



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

60th Session

8th Assembly

Official Report

FRIDAY, JANUARY 21, 1977

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

The Honourable David H. Searle, Q.C., M.L.A.
P.O. Box 939
Yellowknife, N.W.T. X0E 1H0
(Yellowknife South)
(Speaker)

The Honourable Arnold McCallum, M.L.A.
Yellowknife, N.W.T.
X0E 1H0
(Slave River)
(Minister of Education)

Mr. Donald M. Stewart, M.L.A.
P.O. Box 310
Hay River, N.W.T.
X0E 0R0
(Hay River)
(Deputy Speaker)

Mr. Peter Fraser, M.L.A.
P.O. Box 23
Norman Wells, N.W.T.
(Mackenzie Great Bear)

Mr. Mark Evaluarjuk, M.L.A.
Igloodik, N.W.T.
X0A 0L0
(Foxe Basin)

Mr. Ipeelee Kilabuk, M.L.A.
Pangnirtung, N.W.T.
X0A 0R0
(Central Baffin)

Mr. William A. Lafferty, M.L.A.
P.O. Box 176
Fort Simpson, N.W.T.
X0E 0N0
(Mackenzie Liard)

Mr. William Lyall, M.L.A.
Cambridge Bay, N.W.T.
X0E 0C0
(Central Arctic)

The Honourable Peter Ernerk, M.L.A.
Site 18, Box 16,
Yellowknife, N.W.T. X0E 1H0
(Keewatin)
(Minister of Economic Development)

Mr. Dave Nickerson, M.L.A.
P.O. Box 1778
Yellowknife, N.W.T.
X0E 1H0
(Yellowknife North)
(Minister of Social Development)

Mr. Thomas H. Butters, M.L.A.
P.O. Box 1069
Inuvik, N.W.T.
X0E 0T0
(Inuvik)
(Deputy Chairman of Committees)

Mr. Bryan R. Pearson, M.L.A.
c/o Arctic Ventures
Frobisher Bay, N.W.T.
X0A 0H0
(South Baffin)

Mr. Ludy Pudluk, M.L.A.
Resolute Bay, N.W.T.
X0A 0V0
(High Arctic)

Mr. John Steen, M.L.A.
P.O. Box 60
Tuktoyaktuk, N.W.T.
X0E 1C0
(Western Arctic)

Mr. Richard Whitford, M.L.A.
Rae, N.W.T.
(Great Slave Lake)

OFFICERS

Clerk
Mr. W. H. Remnant
Yellowknife, N.W.T.
X0E 1H0

Sergeant-at-Arms
Mr. F. A. MacKay
Yellowknife, N.W.T.
X0E 1H0

Clerk Assistant
Mr. Pieter De Vos
Yellowknife, N.W.T.
X0E 1H0

Deputy Sergeant-at-Arms
Mr. J. H. MacKendrick
Yellowknife, N.W.T.
X0E 1H0

LEGAL ADVISOR
Ms. P. Flieger
Yellowknife, N.W.T.
X0E 1H0

TABLE OF CONTENTS

21 January 1977

	<u>PAGE</u>
Prayer	700
Questions and Returns	700
Oral Questions	701
Motions	701
Consideration in Committee of the Whole of:	
- Bill 1-60 Education Ordinance	704, 777
Report of the Committee of the Whole of:	
- Bill 1-60 Education Ordinance	776, 777
Third Reading of Bills	778
Assent to Bills	778
Prorogation	779

YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, JANUARY 21, 1977

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

ITEM NO. 2: QUESTIONS AND RETURNS

SPEAKER (Hon. David Searle): Item 2, questions and returns. Are there any returns? Are there any written questions? Mr. Butters.

Question W35-60: Arsenic Research

MR. BUTTERS: Mr. Speaker, in the recent week, the past week, there were some television and radio reports about arsenic in this community and I would like to have assurance that the matter has been referred to the Northwest Territories Science Advisory Board, an objective body of scientists who are interested in things in the North and if the Board decides to look into the matter that funding for it be forthcoming to carry out this research.

MR. SPEAKER: Is there a further question? Hon. David Nickerson? Is this response by the Executive to the question?

HON. DAVID NICKERSON: Yes, Mr. Speaker.

MR. SPEAKER: In response?

HON. DAVID NICKERSON: Yes, Mr. Speaker.

MR. SPEAKER: Hon. David Nickerson.

Return To Question W35-60: Arsenic Research

HON. DAVID NICKERSON: At the present time this matter has not been referred to the Science Advisory Board of the Northwest Territories. What is happening with this is that a committee is to be set up under the auspices of the Department of Health and Welfare. It will contain three independent experts who are to be recommended to the Minister by the Public Health Association of Canada. There is an active branch of the Public Health Association in the Northwest Territories and it would be expected that the Government of the Northwest Territories would confer with the local branch before doing anything of the nature suggested by Mr. Butters on its own initiative, without obtaining help from the Public Health Association.

Depending upon what the recommendations of that body are to the Minister, we may or may not set up something of our own of a like nature. What I am saying is that if the Canadian Public Health Association, or the Northwest Territories branch, recommends that we do something on our own then we probably would and one of the logical things to do would be to refer this matter to the Science Advisory Board, but we will not act until we find out what the recommendations of the Canadian Public Health Association are.

MR. SPEAKER: Are there any further written questions?

Item 3, oral questions. Mr. Fraser.

ITEM NO. 3: ORAL QUESTIONS

Question 036-60: New Wildlife Ordinance

MR. FRASER: Mr. Speaker, I would like to know if the new Game Ordinance that is coming out shortly, if it will come out in time so we could take it around to the communities and discuss the ordinance with different constituencies prior to it coming before the Assembly?

MR. SPEAKER: Is there any response, Deputy Commissioner Parker?

Return To Question 036-60: New Wildlife Ordinance

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the new wildlife ordinance is under preparation and as has been noted in this house yesterday, a considerable amount of the work is being done by the game advisory board. The intention of the administration is to place the draft ordinance in front of the Members, through one means or another, sufficiently far ahead of the time that it will be read in the Assembly to permit a very full consultation with constituents. This bill is now scheduled to be studied in committee by the Assembly at the fall session this year, in 1977. It is our intention to have the bill ready by the May session so that the period from May until perhaps October will be available for consultation between Members and their constituents.

It is our intention to have the bill translated by May, if all goes according to plan, and also to have the regulations ready and translated at that time.

Mr. Speaker, if I could just say one thing more, some time during the next session, that is the 61st session, we will be presenting to Members one or two proposals on means whereby we can place major pieces of legislation before the house in order to expedite the work, that is to place them well ahead of the time before they will be going into committee so there can be consultation. I am referring to major pieces such as the ordinance we are now studying and the proposed wildlife ordinance.

MR. SPEAKER: 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.

Item 8, motions.

ITEM NO. 8: MOTIONS

Motion 24-60. Mr. Butters.

Motion 24-60: Formation Of A Special Committee For Development Of Territorial Legislation After The Construction Of A Mackenzie Valley Pipeline

MR. BUTTERS: Mr. Speaker, there are three typographical errors in this and I will read it as it should be:

WHEREAS the decision on the proposal to construct the Mackenzie Valley natural gas pipeline will be made before the end of the year;

AND WHEREAS the project, if approved, could require new legislative terms and conditions in the fields of labour relations, job training, labour standards, northern employment and business preference, environmental and wildlife safeguards, revenue sources and location formulae and compensation provisions and procedures;

AND WHEREAS the responsibilities for the development and provision of legislation in the event a pipeline is constructed is, in co-operation with the Parliament of Canada, the responsibility of the Legislative Assembly of the Northwest Territories;

NOW THEREFORE, I move that a special committee of the Legislative Assembly be struck to develop the territorial legislation that will be required to be in place before or shortly after approval is granted to construct the Mackenzie Valley natural gas pipeline.

MR. SPEAKER: Moved by Mr. Butters and is there a seconder? Mr. Lyall. Any discussion? Mr. Butters.

MR. BUTTERS: Mr. Speaker, we have heard in the past week that our current northern development Minister, the Hon. Warren Allmand may not exactly have a bias in favour of northern development and has stated publicly that the Mackenzie Valley pipeline may not be built. I think it is important that we recognize that no decision has been made yet and if the decision to proceed with the line is made, there is a responsibility upon this body to be as well prepared as possible. I suggest that the territorial government, in conjunction with the federal government at the bureaucratic level, is already very much involved in putting together their draft legislation of the type I have outlined here and this is good, but I think we would be remiss if we did not ourselves get involved in this procedure, seeing that we are interested in legislation that is in the draft form and being drawn up and that we develop a special pipeline legislation committee and go at this matter with a lot more intensity and effort than has been the case in the past.

MR. SPEAKER: Is there any further discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: Mr. Whitford.

MR. WHITFORD: Mr. Speaker, with regard to the committee on the pipeline, it is the wish of the people in my constituency, from the Great Slave Lake riding, that there be no Mackenzie Valley pipeline. Therefore, sir, I would oppose this kind of a move.

MR. SPEAKER: Is there any further discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: Mr. Butters is entitled to wind up debate and did you wish to speak, Hon. David Nickerson?

HON. DAVID NICKERSON: Yes, Mr. Speaker.

MR. SPEAKER: Hon. David Nickerson.

HON. DAVID NICKERSON: Mr. Speaker, although I am in favour of this motion there are a lot of things I would like to know further about it. This is a fantastic job that is being proposed, it will require the work of several legislative draftspeople over a period of time if it is to be done properly. What I would like

to see is a discussion of this in committee of the whole where perhaps we could have some legal expertise to find out how much work is involved in doing this. Perhaps we could have some indication of what funds might be made available to do this work because it is obviously going to be a pretty expensive proposition.

Motion To Refer Motion 24-60 To Committee Of The Whole

Therefore, Mr. Speaker, I would move that this matter be referred to a committee of the whole.

MR. SPEAKER: Have you any objection to it going into committee of the whole? Is that agreed, gentlemen? Is it agreed?

---Agreed

MR. BUTTERS: Does this require a seconder to refer the motion?

MR. SPEAKER: Hon. Peter Ernerk, did you second it?

HON. PETER ERNERK: I understand that this item would be placed before the committee and be discussed in committee of the whole. If so, I second it.

MR. SPEAKER: I would think that in view of the fact that we are likely to conclude the 60th session today, and I hope I am not going out on a limb in saying that, my suggestion would be to include it under committee of the whole for the 61st session and I would assume there is no objection to that course of action. Is that agreed? Mr. Butters.

MR. BUTTERS: I would only accept that if it became part of the motion, or part of the motion to refer because it will die otherwise and how can we be assured it will be on the agenda?

MR. SPEAKER: You can be assured if I have agreement of the house because I will see that it is. That is what I am saying. Is that agreed? No? You feel it is so important that we prolong the session do you, Hon. David Nickerson?

HON. DAVID NICKERSON: No, Mr. Speaker.

MR. SPEAKER: Please tell us what you do feel.

HON. DAVID NICKERSON: I think I am going to say the same thing Mr. Butters was about to say, in that we are in formal session and perhaps we could keep the order and call a vote and run things according to the proper procedure laid down in the Rules of the house.

MR. SPEAKER: I can call a vote, Hon. David Nickerson, asking for nays or yeas but I do not want to call for a show of hands and I asked if there was agreement and I heard some agrees and I did not hear any nays. If I heard any nays I would have called for a show of hands. Mr. Butters.

MR. BUTTERS: I just wish to speak to the motion to refer. I accept the referral and I think that the suggestion that it be referred to committee is a very good one because this is something that is a lot more important than many of the issues we are discussing at the 61st session and I would hope that if the motion passes to refer, that it will be on the agenda paper on the very first day and not left to the last day.

The reason I raised this in the last two days of the session was to indicate its importance and we know that the Prime Minister -- we know these decisions are about to be made and it is important that we hear about it as soon as possible, or discuss this as soon as possible.

MR. SPEAKER: You are debating it and I will get in further trouble by letting you carry on in that way.

MR. BUTTERS: We were debating referring it to the next session, the 61st session and I am saying that I want to have some assurance that it will be brought up early in the 61st session if it is not to be discussed now. I think the business raised in this house should be discussed in the house at the time it is raised.

Motion To Refer Motion 24-60 To Committee Of The Whole, Carried

MR. SPEAKER: On the motion to refer, is there any further discussion? The question being called on the amendment made by Hon. David Nickerson to refer the motion to committee of the whole. The question, all in favour? Contrary? One vote contrary. The motion is carried.

---Carried

It will appear on the order paper for committee of the whole discussion.

Item 9, tabling of documents.

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

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

Bill 1-60, the Education Ordinance.

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

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

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

THE CHAIRMAN (Mr. Stewart): The committee will come to order. When we reported progress last evening we had concluded clause 79 in clause by clause discussion of Bill 1-60. Clause 80 on page 55.

HON. PETER ERNERK: I wonder if I could have unanimous consent of the committee to go back to clause 76?

THE CHAIRMAN (Mr. Stewart): Clause 76? Yes.

HON. PETER ERNERK: Eligibility for vocational program.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Eligibility For Adult And Vocational Programs

HON. PETER ERNERK: Mr. Chairman, I looked over this last night and it states that "Any person who is 17 years of age or over and has been resident in the territories for at least two years is eligible to make application for admission to an adult or vocational program." My reading of this is that if anybody wants to

take on a course from southern Canada maybe in a place like Alberta in the Northwest Territories, if there were to be such a course that he would be interested in taking here in the Northwest Territories, it seems to me that we are merely closing the doors to them. Of course, the point here that I am trying to make is that I do not think any province in southern Canada disallows any resident of the Northwest Territories taking any course in Alberta or southern Canada, anywhere in southern Canada. So what I would be in favour of is saying something like "Any person who is 17 years of age or over and is a resident of the Northwest Territories is eligible to make application for admission to an adult or vocational program." Maybe the Honourable Minister of Education could let me know what sort of problems we might get into if we strike out the words "Any person who is 17 years of age or over and has been resident in the territories ..."? Do you get my point?

THE CHAIRMAN (Mr. Stewart): The question is, Mr. Minister, what effect would the deletion of the words "for at least two years" make in this section?

HON. ARNOLD McCALLUM: Mr. Chairman, it would have the effect of changing what is there. If there were students who dropped out of school before the age of 17 and who want to enrol in other kinds of local study programs, either adult or vocational or otherwise, Manpower does not pick up all of the expenses here. The department does in fact pay allowances comparable and equal to Manpower rates for courses in various areas. The amendment that Hon. Peter Ernerk suggests would, of course, simply be a resident of the territories for any duration who would be eligible to make application for admission to it. If you read into that that not only "be eligible", if there is a space for him the Unemployment Insurance Commission would give him a course and be paid either by Manpower or by the department to take it. I do not know. I have a feeling I would rather not see it that open.

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

MR. LYALL: Mr. Chairman, I have a question on my mind while the subject is on the floor. I would like to ask anyone in the room if there is a provision in the ordinance for people who are from other provinces coming to the Northwest Territories just to be called a resident and then go back down south to take schooling, are they eligible for benefits under the Northwest Territories provisions?

Higher Education Grants

HON. ARNOLD McCALLUM: Not in that respect. I think the point Mr. Lyall is trying to make, Mr. Chairman, is that somebody would come into the territories and then be here and be then eligible for higher education grants. There are regulations which are established in the higher education grants, to attend university, there are certain regulations that have been established for that particular ordinance which is different than this here. There is nothing in here, other than this clause containing the eligibility of pupils to take vocational or local study programs. We are concerned with people who have been residents.

MR. LYALL: Mr. Chairman, the reason I asked is I have heard in several cases where some of the children of some of the government people who are going to school down south have come back with their parents to the Northwest Territories just to be called a resident and have gotten higher education grants.

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

HON. DAVID NICKERSON: Mr. Chairman, clause 76 is a very funny clause in that if you do not meet the requirements of being 17 years old and having been a resident of the territories for two years, it does not say you still can not make application and that you still will not be granted admission. If you do meet the requirements, it still does not say that you will get admission, so what we are in fact saying is that these are desirable qualifications but if you have not got

these qualifications, you need not necessarily be turned down. Even if you have got them, it does not mean to say you are going to be successful. What it does is lay out certain qualifications that the Department of Education can then look at and presumably those people who have the qualifications will stand a much greater chance of being admitted by them to vocational programs.

Because of this, I would be inclined to leave clause 76 as it is. I think it gives them wide discretion in cases where there is a just cause for admitting somebody who does not meet the requirements. They still can, so it would be my contention that the clause 76 be left as it is here.

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

MR. STEEN: Mr. Chairman, the Hon. David Nickerson has taken some of the words out of my mouth, but I would like to elaborate a little bit further in support of what he has said. I think in view of the fact that we may some day begin to build a pipeline in this area and there will be a great influx of people coming into the territories with the measly little vocational centre in Fort Smith, we have not got the facilities at the present time to go much beyond the requirement for the Northwest Territories residents to be trained. If we open too much and if you have an influx of people coming into the territories you will not be able to handle it until we begin spreading out our facilities for vocational training.

THE CHAIRMAN (Mr. Stewart): Thank you. Is there anything further relevant to clause 76?

Enrolment At AVTC

MR. FRASER: Mr. Chairman, just a question to the Minister of Education which might be to the benefit of the Assembly. The percentage of turnover in the vocational centre in Fort Smith would be of interest and the amount, percentage of native and others participating in this vocational training centre. I wonder if he could give us a figure off the top of his head.

THE CHAIRMAN (Mr. Stewart): Can you give us an answer on that now or would you like to look up the figures? Would you like to later?

HON. ARNOLD McCALLUM: Mr. Chairman, if Mr. Fraser is inquiring into the number of people who are enrolled at the present time and the number who are non-territorial or non-native people, I think I could give him an indication as to the number of people who are presently taking courses at the Adult Vocational Training Centre. I can not give a number at the present time of the people who are taking adult or vocational courses throughout the territories. I could get it. As to the percentage of people who are northerners or native northerners, I would have to get that kind of information, but at the present time there are approximately enrolled at the Adult Vocational Training Centre 185 students from all programs, dental therapy through to the teacher education program and the other training courses that are there, apprenticeship as well at the Adult Vocational Training Centre.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you, Mr. Fraser? Anything else on clause 76? Last call, I am going to return to clause 80. Mr. Pearson.

Eligibility For High School

MR. PEARSON: One question of a general nature would be eligibility of people to become involved in a school in the Northwest Territories, particularly high schools. There have been cases in Frobisher where individuals unattached with no residency in the community suddenly find themselves, at least I suddenly find them enrolled in a high school program. Is there any provision, any regulations saying you must be resident or prove some kind of connection to the Northwest Territories before you are entitled to walk into any school and become enrolled in it?

HON. ARNOLD McCALLUM: Mr. Chairman, there are no regulations in terms of enrolling in the formal schools, kindergarten to grade 12, no regulations that stipulate you must be a resident of the territories to take high school courses in the Northwest Territories.

MR. PEARSON: I gather then anybody can get off a plane in Yellowknife or Frobisher Bay and simply walk up to the school on enrolment day and demand to be admitted as a student. Is that correct? As a Canadian they are entitled to that?

HON. ARNOLD McCALLUM: That is correct.

MR. PEARSON: But as a citizen of the Northwest Territories assuming the cost of education does that make sense? Is it paid for by Canada?

HON. ARNOLD McCALLUM: I would say, Mr. Chairman, that mobility, or the ability to move within the confines of the country is something that is there for all Canadians and one would be able to go in any province or territory in Canada and enrol in a high school. I would expect for that matter they could in any kind of institution, in any educational area, if you meet the qualifications to get into that particular institution. In most cases, in universities, or to take a general arts or science degree, particularly for general arts, you simply have to be of adult age.

MR. PEARSON: And be prepared to pay the fee.

HON. ARNOLD McCALLUM: That is correct, but there are no fees charged in high school in the Northwest Territories or that I know of in most provinces, for high schools.

MR. PEARSON: I gather then that one may do the same thing in any of the provinces in Canada.

HON. ARNOLD McCALLUM: I am sorry.

MR. PEARSON: May one do the same in any of the provinces in Canada?

HON. ARNOLD McCALLUM: That is true unless it is a private school.

MR. PEARSON: Thank you.

THE CHAIRMAN (Mr. Stewart): Anything further on clause 76? Clause 80.

MR. BUTTERS: Mr. Chairman, I notice that we have the amended clause 75 and could we do this?

THE CHAIRMAN (Mr. Stewart): I have three clauses I have set aside and I thought we would go through and then do all the set aside ones together.

Clause 80, private schools. Mr. Butters.

Case For Private Schools.

MR. BUTTERS: I mentioned last night that I had some comment on this point. I had occasion a few months ago to write to a school in California which was a private school that was concentrating on basics with increased discipline because of the malaise in our system which the Minister admitted to yesterday is not only within the territories but it is nationwide and North America-wide. We are graduating in North America a whole generation of illiterates and one of the things that has been done in the United States is that you see private schools being set up where parents who are concerned at the lack of standards that exist in the public school system may send their children, if they wish, and I feel that when the Minister carries out the testing which he said his people would assuredly be doing, relative to the basic skills that have been acquired by youngsters in the junior grades, I think that we may find just as alarming results for those grades as has been found for the grade nines now in grade ten. In that event I think there may be an increasing number of parents in the Northwest Territories who might be very willing to look at, or very interested in looking at some type of private institution which could give, or which would provide a smaller teacher-pupil ratio and also cram basics. Maybe this is where such a school would be set up, I do not know, but maybe the Minister could advise me.

HON. ARNOLD McCALLUM: Mr. Chairman, first off I would want to correct Mr. Butters. I did not say there was a malaise, I said I was concerned and very much alarmed at the results of the grade ten placement test that was given to grade nine students. I do not believe we are graduating a group of functional illiterates from the schools. My belief today is that students who are going to school, especially at high school level, in comparison to the years when maybe he and I went to high

school, and others here, especially in a subject such as mathematics, are taking courses in mathematics which are much more demanding than they were back a generation or two generations ago.

Results Of Grade Ten Placement Tests

Just to give you an example, when we are talking about, or Mr. Butters asked about the results of the grade ten placement test, some of the skills and concepts that pupils were tested on, at the grade nine level deals with concepts that 15 or 20 years ago would be taught at grade ten, grade 11 or grade 12. When you are talking about binomial multiplication, various kinds of equation solving, when you are talking about those kinds of concepts, these were not in grade nine and grade ten courses when he and I were in grade nine and ten. Grade ten and 11 students now get involved with calculus and in my own instance, and I am sure it is the experience of others who have gone to high school back a few years ago, you were not involved with calculus at all at that level. So, also it is with a number of other subjects. Society today demands that you can move around, you talk about functional illiteracy for graduating groups of illiterate people out of our schools and I do not believe it for a moment because I believe the people graduating from our schools today are more aware of what is going on, and not only that but in terms of wanting to calculate anything, you can go down to the Hudson's Bay store, or other stores, pick up your calculator and it will do all kinds of mathematical functions for you.

As far as private schools being set up in the territories or in other places is concerned, I do not think we need a large number of private schools funded by this government. I think that we can, we have and we will provide education in the schools of the territories that are funded by this government, for everybody.

