



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES  
**DEBATES**

62nd Session

8th Assembly

Official Report



WEDNESDAY, MAY 11, 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.  
Igloolik, 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)

The Honourable 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

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, MAY 11, 1977

MEMBERS PRESENT

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

ITEM NO.1: PRAYER

---Prayer

SPEAKER (Hon. David Searle): Gentlemen, last evening when we adjourned the matter was left that we would come back and this morning begin replies due to the fact that many Members indicated that they had not yet had an opportunity to read the Berger report and are not yet prepared to go into details.

Looking at the item of replies, the mover as I understand it was to be Mr. Butters and the seconder Mr. Lafferty. Mr. Butters has indicated to me that he would prefer an opportunity to make some general comments with respect to the Berger report. As you know that was the other reason for setting the Berger report down temporarily, and that he is not yet in a position to move the motion of appreciation in replies. So, for your consideration I would like to suggest that we move to Item 13, committee of the whole for consideration of the Report of the Mackenzie Valley Pipeline Inquiry to give Mr. Butters the same opportunity that everyone else had yesterday and Mr. Steen, if he arrives, and after that we will go back to the normal order of business calling the items, replies, questions and returns, etc. How does that strike you?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Is it agreed?

---Agreed

Item 13, consideration in committee of the whole of bills, recommendations to the Legislature, information items and other matters.

ITEM NO. 13: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE, INFORMATION ITEMS AND OTHER MATTERS

This House will resolve into committee of the whole for consideration of the Report of the Mackenzie Valley Pipeline Inquiry with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of the Report of The Mackenzie Valley Pipeline Inquiry, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER REPORT OF THE MACKENZIE VALLEY PIPELINE INQUIRY

THE CHAIRMAN (Mr. Stewart): The committee will come to order to continue the study of the calamity paper. The Chair recognizes Mr. Butters.

MR. BUTTERS: Mr. Chairman, I thank Members for the opportunity to make a

few brief remarks even though you have already completed this portion of your agenda. I do not have a great deal to say, I think that the response to the report will be made by two groups in particular, and one is found in these papers I hold in my hand which is a petition I will be tabling later in the formal session, and it was a petition developed by the young people of Inuvik when they heard that the CBC was coming because they wanted some way to show that Mr. Berger's recommendations certainly were not in keeping with their interests, or their future, and very quickly they developed their own petition and circulated this.

#### Petition From Young People In Inuvik

I will read it: "We the undersigned residents of Inuvik wish to express the opinion that the construction of a Mackenzie Valley pipeline should proceed without any further delay because we need employment to support our families. And then they have pencilled in afterwards, "...and ourselves." The petition is interesting and I have never seen one like it before in that it includes a person's age and, as I said about 70 per cent of the names on it, and I have examined it, on that petition are under 30, and I would say the majority of them are native people.

The other group, of course, who will be responding to the report are those Canadians who will be looking next year and the year after at a possible increase in their cost of power, the cost of heating their homes, and maintaining themselves. I think we will hear more from them in the future.

I just wish to say that the North has seen many junkets. We have seen many, many people come and go but I think this is the biggest and best yet, and it certainly cost us the most money, because really the report, from what I can see, skimming through it superficially, reads like a travelogue and it might be better put out by National Geographic than by the Government of Canada. I was disappointed in one respect because there is really no judgment in it. We have described the Commissioner as Judge, correctly because of his position in the judicial branch of the British Columbia government, but no judgment was made. This is a report of an advocate and the advocates that presented themselves to the Commission presented themselves very well. It is a report on the advocacy that was presented at the community hearings -- it really is the Commission counsel's report, tidied up with some fantastic pictures, as the Minister said. It is very, very much the report of Dr. Peter Usher, in his presentation made in this room on November 15, last year.

#### Berger Report, Outside Terms Of Reference

As I say I was disappointed because the Commissioner did not make any recommendations really and I noticed that on the night the report was published Mr. Thomas Berger was very uneasy, he looked very uneasy on television and, from my experience with seeing him and watching him, he is a very self-contained man, a very integrated man, and yet for some strange reason he seemed uneasy on Monday evening. Thinking about that I thought that if I were a judge, and had I made a decision I would know how good that decision was by what people said to me. If both parties to the agreement were cool, or rather distant and respectful I would know that my decision had probably been an objective one and I am quite sure that on Monday, the ninth, the Commissioner of the Inquiry received all kinds of plaudits from the NDP and the socialist position, and I think he realized that he bombed. I think that the Berger report has really not provided the government with what it requested, and I think the Berger report, because it is so far out of the terms of reference, can not even be used by them to make their final decision. So, I think he has almost disqualified himself because he has moved so far out of his terms of reference, and actually refused to judge the great mass of material that came before him. He does not rule out pipelines.

