possible pursuant to the regulations.

THE CHAIRMAN (Mr. Butters): Any further discussion on clause 39? Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I was just referring to...

MR. NICKERSON: Point of order, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Proceed, on the point of order, Mr. Nickerson.

MR. NICKERSON: I think there are certain Rules as to the manner in which one Member should address a second Member.

MR. WHITFORD: Sorry. The Honourable Member from Yellowknife, Mr. Nickerson. I am sorry. That is not the way I want to be called.

HON. DAVID SEARLE: Yellowknife North.

Federal Government Membership On Board.

MR. WHITFORD: Yellowknife North. The Member indicated about the school board in Yellowknife versus Detah. I was just mentioning that we first have to talk about it or have a meeting as to whether or not the taxation bit came into it because I believe the Department of Indian Affairs and Northern Development along with the territorial government is supplying the education at the moment to the school there.

THE CHAIRMAN (Mr. Butters): That is a very important point. Mr. Minister, did you hear the point raised by Mr. Whitford?

HON. ARNOLD McCALLUM: I am sorry, no.

THE CHAIRMAN (Mr. Butters): I think it is worth repeating. It was that with regard to Detah and the responsibility of the federal government to provide education, that there may be some way in which the federal government could ensure membership on the board. I think that is a fair paraphrase of what Mr. Whitford said. Is that correct?

MR. WHITFORD: Yes.

THE CHAIRMAN (Mr. Butters): If there is no further discussion, is clause 39 agreed? You are not voting, Mr. Pearson?

MR. PEARSON: I am not voting. I was wondering if Hon. Arnold McCallum and his advisers have a comment to make. They are all shaking their heads vigorously on that one.

HON. ARNOLD McCALLUM: No.

THE CHAIRMAN (Mr. Butters): I have agreement for clause 39, assessment and taxation.

---Agreed

Could I address your attention to clause 40 on page 36? Mr. Nickerson.

MR. NICKERSON: One small typographical error in the second line. "chair-person " should be "chairman".

THE CHAIRMAN (Mr. Butters): Right. "Chairman" has been used consistently throughout the ordinance, yes. Any other comments on clause 40, please? The borrowing powers are agreed?

---Agreed

Thank you. Clause 41, debentures.

Motion To Amend Clause 41

MR. NICKERSON: Mr. Chairman, one small minor amendment on clause 41 in the third line from the bottom. The word "construct" should be replaced by the word "make".

THE CHAIRMAN (Mr. Butters): On the third last line of clause 41 it now reads "...or to construct improvement..." and Mr. Nickerson's change would be "to make improvements...". Hon. David Searle.

HON. DAVID SEARLE: "Construct improvements" or "make improvements" is six of one and half a dozen of another. It is the same thing. I think it is a question of the proper legal term. On what basis do we change it from "construct" to "make"?

MR. NICKERSON: Mr. Chairman, the reason why this was suggested and legal advice was taken at the time, was the advice given to us at that time that this was better wording. It was that an improvement might, for instance, be the growing of trees and you do not construct trees.

THE CHAIRMAN (Mr. Butters): Rather than getting into -- if there is going to be much discussion on this matter, possibly there should be an amendment made. I do not care. What do you want to do?

HON. ARNOLD McCALLUM: Surely we are not going to set it aside to argue over one verb.

Word "Improvement" Defined

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I would suggest the word "construct" is probably there because of the meaning given to the word "improvement" under the Municipal Ordinance where it is defined as being a building, structure, etc., machinery, equipment, appliances and so on. It does not include trees which are a part of the land. I think the word "land" is there already.

MR. NICKERSON: Mr. Chairman, with all due respect, we are probably talking here of improvements as defined under the Municipal Ordinance and land as defined under the Lands Act. There are all kinds of weird and wonderful definitions of various terms but they are not contained in this particular ordinance and I would assume here that the word "improvements" would have the normal meaning. It has not been specifically defined and even if you were to take in certain machinery it is not necessarily constructed on the spot. You know, it seems funny to me that of four or five or more different recommendations of the legislation committee concerning minor word changes, all of which were approved by the Legal Advisor before, it seems to me that the Honourable Member for Yellowknife South has taken every opportunity to make some kind of confrontation between the present Legal Advisor and the former one.

THE CHAIRMAN (Mr. Butters): Order, please. Order. Let us deal with the legality of the situation. I wonder if I might, to clarify my own thinking with the Members' permission, ask the Legal Advisor whether or not the suggested amendment which appears to me to make a change in the intent of the phraseology ...

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I do not think it is a great matter but I would only suggest that the word "construct" associated with the word "improvements" colours the meaning of the word "improvements" and might lead one to believe that the meaning assigned to the word "improvements" under the Municipal Ordinance and generally speaking, under all municipal law is the meaning intended there. But I do not think that to put the word "make" in would make much difference really.

THE CHAIRMAN (Mr. Butters): Thank you very much. I accept the amendment of Mr. Nickerson, that the word "construct" as it appears in the third last line be deleted and the word "make" be added as has been the advice of our standing committee on legislation. Is there any discussion?

HON. DAVID SEARLE: Well, the only thing I would like to do is take the opportunity, Mr. Chairman, to indicate that I am very sorry to have heard my colleague from Yellowknife North indicate there was some intent of mine to cause a conflict between Legal Advisors. My only purpose, the committee may be assured, is to get from Ms. Flieger, who is a very competent legislative draftsman, her views on these amendments which on the face of them seem to be inconsequential. But, as anyone knows who has had much experience with legislative drafting, they are not necessarily as simple as they appear. Her answer to your question, as I read it, was to suggest that you leave the word "construct" there and instead you have gone ahead and accepted the word "make". She did say, however ...