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

MR. BUTTERS: I am sorry that the debates of yesterday are not around, and I would like to have had what the Minister did say because I know he did not use the word malaise but I thought he recognized that there was a general phenomena across the country which concerned other jurisdictions and he protests too much. British Columbia has recognized the fact that students entering university are illiterate and illiterate there usually refers to the use of language and not mathematics. This is being recognized in Alberta, read The Folio for October, the tests that were carried on there, read what the Education Minister of Ontario says. I think that a minister who blinds himself to what could be a real problem is weakening his ability to do the job, and I am suggesting that if he finds the marks alarming I would hope that he would carry these out to the various other grades and let us see what the quality of education being offered in the territories is, and how well our students are doing.

MR. PEARSON: Hear, hear!

Need For Testing Standards

MR. BUTTERS: He says he does not believe this but I take the opposite tack, I believe we are in a serious problem, educationally, but his belief and my belief are nothing, let us get down to data, let us get down to the facts, let us get down to some kind of a testing standard and then discuss it. If his belief is supported by the tests, I will shut up.

HON. ARNOLD McCALLUM: Mr. Chairman, I said yesterday that I was alarmed at those results and that we would definitely carry out and find out what was going on with it, not only at that particular level but at other levels as well and I will give that assurance again that we are and that we will.

Clauses 80, 81 and 82, Agreed

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 80. Is it agreed?

---Agreed

Clause 81, prohibition. Is it agreed?

---Agreed

Clause 82, where private school authorized. Is it agreed?

---Agreed

Clause 83, teachers, qualifications and certificates. Hon. David Nickerson.

HON. DAVID NICKERSON: Mr. Chairman, I wish to speak on clause 83, the original clause 83 which was in the first draft which was tabled here last May. I am circulating a copy of the original clause 83 and you will see that it concerns universities and the clause at that time read: "No university or degree grading institution by whatever name, nor any institution purporting to be a university or purporting to grant degrees shall be established or created in the territories except under the expressed authority of an ordinance of the Northwest Territories, and no institutions shall be operated as a university in the territories without the written authorization of the Commissioner."

Charters For Universities

Now, to my way of thinking, Mr. Chairman, and also in the thinking of the standing committee on legislation, this was a very good clause and ought to be retained. What is happening at the present time is that someone in the federal government in Ottawa appears to be granting university charters on demand to anybody who walks in the door. These are charters for universities to be instituted in the Yukon and Northwest Territories. Two examples are the University of Canada North and recently they have given a charter to the Ryerson Polytechnical Institute. These particular institutions might not be that bad but the danger is this that any kind of weird religious group, or any other group of people might go in there and pick up a university charter and start a mail order university in the territories and we are going to get ourselves into a real predicament and we are going to get a name as a place where anybody with a degree from the Northwest Territories has something that is not worth the paper it is written on.

I think at the present time we have to be seriously thinking of the establishment of at least a university college in the Northwest Territories, in the foreseeable future, and we have to see that such an institution has a very high standard as a comparable standard to other such bodies in the South of Canada. Therefore I think we need the protection of a clause such as the original clause 83 and I do not know why it was removed. I rather suspect it was probably done at the request of the federal government, quite possibly the Department of Justice who likes tinkering around with our legislation very much.

Motion To Have Original Clause 83 Placed Back In Ordinance

I would move, Mr. Chairman, that clause 83, the original clause 83 be placed back into the ordinance.

HON. ARNOLD McCALLUM: I second that motion.

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

MR. BUTTERS: When I raised my hand to speak on clause 83 before, I was going to speak on universities because the draft I am using is the draft that was provided me in October of last year, that is the one that we discussed at Rankin. I can not see why it was taken out between the end of September and now. Somebody ordered it taken out but who did, and why did they do it?

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

HON. ARNOLD McCALLUM: Mr. Chairman, the Hon. David Nickerson I think gave the correct answer as far as I know, that it was done by federal -- when this legislation was passed to the Minister. Now, whether it was done by the Minister of Indian and Northern Affairs or on the advice of the Department of Justice or not I am not sure. I really do not know. Now, I think that again as the Hon. David Nickerson has pointed out that we have had these -- just in the past while it has come to our attention that a federal department, and I forget which one it is, grants these charters and one was given to two people, or a group representing RPI, Ryerson Polytechnical Institute.

University Of Canada North

HON. DAVID SEARLE: Mr. Chairman, I would just like to make sure the record reads correctly in that the reference was made to the University of Canada North. I would not want the impression left that the people who were involved in that organization certainly at the beginning were other than a group of the most responsible people involved in education in the Northwest Territories. One charter member was myself. There were people like Mr. Norman Byrne who of course had a lifetime involved in education and then I think as I recall just about everybody at the time of the incorporation was then involved in education.

The organization was not under the Department of Education at that time because what it was trying to do that government was unprepared to do, which was to get forward planning going for a university, even on a modest scale, more really like a college, getting a year or two toward a teaching certificate, nursing, etc. However, it was given a lot of impetus at one time as well by Mr. Richard Rohmer who then decided it should be widened and the last I recall of it was a meeting in Inuvik where new officers other than the original incorporators and the people who started this were elected because it had a broader base and of course it has never been heard of since.

I think it was an excellent idea. It had an awful lot of time contributed by an awful lot of good people, but those good people who got involved in it at the beginning were not able to continue in it and hence the idea just died. I think it is a shame that it died.

I do not mind this amendment going ahead as it is, but one must appreciate that when you speak of something like the University of Canada North it was incorporated at the time by way of the only vehicle that it could be incorporated and that was a federal charter. Presumably it will remain in existence and outstanding because our legislation is subject to federal legislation and I doubt very much frankly that our legislation here, even the wording proposed by the Hon. David Nickerson, could prohibit the federal companies branch from issuing a second charter if they wished. I rather suspect that it is because of that constitutional relationship that was the reason for the change by the department. It would appear to be purporting to bind everyone's hands which we clearly can not do with the federal government. As long as we understand that the federal government may, if they wish, issue such charters in the future, then I think it is proceeding on an accurate basis.

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

Granting Of Degrees In Native Skills

MR. EVALUARJUK: Mr. Chairman, I have a bit of a misunderstanding right now on clause 83. I have a little bit of misunderstanding on a certain subject. What I am speaking about is clause 83 right now. The university or a degree granting institution, I feel that somebody who is going to be teaching in any classroom or school should not have a degree of some kind. This to me is just talking about English speaking. I feel that there should also be Eskimo language taught and also I feel that culture should be taught in the schools because of the fact that, as everybody knows in the North, it is very difficult to travel when the weather is bad and this is not taught at all in the schools. This is our main concern that we would like to have teachers who would be teaching their cultural life, hunting and trapping. I am asking if these kinds of teachers would get a degree to teach certain subjects like hunting and trapping. The Eskimos can do all kinds of things like go and travel around the country without having a degree and to me this is an education. In clause 83 it does not mention anything about teaching Eskimo ways or anything at all. It seems that this is just going to the southern white people. Also I would like to mention, as I mentioned before, that teaching of the Eskimo way of life you do not need a degree. I would like to have an answer on the subject.

THE CHAIRMAN (Mr. Stewart): Thank you. At the present moment, Mr. Evaluarjuk, we are discussing clause 83 all right, but actually the section you are referring to is if this amendment goes through it would become clause 84. We are at the moment speaking to the amendment or to the inclusion of a new clause 83 really and I would ask the Minister when we get to clause 83 to reply to your question. Back to the amendment. Mr. Lyall.

MR. LYALL: Mr. Chairman, I am not completely satisfied with the question that was asked earlier on. I do not think it has been answered. I think the question was who deleted this out of the ordinance? Could I have an answer, please?

THE CHAIRMAN (Mr. Stewart): Mr. Minister, are you able to answer that question in a positive manner?

Federal Department Of Justice Removed Original Clause 83

HON. ARNOLD McCALLUM: Mr. Chairman, I do not know the individual. It certainly was not the department in proposing this which deleted this one section. It was taken out on the advice of the Department of Justice as I know. That is the federal Department of Justice.

MR. LYALL: I am still not satisfied. I would like to know who took it out. Is somebody hiding something or what?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the Minister has given the proper answer. The clause was removed because when the bill was submitted to Ottawa the federal Department of Justice said that that clause must come out and we simply took it out. It had been in all the drafts and when we arrived at the point in this bill where that would be discussed we were certain that the matter would come up and it has come up and the house seems of a mind to put it back in.

MR. LYALL: Mr. Chairman, I still feel that I have not been answered properly.

THE CHAIRMAN (Mr. Stewart): Possibly, Mr. Lyall, the answer is the Department of Justice who goes through our legislation and as a rule ...

MR. LYALL: Mr. Chairman, why was it taken out? You know, there should be an answer.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I do not want the Member to feel he has not been answered because I think I told him the administration took it out. It is well known by Members that our legislation is submitted to the Minister for his review and the review of federal justice three months in advance of its presentation on the floor of this house. We were advised as a result of that submission that the federal government had chartered universities and felt that it might continue and therefore requested that that clause be removed. That was done and it is now a matter for this house to decide which action it feels it should take.

Role Of Senior Executive Officers

HON. DAVID NICKERSON: Mr. Chairman, I probably feel as strongly as anyone else here that this was taken out unnecessarily and with probably malice aforethought. I do not like the idea of someone in the federal government handing out university charters with every packet of cornflakes that is sold. To get back to Mr. Lyall's point, it was taken out undoubtedly by the Commissioner on the direction of the Minister of Indian Affairs and Northern Development. I do not pretend to know the inner thoughts of the Commissioner but I would suspect that he is as concerned about this to the same extent as the rest of us here but he is a federal civil servant and if his Minister tells him to do something, you know, he has to do it. I do not think that we can really get too mad with the Commissioner or the Deputy Commissioner. They were merely following instructions when this was taken out. I think it is up to us to put it back in again, but I do not think we should really be too hard on the federal civil servants who in fact are the senior executive officers of the Government of the Northwest Territories. They were merely following instructions.

Motion To Have Original Clause 83 Placed Back In Ordinance, Carried.

THE CHAIRMAN (Mr. Stewart): To the amendment. Agreed?

---Carried

Then I presume that this would then become PART V, universities, clause 83 and we would make the correction in PART VI, teachers. Is that under PART IV? All right. Then we do not have to change the part numbers. It goes under PART IV with a subheading, universities, clause 83. Then we go to what is in your books on page 57 as clause 83 which then would become clause 84, correct? The Legal Advisor suggests that clauses 81 and 82 should be combined to be subclauses 81(1) and 81(2) and this then should become clause 82. Is that agreed?

---Agreed

That will keep our numbers in sequence. All right. Subclause 83(1), we have a question from Mr. Evaluarjuk. Mr. Minister, could you answer Mr. Evaluarjuk at this time?

HON. ARNOLD McCALLUM: Mr. Chairman, this particular first part of the clause says that a person must be certified to teach in the school system or the education system of the territories, it does not mean that a teacher must hold a degree. It simply means that one is to be certified under the authority of the department to be allowed to teach in the educational system, it does not mean that a teacher must hold a degree or degrees in order to teach in the schools of the Northwest Territories.

THE CHAIRMAN (Mr. Stewart): Does this answer your question?

MR. EVALUARJUK: Yes.

Clauses 83 And 84, Agreed

THE CHAIRMAN (Mr. Stewart): Clause 83. Is it agreed?

---Agreed

Clause 84, teachers' contracts. Are we agreed on clause 84?

MR. BUTTERS: You are in the new numbering, are you?

THE CHAIRMAN (Mr. Stewart): The numbers remain the same. Clause 84 is teachers' contracts.

MR. BUTTERS: I was working from the old draft which included the universities and now I am back on track again.

THE CHAIRMAN (Mr. Stewart): Clause 84, are we agreed?

---Agreed

Clause 85, Dismissal.

MR. BUTTERS: Do not go so fast because I have notes that relate to clauses in the old draft and I am caught. I have too many books but I worked on the basis of the draft of the university clause going through and now I am all caught up. Okay.

Definition Of Incompetence

THE CHAIRMAN (Mr. Stewart): Clause 85. Mr. Steen.

MR. STEEN: I would like clarification on the word "incompetence". What does that mean?

THE CHAIRMAN (Mr. Stewart): Incompetence.

HON. ARNOLD McCALLUM: I think if you are looking for a definition, you should ask the Legal Advisor.

THE CHAIRMAN (Mr. Stewart): Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): In relation to the word "incompetence" in clause 85 where a teacher may be dismissed for incompetence, I think the word means an inability to perform the job that he is hired to perform, a lack of ability for his job.

MR. STEEN: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 85. Mr. Butters.

MR. BUTTERS: I have an amendment to clause 85 and it is related to "cause". Clause 85 says: "A teacher may be dismissed for cause...". What is "cause"?

THE CHAIRMAN (Mr. Stewart): Legal Advisor?

LEGAL ADVISOR (Ms. Flieger): I think in clause 85 that the case law on the employment of teachers would be where you would turn to find what is "cause" for dismissing a teacher. There is some case law for example on the use of foul language. There are various reasons that have been used over the years to fire teachers for cause, and it all comes under the heading of "cause" and some cases that come to my mind involve teachers for example swearing in the classroom or using other language that is unacceptable in the presence of many children. I think morality has entered into some of the cases so I would say that "cause"

can not be defined in a limiting way, because I really do not know what "cause" means.

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

MR. LYALL: Mr. Chairman, I know how effective "cause" would be. If a teacher was swearing in class he would be able to be fired at the present time but I hear amongst kids nowadays pretty foul language used at a pretty early age.

THE CHAIRMAN (MR. Stewart): Hon. David Nickerson.

HON. DAVID NICKERSON: It would appear to me that in clause 85 what we are trying to do is give the teachers a certain amount of protection and what we are in fact doing is saying that they can not be fired at the whim of their employers, there has to be some reason, some just cause for their dismissal.

MR. BUTTERS: That is abundantly clear but I think that "cause" is a very broad term and perhaps it would be better to determine some of those areas. It could be swearing in school but what is "cause"? What is the reason for that?

Employer Must Prove Cause For Dismissal

LEGAL ADVISOR (Ms. Flieger): The way this section is set up, if an action was taken against the teacher it would then be up to the employer to prove that the reason for which the teacher was fired amounted to "cause". In other words, that section then makes the court the final arbiter of what is just cause for dismissing the teacher and to attempt to list every reason that might exist would probably be impossible.

THE CHAIRMAN (Mr. Stewart): Mr. Minister, have you any comments with regard to this section?

HON. ARNOLD McCALLUM: Only to again reiterate what the Legal Advisor has said as well as the Hon. David Nickerson. A teacher may be dismissed for incompetence, the inability to perform that task for which he was hired or for which she was hired, but again there may be other instances where a teacher may be dismissed but I do not think we want to put down in this legislation a whole lot of things that he or she may not do. This was done many years ago, a whole list of them, and if you did not fill up the wood stove or did not hang the curtains in the proper way or drapes or what not through a school, a classroom. I think again if a teacher is to be dismissed there must be a just cause for doing so and it may be other than incompetence. That is leaving it broad enough. I think it has already been indicated that this is the intent of the clause to provide some protection for a teacher and I think that it does the job.

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

MR. WHITFORD: Mr. Chairman, the concern that was given to me a little while back I believe would include clauses 85 and 86 although we are not yet on clause 86. Now, the concern of some of the teachers I have talked to was simply the fact that they felt that the superintendent or perhaps a principal of the school might not necessarily agree with the teacher on various education matters or, in fact, might not like his personality and it was just a little bit too loose in the sense that they could be removed from this position without any real grounds for argument.

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

MR. BUTTERS: If we accept the concern they are trying to express, both by the Hon. David Nickerson and the Minister, they have pointed out their intent and desire to provide protection for the teacher and this is exactly what I am wishing to do too. The Minister mentioned that "cause" was a broad term and it is a very vague term and if it remains in the ordinance, it would permit the dismissal of a teacher on the vaguest of reasons.

Motion To Amend Clause 85

In that case I would like to make an amendment to clause 85, to have a new subclause 85(1) which would then read: "A teacher may be dismissed for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of their employer."

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

HON. DAVID SEARLE: Mr. Chairman, I agree with Mr. Butters to this extent, that I am not so sure that I am prepared to see the reasons for dismissal left to regulations. However, the amendment he proposes gives me some problem, particularly using the word "gross misconduct". That as it shows says "A teacher may be dismissed for gross misconduct..." and I assume that is for only gross misconduct and that has a very precise meaning in law, the word "gross". I do not see why the teacher should not be dismissed for misconduct, plain and simple, but gross misconduct is like the difference between a person being negligent and grossly negligent. Now, you may want Ms. Fliieger to tell you more about the word "gross", but quite frankly if you put that word in, you will never fire a teacher who is doing naughty things, you would have to have them virtually throwing bricks through the windows and copulating with the students before it would be "gross" enough to fire them. So, I think if you are going to spell out the reasons for termination in the act, which I think is a good thing to do, do not go so far as to make them interminable.

NWTTA Supports Present Draft

DEPUTY COMMISSIONER PARKER: Mr. Chairman, thank you. I would like to remind Members that these several clauses were gone over very carefully by the standing committee and, in particular, on these clauses we met with the representatives of the Northwest Territories Teachers' Association who represent all of the teachers. They brought certain concerns to that committee but as a result of our discussion, the draft that now appears before you is a draft which they accepted, which they support, and I was just taking the liberty of having a few words with Mr. Nettleton to be sure that my recollection was correct. We did discuss the matter of dismissal for cause at great length, as the Legal Advisor will recall, and the result of that discussion was that we would perhaps be doing ourselves and the teachers a disservice if we tried to tie it down in the fashion of the amendment that has been placed before us today. Words such as "gross misconduct" I think would lead me down many difficult avenues when you came to either a court or a dismissal procedure. The teachers have the protection of their association, that is, we have an agreement with their association, there is an ordinance covering the association, and I would think that we would be wise not to spell this out to perhaps the extent that is proposed here.

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

MR. FRASER: Mr. Chairman, just as a brief answer to the Deputy Commissioner's talk here ...

THE CHAIRMAN (Mr. Stewart): We are not hearing you very well, Mr. Fraser.

MR. FRASER: Just a brief talk on the Deputy Commissioner's last comment. I am wondering if we have the wrong guy sitting at the table here with us and we have been shooting questions at, perhaps we should get the people who actually had something to do with this ordinance. After all he is a Member of the legislation committee and everything that comes up is directed over to his corner there. I am wondering if we have the wrong man, perhaps we should get some other guys who had the actual changing of this ordinance done.

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

MR. BUTTERS: It seems to me that this would be an ideal opportunity to invite Mr. Nettleton, if the committee would agree to having him appear before us on the teachers' contracts, as he is directly familiar with them, and I would be very happy if other committee Members would agree to so invite Mr. Nettleton to appear before us. The reason is that while the Deputy Commissioner assures us that he has had conversation in this house with Mr. Nettleton and that is the position of the Northwest Territories Teachers' Association, it is not the position of the regional and local Inuvik Northwest Territories Teachers' Association and perhaps Mr. Nettleton could clear this up. I am just wondering whom he represents.

THE CHAIRMAN (Mr. Stewart): What is the direction of the committee, is it agreed?

---Agreed

Would Mr. Nettleton please join us?

Interpretation Of Kinds Of Teachers

HON. PETER ERNERK: Mr. Chairman, you were referring to me of course as the other Minister. I am a little bit concerned about this particular clause, "a teacher may be dismissed for cause of misconduct, neglect of duty or for refusal or neglect to obey any lawful order of his employer." What bothers me, of course, is I think in the interpretation of a teacher, "teacher means a person who holds a subsisting certificate of qualification issued by the Executive Member, and who is employed to teach in a school". I take it that particular interpretation extends to outside the school or within the school, within a few yards away from the

school, a person who may be teaching igloo building to a native cultural program. I take it it could also mean that a teacher who is employed in the school which means any native teacher, whether Indian or Inuit or Eskimo, teaching youngsters how to make various types of native items such as boots, etc.

Question number one, who checks these kinds of people, these kinds of teachers? Who checks mitten makers or mukluk makers or what have you? I would add to this clause "shall not apply to any native cultural teachers" using the reasons I have just mentioned. Nobody really knows whether or not if any particular native teacher is doing anything wrong with respect to boot making or whatever.

THE CHAIRMAN (Mr. Stewart): Inasmuch as I have an amendment on the floor at this time, Hon. Peter Ernerk, I wonder whether you could hold that in abeyance until a decision is made and bring it back in because you will only get the matter confused. It is not really directly relevant to the amendment that I have before me at this time. Hon. David Nickerson.

Minutes From Standing Committee On Legislation Meeting

HON. DAVID NICKERSON: Mr. Chairman, what the Deputy Commissioner just said is in my recollection entirely correct because this matter has come up and appears to be of a good deal of concern, especially to the Honourable Member from Inuvik. With your permission, sir, I would like to read into the record the minutes of the meeting of the standing committee on legislation held in Yellowknife on the 18th of May, 1976. "Mr. Nettleton speaking to the association's third major concern advised the committee that provisions of subclause 86(1) that would now be 85(1) we are dealing with, dealing with the dismissal of teachers are entirely inadequate, specifically to state that a teacher may be dismissed for cause or unsatisfactory service is too vague. Originally 85(1) was to have read 'for cause or unsatisfactory service.' He went on to outline the change proposed by the association. Mr. Carter advised that the proposal would be acceptable to the public school board. Mr. Blewett suggested that although the clause as presented in the bill is too broad, on the other hand the NWTTA's proposal is too restrictive. He continued by outlining the procedure of reports, referrals, etc., to be submitted if a teacher is judged incompetent. Mr. Keenan stressed that boards must have easy access to the superintendents' reports on teachers in such matters. Mr. Slaven suggested that shortcomings of the clause might be corrected by substituting 'incompetency' for 'unsatisfactory service' in line two. Mr. Kennan reminded the committee of the difference between 'qualified' and 'competent' pointing out that a very well trained and highly qualified teacher may at the same time have limited competency or ability in a classroom. The committee agreed to recommend to the administration that regulations under this ordinance should include provisions for adequate notice of dismissal but accepting a point made by Mr. Blewett agreed also that there must be provision where necessary for immediate dismissal."

You see, Mr. Chairman, that the original wording which was unsatisfactory in the eyes of the NWTTA was amended to the present reading "for cause or incompetence" at the request of the Northwest Territories Teachers' Association. Our recommendation made at the suggestion of the NWTTA was accepted by the administration and is what you have before the committee today.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Nettleton, we are discussing clause 85(1) and we have a proposed amendment. Would you care at this time to comment?

Views Of The Association

MR. NETTLETON: Yes, I would appreciate that, Mr. Stewart. The Hon. David Nickerson has just read you an account of the standing committee hearing on this particular section. I do not think there is any question that it was the single most important concern the association had with the legislation as it was originally presented. The association and I think probably the Assembly that is here today have a very delicate question to solve. We have to have sufficient protection for teachers so that they are not dismissed out of hand because they

are simply being honest and doing their job and speaking perhaps on political issues or something of that nature which are not popular with everyone in the community. On the other hand, neither the association nor anyone else want people in classrooms who are incompetent, who are abusing their professional rights. When we first saw the legislation we felt it was too broad. We made a proposal that you go back to what is in the current ordinance and that I believe is the amendment that you have on your desk at the moment, although I have not seen it. I understand it is probably just "gross misconduct, neglect of duty, etc." that would probably be very close to what the current ordinance reads. The NWTTA which is a territorial wide group initially took the position that was what we wanted to see in the ordinance. Yes, it is identical and it is familiar to me. I could probably find it in my copies of the southern teachers' ordinances or school acts.