He does not rule them out, it is just a matter of timing.

So, I would say that I think we should get on with our business, and that is look to the National Energy Board because that is the board which will make the decision. I think we have to address ourselves, if we are going to continue to support the Mackenzie Valley pipeline, we must address ourselves to one main area of concern raised by the Commissioner's report, and I have a feeling that his concern is spurious. If you will remember he says that the Mackenzie Valley pipeline is environmentally sound, but he says that a line from the Mackenzie Delta to Prudhoe Bay is not sound, is not environmentally sound. He suggests that it is not environmentally sound because of its impact on the wildlife in the area, and mentions the whales, he mentions the birds and he mentions the caribou, but from my knowledge the birds fly south in the winter and the caribou move south into the hills, and the main reason they are on the coast in the summer is to escape the mosquitoes. They are walking into the prevailing wind and hugging that coast to get away from the bugs. However, in winter I think that the main bulk of the Porcupine caribou herd is 90 or 100 miles south of the coast. And of course the whales. I think there is still a lot of scientific information to be documented about the whales' behaviour yet.

I think that that is one area where we should have our own biologist really examine to determine whether the Judge, whether his recommendations with respect to the wildlife concerns are valid. I for one question them and will be asking a question in the formal session of the administration, if it would ask Dr. Simmons to go back to the inquiry report and examine the evidence presented to the Commissioner relative to those wildlife concerns. I would like to know what evidence was presented, I would like to know whether it was written or oral. I would like to know something about the credibility of the witnesses who presented the evidence because if the Judge has made his decision on all the evidence you can not blame the Judge, because that is what he got, but I would like to know how good that evidence is and I for one believe it is very questionable.

Concern For People Of Old Crow

I think also that really the Judge does not rule out an across the Porcupine Flats route, across to the mountains and environmentally he does not seem to discredit or discount that action. There is only one concern, the main concern, and rightly the main concern and that is the human concern of the 200 people who occupy Old Crow, but, in environmental terms, I do not think he excludes that possibility.

So, I think we have a lot to do. We have got a lot to do in the positive sense. As I say, I think the Government of Canada will be making their decision more and more on NEB. As the Prime Minister said "It is our decision and we will make it." That is probably the most important decision the Judge made. I saw in yesterday's Journal where the Judge says the federal government will make the decision and I think he is right. I think there has been a lot of evidence to come in with the cabinet, having to weigh all of the factors, having to weigh the economic factors not only of the Northwest Territories but of all of Canada, will probably be basing its decisions to a large degree on what the National Energy Board says. They may, too, make a few inquiries of Members of this body, either individually or collectively. So, I think the question is still very much in debate and the line is still a possibility. This may sound strange coming from one who has said over the past years that the Mackenzie Valley line is dead and I am not discounting that statement. I do not say it is in very good shape but I say that if we proceed positively and productively we have a very good chance of influencing the decision of the Government of Canada to a much greater extent than we did the Commissioner of the Mackenzie Valley Pipeline Inquiry.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters. Does anyone else have any comments of a general nature or shall I report progress? Progress?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Report Of The Mackenzie Valley Pipeline Inquiry

MR. STEWART: Mr. Speaker, your committee has been discussing the Report of the Mackenzie Valley Pipeline Inquiry and wishes to report progress.

MR. SPEAKER: Returning to the orders of the day, Item 2, replies to the Commissioner's Opening Address.

Item 3, questions and returns.

I assume there are no returns because there are no questions.

ITEM NO. 3: QUESTIONS AND RETURNS

Are there any questions? Written questions? Mr. Pearson.

Question W1-62: Welfare Rates, Eastern Arctic

MR. PEARSON: Mr. Speaker, I have a question for the Minister of Social Development. Has the Minister of Social Development received a petition from the Eastern Arctic asking for an increase in welfare rates and can the Minister indicate when new rates will be established?

MR. SPEAKER: Hon. Dave Nickerson.