THE CHAIRMAN (Mr. Butters): Correction, sir. I accepted the amendment. I have been out of order myself in allowing this discussion to proceed without an amendment on the floor. What I am doing now is legalizing the debate and accepting Mr. Nickerson's suggestion as an amendment. Proceed.

Advice Of Legal Advisor

HON. DAVID SEARLE: Well, my only point is I think that when you start using one word or another, what we should do is take the advice of the current Legal Advisor who is before us, Ms. Flieger. I understood her to say, and correct me if I am wrong, that in the context of the way this is used the word "construct" in that specific use and closeness to the word "improvements" was a better word. Now, with her having said that, I would think that that is all the discussion that is necessary.

THE CHAIRMAN (Mr. Butters): Thank you very much. Any further discussion on the amendment? Question. All those in favour of the amendment, that the word "construct" in the third from last line be deleted and the word "make" added so that it would now read "...or to make improvements...". All those in favour of the amendment proposed by Mr. Nickerson raise their hands, please. Raise them again. I want to count. Against? I count four in favour and three against. Mr. Clerk, is that correct? Did you count them? Would you raise your hands again. I do not want to make any mistake. All in favour of the amendment. Against? Oh, Hon. Arnold McCallum, was your hand up?

HON. ARNOLD McCALLUM: I voted against it.

Motion To Amend Clause 41, Defeated

THE CHAIRMAN (Mr. Butters): Sorry, I did not see it. I vote that it stands as in the book.

---Defeated

Is there any further discussion of clause 41, debentures?

Clause 42, money borrowed. Agreed?

---Agreed

Clause 43, content of bylaw. Agreed?

---Agreed

Clause 44, expense of bylaw. Agreed?

Motion To Amend Subclause 44(5)

MR. NICKERSON: Mr. Chairman, we have a very simple amendment to clause 44 which should pass fairly quickly unless there is any nitpicking from the Honourable Member from Yellowknife South.

THE CHAIRMAN (Mr. Butters): Order, please.

MR. NICKERSON: In subclause 44(5) on page 40, the words "in so far as not inconsistent with the provisions of this ordinance..." be taken out and substitute it with the words "mutatis mutandis." The latter phrase has been used throughout the rest of the ordinance.

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

MR. FRASER: Mr. Chairman, I seem to be missing page 38. I have got a blank piece of paper here.

THE CHAIRMAN (Mr. Butters): Would the Clerk of the House supply Mr. Fraser with the page that he is missing? Members have heard the amendment of Mr. Nickerson.

MR. LYALL: I second the amendment.

THE CHAIRMAN (Mr. Butters): Subclause (5) of clause 44 where it says "in so far as not inconsistent with the provisions of this ordinance" be substituted with "mutatus mutandis." Madam Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): I do not think that the words are identical in meaning, but I do not think that the use of them rather than the words that are here would have much effect. I think there is no harm in the change.

Motion To Amend Subclause 44(5), Carried

THE CHAIRMAN (Mr. Butters): Any further Members wish to speak to the amendment? Question. All those in favour of the amendment as proposed by Mr. Nickerson? Contrary? The amendment is carried.

---Carried

With the amendment, then is clause 44 agreed?

---Agreed

I note that the clock is approaching that hour, and do Members wish to continue or would you suggest I report progress to the Speaker?

SOME HON. MEMBERS: Report progress.

THE CHAIRMAN (Mr. Butters): Thank you.

MR. SPEAKER: The house will come to order. Mr. Butters.

Report of the Committee of the Whole of Bill 1-60, Education Ordinance

MR. BUTTERS: Mr. Speaker, your committee has been considering Bill 1-60, the Education Ordinance, and I wish to report some slight progress.

MR. SPEAKER: Any announcements? Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Thank you, Mr. Speaker. My announcement concerns the trip which certain Council Members are making tomorrow to visit Whale Cove and Chesterfield Inlet. Transportation will be available at the door of the Rankin Inlet lodge at 9:30 o'clock a.m. sharp, please, and if there are any Members who have changed their minds would they kindly let me know before that time?

MR. SPEAKER: The other thing, gentlemen, is that there is a caucus meeting at 9:00 o'clock a.m., Monday, in the hamlet office. As you may recall, pursuant to that motion that was made, we have changed the hours of sitting and have switched Monday and Tuesday around. As a result the session of this house will not begin until 2:30 o'clock p.m., Monday afternoon.

Mr. Clerk, orders of the day.

ITEM NO. 12: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, 2:30 o'clock p.m., October 25, 1976, at the Maani Ulujuk School, Rankin Inlet.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Petitions
5. Reports of Standing and Special Committees
6. Notices of Motions
7. Motions for the Production of Papers
8. Motions
9. Tabling of Documents
10. Consideration in Committee of the Whole of Bills, Recommendations, Other Matters and Information Items: Bill 1-60, Bill 6-60, Tabled Document 2-60, Matters arising out of the recent tour of the Legislative Assembly to the State of Alaska, Information Items 1-60, 4-60, 8-60, 16-60
11. Orders of the Day

MR. SPEAKER: This house stands adjourned until 2:30 o'clock p.m., October 25, 1976, at the Maani Ulujuk School, Rankin Inlet.

---ADJOURNMENT

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