We listened very carefully to what Mr. Keenan had to say and Mr. Blewett and the school boards at the standing committee hearings. We listened very carefully to what Mr. Slaven, who was the Legal Advisor, had to say about "for cause". The association recognizes the "for cause" is a less well defined legal term than the amendment that you have. It is not as neat and will certainly give us some difficulty and cause us to spend some money on lawyers we probably would prefer not to spend. However, we said at that time that "for cause" was acceptable to the teachers of the territories and I repeat that now, that term "for cause" is acceptable. I think it provides teachers with sufficient protection. It will give the association, as I said, a little bit of difficulty in that we may have more cases where we have to argue before a board of reference but we are prepared to do that. I think it provides a sufficient protection for the children and the parents of the Northwest Territories.

Protection For Teachers And Society As A Whole

If you were to amend this in the manner which is being proposed, the association would not oppose that. I think that finally Mr. Butters has raised a rather embarrassing question or perhaps it may be seen to be embarrassing by some Members. I must say to Mr. Butters that I am not particularly embarrassed by it. Our locals do have their own opinions. Our teachers state their own opinions to Members of the Legislature and I can understand what the Inuvik local has said to him. They are familiar with misconduct, gross misconduct, neglect of duty, refusal or neglect to obey any order of the employer. They understand that and they prefer to remain with it. They probably came from a southern jurisdiction where that was in the ordinance. They have stated their opinion but I think on the whole the teachers of the territories would see "for cause" as protecting them and also adequately protecting society as a whole.

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

Motion To Amend Clause 85, Withdrawn

MR. BUTTERS: Before I withdraw the amendment I would like to note Mr. Nettleton's assurances that there are legal money or moneys in the NWTTA to fight the legal cases of teachers who may require such protection under the ordinance as it is written in the book. This is good. I do point out to you, although this was not directly said, but I make my own decisions with regard to legislation. People may recommend to me but I can quite see that there is more legal protection in the word "cause" if there is money to fight the case than there is in the amendment which I have made here. I withdraw the amendment to subclause 85(1).

THE CHAIRMAN (Mr. Stewart): Clause 85, we have the Hon. Peter Ernerk then. Do you wish at this time to reintroduce your amendment or addition to clause 85?

HON. PETER ERNERK: Mr. Chairman, my point was simply the fact that where native cultural teachers are not checked by a principal.

THE CHAIRMAN (Mr. Stewart): Any further discussion on the Hon. Peter Ernerk's proposal? Mr. Butters.

MR. BUTTERS: Not on the Hon. Peter Ernerk's proposal.

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

MR. NETTLETON: If I understand the proposal correctly it would mean that the teacher of whom he speaks could then be dismissed without reference to this procedure, without a board of reference. Are you not in fact removing protection for the native cultural teacher?

HON. PETER ERNERK: Mr. Chairman, I am speaking of people who are often employed in the classrooms, in the schools, perhaps on a contract basis for example. I am not talking about classroom assistants, classroom assistants would include various native classroom assistants in the schools throughout the Northwest Territories, I am merely speaking of those who are brought into the school to teach various, as Mr. Whitford said, arts and crafts programs, for example. In other words, as I read the interpretation of the legislation, a person who is employed by the department as a teacher and brought in from the community to teach the kids on various native cultural programs.

Protection For Teachers Of Cultural Programs

THE CHAIRMAN (Mr. Stewart): I think what Mr. Nettleton said is that if you remove them from this area you are removing the protection that they have. You are looking at this on the side of the employer and the teachers' association looks at this as protection for the employee as well as the employer. So, it is a two way street. You should not have them removed from this protection or coverage, because it actually protects them, they can not be fired arbitrarily and there must be just cause or incompetence. Now, maybe Mr. Nettleton would like to explain it in his own words, but that is what I understand.

MR. NETTLETON: I did not do a very good job the first time around, Mr. Stewart, but that is essentially what I have said. This association and myself can not speak for the classroom assistants because they are members of the Public Service Association, but any native person with a teaching certificate we would speak for and I would certainly want those people to have exactly the same protection and to operate under exactly the same rules with regard to dismissal for cause and incompetence as any other teacher, whatever his origin might be.

HON. PETER ERNERK: I can not seem to get my point across and perhaps I could have a chance to speak to Mr. Nettleton afterward.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 85. Mr. Butters.

Motion To Amend Subclause 85(2)

MR. BUTTERS: Mr. Chairman, I have another amendment to clause 85, it is clause 85, subsection (2) and I have asked for it to be typed and circulated and I will read it out and the subject matter is the teacher shall have a right to a written statement of reasons for termination and the right to appeal. There is nothing in clause 85 with regard to an appeal nor is there anything with regard to the right to have a written statement of the reasons. It says that the teacher shall be notified in writing, but that could be just the fact that they are being let go, and I think it is most important that reasons for -- that the cause be written down and identified and determined.

THE CHAIRMAN (Mr. Stewart): To the amendment. Mr. Nettleton, do you have a copy of the proposed amendment? If so, would you care to give us your opinion on it?

MR. NETTLETON: We would certainly expect that any teacher who was going to be fired would have a written statement of reasons for termination and certainly the right to appeal. That, after all, is the whole intent of this entire section. I

have not read it closely enough to find out whether or not this is in fact required or if it is already provided for.

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

HON. ARNOLD McCALLUM: Mr. Chairman, in clause 87 there is a board of reference set up under that section in relation to the dismissal of a teacher for cause or for incompetence.

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

MR. WHITFORD: Mr. Chairman, I was wondering if in fact with the new amendment "the teacher shall have the right to a written statement of reasons", I was wondering if that is still evasive or does that give the teacher an opportunity, a strong opportunity, to be able to find out why he or she was dismissed? I do not know if you have been watching but since we have got television in Rae one program came on about a general who had been dismissed from the Canadian Armed Forces in Germany and he got no reasons as to why he was dismissed and still has not and I was wondering if this "shall have the right" it does not seem to -- he does not really have the right, if he wants to find out through a written statement.

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

Probation And Tenure For Teachers

HON. DAVID SEARLE: Mr. Chairman, I want to say that I oppose that amendment entirely because it ruins the whole sense of those clauses, 84, 85, 86 and 87 when you read them together. What is being set up is this, that a teacher for two years essentially is on probation and up to two years can be terminated as long as they are terminated with proper notice prior to the beginning or end of a school year, and that is really what it says, but after two years they gain what is called tenure in the system and you can not fire them unless you can show that they are incompetent or they have engaged in some misconduct. In other words, they are put in a very special class of employee after two years.

Normally, in the private sector, you can discharge anyone for cause of course but as well you can do the winding down for one reason or another, you can dismiss an employee without cause simply by giving him either the appropriate notice or pay in lieu of notice.

This section says that unless you can show incompetence or misconduct you can not fire a teacher after he has been employed as a teacher for two years. Now, if you take that section and put it in that place, then even if he is on probation for two years, not only do you give him the right to know why -- which surely goes without saying -- he should be told why he is not being continued on, but you give him the right to appeal. You remove all and any judgment and discretion from the employer. In other words, simply by the mere fact of earning a teaching certificate, you get a virtually guaranteed livelihood barring out and out complete incompetence, capable of being proven. You really do not give appropriate assessment period when you do that but these clauses are all tied in very, very closely together and I think that unless you really understand everything in this section you should not tinker with it because these clauses are all very, very interrelated. That is how I see it and I would oppose that strenuously.

Boards Of Reference

HON. ARNOLD McCALLUM: Mr. Chairman, I think that is the point I was trying to raise in relation to the amendment, that when a teacher is dismissed there is a board of reference, and if a teacher is dismissed after he has gone through a probationary period, and clause 87 lays out that kind of thing that Mr. Butters is concerned about and my further question would have been to him, is he wanting to do away with the two year probationary period? I think there has to be some kind of protection, not only to the employee but to the employer, and that is the reason for the two year probationary period in this particular section. Once

having obtained tenure there must be cause for dismissal and there is a right of appeal under clause 87 for that teacher.

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

MR. NETTLETON: I think the issue has become somewhat clouded here. When I spoke earlier I referred to subclause 85(2) and said that the association felt that any teacher had the right to a written statement of reason for termination and the right to appeal, but I did not understand that to mean at that time that we were referring to a probationary period. As I said, I wanted to read it more carefully and that that meant the teacher had a right to appeal to the board of reference and could only be dismissed for cause or incompetence, to which the Hon. David Searle addressed himself. I think that any teacher, whether he is on a probationary period or not, surely has a right to a written statement saying "You have been dismissed for the following reasons", but I think also any teacher has the right to go to the person who has dismissed him and appeal his decision. That is how I understood the amendment. If your Legal Advisor tells you that he appeals to the board of reference then I would have to concur with Hon. David Searle's comment. I do not read it that way and obviously it is something for someone in the legal profession to answer.

HON. PETER ERNERK: Mr. Chairman, we are getting a signal from the interpreters that our witness is talking just a little too fast.

THE CHAIRMAN (Mr. Stewart): And you are talking too low.

HON. PETER ERNERK: We have a signal from the interpreters that our witness is talking too fast.

MR. NETTLETON: My apologies to the interpreter corps. What I said was that when I responded earlier on the subject of subclause 85(2) I did not understand it to give the teacher on probation the right to appeal to the board of reference, and I think that the Legal Advisor might be asked to interpret that.

THE CHAIRMAN (Mr. Stewart): Have you any remarks Madam Legal Advisor?

Termination Of Employment

LEGAL ADVISOR (Ms. Flieger): Subclause (2) of clause 85 says that a teacher whose employment has been terminated in accordance with clause 84, and clause 84 sets out time limits and notice of time limits and so that the end result is that a beginning teacher, for the first two years, may be terminated only at the end of the school year and there is no board of reference in that instance, which is the whole meaning of "probation".

MR. BUTTERS: I have been following this discussion with interest and I think I might get general acceptance if I removed the last five words, "and the right to appeal" from that clause.

The Hon. David Searle argued the point, or apparently I understood him to argue the point that a person can be dismissed in this society without any statement of reasons and possibly this is so, but I think we are looking here at a professional, a professional on probation, and being a professional himself he will realize that when one seeks other employment, one's precedents in terms of their employment and service is always inquired into. If that individual only has a notice of dismissal, for whatever reason, it is really tantamount to refusing that person to serve in his profession for the rest of his life. All we are asking is that the person who fires them or removes them says why and I think anybody is entitled to that and I think the Hon. David Searle would agree, because if the legislation is passed cause would have to be shown in the courts anyway, or could be shown in the courts anyway, if the aggrieved party feels that they have a grievance that requires legal examination and judgement.

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

Probation, An Assessment Of Suitability

HON. DAVID SEARLE: Mr. Chairman, I thought I had made it very clear that I see absolutely nothing wrong, and indeed fully support any requirement to tell a person why they are unsuitable, and that is really what you would be dealing with, suitability after a two year probationary period. You would not likely be dealing with misconduct, you would not likely be dealing with impropriety. The two year probation period is a period where after someone has received his teaching certificate they have entered on a career and there must be an assessment as to their suitability.

It is indeed important that they be told that they are or are not suitable and why, so I support Mr. Butters' suggestion if this is all it amounts to, that we somehow amend subclause 85(2) to include therein a requirement to give reasons. The amendment that we have here, even if you strike out the last five words "and the right to appeal," it goes even far beyond that. What I suggest we do is deal with the concept of the right to be told why you are unsuitable, leave it to the Legal Advisor to include that in there in an appropriate form and that sort of motion I will support. I think it is a good one, but I do not support -- I can not attempt to redraft it because there are other things included in there that have to remain.

MR. BUTTERS: I accept the suggestion that it be redrafted and any amendment I put forward is put forward on the basis that it should be redrafted. That is why I always like to see amendments written out and circulated if possible. I will accept the suggestion of the Hon. David Searle that it be redrafted to include the principle he stated that I put forward.

Motion To Amend Subclause 85(2), Carried.

THE CHAIRMAN (Mr. Stewart): Question. Question being called. All those in favour? The principle of including somewhere -- it may be in clause 84 or clause 85 that the teacher has the right to a written statement for the reasons of termination, are we agreed on that?

---Carried

Clause 86. Do you wish to speak, Mr. Butters, on clause 85?

MR. BUTTERS: Yes, I do. Subclause 85(4): "Notwithstanding any contract of employment or provision of this ordinance, where the number of teachers required in an education district is decreased, the employer may terminate the contract of any teacher by giving notice in writing as required by section 84." I am just wondering whether that may be redundant. Is there any possibility that what this says here, is that a teacher can be hired to do a job and then if there seems to be a reduction in the number of students in a particular school and that position becomes unnecessary in the district the teacher can be fired or let go. When a teacher takes a contract, he usually takes a contract for a year. He commits himself for a year at the least and this would mean that that individual is unable to find employment for the remainder of that time and unable to find employment as a teacher for the remainder of that school term. I am just wondering if Mr. Nettleton might advise whether or not there is something in the agreement with the government that protects a teacher from this type of thing occurring. If there is, it would override that agreement and might be redundant.

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

HON. DAVID NICKERSON: It would appear to me that Mr. Butters has not read clause 84 because there it makes it abundantly clear that if a teacher is to be laid off by virtue of the fact that his services are no longer required in an education district because, for instance, the total number of teachers in that education

district is declining for want of work, he has to be terminated in accordance with clause 84 which says he can only be terminated at the end of the school year. He would not be terminated during the course of the year for which he was contracted.

MR. BUTTERS: Okay, that is satisfactory. I got mixed up on the two. I got mixed up on the two clauses.

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

Termination Due To Redundancy

MR. NETTLETON: May I make a comment on subclause 85(4) before you move on? The provisions of subclause 85(4) seem to us to be a little bit strenuous in that what you are saying is when there is a redundancy, when there are dropping enrolments and too many teachers have been employed the alternative is to fire the individual or release him from his employment. There are some 600 teachers in the territories today. It seems to me that if the community of Fort Smith or Echo Bay or anywhere else in the territories has one teacher too many, surely the alternative is not to release him but to transfer him somewhere else. I know that that provision is in subclause 85(5): "The director shall attempt to locate..." find another position, but with the turnover we presently have, it seems to us it could be much stronger than that. It could in fact say he shall be transferred. That gives I think a protection to the administration and to the individual concerned. That is our concern on that one. Thank you.

THE CHAIRMAN (Mr. Stewart): The problem, of course, is if you proceed by changing that very much, then you do not give them any recourse. If there is no place to transfer them to, then what do you do? You have covered it adequately. "The director shall attempt to locate a teaching position..."

MR. BUTTERS: Mr. Chairman, with reference to the Hon. David Nickerson's comments, he referred us back to clause 84 and I think he read part of it, but you will notice in the line fourth from the end, it says notice would have to be sent at least 30 days before the closing date of school. It seems to me that teachers have to give notice at least 60 days before so that they can put themselves on the market for jobs in other places. I wonder if that 30 days may not be too short, and we should be looking at a period which would be comparable to that for which teachers would be given notice. If they have not given notice within 30 days within the end of the term, obviously they would be thinking of staying on and then to be told at that time they were no longer required would hamper them. I would think in finding other employment for themselves the ensuing year. Is this not the case? Would Mr. Nettleton reply?

MR. NETTLETON: I think the Minister has the answer there.

Giving Notice Of Termination

HON. ARNOLD McCALLUM: Mr. Chairman, if the school ends at the end of June, it is 30 days before the end of June which is April 30th or the first of May, 31 days in May, okay. Because there are varying school closings in various areas, when we discussed this in the standing committee we had to take in that particular thing and we discussed it with the NWTTA as one of the groups and they agreed, or it was agreed, in terms there that this would -- these dates or these time frames would be sufficient to look after any concerns that not only they would have but we as employers would have, in terms of transferring people. If a teacher is in a situation where enrolment goes down, the department attempts to place that teacher in another particular school. The difficulty in terms of this may arise with regard to high schools. Schools close within the territories in various areas at different times. There may well be different times as this comes up under the ordinance because this gives local authorities flexibility in setting their time of school year, when it should open and when it should close. If school does close at the end of June in certain areas we are saying 30 days before. I suggested it was April 30th, but it is obviously May first. If it closes before

that, we are saying we have to let them know by at least April the 30th.

THE CHAIRMAN (Mr. Stewart): I think we are getting pretty badly mixed up in this subject. I wonder if we should break for coffee at this time and let these people discuss the matter.

MR. BUTTERS: I have my answer. I agree to clause 85.

Clause 85, Agreed

THE CHAIRMAN (Mr. Stewart): Do you agree to clause 85?

---Agreed

Coffee break for 15 minutes.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order. Thank you very much, Mr. Nettleton, for your assistance on clause 85 and the amendments thereto. Thank you for your service.

Clause 86, suspension. Mr. Steen.

Employment Of Custodial Staff

MR. STEEN: Mr. Chairman, throughout the ordinance or at least this latter part we see control of teachers, principals, students, but we do not see any mention of control of janitors who are sometimes meddling amongst the students. Some janitors that I know of or people who work in the school are sometimes quite out of control. In this book we do not see any control on that. I was just wondering since it has something to do with working with the students and among the students and among the teachers that we have some kind of control on these people.

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

HON. ARNOLD McCALLUM: Mr. Chairman, custodial staff are either hired or will be hired by the local education authority under this agreement or this ordinance. They are given the power to do so. At the present time custodial workers and other support staff are members of the Public Service Association and are employed by the government. The control there would be with the person who employs them. There would not be controls here in this ordinance respecting custodial workers.

THE CHAIRMAN (Mr. Stewart): Does that answer your question, Mr. Steen?

MR. STEEN: Does he say then that the janitors or custodial workers are controlled by the principal? I have had some complaints in my area of some obscene language being used by the janitors amongst the little kids. I was wondering since it is not in the book, I was just wondering whether their principal will carry out these things without it being in the ordinance.

HON. ARNOLD McCALLUM: Mr. Chairman, the conduct of the custodial workers is under basically the Department of Public Works. They are not employed by a school principal. They may be employed by a school educational authority. For example, a school board, but they are not employed by the principal.

They may come under, to a degree, if there are any complaints on the work habits of the custodial group, that may be reported by a principal to a superintendent who then would, as a member of the regional staff be involved with the regional superintendent of the Department of Public Works and the director, but they are not employed unless a school board -- I do not think the school committees employ custodial workers. It is not the Department of Education that employs them.

MR. STEEN: Mr. Chairman, the principal is the one who is carrying out the orders for the custodial workers and therefore it would seem, whether or not an employee is not carrying on his work or going beyond some of his duties, the principal would be the one to determine whether or not the employee should be dismissed. So, I can not accept that these custodial workers are employed by the Department of Public Works I believe, look after boilers, workers or people who handle the hearing system in schools and so forth, but not janitors, janitors tend to be in the school all the time among the kids, and at all times they should be under control and perhaps under clause 85, I do not know if it is the right place or not but we should see that a teacher and any custodial worker, or person working for the school may be dismissed for cause or for incompetence.

HON. ARNOLD McCALLUM: Again I do not have the agreement to see whether there is something in terms of the agreement and it seems to me that there is something but there may not be, I am not sure, I do not have that agreement. It seems we were talking about that back in Rankin and reading out areas of it there.

MR. BUTTERS: Where there is gross misconduct, I like that word "gross" now that the Hon. David Searle has told me what it means, where there has been gross misconduct I would think that the association would like to know that such had existed so a person could be struck off the rolls if they agree that it is justifiable.

HON. ARNOLD McCALLUM: I think to go back in terms of the ordinance, and I can not think of where, but I know that the department notifies the association that there are grounds for dismissal and that would be by written communication.

MR. BUTTERS: Would Mr. Nettleton know exactly what the process is?

THE CHAIRMAN (Mr. Stewart): Mr. Nettleton, do you have any information on this matter?

MR. NETTLETON: I missed Mr. Butters' question.

MR. BUTTERS: I just wondered how you heard of a person, or how the association hears about a person who has been discharged.

Situation With Many Collective Agreements

MR. NETTLETON: In the case of the department it is my understanding that in the past they have informed the association either in writing or as the Hon. Arnold McCallum has said by word of mouth. I would think the danger, the danger in the Minister's comments are that he refers consistently to the territorial system and the Northwest Territories Teachers' Association is looking forward, five, six or maybe ten years in this kind of thing and are looking to the possibility of many other collective agreements, if school boards are indeed set up in other places in the territories, and what may have been a satisfactory arrangement with the territorial government may not turn out to be a satisfactory arrangement with other school boards. In fact I have had the experience in my short time with the Northwest Territories Teachers' Association of not being informed at all about a teacher's dismissal and fortunately an experienced staff member came to the association and asked if we were aware that this teacher had been dismissed with a one line letter and that is how we became aware of that one. I do not wish to imply that the Department of Education has not informed us, to the best of my knowledge they always have, but you are dealing with legislation which covers more than just your own Department of Education and we would certainly hope to be informed, and I suppose the best way to do that is have it officially in writing.

Cancelling A Suspension

MR. BUTTERS: I am satisfied that the department does inform the NWTTA but I do have one further comment on that question. Maybe the Minister could assure me or determine, in the event, where it says, and this is paragraph 86(2)(b) where an examination has satisfied the administration that the request or determination to fire the teacher was unnecessary and they cancel the suspension and reinstate the teacher, how is the original charge removed from the teacher's records? How can you ensure that it will be removed from the teacher's record where it is found to be unsubstantiated?

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

HON. ARNOLD McCALLUM: Paragraph 86(2)(b)? Where the suspension after the review, where it does not hold and the suspension then would be cancelled and the teacher reinstated, how would the teacher be notified ...

Many Classifications Of Labour In Schools_

THE CHAIRMAN (Mr. Stewart): Mr. Steen, I think it would be almost impossible to include all the people who may be employed other than the people actually engaged, as this is an Education Ordinance. There are so many different classifications of labour that may be involved in the operation of a school, it may well be that by motion of the Legislature they could advise the Department of Public Works, these people who are working for them, we would expect from them the same conduct as we have here but they are not actually included in this act and it would be very difficult, because you have to rewrite the whole thing. However, your point is well taken but we could do it by way of motion asking that people such as janitors, and list the ones you are concerned with, that they instruct the Department of Public Works that they must conform to the same sort of work habits, but to put it in the ordinance would be difficult.

HON. ARNOLD McCALLUM: I think that custodial workers, or support staff other than educators in a school system, under the present setup are as I say members of the Public Service Association as to what they can do. If a custodial worker or other person who is then a member of that particular alliance, there is a sequence of things whereby these people can be terminated. Now, it is true, if in a school, the work, or the calibre of work that is done by a custodial worker comes to the attention of those people in it, say specifically a principal, -- the principal does not hire or fire custodial workers. He may lay complaints against him to those people who are concerned but unless that custodial worker is employed by a local education authority, and then if the local education authority puts that person under the direct supervision and what not of educational people, at that present time that is the only way that can be done. They are under the Public Service Association and there are means by which they can be fired under that agreement, but not under this, not under this piece of legislation because this does not deal with Public Service Association personnel.