HON. DAVE NICKERSON: I think the Honourable Member is referring to a petition which was signed by a number of members of various social assistance appeal committees who met in Frobisher Bay two or three months ago. I have received such a petition. I would probably be making recommendations regarding changes in the social assistance rates in time for the next fiscal year. So I would expect to have recommendations ready for this Assembly by the January session of 1978.

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

Question W2-62: Students' Comprehension Tests

MR. BUTTERS: Mr. Speaker, I have four questions. What progress has been made by the Department of Education toward establishing and carrying out testing program students' comprehension of basics, especially in grades one to eight, inclusive?

Question W3-62: Northern Wildlife Resources

The second question is: Could the administration's department of wildlife provide, prior to the close of this session, a catalogue of the evidence sources provided to Judge Berger on the wildlife resources of the Canadian North, and some indication of those portions of testimony, oral or written, upon which the Inquiry Commissioner would have based his recommendation that environmentally no line could be built or should be built east-west across the north slope.

Question W4-62: Wally Firth, M.P., Attendance At Session

The third question: In view of the fact that Wally Firth and his party oppose the construction of the Mackenzie Valley pipeline, I wonder if the Commissioner or a member of his staff might approach Mr. Firth and inquire whether he might be able to attend with us during this session to attend and inform us what economic pursuits the people of the Northwest Territories might follow if the Mackenzie Valley pipeline is not constructed for ten years.

Question W5-62: Government Grants And Contributions

The fourth question is: Could the administration detail the grants and contributions being made by the Government of Canada or its agents to groups or agencies in the Northwest Territories through channels other than this government?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W1-62: Welfare Rates, Eastern Arctic

DEPUTY COMMISSIONER PARKER: Mr. Speaker, with regard to the first question on educational testing. This matter was raised by Mr. Butters at the last session and the answer that was supplied at that time was incomplete. A more complete answer which I hope he will find adequate is either now in the books as an information item or will be shortly. I am not sure if it is there now, but it will be before this session is out and perhaps he would be kind enough to look at that information item and raise the matter again if he is not satisfied.

With respect to compiling the biological evidence on the north slope, the answer to that question is that we will attempt to prepare such a summary for this House.

In the matter of Mr. Firth meeting with Council, we will take that under advisement.

With regard to the grants, grants and contributions by the federal government to various agencies, we have at different times tried to put together such a list. We do not necessarily have all of the information or ready access to it and I think we will have to take that question under advisement. The only reason being that we will have to see what information we can gather. We can not be certain we can get it all ready for this session, so we will try.

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

Question W6-62: Extension Of Strips, Central Arctic

MR. LYALL: Mr. Speaker, I would like to ask this administration what success they had in dealing with the Ministry of Transport about building up the airstrips in the Central Arctic which are now supposed to be 3000 feet and they are asking for 5000 foot strips and I wonder if the administration have had any contacts with MOT on this subject.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we have had contacts with the Ministry of Transport on this subject. I would prefer to bring in a written reply so I can make sure I am presenting the very latest information.

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

Question W7-62: Employment Of Northerners

MR. PEARSON: Mr. Speaker, I would like to ask a general question of the administration. Due to the tremendous unemployment situation in southern Canada at this time and the inevitable migration of southern Canadians into the North during the summer, particularly students, I wonder if the administration is aware of the number of young northerners who will be seeking employment and who I feel should receive priority. Can the administration assure me that in light of the very high rate of unemployment in southern Canada at present that every attempt will be made to give preference to northerners?

SOME HON. MEMBER : Border controls.

Return To Question W7-62: Employment Of Northerners

COMMISSIONER (Mr. Hodgson): Mr. Speaker, the question I suppose should be broken down into four parts. The first is, the university and vocational students from the North have all been contacted and offered opportunities if they wish them with the territorial government. I saw some of the information just recently on it. There are a number of them who have taken advantage of it. Some have decided to work in the South and others have decided to travel.

Then we have offered the high school students opportunities and we have our office open here and those who are interested in working for the government will get first priority during this summer. There are some, of course, who will choose not to work for the government and there is nothing much we can do about that.

The third question is that there are some who, because of special skills, will or may be hired from the South and who will come north for the summer, but I would think there would be very few.

Fourthly, there seems to be some misunderstanding over a letter or ad or something that was published in one of the military magazines which indicated "Come North, there are lots of opportunities for summer". This did not originate from the territorial administration and I do not really know all the details of how it happened, but I must admit that everybody has been inundated with applications for opportunities, but how many responses or positive responses were given, I do not really know.