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

MR. BUTTERS: Thank you, Mr. Chairman, and when I said I agreed to clause 85 of course you realize it was to the amendment.

Notifying NWTTA Of Dismissal_

Now, on clause 86, I wonder since Mr. Nettleton is here if he might comment. There is no requirement in clause 86 that where a suspension occurs or when some problem exists that the organization is informed of this action on the part of the employer. I wonder in view of the fact that the Northwest Territories Teachers' Association wishes to protect individuals from people who are not practicing professionally or are incompetent, whether not having that knowledge might find them in the position of recommending this individual should such a request come to them. Should they be informed when a dismissal occurs or do they find out from some other manner.

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

HON. ARNOLD McCALLUM: Well, Mr. Chairman, when one is dismissed, and where clause 86 says where there are grounds for dismissing a teacher, certainly the teacher being a member of the association would inform the association. I am not sure if there is anything in the agreement concerning this or not, but certainly the association is made aware of it. They certainly know about it.

MR. BUTTERS: How does this occur except through the usual osmosis of communication?

HON. ARNOLD McCALLUM: I would imagine by word of mouth from the teacher concerned.

MR. BUTTERS: It would appear to me ...

MR. BUTTERS: Does cancellation include the physical removal from the teacher's documents of the material related to the original request to fire or let go, you are reinstating him and the charge is off, the charge that was made against the teacher originally and do they take it off his personal file?

HON. ARNOLD McCALLUM: I would suggest that it is just taken away. I do not know of past instances where this would occur. I am trying to think of whether there is an area later on in terms where a teacher has been reinstated where it says or indicates anything in here. I think in clause 89, that is after a board of reference where the appeal has been granted and the employer reinstates the teacher to his position, but the board of reference includes in its order instructions with regard to a teacher's record, salary and other matters that it feel are just and fair, and it would seem to me that it would be within that there would be a deletion.

MR. BUTTERS: I will be withdrawing any requests for action on this but it does seem there is no procedure established. However, as earlier on in this ordinance I believe we did determine that the teacher's personal record would be open to them at any time and it would then be up to the individual to ensure that his records were examined and the material on those records which were no longer active were removed. I will withdraw any request of the Minister.

Clause 86, Agreed

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 86. Is it agreed?

---Agreed

Clause 87, board of reference. Is it agreed? Mr. Butters.

MR. BUTTERS: I am just wondering whether or not they have shown something. What is included in clause 87 relative to suspensions? This refers to a dismissal. I wonder if the Minister could indicate with suspensions what usually occurs, what is the procedure, what is the length of time the suspension is active?

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

HON. DAVID NICKERSON: This occurs in subclause 86(2) and says "... within ten days after a teacher has been suspended under subsection (1), the employer shall ... (a) dismiss the teacher, or (b) cancel the suspension and reinstate the teacher." and had Mr. Butters been present at the standing committee on legislation when this was discussed in great detail, he would have understood that and understood why the term "suspension" was left out of subclause 87(1) it is because the maximum for suspension under subclause 86(2) is ten days.

MR. BUTTERS: The reason I was not at the meeting of the standing committee on legislation is because I am not a Member of the standing committee on legislation and I was directing a question to the Minister of Education and not to the Minister of Social Development. Unless he is unsure of which department he is supposed to represent I can not see what reason he has for answering. My question was to the Minister of Education.

THE CHAIRMAN (Mr. Stewart): I thought the intention of the committee was to get the information required and the Hon. David Nickerson had that information and the Chair recognized him.

HON. ARNOLD McCALLUM: Mr. Chairman, I would refer Mr. Butters to subclause 86(2), within ten days.

MR. BUTTERS: I would like an explanation of the procedure and these words.

HON. ARNOLD McCALLUM: If there are grounds...

MR. BUTTERS: What changes are seen in the procedure, if any? What is the procedure now?

Suspension Of A Teacher.

HON. ARNOLD McCALLUM: The procedure now would be the superintendent would inform the director that there seems to be grounds for suspension, to look into a dismissal of a teacher, that the director then is involved. The director is told by the superintendent he intends to suspend him and conducts an inquiry into it and the inquiry starts right at the present time, as soon as the superintendent makes notice to the director that he feels there are grounds for it. He would conduct an inquiry with the teacher and the people involved, the school and the principal. He would then do it as quickly as possible, hopefully, within ten days and this is done in the present situation as quickly as possible. I do not know how long it would take. The suspension is simply the removal of that teacher from his duties for a period of time. This allows a teacher, once the inquiry goes on, access to talk with the superintendent about the grounds that have been suggested as being reasons for dismissal. If there is no dismissal required, the teacher is then reinstated as quickly as possible. If there are grounds, the teacher can appeal that particular decision.

MR. BUTTERS: Are there any costs to the individual associated with this, associated with this procedure, financial costs?

HON. ARNOLD McCALLUM: At the present time or under this?

MR. BUTTERS: At the present time and then under this.

HON. ARNOLD McCALLUM: It is spelled out in terms of the costs to conduct it under a board of reference which are paid by the department under subclause 87(3). The members are paid an honorarium and expenses are prescribed in the regulations as to what the expenses of the honoraria would be. The costs of the board under subclause 87(5), "A board of reference may make orders as to costs in respect of appeals before the board", under the proposed ordinance and that is subclause 87(5).

Clauses 87,88,89 and 90, Agreed.

THE CHAIRMAN (Mr. Stewart): Clause 87, agreed?

---Agreed

Clause 88, powers of board. Agreed?

---Agreed

Clause 89, determination. Agreed?

---Agreed

Clause 90, transfers. Agreed?

---Agreed

Clause 91, teachers as principals. Agreed?

HON. PETER ERNERK: I was going to ask Mr. Nettleton on page 61 as to clause 90 with respect to transfers of teachers. I can not recall whether or not we changed the 30 days to 60 days at the legislation meeting but I would be in favour of changing that 30 days to 60 days mainly because it would give the individual

an opportunity to think about his future, this type of thing if he is in fact being asked to resign.

Just referring to this particular clause, I would be in favour of teachers to remain in the community for at least a period of a couple of years. My reasons for this are that when you live in a community with a heavy responsibility of this type, teaching and so forth, sometimes the teachers or any civil servants of the territorial government, employees leave after about a year, especially after they really start to get to know the community people and a new one comes in. He or she must start all over again to get to know the people. I am a little bit confused. I am talking about two things. Before a transfer takes place, would it be possible to put something in the ordinance, something like "any teacher shall remain in the community for a period of two years"? Secondly, change the period of 30 days to 60 days.

THE CHAIRMAN (Mr. Stewart): Thank you.

Two Year Contract Not Feasible

MR. NETTLETON: If I might respond, Hon. Peter Ernerk, in so far as teachers living in the community more than one year, the association is very much in favour of teachers remaining more than one year and hopefully making a career, if not in that one community, in the North. Unfortunately, I do not personally think that attempting to tie teachers to a two year contract will do any good whatsoever. I think what Hon. Peter Ernerk is attempting to do by that amendment is a very admirable thing and certainly we do not oppose it, but I do not think that you can tie people to a two year contract. There are more learned legal minds in the Assembly than mine but I doubt that it would be legal. I think on reflection that you probably do not want to do it in any event. The question really becomes if you brought in somebody and that individual is dissatisfied with the job or if he is not doing it well, do you really want to force him to stay there a second year? It is one of the situations where I think we all agree it is desirable but I can not see this as being the solution.

With regard to the 60 days, yes, a teacher should have as much notice of his transfer as is possible, although I think that the alternative to that is preferable, that the teacher have a little more say in his transfer. Extending the warning would be better than it is now.

THE CHAIRMAN (Mr. Stewart): The motion as to the two year period is out of order. We are dealing with clause 90 which deals with transfers and we must go according to our rules and regulations. We will deal only with the 30 days. The matter of two years has been ruled out of order. Mr. Butters.

MR. BUTTERS: Mr. Chairman, as you say, we are dealing with regard to the transfer of teachers and I suggest to you that the clause is redundant. I doubt that it has been used in the past. I will direct a question to the Minister later but I doubt that that has been used in the past but it would appear that if it had been used it is the type of device where you get rid of teachers who are causing problems and are not really not providing a service, sort of the civil servant's way of moving people sidewise instead of getting rid of them. I suggest here that when teachers are recruited in the spring they are recruited for a particular settlement. They are recruited for a particular school and I believe that acceptance of employment with the government comes in the form of a letter to the teacher which says "Welcome aboard. You will be teaching at such and such a school beginning the so and so school term." I understand this is what teachers receive. If this is so and the Legal Advisor may comment on this, that letter is part of the contract and to bring a teacher into a community, such as a small community, and then transfer him on 30 days notice would be contrary to the original agreement. Possibly the Minister might comment.

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

Justifiable Reason For Transferring

HON. ARNOLD McCALLUM: Mr. Chairman, teachers have been transferred in the past from one area to another. From my own experience I know they have been for possibly a number of reasons. I think it was referred to earlier, suitability in a particular area. When one comes into the territories and is hired to teach in a particular community it very well may be that that teacher and the community are not compatible but it does not mean the teacher is not compatible to other areas. What is acceptable in one area may not of necessity have the same kind of acceptability in another community. I think that in terms of the transfer of teachers that when the teacher is given notice I think it is very similar to the termination of a teacher. If the school closes in June, the teacher gets 60 days, April 30th. If the school closes earlier than the end of June, we have to determine first who would be leaving before we can make transfers. Transfers are not given willy-nilly and have not been. I think that there is always a justifiable reason for transferring teachers.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 90, Mr. Butters.

MR. BUTTERS: "As necessary." Transfers have been done before but they have been worked out between the administration and the teacher and the teacher has been very willing to go to another school to fill in for a specified period of time but this is a forced transfer.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that there is a certain amount of protection in terms of this for teachers. If it is necessary to transfer a teacher -- I think this clause is necessary. There may be times when it is best to have a teacher transferred. A teacher should have the option of either accepting the transfer or saying "Look, you know, I do not want to go. I would rather resign." I think in answer to your question my answer would be yes, I think it is necessary to have it.

MR. BUTTERS: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 90, agreed?

---Agreed

Clause 91, teachers as principals. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, at one of the breaks I spoke to Mr. Nettleton about several matters and he raised the matter of termination of principals and I think that I would personally like to hear his thoughts on it before I cast my vote with respect to clause 91 because I think it does appear in subclause (4).

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

MR. NETTLETON: Yes, if there is one section of the ordinance which is a concern of the NWTTA it would have to be, more than any other, subclause 91(4) and the corresponding subclause in the next clause which refers to vice-principals. Subclause (4) allows a principal to be removed from his position as principal, he would then return under the provisions of this ordinance to being a teacher, perhaps on the same staff, but he would be removed from his position as principal and we believe that the way that the ordinance is written at the present time he could be removed for almost any reason. Now, I am not suggesting that this has happened or that I am being critical of the government's Department of Education, but what I am saying is that a principal is put in a very difficult political position with his community, he has some hard decisions to make, and when he makes those decisions, those decisions may frequently be objected to by the community. I think that the Department of Education and the two school boards which currently exist in the territories have sufficient latitude for removing an incompetent principal, they have a one year probationary period, for example, in the collective agreement with ourselves and inasmuch as the department is concerned, that is, he has one year to prove himself, but he can be removed for any

reasonable reason within that one year probationary period.

Board Of Reference To Remove A Principal

Now, what the association believes is that if you are going to remove the principal after his probationary period as a principal, you should then proceed through a board of reference, an independent and impartial board at which time the principal would have the right to present his side of the picture and the employer would present their side of the picture and if the man can be removed from his position for cause then so be it and that would be a just removal. As it stands now, there is no provision for that principal to have a just hearing before a board of reference, and, as I say, this is probably the single most important part of the legislation that you have looked at in so far as we, the teachers of the territories, are concerned, it is of very great importance.

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

HON. DAVID SEARLE: I thought it was important in view of the strong feelings that the association has, and the way they express it that they wished their view to be heard, but that does not necessarily mean that I would agree with them. I would just like to toss this comment out on the floor. Principals it seems to me are in a strange position in the teaching profession. Firstly, of course, they are members of the NWTTA for all purposes which makes them in fact part of the bargaining unit and yet clearly for other purposes such as a school of this size they would be part of management in that they would be in this school clearly as a supervisor and I would think essentially because of the designation of principal with that of supervisor, someone responsible in other words to the department.

Now, they could terminate his employment completely but would have to do it fairly and to do it with cause and subject to a hearing, but he is not, and I guess this is my question to Mr. Nettleton, he is not a supervisor in a different position. In other words, if he loses the confidence in this case of the superintendent or the superintendent loses confidence in him, pure and simple, it is not a matter of negligence or a matter of incompetence. If that supervisor is not responding to the directions of the superintendent, for reasons of personality conflict or otherwise, do you not have to and are you not in a different position with supervisors, should you not be able on notice to change their designation as a supervisor; in other words, do you have to go through cause and incompetence, etc.? That is the problem I have. I think supervisors may be in a different category in other words.

Personality Differences Between Supervisor, Superintendent And Principal

MR. NETTLETON: In response to Hon. David Searle, I have a response and a question. You suggested there might be personality difficulties or differences between the supervisor and the superintendent, I assume, and the principal and that has to be one of the worst reasons for dismissing a man or removing him from his position and this is precisely the reason we wanted a board of reference, an independent board to look at these kinds of cases because we do not want personality differences to be the issue when a man is dismissed. He may in fact be the very man that the community wants in that position, the man who was in their opinion, doing the right job and that being the case I would ask the Hon. David Searle what sort of grounds he would see for dismissing a principal. If he is doing an inadequate job in supervision, it seems to me that is one of his duties and he has been told it is one of his duties and if he is not doing it and you can prove it, then the man is incompetent and you should be able to prove it in front of an impartial board of reference and you should not be afraid to do so. So, I think that the association, when the association takes the position that the man has a right to an independent impartial hearing that is surely no more than common justice.

HON. DAVID SEARLE: I am not so sure I want to debate the subject as such, but my question essentially is, and maybe it should be directed to the Executive, is it because the principal is in a supervisory role that he is put in this position of being entitled to notice as opposed to the Executive having to show cause and go through an inquiry, is that the reason behind it; in other words, in my preliminary concepts I tried to think what the rationale would be and am I wrong or is there some other reason?

HON. ARNOLD McCALLUM: Mr. Chairman, in designating teachers as principals of a school I do not think a person is designated a principal solely on his supervisory, or on an evaluation of his supervisory abilities. A person is designated by the department as a principal of a school for other qualities other than supervision, leadership, because as I said before, my beliefs, or the department's belief is that a principal is a principal teacher able to provide leadership and assistance to other members of his staff.

Principal Is The Principal Teacher

If I may, Mr. Chairman, we in the standing committee talked very much about this particular section, we did review it, we spent considerable time on it, but the designation of a teacher as a principal is in fact a departmental or management prerogative. As such it is our stand that there should be no provision for an appeal on a decision to terminate such a designation and at the standing committee the committee agreed with this and discussed the possibility of specifically adding a provision that would deny principals the right to appeal a decision to terminate. Now, that has not been included as such, but it is our belief that to recognize the qualities one would have to become a principal teacher in a school, we would make that decision, the department, and we feel that it would be the department's prerogative to remove the designation. A principal still retains his teaching employment.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 91, is it agreed? Mr. Butters.

MR. BUTTERS: I just wish to say that I agree with the position advanced by the Hon David Searle, I think the distinction between the managerial function of the professional here and the professional responsibility should be separated and recognized and I support the clause.

THE CHAIRMAN (Mr. Stewart): Clause 91. Hon. David Nickerson.

HON. DAVID NICKERSON: I agree also that the principal is somewhat in a managerial position, the position advanced by Mr. Butters, but surely it has been the decision of this house, and if I remember correctly I think Mr. Butters was one of

the people who voted in favour of the assumption when we were discussing the Teachers' Association Ordinance, that principals were to be members of the Teachers' Association and that they were not people in a special managerial category. To me, both when we were discussing the Teachers' Association Ordinance and this one you have to make that distinction, whether you are going to treat principals as management personnel or not and it was a decision of the house on recommendation of the Teachers' Association, and also the Department of Education that teachers were not to be treated as special managerial people. So, we made that distinction at Rankin Inlet and I would imagine that we would have to live with it today, and if we do not treat them as a special managerial group, or as being in a special managerial position, then I think we have to go along with clause 91 as presented before us today in that you can tell someone whether he is to be a principal or not, just the same way you can tell him whether or not he is to teach grade six or grade seven.

MR. BUTTERS: I thought I heard my name mentioned. I did not advance the position mentioned now that the principal is a managerial position. I said there was a distinction. He is professional who has been given managerial responsibility and this section deals with managerial responsibility. I think as the Hon. David Searle points out that it is the prerogative of the administration when they find that person is not performing the managerial function to remove the designation and that is all that is being done, removing the designation.

Clause 91, Agreed

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 91, agreed?

---Agreed

Clause 92, assistant principal.

Is it agreed? Mr. Butters.

MR. BUTTERS: Mr. Chairman, I would suggest to you that we take things slowly and let us get this ordinance finished today because if there is going to be any haste I for one will do everything I can to ensure that it is fully covered. We got to clause 93 before we even got to clause 92. Where are we now, sir, is it clause 92?

THE CHAIRMAN (Mr. Stewart): I was calling the question on clause 92.

MR. BUTTERS: May I speak to clause 92?

THE CHAIRMAN (Mr. Stewart): You may do so by show of hands, but I do not think that has been denied you.

MR. BUTTERS: You have not denied me the right to speak but have been going very fast. In clause 92, the words in the fourth line where it says: "...may designate a teacher as the assistant principal of that school."

It would seem to me that there is a value in having a principal function and the word therefore should be "shall", that a principal shall be designated because it would seem to me, and the Legal Advisor can tell me whether I am right or wrong, but if "may" is left in, you could have a school and not have anyone designated as principal.

DEPUTY COMMISSIONER PARKER: We are under assistant principal.

MR. BUTTERS: Oh, assistant principal, yes.

THE CHAIRMAN (Mr. Stewart): Not all schools have assistant principals. It depends upon the size of the school.

MR. BUTTERS: Is there any value in that suggestion, Mr. Minister, that "shall" be used?

HON. ARNOLD McCALLUM: I will have to beg Mr. Butters' indulgence and I was just looking at the amendment that was passed and was trying to cross-check it. Would you mind repeating that in terms of clause 92?

MR. BUTTERS: I was just wondering in the fourth line about the use of the word "may." Whether or not "shall" would be more appropriate.

Designation Of An Assistant Principal

HON. ARNOLD McCALLUM: Again, Mr. Chairman, it would seem to me that that would be a prerogative of the local educational authority and that is what we have given them. I think that that is what should occur. The local education authority should, if they want to, have an assistant principal, designate a teacher as an assistant principal. They have that prerogative. Rather than to say they must do it, I would rather see them have the prerogative that they may or may not, rather than must.

MR. BUTTERS: What I was just wondering is in the event of a school the size of six teachers and if the committee decides not to name a vice-principal and the principal has to leave for some reason or other then it would appear to me the teachers themselves may designate the vice-principal.

HON. ARNOLD McCALLUM: In a case where there would be a principal having to leave for a period of time we could designate another teacher to take that place as principal on a temporary basis or they may want to do that. I would suggest that is in fact what they would do.

MR. BUTTERS: But...

HON. ARNOLD McCALLUM: If the principal had to leave the school for an extended period of time, the local education authority would designate another teacher as a principal on a temporary basis, an acting basis until the return of that principal and would undoubtedly hire a substitute teacher to take on any kind of additional responsibility.

MR. BUTTERS: Okay, I see.

Clause 92, Agreed

THE CHAIRMAN (Mr. Stewart): Clause 92, agreed?

---Agreed

Clause 93, duty of principal. Mr. Butters.

MR. BUTTERS: Agreed.

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

Motion To Amend Subclause 93(3)

HON. DAVID NICKERSON: Mr. Chairman, on behalf of the standing committee on legislation I move that clause 93 be amended by adding to subclause (3) to read: "a principal shall prepare and submit to the local education authority those reports referred to in section 21(1)(e) and sections 37(b)."

Motion Carried And Clause 93, Agreed

THE CHAIRMAN (Mr. Stewart): Agreed?

---Carried

Clause 94, duties and responsibilities of teachers. Mr. Butters.

MR. BUTTERS: On clause 94, this area has caused quite a bit of difficulty in our particular region, the duties and responsibilities of teachers, and I think the Minister is aware of the points I am going to raise. I wonder if he can outline to me maybe the traditional responsibility of the teacher and the whole area which he feels that responsibility is carried out within, times, places? Could you be more specific? Do you want me to be more specific? The main question I am referring to is where you get a teacher required to supervise a noon lunch program. That is a specific. I am interested in the general aspect too because this matter has been before the supreme court in other jurisdictions and I am wondering if the Minister could discuss this whole issue of the duties and responsibilities of teachers.

HON. ARNOLD McCALLUM: Mr. Chairman, Mr. Butters is correct, I know of the area because it has been raised before. In any discussion dealing with the responsibilities and duties of teachers it is my feeling that teachers are responsible for students while they are in the school. There are other areas other than noon lunch programs, as Mr. Butters is aware as well, whereby teachers are asked to assume responsibility or a duty not so much possibly here but in other areas that I am familiar with. For example, we used to have early bus and late bus duty as teachers because the buses would have to make more than one trip to transport students to school. There are as well the extra-curricular or co-curricular programs in the field of debating or other skills in arts and crafts, student trips, student dances, in athletic areas, teams to do moving around where you have a teacher assume the responsibility and it became part and parcel of one of the duties of teachers. In the past, although others may disagree, other teachers, it would seem to be part of the job. In the last few years, of course, the duties and responsibilities of any employee with an employer gets spelled out so there is no flexibility, no flexibility in the equalization of those resources that are there. I do not mean specifically noon hour lunches but in co-curricular and extra-curricular activities the school and its students participate in some of these activities. I refer basically to some of the athletic trips that teams would take and that does not always occur here. Also in terms of student dances, there have been many times when there are dances at schools that the students would want that the teacher would have to police those dances and I mean police them. I do not mean supervise them.

Supervision Of School Dances

I have gone through the experience in the North where we had a very great difficulty with the youths of the town who are not in school wanting to come in to the dance and we had to set up a kind of regulation whereby those people had to be invited by a student. Then we had the boys inviting the boys and in today's world I guess that is not unacceptable either, or the girls inviting the girls. This was to such an extent that it became very difficult to have the dances. High school students do not want the sock hops that we had in the afternoon or after school. They want them in the evening and situations arose such that it became very difficult to continue with these. As a result we discontinued the school dances and people in the community took them over, other groups such as the Legion. The Legion had a youth committee in Fort Smith and they held one and three quarter dances on three different nights. The first one lasted pretty well all evening. The second one lasted half the evening and the third dance lasted about one of the four hours and they discontinued them. In those instances it is very difficult because that is a co-curricular or extra-curricular activity held in the evening.

In relation to the duties while students are in the school I think it is a different situation here. As long as we are having children in school during school hours I think teachers should be responsible for those students. Parents bring students to the schools so the teachers will in fact look after them, look after their children during those hours. This is not acceptable in a lot of cases and they have the children go home and we do not have that difficulty but that is not acceptable in all places in the territories. In some places they can go home but not in all places. Therefore the children are in school during the noon hour. I think in my own opinion teachers should be responsible for them while they are there. The flexibility given teachers in terms of scheduling their workloads can be worked out to allow no one to miss out on their own noon hour lunch and still be responsible for the students while they are taking their lunch at the school.

There are schools, and I happen to know in this particular school at one time there were classes begun to give students extra work who required it as early as 8:00 o'clock in the morning. I know. I taught classes here that began at 8:00 o'clock, but that was not the regular opening hour, but I know that I taught classes in my experience here at 8:00 o'clock which meant that I would have to be in the school at a quarter to eight or half past seven to get prepared. I know that goes on in many of the other communities, as I am sure some of the Members who are from some of the smaller communities realize, there are teachers who are there well before 20 minutes before and long after students are dismissed to provide many other things.

MR. BUTTERS: I am not arguing that point and I do not intend to discuss it further, but teachers are dropping out, they do leave with the students in many cases and I am just saying there should be a standard. Good teachers will put in the time and put in long, long hours but there are others who do just as much as they have to do and it does not specify how much they must do, so they will do the least they can get away with.

Responsibility For Playground Supervision

The other question about responsibility for the teacher is that I understand there is a case before the courts, and I am not too familiar with the details, but for an accident that occurred on the playground -- and here I am not referring to that particular situation -- but on the playground what is the responsibility and duty of the teacher who is acting as the playground supervisor?

HON. ARNOLD McCALLUM: At a recess period?

MR. BUTTERS: Yes.

HON. ARNOLD McCALLUM: He is an employee of the government and because the government is self-insured, that teacher is protected against liability.

MR. BUTTERS: What are their responsibilities and duties when they are serving in that capacity?

HON. ARNOLD McCALLUM: While they are supervising the recess breaks, what are their responsibilities there? It is to try and maintain that no one does in fact get hurt, to get some sort of semblance of order in a primary school that may have X number of students. To have a group of students running around with one or more teachers on duty, it is not very easy because, as I am sure many parents will know, to keep all children moving and mobile in a play situation without getting into some kind of difficulty at times. Now, I do not mean accidents of all kinds, but there are various instances where children will get hurt, break a leg, or break an arm. We try to see that that does not happen but you can not guard against the possibility of that occurring anywhere.

MR. BUTTERS: I have one further question, Mr. Chairman, and it relates to that. Now, in our school at Inuvik and this is the junior school, the principal there and maybe this is the practice, I do not know, but the principal very wisely requests that after the school period, whether it be in the morning or afternoon, that the teacher of the class actually go to the door with that class and observe them off the school grounds on the way home. Now, where does the school, the department's responsibility for that student end? Does it end when the student crosses the school line and then steps into the public domain, the street?

Responsibility For Children Outside School Grounds

HON. ARNOLD McCALLUM: Yes, it ends there.

MR. BUTTERS: By what authority? I hear a little bit of laughter but a situation arose where the police referred a constituent to me on this very matter of a child -- it related to a situation that occurred to this child between the school door and his home and I think the police referred this to me

Responsibility Of Teachers

I recall, just as an aside, having taught for a number of years before coming north and coming to this school, Sir John Franklin, to teach, I never knew we had coffee breaks. I never knew teachers were allowed coffee breaks but they used to have them here, teachers and students. I could never visualize that ever happening, but lunch hour duties, I think while the students are in the school and the parents send them to school with the realization that they anticipate or express the view that the teachers are going to be responsible for their children, I think that teachers should assume that responsibility. That is why we say in here that they will teach the students under their care having due regard for their ... everything else and perform such other tasks as are assigned to him or her by the principal. That is the long way around, Mr. Butters, to your question.

MR. BUTTERS: That was very helpful. I have some questions arising out of that. I understand that you feel that the requirement to perform such tasks as are assigned to him or her that occur during the school day or the school time, you mentioned dances and I have heard that is something extra but it would not be one of the tasks assigned to a teacher under this. That being the case, then we go to the day itself. How long is the day? We know the day for the student, which we just approved, is five to five and a half hours. What is the day for the teacher, also five to five and a half hours? Are they required to remain on the premises until 5:00 o'clock p.m. or do they drop out of the door after the last student or even before some of the students drop out of the door?

HON. ARNOLD McCALLUM: The policy that we have in regard to teachers, Mr. Chairman, in attendance at school is that they must be in attendance at school 20 minutes before the first bell or before classes begin. As well at the end of school they must remain for a period of time after school. I know that in situations in other schools, especially in high schools, because of the manner in which their workload is assigned there may be teachers who leave prior to that. In an elementary school we expect the teachers to be there 20 minutes before school begins and we expect them to be there at least that much time after school, and that is during the day, during the hours of our school, the school day.

MR. BUTTERS: I understand the Minister to say that there really are no laid down hours for our teachers. We know if you worked in the Laing building you are required to be there at 8:30 o'clock in the morning and your term of employment ends at 5:00 p.m. that night, for a days work, but apparently a teacher has no laid down requirement and the Minister has said he should be there 20 minutes before and about the same period of time afterwards. There seems to have been some feeling that maybe the teacher should remain until 5:00 o'clock and not drop out right after the students, but the Minister does not feel there is any need to specify just how long a school day is for the teacher.

Length Of Working Day For Teachers

HON. ARNOLD McCALLUM: Mr. Chairman, the school day of a teacher, that is in the carrying out of his duties, or in the carrying out of his term of employment can certainly encompass more than the 9:00 a.m. till 4:00 p.m. or 9:00 a.m. until 3:00 or 3:30 p.m. In a great many schools teachers do in fact stay and stay well after 3:00, 4:00 or 5:00 o'clock. Teachers as well in a number of the communities go back into the school in the evening and we expect teachers to be on duty 20 minutes before school begins in the morning. We expect them to be there that long after the school has been dismissed. Teachers stay in school, especially in many of the smaller communities, much later than 20 minutes and there are teachers who are in school earlier than 20 minutes before classes begin.

thinking that there is some kind of old rule that there is a portal to portal arrangement on responsibility and once the child leaves home, the time they leave home and the time they get to school and the time they leave the school and get home they are the school's responsibility. Now, the Minister has just told me that that does not exist.

HON. ARNOLD McCALLUM: If we transport children, if the child is transported, if we transport him where he gets on the bus as it were, or the vehicle and back again but if he is not transported and I can not quote you the legislation as such but I can say it is practice that once the child leaves the school area that is when the responsibility would end. In a large community it would be very difficult to extend it any further because kids never take the direct route home anyway.

MR. BUTTERS: I realize what the Minister says is very true but there does persist, and I am sure other people have heard it besides myself and I am sure other people labour under that expectation, that there is some kind of responsibility to see a child to his home. In the provinces does the same situation there prevail, as what is apparently the situation in the territories, that there is no responsibility on the school authority? Do the provinces say there is no responsibility for a child while en route or returning to their home?

HON. ARNOLD McCALLUM: I can only quote from my own experience and that being in Nova Scotia and Prince Edward Island, that where we transported children we were responsible for taking them to that bus stop and where we did not transport them it was when they got off the school grounds. I realize and appreciate the concerns that people would have. However, the simple logistics of taking children home by an individual, seeing that they are taken to their place of residence or from their place of residence and back, it simply is impossible. I, a teacher of 25 children, could not take them home individually to every home in Inuvik and I know that that is not ...

MR. BUTTERS: To the Legal Advisor. Would the Legal Advisor know from her experience if such a provision exists in any provincial jurisdiction?

LEGAL ADVISOR (Ms. Flieger): I can not give you a simple answer to that question, Mr. Butters.

MR. BUTTERS: I do not wish to hold up consideration of it but I am curious because I think many more people than myself labour under the same belief.

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

MR. EVALUARJUK: It is not written in the ordinance, what I have just heard about but when children have to walk three-quarters of a mile, they should be brought by bus and I was wondering if they could shorten that three-quarters of a mile.

Clause 94, Agreed

THE CHAIRMAN (Mr. Stewart): On clause 94, is it agreed?

---Agreed

Clause 95, classroom assistants. Hon. David Nickerson.

HON. DAVID NICKERSON: Mr. Chairman, clause 95 reads, "(1) No person shall be employed as a classroom assistant unless he satisfies the prescribed requirements ..." and could this possibly be read that the requirements are to be prescribed by any other authority than by regulations made under this ordinance?

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

HON. ARNOLD McCALLUM: I guess I would have to say that I am open to suggestions, I guess they could, I really do not have an answer but it would be interesting to hear.

HON. DAVID NICKERSON: It is a legal point, really.

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

LEGAL ADVISOR (Ms. Flieger): I would have said no and when I look at the definitions it is quite usual to provide what you require in the definition section and to say as set forth in the regulations and although I think it is doubtful there would be any other interpretation on it, it is nevertheless possible I think.

Motion To Amend Subclause 95(1)

HON. DAVID NICKERSON: In that case, Mr. Chairman, I would move an amendment to subclause 95(1) and I am not quite sure how the wording should go but something of this nature: "... unless he satisfies the requirements for such a position as prescribed by regulation."

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

MR. BUTTERS: Where does that go again?

THE CHAIRMAN (Mr. Stewart): Hon. David Nickerson, would you repeat your amendment, please?

HON. DAVID NICKERSON: The amended subclause would read as follows, "No person shall be employed as a classroom assistant unless he satisfies the requirements for such a position as prescribed by regulation."

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

MR. FRASER: If you have two or three classroom assistants and I think most of them are hired for different languages, for teaching in the school and not only that but children are brought into the school and they can not speak English and are taught through classroom assistants, from my knowledge, if you are going to go through a bunch of regulations governing these classroom assistants you will not get very many.

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

MR. LYALL: I just wanted to make a general comment while we were on the subject but maybe it is not appropriate right now.

THE CHAIRMAN (Mr. Stewart): You do not think it is appropriate.

MR. LYALL: It pertains to this but you are talking about the amendment and I do not want to speak on the amendment.

THE CHAIRMAN (Mr. Stewart): To the amendment.

Hiring Of Classroom Assistants

HON. DAVID NICKERSON: Just one brief comment, Mr. Chairman, in reply to the point raised by Mr. Fraser. If we do not amend it in the way I have suggested the Legal Advisor tells us that requirements could possibly be prescribed by the teachers, by principals, by the Northwest Territories Teachers' Association, by some other authority other than us in conjunction with our own education authority. I personally think, Mr. Chairman, when hiring classroom assistants, I think it is a good idea and would like to see it continued as I would not like to see, for instance, a principal who did not like classroom assistants prescribe such onerous requirements that none were able to be hired for that particular school and that is the reason for my amendment.

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

MR. BUTTERS: Mr. Chairman, I have to say I agree with my colleague on the principle here but I am afraid that if you put these stipulations or requirements into regulation they may be shut away from us just as much as in the situation Hon. David Nickerson describes. He said or mentioned in his presentation that we, in conjunction with the local authorities, but my understanding is that the regulations are prescribed by the legislation or rather by the department itself. Possibly, we are afraid these regulations may be arbitrary, they might not meet the needs of the native communities and we should develop them and put them right into our legislation here, the requirements, what is required.

I only offer that as a suggestion. I certainly agree with the argument the Hon. David Nickerson is advancing. The objective may be better achieved if we incorporate it into the ordinance.

THE CHAIRMAN (Mr. Stewart): How are you going to get one set of regulations that covers every instance? I would think you would have to go to the local level to get something of this kind.

HON. PETER ERNERK: I just wanted to recognize the clock. It is 1:00 o'clock.

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

MR. LAFFERTY: Mr. Chairman, it is a new experience for me to be taking sides with two people at the same time. Anyway, I do have certain concerns here. To continue speaking to the amendment, I can very well sympathize with my colleagues for their concerns that were expressed but above all I would tend to agree with the Hon. David Nickerson to the extent that passing off too many authorities at the local level on education matters can defeat the very purpose of the ordinance we are discussing here today. I think that in parts of this ordinance which I have missed at yesterday's session I have great sincerity and have taken it to people who are well acquainted with this, with education matters and I am quite agreeable in several areas.

Delegation Of Powers At Local Level

Respecting the native people, which my constituents are, 70 per cent native, there is a great deal of inconsistency in their thinking and I would have to take this into account as to what powers should be delegated at the local level and to whom these powers are delegated. Although I would like very much to see some local native people given this authority the people who should be exercising this authority are not taking part. They are sitting back in the corner listening and not playing an active role. Consequently, we get people in positions who are not qualified. Those are my comments on that resolution at this time.

THE CHAIRMAN (Mr. Stewart): Thank you. I was just wondering on subclause 95(1) whether subclause (1) is necessary at all. We can not legislate prohibitive sections such as this. That could mislead us completely.

MR. FRASER: Mr. Chairman, these classroom assistants I think myself are very important. It is a very important piece of legislation. We are going through this whole book of 104 clauses and then we come to classroom assistants now which has two little paragraphs, five lines, with nothing else. That is where it shuts right off. I tend to agree a little bit with Hon. David Nickerson's statement on some sort of ruling for classroom assistants but why is it not made here instead of leaving it to somebody else? If there are going to be any rules set down for classroom assistants, maybe we can come up with something right here at this Assembly.

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

MR. LYALL: It seems to me we could sway away from that clause a little bit. At this time, I would like to make the comment that the classroom assistants, their contracts are under the Public Service Association and I heard of several cases in the Central Arctic that they would like to join the NWTTA but have failed to do so at the present. The thing is the classroom assistants, talking about in the Central Arctic, most of those people are very capable at the job they do and in some cases are better than the teachers. The classroom assistants I am speaking about are the ones who have been on for four or five years. In one case, there is a classroom assistant who had been on for ten years and is still getting less money than the first year teacher who came in there who is supposedly qualified but has no experience.

Benefits For Classroom Assistants

On top of that, the classroom assistants do receive two weeks less holidays a year than the teachers. They get out of the school one week after the teachers do and go back to school one week before the teachers come back from holidays. I think at the present time how can we really deal with these classroom assistants and up until such time as there is a little more done on it, if they are under the Education Ordinance, why do they not belong to the NWTTA? It is not very funny when I talk about some of these classroom assistants that I am speaking about to Hon. Arnold McCallum and a lot of education people sitting here know it. I think we should look into this really closely before we do anything about this, whether it should be in here or whether it should be somewhere else. Right at the present time I figure it should not be under the Education Ordinance because of the fact that these people are under a different contract. Thank you for giving me that time, Mr. Chairman.

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

MR. PEARSON: I sense a feeling here that you want to put this through before lunch. I suspected there was a plot afoot. It is not going to work and I move we adjourn for lunch. Hon. Peter Ernerk is of the same view.

HON. DAVID SEARLE: Mr. Chairman, I have only one problem and that is we have several guests coming in about 2:00 o'clock. Would it be acceptable to Members if we adjourn for lunch and came back at 2:00 o'clock p.m., instead of 2:30 p.m.? Is that too short?

THE CHAIRMAN (Mr. Stewart): I wonder because of the nature of the ceremony we are having here at 2:15 o'clock p.m., I think if we were diligent we could clean everything up and finish for the day rather than having to come back.

MR. BUTTERS: Mr. Chairman, I think that we should take the time required to do it properly and give everybody a chance to speak rather than just cleaning things up. It is quite obvious to me that we will complete the work during this day but I would think it would be very wrong if we rushed through an ordinance as important to the people of the North as this one obviously is and an ordinance that has been bouncing back and bouncing back and now it is finally here and we just rush through it. I think we should take the time necessary to do it properly.

MR. PEARSON: Well said, sir.

THE CHAIRMAN (Mr. Stewart): The Chair is at the discretion of the committee. There is a motion we adjourn for lunch. All those in favour that we adjourn for lunch? Opposed?

MR. PEARSON: On a point of order ...

THE CHAIRMAN (Mr. Stewart): What time shall we return?

MR. BUTTERS: When did we have a motion to adjourn for lunch? We usually go for lunch at 1:00 o'clock. That is the rule.

MR. PEARSON: I made the motion.

MR. BUTTERS: I stand corrected.

MR. LYALL: We should just stay here.

HON. DAVID SEARLE: My point was in view of the presentation that the Hon. Arnold McCallum has at 2:15 o'clock p.m., could we come back at 2:15 p.m.?

MR. LYALL: Come back at 2:30 p.m.

HON. DAVID SEARLE: Was not the presentation at 2:15 p.m.?

HON. ARNOLD McCALLUM: There is confusion over that 15 minutes. The reason why we said 2:15 o'clock p.m. at the beginning was that we were expecting some people to be coming who are not here. By the same token I know that there are some Members who were very good friends of the late Mr. Devitt who would like to be here and I was only attempting to make sure that those Members would be in attendance. The unveiling, the dedication, this would likely occur at about 2:30 o'clock p.m. I was simply trying to ensure that we would have the Members, and I know in particular there are some who would like to be here.

THE CHAIRMAN (Mr. Stewart): This committee stands adjourned until 2:30 o'clock p.m.

---LUNCHEON ADJOURNMENT

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the committee to order. Mr. Minister.

Dedication Of Gym To Mr. Gordon Devitt

HON. ARNOLD McCALLUM: Mr. Chairman, as you and other Members will recall at the May session of this Legislative Assembly, the Legislature moved a motion of appreciation to the late Mr. Gordon Devitt and presented Mrs. Devitt with a scroll that spoke of the deeds of Mr. Devitt in relation to his work in the North, in education with the government. I would respectfully request, sir, that this session this afternoon be interrupted at this time to have Members, officials and guests gather just in the foyer of the gymnasium for a short ceremony whereby we would dedicate and rename this present gymnasium the Gordon Devitt Memorial Gymnasium.

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

---Agreed

This committee will stand recessed for ten minutes.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the committee back to order. We were dealing with clause 95, classroom assistant. Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I would like the consent of the Legislative Assembly to move back to page 17.

THE CHAIRMAN (Mr. Stewart): Which clause are you dealing with?

MR. WHITFORD: Dealing with subclause 18(2); it is relevant to clause 95 we were discussing in terms of classroom assistants.

THE CHAIRMAN (Mr. Stewart): You do not have to have permission to go back. Go ahead.

MR. WHITFORD: The point I am trying to make is that the Rae-Edzo school society, as it is set up at the moment, is in agreement, or is based on an agreement between the Commissioner of the Northwest Territories and the school society and in that the classroom assistant program they have for themselves is structured so that it meets the needs of the community as is in terms of both educational as well as cultural. The concern I have, and it has been expressed by members of the community, is that we are afraid that the agreement between the school society and the Commissioner would be dissolved if this ordinance goes into effect. We wanted to know if there is a possibility of an assurance that the school, as is, or the agreement as is with the school and the Commissioner remain in effect.

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

HON. ARNOLD McCALLUM: Mr. Chairman, the proposed ordinance suggested the setting up of community education societies and subclause 18(2) does in fact deal with the present Rae-Edzo school society and its agreement, the agreement that exists between that society and the Government of the Northwest Territories. There is no room to change or terminate that agreement either by the department or the government. We will continue to audit the operation of the society as regards finances, as regards the maintenance of the agreement as I would expect the Rae-Edzo school society to also do some kind of audit as to maintaining the articles of that agreement, but we have no thought of attempting to terminate it. The agreement can only be terminated by both parties and what subclause 18(2) in effect says is that if there is a termination of the agreement by one or both parties, or together, for example if they were to go bankrupt, that we would say that Rae-Edzo would be able to organize another society without going through the

various methods by which education societies are formed under subclause 18(1). In other words you would not have to go through the petitioning process, that is all.

Letter Of Assurance

MR. WHITFORD: Mr. Chairman, I realize the Minister has answered me honourably but I was wondering if the Deputy Commissioner would give us a letter, or the Minister, giving us some assurance that this is in fact what it will be, because what I am concerned with is confusion, and I would like to take this thought to the board to be able to have the understanding, I suppose that is the word I am looking for.

HON. ARNOLD McCALLUM: Mr. Chairman, the articles of the agreement indicates how it will be terminated. I am not reluctant to do anything, and we are responsible to the community and we know of the articles in the agreement, and if it requires something more definitive other than what is in this legislation perhaps we can get something that would convey or what we are attempting to do here, is simply to ensure that that community would have a local education authority.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think what we would propose to do then would be to issue a letter of clarification. Obviously there is some concern here and we would be quite prepared to issue a letter of clarification but at the present time and for the foreseeable future we have no intention of terminating the agreement with the Rae-Edzo school society. The agreement of course has to be and is reviewed annually when funding time comes around, but we would be prepared to issue that kind of a letter.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 95, Mr. Steen.

MR. STEEN: Mr. Chairman, I would like to ask a question, and I do not know whether I should ask the Minister or the Deputy Commissioner, but does this mean that the Rae-Edzo school will be exempt from this ordinance? What I mean to say is that the way I understand it, there are two agreements, one with the Commissioner and now we have the ordinance and part of it does not come under the ordinance.

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

HON. ARNOLD McCALLUM: Mr. Chairman, the Rae-Edzo society as a local educational authority comes under this ordinance as would any other society that would be formed. Because the Rae-Edzo society is in existence and there is an agreement whereby it is funded and there are no other educational societies in existence now, we have to appreciate that they are going to continue on. What we are saying here is that if the agreement is terminated that in order to again establish a society that they would not have to go through with the petitioning process and other societies will be formed that way.

MR. STEEN: Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Clause 95.

Salary Of Classroom Assistants

HON. PETER ERNERK: Under clause 95, classroom assistants, and I am not too familiar with the pay scales and everything else, but I wonder if there could be a provision made, after listening to what Mr. Lyall had to say this morning, or later this afternoon, that classroom assistants are receiving much less salary than first year teachers, and this type of thing. There is one person, I understand from Mr. Lyall this morning, there is one classroom assistant who has been working ten years and receiving less salary than a first year teacher.

However, I wonder if there could be some kind of a clause here that states that classroom assistants shall receive a certain amount of money based on their experience, language, ability to communicate with younger people, or young students, young children in their own languages and so on, or culture.

MR. LYALL: Mr. Chairman, I did not say that she is still an assistant teacher. After ten years they finally decided to give her a teaching certificate so she is now a full time teacher.

HON. PETER ERNERK: Mr. Chairman, I am merely suggesting adding another clause to this clause. Would that be possible?

HON. ARNOLD McCALLUM: Mr. Chairman, I think it has to be remembered that classroom assistants belong to a bargaining agent, the Public Service Association. They bargain for their salaries, and there are, and off the top of my head I am not aware of the salary scale, but it is a salary scale that includes increments for their length of service, but their salaries are bargained for by their bargaining agent. I do not think we can put that in legislation, that what they should receive here, the same as other employees through a bargaining agent bargain for salaries.