As for the federal administration I do not really know what their plans are other than forestry, and I know that forestry is looking for students, 16 years old, to work out in their camps on some of their projects.

MR. SPEAKER: Are there any further written questions?

Item 4, oral questions. Are there any questions of an emergency nature?

Item 5, petitions. Mr. Butters.

ITEM NO. 5: PETITIONS

Petition From Young People In Inuvik Tabled

MR. BUTTERS: Mr. Speaker, I would like to table at this time the petition I referred to earlier and I have read it into the record already so I will just sign my name and present it to the Clerk, thank you.

MR. SPEAKER: That is a petition from the school children in Inuvik, is that it?

MR. BUTTERS: It was the young persons' petition, yes, sir.

MR. SPEAKER: Are there any further petitions?

Item 6, reports of standing and special committees. Mr. Lyall.

ITEM NO. 6: REPORTS OF STANDING AND SPECIAL COMMITTEES

Report Of Standing Committee On Legislation

MR. LYALL: Mr. Speaker, our committee, the standing committee on legislation met in Yellowknife and has considered all of the bills which are going to be presented to this body by the administration. They have been looked at and the only one that we have not yet looked at is the amendment to the Municipal Ordinance which will be tabled later on in this session. For the information of everyone here I could pass out a copy of our report.

MR. SPEAKER: Are there any further reports of standing and special committees? Mr. Lyall, you may just wish to table your report when we get down to Item 10, tabling of documents.

MR. LYALL: Very well, Mr. Speaker.

MR. SPEAKER: Item 7, notices of motion. Hon. Arnold McCallum.

ITEM NO. 7: NOTICES OF MOTION

Notice Of Motion 2-62: Alteration Of Sitting Hours

HON. ARNOLD McCALLUM: Mr. Speaker, I would give notice that on Thursday, May 12th, I will introduce the following motion:

WHEREAS Members of this House have previously considered the desirability of eliminating morning sessions without reducing the total number of sitting hours in a week;

AND WHEREAS Members of this House have found it increasingly more difficult to prepare for the increased amount of sessional work;

AND WHEREAS Members have voiced a desire to use the morning hours in preparing for sessions;

AND WHEREAS other Legislative Assemblies use afternoon and evening hours as their hours of sitting;

AND WHEREAS a trial arrangement before making any permanent changes in sitting hours would be advisable;

NOW THEREFORE, I move that beginning Monday, May 16 and continuing for the duration of the 62nd session the following sitting hours apply:

Monday	2:00 to 5:30 p.m.; 7:30 to 9:30 p.m.
Tuesday	2:00 to 5:30 p.m.; 7:30 to 9:30 p.m.
Wednesday	2:00 to 5:30 p.m.; 7:30 to 9:30 p.m.
Thursday	2:00 to 5:30 p.m.; 7:30 to 9:30 p.m.
Friday	2:00 to 6:00 p.m.

MR. SPEAKER: Any further notices of motion?

Item 8, motions for the production of papers.

Item 9, motions.

Item 10, tabling of documents. Mr. Lyall.

ITEM NO. 10: TABLING OF DOCUMENTS

MR. LYALL: Mr. Speaker, I would like at this time to table the Report of the Standing Committee on Legislation, Tabled Document 8-62.

MR. SPEAKER: Thank you. Hon. Dave Nickerson.

HON. DAVE NICKERSON: I wish to table the following documents, Mr. Speaker. First, Summary Of Major Recommendations From The Report To Territorial Council Of The Alcohol And Drug Co-ordinating Council For The Northwest Territories, Tabled Document 9-62. This is in fact a summary of the full report which I tabled earlier, but this one has an Inuktitut translation with it.

Secondly, Mr. Speaker, I wish to table this report: Environmental Conditions And The Proposed Development Of Rae-Edzo, Northwest Territories, Tabled Document 7-62. This is a report by Mr. Jack Grainge, the regional engineer, Northwest Territories region, medical services, of the Department of National Health and Welfare.

MR. SPEAKER: Are there any other documents to be tabled?

Item 11, introduction of bills for first reading. Bill 1-62, Hon. Peter Ernerk.

ITEM NO. 11: INTRODUCTION OF BILLS FOR FIRST READING

First Reading Of Bill 1-62: Economic Development Agreements Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-62, An Ordinance to Authorize Agreements Between the Northwest Territories and the Government of Canada Respecting Economic Development, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. The question.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? First reading is carried.