Classroom assisting, we think the clause here as it stands, or as it is presented should be as it is, it gives the bargaining agent responsibility and power to work out a salary for classroom assistants. The question of whether or not they should belong to the Public Service Association or the Northwest Territories Teachers' Association is a point I think that all three of those parties should pursue if they feel they want to, if the Northwest Territories Teachers' Association now feel they would like to have classroom assistants within -- under their umbrella. I think they can work that out, but I do not think we can legislate salaries.

THE CHAIRMAN (Mr. Stewart): Thank you. The Chair recognizes that it has made a mistake. We have an amendment to clause 95 and that should be under discussion at this time and I will direct the committee's attention to the amendment so it is clear. To the amendment, to refresh the memories of the committee Members, Hon. David Nickerson, would you like to repeat your amendment to clause 95.

Amendment To Subclause 95(1) Restated

HON. DAVID NICKERSON: My proposed amendment would be to make subclause 95(1) read as follows: "no person shall be employed in a class as a classroom assistant unless he satisfies the requirement for such a position as prescribed by regulation".

THE CHAIRMAN (Mr. Stewart): Thank you. To the amendment, Mr. Fraser.

MR. FRASER: I understand the amendment is prescribed by regulation but what regulations are we talking about?

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

HON. DAVID NICKERSON: The intent of the amendment is to make the criteria for classroom assistants dependent upon regulations prescribed under this ordinance, such regulations prescribed by the Government of the Northwest Territories. As the clause said initially the prescribed requirements could presumably be made by for instance principals in a school.

MR. FRASER: Mr. Chairman, I would just like to say a little more on classroom assistants, I think there should be some means of a contract, and I do not know whether they have a contract, whether they have one, but there should be some kind of rule set up for classroom assistants. We have quite a few of them in the North and I think they are invaluable as far as education is concerned. In going through this ordinance we have about five lines on classroom assistants and I wonder if there is any way we could set up some other guidelines they could go by, whether it be in a contract or an agreement for classroom assistants.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think Members have failed to realize that the classroom assistants are part of a bargaining unit and have that protection. If, as it appears from this discussion the Members have some concern that they are not adequately compensated then that is something that the administration is perfectly willing to review, we would be glad to do that, but I do not see that it is necessary to prescribe their duties or place any more words in the ordinance to cover them. The amendment that Hon. David Nickerson has proposed is adequate, it makes their duties possible to be defined by regulation and that is fine and I do not really think there is anything else that needs to be added because they are well covered, in fact they do have a contract.

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

A Community Responsibility

MR. PEARSON: I am just trying to determine in my own mind who is going to set the criteria for these classroom assistants. If they are going to be the instruments of the local school boards, and considering what we believe this ordinance would have you believe, that the autonomy rests with the community, it would be entirely up to the community to set and prescribe the abilities and conditions for employment of these classroom assistants, would it not? It would be a community responsibility. Each community will have its own requirements. Igloolik would probably be very different from Frobisher Bay, as to the kind of things they want classroom assistants to become involved in, particularly at the primary level. I can not see some central authority in Yellowknife performing the duty. Yellowknife is so remote from these communities anyway. In more ways than one.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the classroom assistants would be affected by the local school authorities to the same extent as any other staff person. The classroom assistants are staff persons, of course, with special abilities but they are still staff persons and that has been dealt with in here I believe. It has been outlined how the ordinance affects staff and just what the relationship is between the school societies and their boards and the employees. They have a means of assisting in the choice and giving direction as to how the school programs are to be run through the superintendents, through the principals and so on, so I think that the classroom assistants are a class of employees similar to teachers.

Clause 95, Carried As Amended.

THE CHAIRMAN (Mr. Stewart): Clause 95 as amended. Agreed?

---Agreed

Clause 96, definition. Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, like I said before, I support the Inuit people. Clause 96 I do not remember what it says, but I keep saying anyway I am going to talk about it. My constituents told me to say this, that the proposed ordinance, if they have Inuit or Indian people involved in these things and nobody even talks about the difference between the settlements. It is really different to be in other places and there are a lot of differences between the settlements. Also 50 or 60 years ago they did not go to school and the priest said that anybody who was in charge of the children should be the one to say the child is going to go to school here or there. It should be said that the parents instead should be the ones to say where they are going to school. If they disagree that they will send their children anywhere. The parents should have authority over their children, where they should go to school.

I know students have jobs everywhere that they want but I know they will not use their education at all. I am not saying we should not go to school. If I did not go to school before, I would not even be existing in this Assembly. It should be saying that the parents say they do not want to send their children to school and they should have authority over them. Also it should be written in this ordinance from six to 15 years of age students should learn their own culture. It should be in this ordinance that they learn in their own language in the school. If they would speak Inuktitut, I would like that very much. Between the ages of six and 15 they should learn and not forget their language and also the Inuit way of living. If I made any mistakes, please correct me.

THE CHAIRMAN (Mr. Stewart): Thank you.

Clause 96. Mr. Steen.

Compulsory Education

MR. STEEN: Mr. Chairman, I think Mr. Evaluarjuk is talking about compulsory education and I also think he is talking about subclause 96(4). I wanted to say

a little bit about compulsory education.

I think there are a number of people who want to get the kids educated in the schools and it makes it very difficult for those people who try to get their kids to go to school who have guts enough to force their kids to go to school. Those kids should have some kind of protection. What I mean by that is that some children are going to school and some are not. Those children who are going to school seeing all those other children who are not going to school, it puts a kind of burden on the ones who are going to school. They see those other children running around all over town and they feel somewhat bound to the school. They feel a loss of freedom just because the other children are running around loose. It makes it very difficult for the parents of those children who decide to go to school or put their kids in school. I think those children who go to school should have some kind of protection.

I would say that some kind of compulsory education is necessary. I would not say a ten dollar fine is the answer. In my constituency they tell me some other way rather than a fine to the parents or the guardian of the children who do not send their kids to school should be levied against them. Again it is very difficult to come across something. If we are going to have compulsory education, it has to go in there, but I think when you look above at all the paragraphs after subclause (3) I think there is enough protection to allow some kind of compulsory education. It does not necessarily mean that your parents are going to have to pay a fine. There are all kinds of reasons that can be given for not sending your children to school, but there are times when some people just do not care whether or not the kids go to school. They just let them run all over town. That is what I am trying to say. If we are going to try and compete in this society, try to get our children educated enough to take part, to compete for jobs, I want to stress again that trapping and hunting can not last forever. There are too many people in the Northwest Territories now. There are not enough animals for everybody to do the same thing, so you have to have some kind of school for the children to take part in jobs in later life.

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

Smaller Settlements

MR. LYALL: Mr. Chairman, I would like to ask the Minister if there is enough coverage for those children. I think this is why my people in the Central Arctic asked me to try to get this ordinance so that there is no compulsory education. Is there enough coverage right here so that children who do go out on the land with their parents at this time are still considered to be learning?

Also, subclause 96(4), I was asked to try and either delete that section or else to put a word in there so that smaller settlements do not go under this because there are a lot of times it is quite inexcusable for a lot of kids to stay away from school but they do stay away and they said "How are we going to pay that ten dollar fine? We can not even eat now most of the time." The people are unable to pay that ten dollar fine. How can we make subclause 96(4) -- put a clause in it so the smaller communities are accepted?

Motion To Delete Subclause 96(4)

Mr. Chairman, if there is a possibility of a motion that I could make to delete subclause 96(4), I would make the motion.

THE CHAIRMAN (Mr. Stewart): You are moving the deletion of subclause 96(4). To the motion, Mr. Fraser.

MR. FRASER: Mr. Chairman ...

MR. LYALL: I asked the Minister a question first. Could he answer the question first because I made the motion after I asked the question?

HON. ARNOLD McCALLUM: Mr. Chairman, the proposed clause 96 allows for a number of reasons for children not to be in attendance at school, one of which would be paragraph 96(3) (d) "the principal of the school, after consultation with the parent, guardian or other person having charge of the child, has excused the child from attending school for such period as he may direct in order to allow the child to participate in traditional native activities on the land or other learning experiences away from the community."

I think that answers Mr. Lyall's question there. One thing I would like to comment on, Mr. Chairman. The purpose of this paragraph and subclause 96(4) is not to fine the parents of students who are away from school to be on the land or getting education at home, comparable education at home or for sickness or unavoidable causes. I guess this is the basis or the main point to it all, for the parent or guardian who habitually or knowingly makes no attempt to have their child attend school. The question that begs an answer at this point is "Do you believe that a child should be in school?" A child as defined under subclause 96(1). If we believe that person should attend school, then the rest of these subclauses should present no problem.

Do you believe a parent or guardian should make every effort to have their children in school or getting an education or a learning experience comparable to it? If you believe that then I see no difficulty in reconciling to yourself the rest of the clause. We are not proposing, and I had better be careful in using the term "we" -- you are not quite sure who I mean, -- join the club -- whether I am speaking for the administration or the Department of Education, perhaps I should preface it and start with "I". We are not attempting to fine parents whose child misses a day or misses a number of days by jiggling school or playing hooky or whatever the terminology is here; it is the person who is responsible for that child's education during the years we define, or that are defined in subclause 96(1). If you agree with that, that is a child who should have educational experience in or out of the school, of the classroom, I see no difficulty with it. We are not trying to fine people who meet those exemptions, but the person who has a direct responsibility to see that a child does get their learning experience.

Collection Of The Fines

MR. WHITFORD: Mr. Chairman, the concern that I have got with that section, and I am in agreement with Mr. Lyall, I think that the smaller communities, if such a fine were imposed, I think first of all it would be very difficult to collect, and the second thing is that I think that the person in the community would be made moose meat in no time flat, or ridiculed or whatever -- whoever tried to collect this ten dollars. So, if this goes into effect, I would hope the department would have someone else coming in and collect the ten dollars rather than make enemies within the smaller communities. This is exactly at the moment how I see it, just the way Mr. Lyall does, it is causing some concern.

THE CHAIRMAN (Mr. Stewart): I think we should correct one point in that subclause 96(4) does not set a fine of ten dollars, it says the fine shall not exceed ten dollars, Mr. Fraser.

MR. FRASER: There are a couple of things and first I would like to answer what the Minister of Education just said. It is very obvious that subclause 96(4) is in there and I understand it was in the School Ordinance previous to this, in the previous ordinance to this one. Now, we just spent quite a bit of time going through this ordinance and trying to get things straightened out, and a lot of time and money has gone into it. If you have a subclause like subclause 96(4) which says that you will be fined if your child does not go to school, I do not know of anybody in any of the communities who was forced to pay this fine. Therefore, I can not see any sense in it being in here at all if you are not going to enforce it. If you are going to enforce it by all means, but if you are not going to enforce it, it might as well be out of there altogether.

MR. PEARSON: Hear, hear!

HON. ARNOLD McCALLUM: Mr. Chairman, a couple of comments in terms of this total section. Possibly another interesting fact to consider might be that where local education authorities are established that the local education authority decides whether they want compulsory education within their particular area. They represent the people and are elected by the people, they can give it from there, and that may be one way out. Now, if you are going to give local education authorities responsibilities and powers, they can decide whether they want to hire attendance officers to enforce school attendance. It may be that a motion, or an amendment dealing with this to bring about something along this line, that measures for enforcing school attendance should be the responsibility of the local educational authority. Again I think we have to determine whether in fact we believe that it is necessary for children to go to school.

THE CHAIRMAN (Mr. Stewart): Thank you. I believe basically on a technical point of law that this section really requires compulsory education and without a penalty clause of some sort then the whole clause becomes redundant. If you are going to delete subclause 96(4) you will have to delete the whole section because it does not make any sense if you say you must do something but if they do not do it, you do not say what you will do and so the section would not make any sense that way. Mr. Butters.

MR. BUTTERS: Mr. Chairman, outside of the establishment or formalizing of education advisory societies and committees this is the one new thing that is appearing in the whole ordinance. I think contrary to what my colleague believes, education today in the territories has never been compulsory.

Refusal To Attend School

THE CHAIRMAN (Mr. Stewart): The Legal Advisor shakes her head on that and says it is at the present time. Section 114. Do you want me to read it? "If the parent, guardian or other person having the legal charge of any child neglects or refuses to cause such child to attend school after being required to do so by the attendance officer, unless excused from such attendance as provided in this ordinance, the attendance officer shall cause a charge to be made ..."

MR. PEARSON: Could you speak up? We can not hear.

THE CHAIRMAN (Mr. Stewart): I will start over again. Under section 114 of the present ordinance: "If the parent, guardian or other persons having the legal charge of any child neglects or refuses to cause such child to attend school after being required to do so by the attendance officer, unless excused from such attendance as provided in this ordinance, the attendance officer shall make or shall cause to be made a complaint against such person before a justice, such person is guilty of an offence and liable on summary conviction to a fine not exceeding five dollars and costs for each day in which such neglect or refusal continues."

MR. BUTTERS: Well, in effect, that law may be on the books, but it has never been applied, it really does not exist. There is no compulsory requirement for attendance that I know of. I know of students, youngsters who are not going to school and are known to be flagrant offenders of this clause and nothing is done about it.

MR. LYALL: I personally believe there has always been compulsory education because of the fact that when we were kids, when you turned six they said "This year you are going to school" and your little brother is crying, he is only five and crying to go to school and you are crying to stay away from school. That is the way it used to be but the thing was I always thought there was compulsory education because the area administrator used to go and tell the parents "Okay, you are going to school next year because you will be six before December," or some such thing as that.

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

MR. PEARSON: It is interesting to listen to this conversation again, because a previous Council discussed the very same topic in Inuvik in 1970 or was it 1972? We went through the same rigmarole at that time. I suppose the only change in this new proposed ordinance is that they have increased the fine from five dollars to ten dollars and that I suppose is just for inflation.

Opposition To Compulsory Education

I am opposed to compulsory education the same as I am opposed to compulsory attendance in church and the reaction of the people I represent to this one clause, the ten dollar fine was pretty vehement. It was expressed very strongly to the Commissioner in every community he visited on his whirlwind tour, a tour which I may add cost a fortune and the results of which have been made very clear to this Assembly. I do not know what the value of it was at all, I gather it was the most valueless attempt that was ever made by this administration to

listen to the people and they completely ignored their wishes. It is a shame. Forcing people to go to school is a little archaic, the ordinance states, or existing ordinance states they shall be fined five dollars a day plus costs and I suppose that includes finding an attendance officer to go and find the kids and a vehicle to round them up in. At any given time in Frobisher Bay alone there are some 30 per cent of the total number of kids in the elementary school absent and very few of those kids would be absent with any valid reason, they just do not like going to school. They do not enjoy the experience. As I have mentioned here previously we have nine year old dropouts. I would have thought, if I were a teacher, that if a parent of a child brought the child into the classroom and said "Here is my son, I insist he go to school and I want you to teach him" then it is done but it is a very different basis when everyone would be forced to go to school by some ridiculous law that is never imposed or never adhered to anyway because there is no authority to make sure that these kids are in school. It is unforceable, and far healthier, a far more interesting system if it were not compulsory and the parents who felt strongly about it took those kids to the school, to the teacher and said "Here, teach him."

So, I oppose this. I oppose the ordinance. I oppose this. I have certainly opposed the ten dollar fine and non-compulsory education would be a breakthrough in this country, but we are still dealing with subclause (1) so perhaps we could get back to that sometime before we leave it or subclause 96(1).

THE CHAIRMAN (Mr. Stewart): We are actually dealing with a motion on the deletion of subclause 96(4). Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I recall when that question was raised with the previous Council in Inuvik and I certainly stand to be corrected but my recollection is that the administration at that time put the view that compulsory attendance was not necessary, but very much as well took the view that whatever the house said is what they would like to do. We took a vote and I do not know how much it was in favour but at least it was in favour of compulsory attendance.

So, I think to be fair with this illustration, and again it is just my recollection, it was not a particularly strong feeling one way or the other on the issue of compulsory attendance. Now, their feeling may have changed but my recollection definitely is that it has arrived here today because certainly, because of the view that Council took. Now, frankly, I think we are spending an awful lot of time on something that I rather suspect the administration does not feel necessarily that strongly about but was reacting to what we wished and it seems to me that we should simply see if this Assembly shares the same view as the previous Council did and vote on it. I can tell you one thing, if I may say so, my own personal view, is that regardless of whether education is or is not compulsory in law, it will be for my children because as their parent I shall see that they get to school if I have to drag them there kicking and screaming.

MR. PEARSON: Right.

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

In Favour Of Compulsory Education

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would just like to say a word or two on the background of this particular clause. The matter of compulsory education or not was indeed discussed thoroughly at the session at Inuvik in 1973, and it was discussed at that time because the administration had been asked to bring forward a paper on education which would outline a number of points which could be used as the basis for preparing an ordinance.

At that time appearing as witness, the then director of education, Mr. Bernard Gillie, supported by Mr. Norman Macpherson who became the director following Mr. Gillie's retirement, stated that they did not support compulsory education and they were in favour of a system whereby people would attend, children would attend because (a) they either wanted to or (b) the decision was a parental decision and their parents wanted them to attend.

The debate was hotly taken and there were a lot of good points raised on either side. The result of the vote, and I recall it as being a relatively close vote, was in favour of compulsory education. Armed with that kind of advice at that time, the administration brought forward that view in this bill. I know that speaking on my behalf and on behalf of the Commissioner, we are very much in the hands of Members as far as this clause goes. Had we brought this clause forward and said there would be no compulsory education, then, of course, we would have had an equal amount of debate but the matter is very much as it has been put to you. This is here for this Assembly's decision. It is not an easy one.

Some Form Of Penalty Needed

If I could just say, it is absolutely true that it is no use having compulsory education unless there is some form of coercion or some form of law or penalty to make people conform, if that is your choice. I underline that, if that is your choice. I would not want you to misunderstand the meaning of the ten dollars. It is very much as you have said, Mr. Chairman, a fine of up to ten dollars and I am sure that any magistrate or justice of the peace applying it, were this placed into law as it stands before you, would have to use discretion based on the circumstances of the family involved, so it might be one dollar, it might be two dollars or it might be ten dollars. I really understand the concern of people when they see something that says they might get fined ten dollars. However, you can not really have compulsory education without some form of penalty.

The other views that were expressed strongly at that time and which probably hold true today are the problems of the cultural differences. You may as well say that your average white family has been raised in a situation where education was the normal thing to do, going to school was a normal situation. For particularly the Inuit people and to some extent for the Indian people this can not be regarded as a normal family experience.

As has been put so very well by our new Director of Education in a recent interview that he had, the people of the Eastern Arctic do not have parents who went to school. Many of them are going to school for the first time. Some of them now are just going into the lower grades and have parents who did indeed go to school so there is a growth, a change in culture or a different approach whereby there is an experience of attending school. Having said all that, and I apologize, I did not mean to go on so long but you are faced with a real dilemma because on the one side we do not want to scare people off from school with this ten dollar business. We want to make the schools interesting so that the students will attend but students do not always look at it that way. They do not always recognize how interesting it is until a few years after they are out. You have got a real difference. You have got schools such as this one here that are frankly very sophisticated schools and you have got schools catering to a population which, if I may use the term, are relatively unsophisticated in school matters. I do not know whether it is possible to permit a degree of compulsion or not, depending upon the area or the choice of the school authority. That might get very complex. However, it is something you might consider, the possibility of the local authority, once it has reached the point of a school society, having some input into that decision. Thank you.

Laxity In Native School Attendance

MR. LAFFERTY: Having heard all the debates and comments and being a northern native considering the question, I can see a great need for compulsory education for native people in the Northwest Territories throughout. Speaking to the motion for the amendment, I can not support that motion on the basis of decisions I have had to make over the last 30 years. I feel that in the past two years I have always emphasized the need for higher education for native people, particularly Indian people who seem to be far behind anyone else throughout the whole country.

In my area, the district I represent, the general southern Mackenzie region, we have a laxity of native school attendance. This is primarily due to the negligence of parents rather than the students. I am certain that this clause does not ask the student to pay the penalty but, rather, it is seeking that the parents do pay the penalty, however much it is. I could say very well the same words as my honourable colleague Mr. Pearson says.

If I wanted the more progressive people in the North to maintain their supremacy then I would say no compulsory education for natives because I know very well among the native people in the North the only people who have advanced technically and so on are the Metis people and they will send their children to school with a whip if they must.

If you take a look at the Indian community, it is not that way. I feel sorry for these Indian people. I would like to see the Indian youth get an equal opportunity for an education even if it is compulsory so that their children can take their proper places in a developing northern society. I can not say too much about the present parents of whom 90 per cent have not attended high school and about 40 per cent of them have never seen a school.

Responsibility Lies With The Assembly

This indicates to me the responsibility must lie with this Assembly. There are many times in my own community where I have heard young children ten years old saying they hate their teacher simply because they are behind the times. Their parents have not forced these children to attend school and they get behind the times and they get resentful toward other students. In some instances they are jealous of the advancements other students have made and it is the community which suffers and the children, not the parents. I think the onus, if we are talking about delegating responsibility to communities, to native people, they must also pay penalties for negligence. I firmly agree with that view. I can not support the motion for the amendment for the deletion of subclause 96(4) which deals with compulsory attendance.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. FRASER: Mr. Chairman, listening to the Member, Mr. Lafferty, the people in my constituency are mostly natives in the valley. Norman Wells is a little different. Most of the native people do not believe in compulsory education. They believe it is dictatorship. If it was not in there the way it was put I do not think they would mind it so much but when you start telling people what to do, this is where the trouble starts. I think it will always be that way, when you start telling people what you have to do, you have to send your children to school or pay a ten dollar fine, that is where the trouble all starts. However, if clause 96 is not going to be enforced, I can not see compulsory education in there at all.

My children all went to school in the Northwest Territories and they have to go to school because I tell them they have to go to school. If they do not go to school, there is going to be trouble, as Hon. David Searle said. If somebody came up to me and said "Your child is not in school and you have to pay a ten dollar fine," I would take offence because if he was supposed to be in school and played hooky, I will give him ten dollars worth of fun myself without going to the teacher. I still do not believe in compulsory education if it is not going to be enforced. If somebody in this room could tell me how they could enforce it and enforce it, I would go along with it but I still have to see how anybody would enforce compulsory education.

HON. ARNOLD McCALLUM: Mr. Chairman, I know that there is a motion on the floor to delete subclause 96(4), is that correct?

THE CHAIRMAN (Stewart): That was made by way of motion by Mr. Lyall. I have speakers yet, Mr. Lyall.

A Recorded Vote Essential

MR. LYALL: I made the motion for deletion but the thing now I understand is it is recorded what Hon. Arnold McCallum and Deputy Commissioner Parker have said, that they have not been carrying this out. I still feel that it has got to come to a vote. Even if they say there is compulsory education, because it is recorded now, they say they do not have to go to school. Looking at clause 96 all the way down to paragraph (f) and if the children do not go to school -- I mean what they said was if the kids played hooky you are not going to be forced to pay a fine. I could tell you right now I send my kids to school every day at a quarter to nine but sometimes they do not get to the school. I feel the same way as Mr. Fraser and Hon. David Searle, that I was not forced to go to school. I was glad that I went to school. It felt kind of funny when someone told you you had to go to school but the thing was in my own mind I thought I had better get some education. I saw these airplanes flying around and I did not know a damned thing about them and I wanted to learn about it. My kids go to school too, whether they like it or not. The purpose of making the motion, I think even if we put it to a vote and it is left in there, we still do not have to send our kids to school if we really do not want to. Thank you, Mr. Speaker.

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

MR. BUTTERS: Mr. Chairman, the subject has been brought up in Inuvik on two occasions and my recollection of the meeting was very much as was Hon. David Searle's, that we were discussing whether or not compulsory education should be implemented in the Northwest Territories. Now, the Deputy Commissioner relying on his memory was incorrect on the facts he gave to the house. The education people at that time did, I think, recommend or had compulsory education down as a recommendation and the motion was made to delete compulsory education. It was not a motion to put in, it was a motion to delete and the motion was nine to four against the deletion. It was quite soundly defeated. I have checked the record here and I am sure of that. It sounded a little while ago as though I was shot out of the sky with regard to my statement about compulsory education, that there was no compulsory education in the Territories and really I was a duck shot on the water because my statement is true. There has been, and there may be a law for compulsory education but there has been no compulsory education in the Northwest Territories.

Appointment Of Attendance Officers

Now, I think I will say there could be an exception, and I am not sure of this, but the city of Yellowknife may have appointed attendance officers. You realize that what you read out to me was that the Commissioner in areas outside of where there is a board, a school board and there is only one, in this community, shall or rather "may appoint an attendance officer" and I would be willing to bet that there is not one attendance officer so appointed in the Northwest Territories today but I am just guessing. I find that in view of the fact -- I think this is so, and I think it is strange in view of the fact that the Commissioner and the Deputy Commissioner at Inuvik were told by nine votes to four that the members there supported compulsory education and still no attendance officers were appointed.

Now, I support the motion to delete because obviously we have had a clause in here which has a penalty and when this is brought in five dollars was a lot of money, and is more than ten dollars in relative terms but it did not work there. Money penalties did not work there, or it has not worked, and I think it is right that we should try this first because many native communities in the North have a finger to this one item, and I have heard this from many Members, of a penalty clause. They have pointed to this and do not like it. I think we can go with compulsory education without the clause but with the appointment of attendance officers. I think that with attendance officers, and there is no mention in the society section or the board section, or the societies or committees sections, of the appointment of attendance officers. Possibly these people should be associated with the responsibilities of these people, to check that students are going to school.

I think that if we found parents were neglecting their children, and there was severe neglect, if they were not sending their children to school, then, if you had to, if the attendance officer felt it was necessary and there had to be some action you could use the Child Welfare Ordinance which in part says that the care of a child is considered to be remiss, and I do not have it right here but I think it is in section 21 that the child could be removed. That is very severe, for very severe situations, but it could be used if an attendance officer felt that a child was being severely neglected.

HON. ARNOLD McCALLUM: Mr. Chairman, I am sorry...

MR. BUTTERS: I just happen to have this point here and if I may speak again I will find it but you can go ahead and make your comment.

Additional Amendment To Subclause 96(4)

HON. ARNOLD McCALLUM: Clause 3 of the ordinance says that the Executive Member is in charge of and be responsible for the employment of counsellors, attendance officers and other such personnel as the Executive Member considers necessary etc. Now, at the risk of confusing the issue, Mr. Chairman, I would move an amendment to the motion and the amendment is this, and you will have to excuse me for not writing it out, but the amendment is this: that section 96(4) be deleted and the following substituted, "Local educational authorities shall be responsible for providing the measures for enforcing school attendance" and if I may speak to that, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Mr. Minister, would you mind reading the last part of that again from "shall be responsible"?

HON. ARNOLD McCALLUM: Mr. Chairman, "for providing the measures for enforcing school attendance". Copacetic? Mr. Chairman, I appreciate the remarks made by the individual, the individual Members concerning school attendance and, as the Deputy Commissioner has indicated it becomes an individual situation here because it is a dilemma but I believe, in compulsory attendance, and at the risk of being

accused of a bias or a prejudice on my part I accept that, but I also believe in compulsory attendance for children within those ages, and I say that knowing damn well that I will never go back into another classroom. So, whether I have a prejudice in terms of my past, or part of my past life as an educator, regardless of that, I know that I would not go back into a classroom, but I believe in compulsory attendance anyway, not only for my own children but I believe in compulsory attendance for your children or those of us who have children.

However, I would be in favour of having local education authorities determine the measures for providing or for enforcing that school attendance. I am not convinced whether the issue here is that it is up to the ten dollars fine or if it is compulsory attendance, and even though they may both coincide or come together, they are two particular issues.

Local Control

MR. LYALL: Mr. Chairman, as the mover of the first motion I could live with the amendments that have been made by the Honourable Member and also I personally believe in compulsory education, but the thing is the local people in the communities are looking for local control and I think that you are putting this into their hands and giving them authority, if they so desire not to educate their children properly if children did not have to attend school. However, at the same time it gives such communities where people want compulsory education, you give them that right. So, the parents are the ones, in their advisory committees in the settlements, they are the ones who are going to decide whether they want their children to have compulsory education or not. So, the amendment to the motion I could live with and I think the people in the settlements would be satisfied with that also.

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

MR. EVALUARJUK: I am sorry, Mr. Chairman, I have forgotten what I was going to say but I do want to say that I believe in compulsory attendance in school and I shall send my children to school every day because I believe that the children should go to school. I have in my constituency five settlements who you might say voted for me and I have visited these communities and I explained the proposed Education Ordinance to them all and I explained to them exactly what it was about. I told them that if they did not believe in some of the things in the ordinance, give me the questions you have before January 22nd and I will ask them and I will ask what you want to know. The first thing everybody mentioned when I went to the communities is the ten dollar fine, that that was the most terrible thing in the ordinance. If I remember correctly 50 per cent thought that and I think if this goes to a vote no one would want to go for the ten dollar fine either. Now, if you wanted to view the feeling of the communities everyone is against the ten dollars fine. If we do not take this ten dollars fine out of this ordinance we feel that we should be the ones who are making up our minds on what we want for our children. If this is not deleted, as I have been asked by my communities to take this part away and I should say that for this part of the country it is all right but for the Inuit I feel it is impossible for the people to do some of these things and we feel that we are removed, we are scared, the people in our regions, in the smaller communities and I think we should take this whole thing away, subclause 96(4).

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

Delete The Ten Dollar Fine

HON. DAVID NICKERSON: I wish to speak in support of the amendment to the amendment but with the exact wording of it as proposed by the Minister I see some difficulties and presumably the advisor could be at work tidying it up a little bit to give the local education authority the legal power they would require to

be able to deal with these matters. From listening to the debate on the matter of compulsory education it has become apparent to me that most of the Members of this house, indeed myself, believe in the principle of compulsory education. What is causing concern is the matter of the ten dollars a day fine. I can not see any reason why we should be stuck with this ten dollars a day fine at all. Surely if that is all the argument is about, if not is the main objection, as Mr. Evaluarjuk tells us to the Education Ordinance in his part of the country, surely the best solution to this would be to forget all about the ten dollar fine and do as has been suggested by Hon. Arnold McCallum, leave it up to local discretion as to how the people in the local communities want to deal with the problem of enforcing compulsory attendance. This all makes very, very good sense to me and I am very pleased to be able to support Hon. Arnold McCallum's amendment to the amendment which I think will resolve everything most adequately.

HON. ARNOLD McCallum: Could I suggest we could take a coffee break, let us get the proper wording for this and have it distributed?

MR. BUTTERS: I agree that the proper wording is required but Hon. David Nickerson's point is well taken. How do you ensure that this responsibility is put down in the communities. Now, Hon. Arnold McCallum read me a section saying that the employment counsellors, attendance officers and such other personnel as may be appointed the Executive Member consider necessary to serve children and adults in the education program other than those operated by a board of education or community education society. In the terms of reference of the community society it does say that they can act as an agent of the Executive Member in the appointment of principals, teaching personnels and non-professional staff for the education program and I am assuming they could appoint attendance officers under that clause but there is no ...

MR. PEARSON: Would the Member slow down please.

MR. BUTTERS: I beg your pardon, there is no similar opportunity as I can see in the community education committee. Would the Legal Advisor in carrying out Hon. David Nickerson's suggestions ensure us there is something to give the community education committees the responsibility of appointing attendance officers.

HON. ARNOLD McCALLUM: That was the point, to go back into it, I realized that in committee, local education committees, they are an advisory group as opposed to acting as an agent under a society or school board and that is why I suggest we take a break and get the proper wording and have it distributed.

THE CHAIRMAN (Mr. Stewart): This committee will stand adjourned for 15 minutes.

---Short Recess

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum. I understand that amendment is not ready yet. Does the committee have any objection if we pass on to clause 97 while it is being prepared?

---Agreed

Clause 97, free education. Hon. David Nickerson.

Motion To Amend Subclause 97(1)

HON. DAVID NICKERSON: Mr. Chairman, I move that subclause 97(1) be amended as follows, the word "section 53" be deleted and the word "sections 53 and 79" be substituted therefor. This is a very simple matter, Mr. Chairman. The Legal Advisor has assured me that that is what is required.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Thank you. Agreed to the amendment?

---Agreed

Clause 97, free education. Agreed?

---Agreed

Clause 98, attendance officers. Mr. Butters.

MR. BUTTERS: I was just wondering about the use of suspensions. Is there any requirement upon the principal to warn parents that a suspension is imminent? That is ...

THE CHAIRMAN (Mr. Stewart): You are on clause 98. You are on your old book again. Is clause 98, attendance officers agreed?

---Agreed

Clause 99, dismissal or suspension of student. Mr. Butters.

MR. BUTTERS: Okay, sorry. Is there any requirement on the part of the principal to warn parents of suspension for students before it occurs? I have heard where a student suddenly arrives home and this is the first indication that the parent has had that the youngster is even having difficulties.

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

HON. ARNOLD McCALLUM: Mr. Chairman, under clause 99, deportment?

THE CHAIRMAN (Mr. Stewart): On suspensions. The question is are parents advised prior to suspension and warned that a suspension may be imminent?

HON. ARNOLD McCALLUM: I would certainly hope so. The department would have people indicate to parents and trying to keep in communication with parents about conduct of students within a school system. I would think behaviour by a student that would necessitate his removal temporarily or permanently from the school system would be -- that information would be relayed to the parents well before the action is taken. Schools have communication with parents.

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

Motion To Add Subclause 99(3)

HON. DAVID NICKERSON: Mr. Chairman, this matter, the one just brought up by Mr. Butters and other similar matters concerning clause 99 were discussed at considerable length in the standing committee on legislation and on behalf of

that committee I would like to move the amendment which has been circulated. For the sake of completeness I will read it out: "99(2) Where a principal suspends a student from school, he shall immediately report the matter to the superintendent and the local education authority, and the superintendent, after consultation with the local education authority, may (a) terminate, confirm or extend the suspension; or (b) expel the student."

New subclause (3) is to be added which will read as follows: "The principal shall report any suspension, expulsion or persistent absenteeism to the child's parents or guardian."

Amendment Carried

THE CHAIRMAN (Mr. Stewart): Clause 99 as amended. Agreed?

---Agreed

Clause 100, disturbances in school. Agreed?

---Agreed

Clause 101, conveyance of students. Agreed?

MR. LYALL: Mr. Evaluarjuk wants to speak.

THE CHAIRMAN (Mr. Stewart): I am so used to looking on this side where the action is that I did not notice. I am sorry, Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I think this is the section that is supposed to deal with the question I had today about transporting kids to school and home. I have heard about the three-quarter mile distance from the school to the home when they would be brought by school buses. In cases where it is warmer this is okay, but when it is cold and stormy, especially in Cape Dorset, this distance is much too far and I would like to know if this thing could be shortened.

THE CHAIRMAN (Mr. Stewart): Mr. Minister, could special arrangements be made under conditions such as this without changing the ordinance?

Conveyance Of Students

HON. ARNOLD McCALLUM: Mr. Chairman, clause 101 leaves the question of conveyance of students to the board of education or where there is no board of education to the society and educational committee. It leaves to them in consultation to make arrangements for the conveyance of students. There will be regulations developed that would bring this question of distance forward. I say to you and to other Members, Mr. Evaluarjuk, that in drawing up these regulations, we would certainly take into consideration, very careful, serious consideration his concern and the concern of other Members in other areas where this is in fact a serious question. We would hope to be able to draw up a regulation that would at least allow for the conveyance of students in terms of cold weather but we would hopefully set up the regulations so that we would talk with the local education authorities in specific areas because they are all different. That is the assurance I would give him if that is satisfactory. Regulations will be drawn up noting very seriously the concern that he has raised and others have mentioned before.

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

MR. FRASER: Mr. Chairman, I support the Member from Foxe Basin on conveyance of students. I have the same problem in the communities in my constituency where we have quite a ways to get to school and in extreme cold weather there is no other way they can go to school. Some of them live a mile out of town and by the time they get from school to home, by the time they get back from school again they are always 15 or 20 minutes late getting back. I really think that

we should try and do something here and put it in this ordinance, conveyance of students, and draw up some kind of a motion so we could have it right in the Education Ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. FRASER: I wonder if this could be done, Mr. Minister?

HON. ARNOLD McCALLUM: Mr. Chairman, again in drawing up the regulations we would certainly take into consideration, as I said, the concerns that Members have expressed in other areas and communities all over the North have expressed in terms of the difficulty in providing transportation of students to and from schools. Lest I mislead anybody, that transportation may take various forms. It may not always be by bus. There may be other methods as has been proposed by other people in other areas.

MR. FRASER: Mr. Chairman, you are saying then that you will leave it up to the executive member of the school board where you have a school board and where you have no school board or no school authority set up would it be the responsibility of the principal in charge to determine whether they need transportation or do not need transportation? Is this what you are trying to say?

HON. ARNOLD McCALLUM: No, Mr. Chairman, that is not what I am saying. I am saying before I would make a decision in terms of provision of transportation for students that it would be in consultation with the local educational authority. That would be the school committee or the school society.

MR. FRASER: In most of these communities you do not have any school society or any kind of a school board set up.

Education Committees And Societies

HON. ARNOLD McCALLUM: Under the provisions of this ordinance, if it goes through, there will be and we will make districts of all areas where there are schools. We would hope that there would be education committees and/or education societies. If there are not, then we would have to be involved with the parents. We will be setting up educational districts under the ordinance. For those educational districts we would hope that there would be educational committees, education societies, boards of education.

MR. FRASER: Was there not something set up in the previous Education Ordinance as to how far you had to be away from the school before a school bus was authorized?

HON. ARNOLD McCALLUM: That is right, in the regulations.

MR. FRASER: In the regulations. It was not in the ordinance?

HON. ARNOLD McCALLUM: No.

THE CHAIRMAN (Mr. Stewart): This is an aid to education and what you want we can put in the regulations or there are various other means that this particular bill will provide it but it does not provide it in detail because there is so much detail in each community it is impossible to list them. This is just to enable them to do it.

HON. ARNOLD McCALLUM: Mr. Chairman, I would have to have the Legal Advisor read the present ordinance respecting schools to answer Mr. Fraser's question whether the distance is in fact in the ordinance rather than in the regulations. If it is in the ordinance now, we would propose to put it within the regulations under this proposal.

MR. FRASER: What distance did you propose to use from the school if it was put back in the ordinance?

HON. ARNOLD McCALLUM: I do not have any particular distance in mind to go back personally at this time. That is the point I was trying to suggest to the Member from Foxe Basin, that we would take into consideration in setting that distance the concern of various localities and communities where children have to be transported back and forth to school.

School Buses

MR. FRASER: What really concerns me is you go to these bigger communities and you see school buses running around, going to school, coming home from school and I am sure that some of those children do not live too far from the school but they still have a school bus at their disposal. It burns me up to see the big communities applying for a school bus and they get it. They apply for a school bus to go for badminton and you apply for a school bus where in smaller communities you do not get anything. They do not seem to recognize the kids have to go to school there and it is colder in the smaller settlements in the Arctic. I sympathize with Mr. Evaluarjuk because it is probably colder than some of the communities in the valley. However, one community has wanted a school bus for three years running and they say no but it is over a mile to school. They say that we must have at least two miles or something before they will give us a bus.

HON. ARNOLD McCALLUM: I could not agree with you more and that is why I attempted to give you assurance, to you and to other Members, when I said that in setting up these regulations we would take those considerations, or concerns you have just expressed, as well as the viewpoint of Mr. Evaluarjuk into consideration.

MR. FRASER: How soon will this happen?

HON. ARNOLD McCALLUM: As soon as we pass the ordinance we start on the regulations. We have got started on some of the regulations right now.

MR. FRASER: Thank you.

HON. ARNOLD McCALLUM: If I may just go back, in the present School Ordinance it is set down in the ordinance, the distance and we would propose to put it in the regulations.

THE CHAIRMAN (Mr. Stewart): Clause 101, conveyance of students.

MR. BUTTERS: What would be put in the regulations, three-quarters of a mile? Okay.

MR. FRASER: They do not know.

THE CHAIRMAN (Mr. Stewart): Clause 101, conveyance of students. Is it agreed?

---Agreed

Clause 102, student residences. Is it agreed?

---Agreed

Clause 103, regulations. Hon. David Nickerson.

Motion To Amend Paragraph 103(k)

HON. DAVID NICKERSON: One very small change I think is required to paragraph 103(k). Clauses 86 and 87 of the original draft of this bill were changed so that the words "unsatisfactory service" was worded as "incompetence". This was done at the request of the Northwest Territories Teachers' Association and 103(k) ties in with those two previous clauses and I think we should change it here too. It is a very simple matter.

Motion Carried

THE CHAIRMAN (Mr. Stewart): Are you agreed to the amendment?

---Carried

HON. ARNOLD McCALLUM: I think it was simply an oversight.

THE CHAIRMAN (Mr. Stewart): Is clause 103 agreed?

MR. BUTTERS: Mr. Chairman, I wonder if I am correct in assuming that the regulations exist, have presently been drawn up?

HON. ARNOLD McCALLUM: No, they have not been fully drawn up.

MR. BUTTERS: Not fully drawn up. I wonder, Mr. Chairman, if the Minister could provide -- I am interested in getting a copy of the regulations that relate to paragraph (c) just for my own information. Usually you do not see the regulations and I would like them.

HON. ARNOLD McCALLUM: Is that paragraph 103(c), respecting grants ...

MR. BUTTERS: Yes, paragraph 103(c).

HON. ARNOLD McCALLUM: Respecting grants to local education authorities. Yes, we could make the regulations. We have had a change in personnel, the people who were working on this are no longer in the department but we will be trying to get the rest of the regulations drawn up as quickly as possible and they can be made available.

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

MR. FRASER: Just one small request of the Minister. Once the regulations are drawn up I would like a copy of paragraph 103(d).

HON. ARNOLD McCALLUM: No question.

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

Delegating Authority To Regulation

HON. DAVID SEARLE: Mr. Chairman, this is so important, the subject of education and the regulations which will set out many things of great importance as we know. Even today there are five or six occasions when we have delegated authority to regulation which I think is a good idea. In other important bills like this we have asked to see the regulations, we have asked that they be tabled. I doubt if the ordinance would be brought into force and effect until the beginning of the school year and if the regulations are available say any time within the 61st session, I would hope that maybe they could be tabled and Members could then look at them and if there were sections in the regulations which were seriously objectionable then of course there are many things you could do. You could introduce a motion asking that that regulation be changed and if the administration did not do that, you could follow that up with a Private Member's Bill which would change the substantive legislation, that is the

ordinance to effect your wishes. In other words, you would pull it out of the regulations through a Private Member's Bill because most of this does not deal with money. It is quite properly the subject of a Private Member's Bill. So, you have many avenues available to you.

So, to start it off my suggestion would be that would be a recommendation in reporting the bill out asking that the regulations be tabled in the house as soon as they have been drafted, prior to their promulgation by the Commissioner and anyone who felt strongly about it could move a motion or follow it up with a Private Member's Bill, as I have indicated.

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

---Agreed

Clause 103, Agreed

Clause 103, regulations. Is it agreed?

---Agreed

Mr. Minister.

HON. ARNOLD McCALLUM: May I just go back to subclause 96(1)? I said that we would try and get something and try and pass it around. Now, on further consideration of the amendment that I proposed, I find that we are in somewhat of a possible legal difficulty here and in effect what my amendment would do is take away the offence altogether and then place the local education authorities in the position where they would possibly be governed by powers of persuasion. Now, we have not been able to come to any kind of a real agreement in formulating that kind of an amendment to it and realizing that there is a motion, if I take my amendment back, if I realize there is still a motion on the floor -- that is Mr. Lyall's motion -- I wonder if before discussing that motion whether we should in fact answer the question by vote of whether we favour compulsory attendance or whether we do not favour compulsory attendance because if the vote is affirmative and we do favour compulsory attendance, then we have to talk about how to enforce it and talk about the offence against that. If we leave the summary conviction term in there we would have to work some kind of an arrangement out to get around that. Now, on the summary conviction is it a fine and if so, how much of a fine, should there be a minimum or a maximum or should there be some other kind of penalty to it rather than a fine?

I know that in some situations where people are sentenced or fined, they work around the community or some such thing but that is the quandary, and they could serve it on weekends. That is the quandary I am in, in trying to reconcile a situation. I find that the amendment I proposed causes difficulties, even though I think taking the offence away is the ideal situation, I do not think it is workable but I would ask that before discussing or voting on the motion of Mr. Lyall I think we should determine whether in fact we favour compulsory attendance.

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

HON. DAVID SEARLE: Mr. Chairman, I would like to suggest that the Honourable Minister in that case, and Mr. Lyall withdraw their motions and someone put a very simple question, that is with reference to compulsory education, that it be withdrawn, for instance and if that motion were then to pass there would be no compulsory education and then it is very simple, you just take out subclauses (2) and (4) and the question is finished.

If, on the other hand, the vote is that there be compulsory education then you would have to go on to deal with whether there should then be some form of punishment and if so what it should be. In other words, I think that we have really spent so much time since lunch on trying to do all of the various steps together rather than starting first with the basic question and then, depending

on how it is decided, going on to the other issues which flow from the decision, whichever way it goes and I do not know if I am making sense.

Additional Amendment To Subclause 96(4) Withdrawn

THE CHAIRMAN (Mr. Stewart): Are you prepared to withdraw your motion, Mr. Minister?

HON. ARNOLD McCALLUM: Yes.

THE CHAIRMAN (Mr. Stewart): Are you prepared to withdraw your motion temporarily while we put another motion on the floor? Of course, after withdrawal, you can present it again.

Motion To Delete Clause 96(4) Withdrawn

MR. LYALL: Mr. Chairman, I said before that whether I made that motion or not, as long as Hon. Arnold McCallum's statements and Deputy Commissioner Parker's statements are in the record that they are not taken out, it is up to the communities what they want to do anyhow. So, I could withdraw the motion.

THE CHAIRMAN (Mr. Stewart): Is someone prepared to make a motion relative to compulsory education? That seems to be the heart of the question. Mr. Pearson.

MR. PEARSON: Mr. Chairman, I would like to make a statement before this thing proceeds any further, a word of caution. There is a scheme afoot.

HON. ARNOLD McCALLUM: No, no, that is not so, Mr. Chairman, that is not so. I am not trying to scheme anything.