---Carried

Bill 2-62, Hon. Arnold McCallum.

First Reading Of Bill 2-62: Municipal Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-62, An Ordinance to Amend the Municipal Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. The question.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? First reading is carried.

---Carried

Bill 3-62, Hon. Arnold McCallum.

First Reading Of Bill 3-62: Science Advisory Board Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 3-62, An Ordinance to Amend the Science Advisory Board Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lafferty. The question being called. All in favour? Contrary? First reading is carried.

---Carried

Bill 4-62, Hon. Peter Ernerk.

First Reading Of Bill 4-62: Small Business Loans And Guarantees Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 4-62, An Ordinance to Authorize Loans and Guarantees to Small Business Enterprises, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Kilabuk. The question.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? First reading is carried.

---Carried

Bill 5-62, Hon. Dave Nickerson.

First Reading Of Bill 5-62: Social Assistance Ordinance

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 5-62, An Ordinance to Amend the Social Assistance Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lafferty. The question. The question being called. All in favour? Contrary? First reading is carried.

---Carried

Bill 6-62, Hon. Dave Nickerson.

First Reading Of Bill 6-62: Tribunal Procedures Ordinance

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 6-62, An Ordinance to Provide Procedures Governing the Exercise of Statutory Powers Granted to Tribunals, be read for the first time.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. The question. The question being called. All in favour? Contrary? First reading is carried.

---Carried

Item 12, second reading of bills. Bill 1-62, Hon. Peter Ernerk.

ITEM NO. 12: SECOND READING OF BILLS

Second Reading Of Bill 1-62: Economic Development Agreements Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-62, An Ordinance to Authorize Agreements Between the Northwest Territories and the Government of Canada Respecting Economic Development, be read for the second time.

The purpose of this bill, Mr. Speaker, is to enact legislation empowering the Commissioner to enter into agreements with the Government of Canada relating to economic expansion, employment opportunities and social improvement in the Northwest Territories.

MR. SPEAKER: Is there a seconder? Mr. Pearson. Discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Second reading is carried.

---Carried

Bill 2-62, Hon. Arnold McCallum.

Second Reading Of Bill 2-62: Municipal Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-62, An Ordinance to Amend the Municipal Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to empower the Commissioner to set different mill rates for various municipalities for the purpose of school taxes.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Any discussion? The question.

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Second reading is carried.

---Carried

Bill 3-62, Hon. Arnold McCallum.

Second Reading Of Bill 3-62: Science Advisory Board Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 3-62, An Ordinance to Amend the Science Advisory Board Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to provide for the payment of fees and expenses to members of the Science Advisory Board for attending meetings of the board.

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

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Second reading is carried.

---Carried

Bill 4-62, Hon. Peter Ernerk.

Second Reading Of Bill 4-62: Small Business Loans And Guarantees Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 4-62, An Ordinance to Authorize Loans and Guarantees to Small Business Enterprises, be read for the second time.

The purpose of this bill, Mr. Speaker, is to create legislation empowering the Commissioner to provide financial assistance to small business enterprises.

MR. SPEAKER: Is there a seconder? Hon. Dave Nickerson. Is there any discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Second reading is carried.

---Carried

Bill 5-62, Hon. Dave Nickerson.

Second Reading Of Bill 5-62: Social Assistance Ordinance

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 5-62, An Ordinance to Amend the Social Assistance Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to amend the Social Assistance Ordinance to provide for the delegation to a municipality, settlement council or other local authority of certain functions with respect to assistance and welfare services and to make minor amendments with respect to the membership of appeal committees and the Appeal Board.

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

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary?  
Second reading is carried.

---Carried

Bill 6-62, Hon. Dave Nickerson.

Second Reading Of Bill 6-62: Tribunal Procedures Ordinance

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 6-62, An Ordinance to Provide Procedures Governing the Exercise of Statutory Powers Granted to Tribunals, be read for the second time.

The purpose of this bill, Mr. Speaker, is to establish legislative guidelines for the procedure and conduct of boards, committees and investigative bodies given the power under any legislation to make decisions affecting the rights, powers, liability, eligibility or reprimand of any person.

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

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question. The question being called. All in favour?  
Contrary? Second reading is carried.

---Carried

Item 13, consideration in committee of the whole of bills, recommendations to the Legislature, information items and other matters. Hon. Peter Ernerk.