MR. PEARSON: May I continue without any interruptions from the Minister? Is this language befitting a Minister?

THE CHAIRMAN (Mr. Stewart): Please, order, please. Mr. Pearson.

MR. PEARSON: Thank you. The motion that was put initially was in keeping with the wishes of the people that just about every Member of this chamber has heard, that there not be a fine. That was drummed home to the Commissioner on his trip, 100,000 times. No fine. It is not a question of whether there will be compulsory education, it is whether or not there will be a fine, and that is the important question, because if you take away the fine, then there is nothing to discuss because if you say "education is compulsory" and not have a punishment then you can not have compulsory education, you can not have any compulsion because the punishment is the only deterrent or the only thing that will make it compulsory. So, people should be very cautious about how they move.

MR. LYALL: Mr. Chairman ...

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

MR. PEARSON: I will give the floor to Mr. Lyall.

MR. LYALL: Mr. Chairman, I made that statement before, knowing full well that if we decide there is to be compulsory education and there has to be a fine, but if we decide there is no compulsory education then there is no fine. So, if we vote on compulsory education, do we want compulsory education, if the vote goes the other way then there is no problem, no fine. I understood that right from the beginning and I made the statement before, and Hon. Arnold McCallum, as you say, was scheming and I do not think he was scheming but I think it would be very simple if we just went ahead and voted on whether there should be compulsory education or not. All of us here knows that everyone does not want compulsory education in the settlements, so I know how I will vote and I know how you will vote. So, let us vote.

MR. PEARSON: Okay. Mr. Chairman, I suggest that the Members exercise this with great caution. That was my point.

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

Motion To Delete Compulsory Education

HON. DAVID SEARLE: I would like to move that compulsory education be deleted from the ordinance.

THE CHAIRMAN (Mr. Stewart): The motion on the floor of Hon. David Searle's is that compulsory education be deleted or taken away from the ordinance.

MR. LYALL: I second the motion.

THE CHAIRMAN (Mr. Stewart): The question being called. To the motion.

MR. BUTTERS: Surely you would not expect that no one would speak to that motion of compulsory education. I think compulsory education has been the subject of debate for many years in many Legislatures. I feel that we are developing a system of education which is going to help the young people of this territory to equip them for the future, and it is a terrible shame if they do not attend or take advantage of their opportunity to attend that system. Really, you know, it is not for the young to decide, they can not determine whether it will be more advantageous to them to play hooky down around the corner and not go to school. They will not find out whether they should have gone to school until they are 17, 18, 20 or 25 and then see kids they played with flying airplanes, and in medical school or being nurses, while they are looking for their next job or are on their way to Yellowknife, to the Yellowknife recreational centre. I mean, seriously this is a very major motion that Hon. David Searle has put forward and I am extremely surprised, you know, that he puts it forward and agrees with the principle he suggests which is against compulsory education.

HON. DAVID SEARLE: I put it forward so the question could be decided.

An Advanced Piece Of Legislation

MR. BUTTERS: You sure did! I believe the Education Ordinance which we are about to pass is a very advanced piece of legislation, contrary to what Mr. Pearson has said ad nauseam. We have developed this ordinance. It will enable people in the communities to be taught in their language. There is not another jurisdiction in Canada that I know of wherein the people who send their children to school can ask that their children be taught in their own language. I believe it. I believe it and as long as I am in this Legislature I will make sure that they do that. I feel that the legislation we are developing here is -- what we have done here is, the changes we have brought to it have developed an excellent piece of legislation. We have developed a system that will produce people who can fit into tomorrow, the tomorrow that we are trying to build together. But if you do not ensure that those young people attend these programs and be part of that system and wander aimlessly, you are doing them a great disservice. I for one will vote against the motion.

THE CHAIRMAN (Mr. Stewart): Thank you.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Stewart): Question being called.

MR. STEEN: I think I have to go along with Mr. Butters and vote against the motion because I think that regardless if we have compulsory education or not -- I should not say that. I should say if we do not have some sort of compulsory education, then we are still going to end up with some people not being trained in schools. I think it is our responsibility for future assemblies that we have helped the cause. What I am trying to say is that sometimes I think if we do not have our kids go to school then we are going to end up with untrained people and we will become, shall I say, a problem of the social development people in the future. There are some people in the territories who are ignorant who send their kids to school. Some people may say "They are my kids and I can do whatever I want to do with them. I do not have to send them to school." It has to be remembered when he says that he is dealing with the future life of those children, so I feel that there should be some sort of compulsory education. I will not go along with a ten dollar fine but I would go along with some other way of the communities enforcing some sort of penalty. For instance, taking the children away from the right of playing in the gymnasium or things like that. The community where I come from, my constituency, has mentioned this. They mentioned also maybe you should put them to work. I think that should be up to the local education board.

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

A Developing Northern Society

MR. LAFFERTY: Mr. Chairman, Mr. Butters took the words right out of my mouth. He said the words very skillfully as I attempted to express to you my deep concern for the native people in the Northwest Territories taking their place in a developing northern society. I think in order to achieve these conditions we as Members of this Legislature must impose this type of future development on people who are floundering in confusion and do not know where to go. They do not know where to go to the extent that they have priests and preachers and every type of person, every type of expertise running among them telling them where to go and denouncing any logical idea that may arise.

I have great sentiments for northern people. I would like to see some of the people in the future taking control of their lives, sitting and managing a bank in a development up here, to run the affairs of the government, to become teachers, to become engineers in the developing hydro in the North. If you can not make a simple little decision and take the risk of being perhaps criticized severely, if I can not take any criticism for decisions which I am entrusted to make in fairness to everybody concerned, then what the heck am I doing here? I think it would be wasting my time.

The fact remains that we do have a lot of people, a lot of talents in the North particularly throughout the Mackenzie basin who are very negligent, who do not send their children to schools. I see them every day as I walk around the communities in different parts of the Mackenzie Valley and I know most of these young children. They are not attending school simply because their parents have not sent them to school. It is these children I am concerned about. I am not concerned about their parents. There is nothing I can do about them. Some of them are 50 years old. That is the Minister's job. I can not support the Honourable Member's motion. I will vote against it.

THE CHAIRMAN (Mr. Stewart): Thank you.

SOME HON. MEMBERS: Question.

HON. DAVID NICKERSON: Mr. Chairman, my ideas on this matter lie along the same lines as those expressed by Mr. Steen. I am afraid I think that education should be compulsory and I will vote against the motion. It does not really matter to me whether the education is of the type that might be received in the schools. I would be equally well satisfied if the children were out on the land learning how to hunt and trap. That to me is just as much education as you would receive in school. I personally have taken my children out of school at times to take them down south and show them what a farm looks like and this type of thing but the situation that I do not want to see happen is what is happening in Inuvik at the present time. When I was there a week ago, it was made very clear to me by members of the juvenile court committee, for instance, a number of children in Inuvik were not doing anything. They were just running loose around the town continuously. They were not learning anything whether it be of an academic nature or anything else. This is the type of problem that I would like to see solved.

I think that were they to vote now in favour of compulsory education it would not necessitate us imposing a fine on parents for not sending the children to school, in fact, in many instances such as where a number of children have been looked after by a grandmother it is impossible to fine the person actually looking after the child. It just does not make sense. It is not his or her fault at all. I think that other measures can be devised to compel students or compel children to undertake education in some form or another. Therefore, Mr. Chairman, I will vote against this motion.

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

The Meaning Of Compulsory

MR. PEARSON: Mr. Chairman, it seems all of a sudden that compulsory education is going to save this country. It is going to save all those little souls. When we enact this new compulsory education we are suddenly going to see all the children flocking to school and learning everything and becoming fantastic students. It is not going to change one bit. Not one bit. The people who are going to school today are the ones who will continue to go to school tomorrow whether it is compulsory or not. If the motion passes, "compulsory" means very simply that you are compelled to go to school. How do you do that? You want to give it to the local community. Do you expect a local elected education board within a community to dictate to the rest of the community that they shall go to school and if they do not the members of that board will impose fines or restrictions upon them or take them out and publicly flog them or lock them in the dog pound or tie them up to a stake in the streets? That is what compulsory means. It means you are compelled to go to school and if you give the responsibility to the community, those are the kind of things they are going to have to do. If you do not send your school kids to school, we will make you scrub out the public toilet with a toothbrush or some other silly thing.

Why do not you throw in church too? It is also compulsory to go to church because you become a better Christian if you go or whatever denomination you happen to be. It is utterly ridiculous. Let us put some responsibility into the hands of the people and allow them to make the choice. Allow the people in the communities to decide whether education should be good for them and for those people to take their children by the hand to the teacher and say "Here he is, educate him, please, and let me know if you have any trouble with him" is a very different thing concerned. "Everybody shall go to school and everybody shall be the same colour of grey and everybody will be the same and all men are equal and get into the school or we will beat you with a stick."

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

The Big Issue Is The Penalty

MR. WHITFORD: Mr. Chairman, Mr. Pearson is right in saying that the school boards would be flogged. This is what I said before, they will grind them into hamburger. To me the big issue is the penalty. From past experience we have discovered that, but, compulsory education -- I believe in education and, of course, my children as well are going to school because I believe in it. The difficult part that I find in the communities that I represent, especially the major ones, they are just starting to be involved with education and that is only going back ten years from the time of coming out of the bush to now, ten or 12 years ago. I think that the discussion again surrounds that penalty. If the penalty were changed and the community were involved in the decision as to what could be done with a student if he did not come to school other than of course going back to the land or being involved with his parents through care at home or sickness to me that is the important thing.

Motion To Delete Compulsory Education, Defeated

THE CHAIRMAN (Mr. Stewart): Thank you. The question being called. All those in favour of the motion, in favour of no compulsory education, no compulsory. Five. Opposed? Seven. The motion is defeated. Compulsory education stays.

Motion To Amend Subclause 96(4)

HON. ARNOLD McCALLUM: May I move an amendment to subclause 96(4), the amendment being "Every person who fails to comply with subclause (2) is guilty of an offence and liable on summary conviction to a penalty to be prescribed by regulation. Local education authorities shall be consulted in setting such penalties."

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

SOME HON. MEMBERS: Agreed.

MR. WHITFORD: Mr. Chairman, I do not quite understand that motion, but I gather that the penalty which the community would recommend to you, that they are going to use in the community as the fine.

HON. ARNOLD McCALLUM: I purposely took out the word "fine" because again in an attempt to straighten this out, I think that is the source of concern. I think again the concern has been expressed that local education authorities should have an input, they are parents, and are composed of parents. If we have compulsory education, as it has been expressed here, the motion takes away the fine on summary conviction and instead it levies a penalty that is prescribed by regulations which are drafted on consultation. Perhaps that is not strong enough a word, and if so, we could use another word, on the advice if you like of the local education authorities. That has been the concern that was expressed, that people in the local place should have a say. I do not think we would get anywhere trying to leave it as it is on a fine at all, so I am proposing to take

that away and instead it should be a penalty prescribed by regulations which are drafted in consultation and on the advice of the local education authority.

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

MR. WHITFORD: I misinterpreted that and I am corrected now.

HON. DAVID NICKERSON: Would it be possible to see that written down or at least reread so I can write it down myself to see what it looks like in writing.

MR. LYALL: The way I understood that subclause 96(4) is what is changed. I think that this is the thing I was going to do before so I would go along with that. That is what the people want, they want local control and now you are giving it to them.

THE CHAIRMAN (Mr. Stewart): To the amendment.

HON. DAVID NICKERSON: Could we find out exactly what the amendment is, Mr. Chairman?

Motion To Add Subclause 96(5)

HON. ARNOLD McCALLUM: Yes, and possibly, and again I am on the advice of legal counsel, and it may be advantageous to amend subclause 96(4) and add subclause 96(5). However, I will read it out and try and get it done and pass it around. That is a suggestion. May I read it out? "Amend subclause (4) to say every person who fails to comply with subclause (2) is guilty of an offence and liable on summary conviction to a penalty to be prescribed by regulations" and I would add subclause (5) rather than trying to embrace it all in one. "The Commissioner shall consult with the local education authorities before making a regulation under subclause (4)."

THE CHAIRMAN (Mr. Stewart): If you could have that typed up, could we then go on while this work is being done and complete the rest of the ordinance?

---Agreed

We have completed clause 103.

Motion To Add Paragraph 103(p).

HON. DAVID NICKERSON: Mr. Chairman, if we amend clause 96 as proposed here I think it will also mean that we will have to go back to clause 103 and amend the regulation making powers in 103, maybe by adding a letter (p) at the end to say "respecting penalties to be imposed under clause 96."

MR. CHAIRMAN (Mr. Stewart): Thank you. Madam Legal Advisor would you take that also into consideration and bring it back at the same time?

Clause 104, repeal. Are we agreed?

---Agreed

Clause 105, coming into force. Are we agreed?

---Agreed

Now, I have, if I can find them -- we set aside clause 51, taxes. Clause 51 and we now have the amendment or you all have it, it is 51(2)(a) and the new section would read: "Every owner of assessable property shall record with the municipal assessor a declaration setting forth whether he supports the public education district, the separate education district or both districts and the ratio indicated and the assessor shall direct that all levies for education purposes be directed to the board of education or the separate board of education according to the declaration of the owners, and ..."

Now, clause 51 as amended. Hon. David Nickerson.

HON. DAVID NICKERSON: In the amendment proposed here it is not clear to me by whom the ratio is to be indicated. Therefore should the Legal Advisor agree, might it not be better wording to say "and an indicated ratio"?

THE LEGAL ADVISOR (Ms. Flieger): A declaration is by a person. Mr. Chairman, in response to that I would think that the opening words of this paragraph cover that point in that this is a declaration of the owner of the property. He makes the declaration setting forth among other things the ratio.

Motion To Add Paragraph 51(2)(a), Carried

THE CHAIRMAN (Mr. Stewart): Clause 51, as amended, is it agreed?

---Carried

We have a problem here because the xerox machine is broken and it will take 15 or 20 minutes to have copies made of the amendment to clause 96. What are your instructions, do you want the printed copy before you? Hon. David Searle.

HON. DAVID SEARLE: No, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Then we have clause 53, admission of students.

Motion To Amend Subclause 51(4)

HON. DAVID NICKERSON: So far we have just agreed to subclause 51(1) and I have some other reports to bring up with respect to clause 51. Mr. Chairman, in subclause 51(4) I move that the word "shall" in the first line be deleted and have substituted "may" therefor. The reason for this is that technically speaking if subclause (4) was left as it is the corporation would be acting illegally by not declaring where they wanted their school taxes to go. This is obviously not the intent of the legislation, as you can see by reading subclause (5) which says "Where no declaration is recorded ..." and so on and so forth.

Motion To Amend Subclause 51(4), Carried

THE CHAIRMAN (Mr. Stewart): Are we agreed to the amendment to subclause 51(4) where we change the word "shall" to "may"?

---Carried

Motion To Amend Subclause 51(5)

HON. DAVID NICKERSON: Mr. Chairman, in subclause 51(5) you will note that the taxes are to be shared proportionately to the portions of the total assessment on property. I did move, Mr. Chairman, that this be amended so that the school taxes are divided in relation to the ratio of pupils attending the public and separate school boards, or schools run by the separate and public school boards.

Motion To Amend Subclause 51(5), Carried

THE CHAIRMAN (Mr. Stewart): Are we agreed to that change? Are we agreed?

---Carried

Now, clause 51, are you finished with it?

HON. DAVID NICKERSON: I have finished with clause 51 but presumably the Legal Advisor will draft up some changes in proper legal language.

Clause 51, Agreed

THE CHAIRMAN (Mr. Stewart): Clause 51 as amended? Is it agreed?

---Agreed

Motion To Amend Clause 53(4), Carried

Clause 53(4) and the amendment reads as follows, or this is in addition to that section: "Notwithstanding the other provisions of this section, the Executive Member may direct a board of education or a separate board of education to waive the fee under subclause (3) for students outside the district who, because of a lack of other school facilities, must attend a school under the jurisdiction of a board; and the board shall comply with the Executive Member's direction."

Is it agreed?

---Carried

Motion To Amend Clause 75, Carried

Clause 75 now reads as amended: "The Executive Member, in co-operation with the superintendents and local education authorities, shall establish where feasible vocational courses to meet the needs from time to time of the residents of the territories." Is it agreed?

---Carried

According to my record then all of these clauses other than clause 96 are completed.

HON. DAVID NICKERSON: Of course there is the exact wording for clause 51.

THE CHAIRMAN (Mr. Stewart): Yes.

HON. DAVID NICKERSON: And clause 103.

THE CHAIRMAN (Mr. Stewart): I am sorry, I lost you somewhere.

HON. DAVID NICKERSON: I think, Mr. Chairman -- it does not matter it is only a very small point and it was only a word change and everyone agreed. It is just that we have not seen it in writing.

Motion To Amend Subclause 85(6), Carried

THE CHAIRMAN (Mr. Stewart): We are not worried about the small ones, just material changes. Subclause 85(6) and this is the addition and you can listen to it, subclause 85(6), a new part: "Where a teacher is dismissed or his contract is terminated, the employer shall give the teacher written reason for the dismissal or termination." Does that include it all? Is that agreed?

---Carried

We now have clause 103 but that has already been agreed to so I do not anticipate any discussion on it as you now have it in writing.

Motion To Amend Subclause 96(4), Carried

So, we are back to clause 96. The amendment, as I understand it, is to delete the present subclause (4) and the new subclause (4) would read: "Every person on summary conviction is subject to a penalty according to regulations and any person who fails to comply with subclause (2) is guilty of an offence and liable on summary conviction to a penalty to be prescribed by regulation." Is it agreed?

---Carried

Motion To Add Subclause 96(5), Carried

Subclause 96(5) "The Commissioner shall consult with local education authorities before making a regulation under subclause (4)". Is it agreed?

---Carried

The short title. Is it agreed?

---Agreed

Shall I report Bill 1-60 ready for third reading as amended?

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

MR. BUTTERS: I think we should compliment the patience of our chairman who has handled himself quite ably during the handling of this bill and I think we should as Members of the committee show him our appreciation for his excellent handling of the job, sir.

---Applause

MR. SPEAKER: On the matter of announcements I am asked to say that the flight arriving from Frobisher and Rankin is expected at 7:30 o'clock p.m. in case some of you are looking for friends there.

MR. STEWART: Mr. Speaker, your committee has been studying Bill 1-60, An Ordinance Respecting Education in the Northwest Territories and we wish to report that this bill is now ready for third reading as amended.

MR. SPEAKER: Item 11, third reading of bills. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 1-60, An Ordinance Respecting Education in the Northwest Territories, be read for the third time.

MR. SPEAKER: Is there a seconder?

HON. DAVID NICKERSON: On a point of order, Mr. Speaker. The wording for the amendment in subclause 51(5) I believe has not yet been given to this house and has not yet been voted on. I wonder, therefore, if it would be possible to have that done before giving third reading.

MR. SPEAKER: Mr. Stewart, is the bill ready for third reading or is there still an outstanding clause? Madam Legal Advisor, is there still an outstanding clause?

MR. STEWART: Mr. Speaker, according to my records the amendment was read in from the floor and Mr. Nickerson gave us another change from "shall" to "may" and that was agreed, according to my records.

LEGAL ADVISOR (Ms. Flieger): There was an additional amendment respecting the distribution of corporate taxes where there has been no specification as to which school board was supported. That was in accordance with the per capita school population.

MR. BUTTERS: That had been voted on. The only thing that had not happened was the circulation of the draft. The principle had been voted on.

MR. SPEAKER: So there will be no misunderstanding, this house will resolve into committee of the whole for continued consideration of Bill 1-60 with Mr. Stewart in the chair.

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

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

THE CHAIRMAN (Mr. Stewart): The committee will come to order. Subclause 51(5). The Legal Advisor will give us the new wording as directed.

Motion To Amend Subclause 51(5), Carried

LEGAL ADVISOR (Ms. Flieger): Subclause 51(5) would read, "Where no declaration is recorded by a corporation under subsection (4), the school taxes payable by corporations shall be divided between the public and separate education districts in shares proportionate to the number of students on the rolls of the school district."

THE CHAIRMAN (Mr. Stewart): Clause 51, taxes, as amended, agreed?

---Carried

May I now report the bill ready for third reading?

---Agreed

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

MR. SPEAKER: Mr. Stewart.

MR. STEWART: Mr. Speaker, my apologies to the house. I can now hopefully report Bill 1-60 ready for third reading as amended.

MR. SPEAKER: Item 11, third reading ...

HON. DAVID NICKERSON: On a point of order, Mr. Speaker. I was led to believe that during the discussion of the Education Ordinance certain recommendations regarding the tabling of regulations were to be made by the chairman of the committee when he gives his report to the Speaker.

MR. SPEAKER: Mr. Stewart, were there any supplemental recommendations that came out of the committee in addition to the amendments?

MR. STEWART: Thousands, Mr. Speaker. I have no notes relative to any specific recommendations. I should have made notes but I did not. Maybe Hon. David Nickerson has some.

MR. SPEAKER: Third reading of bills, Item 11, Hon. Arnold McCallum.

ITEM NO. 11: THIRD READING OF BILLS

Third Reading Of Bill 1-60, Education Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 1-60, An Ordinance Respecting Education in the Northwest Territories, be given third reading.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. Any discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called.

MR. PEARSON: Could we have a recorded vote on this, Mr. Speaker?

MR. SPEAKER: Recorded vote being called, Mr. Clerk. Question being called. Would the Members when I call the question all in favour stand in their place so that your names may be recorded in the record?

MR. BUTTERS: On a point of order. Is it possible on a recorded vote to abstain? Is there a rule?

MR. SPEAKER: Yes. Question being called. All in favour please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Lyall, Mr. Butters, Mr. Whitford, Hon. Arnold McCallum, Hon. Peter Ernerk and Hon. David Nickerson.

MR. SPEAKER: Down. Contrary, please stand.

CLERK OF THE HOUSE: Mr. Fraser, Mr. Evaluarjuk, Mr. Pearson.

Bill 1-60, Education Ordinance, Carried

MR. SPEAKER: Down. The bill is carried.

---Carried

Item 12, assent to bills and prorogation.

ITEM NO. 12: ASSENT TO BILLS

Mr. Clerk, would you determine the whereabouts of the Deputy Commissioner?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, as Deputy Commissioner of the Northwest Territories I assent to Bill 1-60. I do not intend to make any extensive remarks

beyond complimenting each Member for the depth to which he has pressed his thoughts in the discussion of this bill. It has been a contentious bill and I must compliment the Minister responsible and each Member for the thought that he has brought to the bill. I trust that in the administration of it the advice that has been given and the discussion that has been held will be borne in mind and I am confident that it will be. Mr. Speaker, have you any further business before prorogation?

MR. SPEAKER: No.

ITEM NO. 13: PROROGATION

DEPUTY COMMISSIONER PARKER: As Deputy Commissioner of the Northwest Territories I hereby prorogue this, the 60th session of the Legislative Assembly.

---PROROGATION

Available from the
Clerk of the Legislative Assembly of the Northwest Territories,
Yellowknife, N.W.T. at \$5.00 per session
Published under the Authority of the Commissioner
of the Northwest Territories