REVERT TO ITEM NO. 13: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE, INFORMATION ITEMS AND OTHER MATTERS

HON. PETER ERNERK: Mr. Speaker, I would propose that we move into Bill 3-62, the Science Advisory Board Ordinance.

MR. SPEAKER: This House will resolve into committee of the whole for consideration of Bill 3-62, the Science Advisory Board Ordinance with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 3-62, Science Advisory Board Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-62, SCIENCE ADVISORY BOARD ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 3-62, An Ordinance to Amend the Science Advisory Board Ordinance. Questions of a general nature?

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to say that this is basically an amendment to the present Science Advisory Board Ordinance to bring it in line with the various clauses of comparable ordinances. There are two amendments and the first one of course is in section 7 to change the present provision that says: "The members of the board shall serve without remuneration." It has been the policy, if you like, of this House as well as the government itself to provide for remuneration for those who



do serve on these advisory boards to take care of their actual travel and and living expenses that would be incurred whenever and wherever they hold their meetings. The second amendment simply deals with enabling the Commissioner to set the fee that shall be paid to board members.

THE CHAIRMAN (Mr. Stewart): Thank' you. Any other comments of a general nature?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, just one word of explanation. The reason that this bill needs to be amended now is that you will recall it was introduced as a Private Member's Bill originally and as such it could not contain any clause calling for payment of honorariums or remuneration and so the administration having recognized the validity of the bill and of the function served by the Science Council is now simply moving to regularize the board as the Hon. Arnold McCallum has outlined.

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

MR. BUTTERS: Yes, Mr. Chairman. As the Deputy Commissioner points out it was a Private Member's Bill and therefore it could not contain any references to financing, but I would wish to say that the concept certainly received the full support of the previous House and the idea originally was put forward and supported in large measure by Dr. Louis-Edmond Hamelin who was an appointed Member of this House and the renowned Canadian geographer. It was his view supported by Members of the previous House that we did need, the people of the North through this body did need the scientific advice and direction that could be provided to us by a Science Advisory Board or a science advisory commission. Probably Members are aware that this has just recently been constituted under the leadership of Dr. Omond Solandt, the former chairman, I think, of the Science Council of Canada and on the board are many northern people with particular scientific strengths and knowledge and special knowledge of the country.

#### Support For The Science Advisory Board

I feel that we should strengthen this body as quickly as we can because I feel that we will have a lot of work for them. I feel that many questions that are raised in this House have scientific concerns and are based on matters upon which we have to make decisions and upon which we may not have available to us the scientific data, the scientific opinions, especially northern scientific data and opinions that we should have. I think that while it does not meet the long-standing recommendation of the Member from Frobisher Bay, that is that of experts working for this House directly, I do think these people will work for this House in intent and in direction and I think I have been assured of that by the members of the board that I have talked with. So it is probably the closest thing we can come to to meet the objective of the Honourable Member from Frobisher Bay, an objective that he has put forward many times in the past. I urge that we support this strongly and do everything we can to encourage the administration when they are putting together the budget and to encourage the chairman of our finance committee when he is putting together his budget to increase and strengthen, especially strengthen this body.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments of a general nature? Are you ready to proceed clause by clause? Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, it may be appropriate at this time for me to follow up there from where Mr. Butters left off and indicate that this particular body, the Science Advisory Board, is really the only group that I know of, at least that I can think of at this point who are responsible directly to this House. They are a group of this House and as a result they are really available for instructions from us.

They have therefore asked me from time to time what practice I think they should adopt with respect to reporting and I have indicated that if they would simply address a letter to me from time to time, correspondence to me by way of report, I would table it as I have done at least once in the past.

They have also asked the more difficult question of me of what exactly it is we want them to do. Of course I have had to respond very generally that I thought they should be concerned with all matters scientific that may be from time to time referred to them specifically by this House and they then responded, "What matters are you referring to us?" And I have had to say, "Well, I do not know of any at the present," but that they should however feel quite free in their deliberations to concern themselves with what matters we and they should be concerned with and should not just sit back and wait for something from us, but recommend to us what emphasis this government and this House should be placing on science matters and be prepared to make recommendations with respect to studies and other things.

Emphasis On Practical Areas Of Research

Now, in view of the fact that there has been a bit of a vacuum in terms of requests flowing from us to them, I think it is safe to say that they have been concerned so far in their meetings with what they might in turn recommend to us what they should be doing and maybe we should be doing. So, I think that they are looking along that line. I have indicated to them that their research, if they decide to undertake any, should likely be directed to things very practical, that they should not get off and in the area of pure research which as you know is not intended to serve any practical purpose, that they should for instance direct their attention to sewage disposal. Now, that would not be regarded normally as pure science, but we do have practical problems like that, practical problems that might touch on housing and the provision of water and sanitary services.

So, that is the type of direction they are taking as I understand it and of course I will report further to this House as soon as I have their next report. They are enthusiastic and they have been meeting and I think, if I may say so, Mr. Chairman, we are extremely fortunate to have Dr. Solandt for instance as chairman of this body because he is such an outstanding Canadian scientist.

SOME HON. MEMBERS: Hear, hear!

HON. DAVID SEARLE: He is very keen and his credentials, of course, are tremendous. I think one of the things he did as I recall it was having been chairman of the National Defence Board on the national defence side of it and so for us to get someone with that kind of a background, we are very, very lucky.

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

MR. PEARSON: I am encouraged by the Hon. David Searle's comments and support this as I did the initial idea when it was first proposed by Dr. Hamelin. The area of concern as the Speaker points out is an area which I think is ideally suited to this kind of thing, solar heat, energy conservation, construction methods, insulating qualities of various materials are essential and vital to life in the North as the cost of energy will increase over the next few years and make life rather difficult for most northerners. So, I am very encouraged and support them and anything to do with them.

THE CHAIRMAN (Mr. Stewart): Thank you, are there any other comments of a general nature? Do you agree to proceed clause by clause?

DEPUTY COMMISSIONER PARKER: Just for the information of Members, could I say that the Science Council was meeting on Monday and Tuesday in Ottawa where Dr. Solandt had taken the initiative and arranged a number of meetings and discussions with already existing scientific bodies, well-organized and carrying out somewhat similar roles as well as actual research roles themselves. I just inform you of this. I think this is a very wise thing that he has done to acquaint the northern people in particular with the science establishment of Canada. This is one of the great benefits that we gain by having such a prominent and able person in the chair. He can open the doors to the scientific establishment in Canada, and this is part of the purpose of their meeting early this week. The other thing I would like to say is that I agree with what the Hon. David Searle says on the matter of giving some help and direction. I think we have to be careful though not to assume that our Science Council is in fact itself going to do major research but rather its role is to review the work of others, to recommend that other studies be made and to monitor them while they are being carried out.

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

Co-operation With Other Scientific Agencies

HON. DAVID SEARLE: I just wanted to follow up on what Deputy Commissioner Parker said if I might. That is exactly so, and I know when I last spoke to Dr. Solandt he indicated that he felt an important part of their work would be to become familiar with what other science agencies like the national science and research agencies were doing, in the hope that if there was a project that we had in mind or that they had in mind, and by that I mean our Science Board, that they might, if they were familiar enough with what others were doing, make sure that the area was fully covered that we were interested in and that way we would have in effect that research done for nothing.

So, that is a very, very intelligent way to go about it because often, as we know now with the interest in the North, whether it be at universities, or whether it be government agencies who are doing the research, there is obviously some overlapping and there is obviously some work and if we just have our input early enough, the area can either be broadened or restricted enough to cover the area we are interested in. I think that that kind of monitoring, and the knowledge that the people on this board have of what is going on in the universities and government agencies generally will provide to us information in areas of concern to us that we might have otherwise missed, had this not been going on.

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

MR. PEARSON: Mr. Chairman, not wishing to prolong the discussion, but I would like to make one comment, and that is the availability of the material, the research material that is accumulated. The data bank, or whatever you want to call it, the availability of these people or of this body to the people in the Northwest Territories, particularly municipalities, settlements and villages such as my own which is presently engaged in a road development, the blacktopping of roads and this kind of thing. I hope that these people will not be scientifically remote so that everybody in the Northwest Territories will have access to them and that information, and this kind of thing will be available to humble communities such as Frobisher Bay.

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. PEARSON: My humble hamlet.

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

---Agreed

Clause 1, to provide for the payment of fees and expenses to board members. Is it agreed?

---Agreed

Clause 2, to empower the Commissioner to get the fees to board members by regulation. Is it agreed?

---Agreed

The bill as a whole?

---Agreed

Shall I report Bill 3-62 ready for third reading?

---Agreed

MR. SPEAKER: The House will come to order. Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 3-62, Science Advisory Board Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 3-62, and I wish to report this bill now ready for third reading.

MR. SPEAKER: Hon. Peter Ernerk.

HON. PETER ERNERK: I would propose that we move on to Bill 2-62, An Ordinance to Amend the Municipal Ordinance.

SOME HON. MEMBERS: No.

HON. PETER ERNERK: I am advised that the answer is no. Then, I would suggest that we move on to Bill 5-62, the Social Assistance Ordinance.

MR. SPEAKER: Bill 5-62. I assume you are content with that suggestion, Hon. Dave Nickerson?

HON. DAVE NICKERSON: Yes, Mr. Speaker.

MR. SPEAKER: This House will resolve into committee of the whole for consideration of Bill 5-62, the Social Assistance Ordinance, with Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 5-62, Social Assistance Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-62, SOCIAL ASSISTANCE ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 5-62, An Ordinance to Amend the Social Assistance Ordinance. Mr. Minister?

HON. DAVE NICKERSON: Basically, there are two parts to this ordinance. The first one is probably most important, in that it changes the present policy somewhat. We have heard time and time again in this chamber that we must give the various municipalities more control over things other than sewers and garbage and roads.

MR. PEARSON: Hear, hear!

HON. DAVE NICKERSON: Thank you very much. That is the first time you have ever said that to me.

MR. PEARSON: It is the first time you have ever made sense.

HON. DAVE NICKERSON: This government is committed to this process of devolution, of giving to the various local communities power over things that affect them, and in which they have a great interest. So, in clause 1 of this bill you see that the director of Social Development would be able to delegate to a municipality, and I would stress here that this is not mandatory, it would have to come at the request of the municipality, and we are certainly not trying to impose this on anyone. Under these circumstances we would be able to delegate to the municipality a greater say in matters relating to social assistance and various other social services which we provide.

I notice, Mr. Chairman, in this magazine, "The Northern Breed" which was circulated yesterday that there is a poem here by a gentleman called Mr. Jim Green, whom I am afraid I do not know but it is on this very subject, and part of this poem reads as follows: "I say for once you are right, so now welfare man you must teach us how to change the law because if you do not, you know and we know you can not help us."

I hope that this bill will help us to answer some of these questions.

THE CHAIRMAN (Mr. Stewart): Mr. Lyall, chairman of the legislation committee, have you any comments on this bill, Bill 5-62?

Comments By Chairman Of Legislation Committee

MR. LYALL: Mr. Chairman, at the time of our meeting, our committee was informed that this amendment empowers the director to delegate certain duties and functions concerning the delivery of social assistance and welfare services to a local authority, and also provides for increases in the number of members on the social assistance appeal committee, and on the Social Assistance Appeal Board.

THE CHAIRMAN (Mr. Stewart): I take it your committee is in favour of this legislation?

MR. LYALL: Yes.

THE CHAIRMAN (Mr. Stewart): Any comments of a general nature from the floor? Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I do not speak in opposition to the bill, but rather thinking or recalling what we did with the Education Ordinance which gave the Commissioner and the director certain authorities but did not give any authority to the Executive Member. I am just wondering why for instance in the first section where it says: "(2) The director may in accordance with the regulations delegate to a local authority designated by the Commissioner duties..." etc. I just wondered why the legislation did not instead read that the Executive Member may in accordance with the regulations delegate to a local authority or, conversely, the director may in accordance with the regulations delegate to a local authority designated by the Executive Member, duties. In other words, there are various combinations but the one guy who is not in there at all is the Executive Member and then of course, the same sort of comment applies in section 3 where it says: "An appeal committee shall consist of not less than three and not more than five members including a chairman, appointed by the Commissioner..." and perhaps we should change that to the same sort of clause we have in the Education Ordinance where it says the Commissioner may exercise all of the powers and authorities of the Executive Member. I am just thinking that we might in effect do the same thing to this bill as we did to the Education Ordinance by acknowledging now the existence of an Executive Member.

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

Terminology Of The Bill

HON. DAVE NICKERSON: Hon. David Searle is of course quite correct and the reason why we have not used that terminology in this particular bill is because it just amounts to a couple of amendments to existing sections in an existing ordinance. You will recall that the Education Ordinance was an entirely new ordinance and where we used the same terminology again in the apprenticeship ordinance, that again was an entirely new ordinance. I think I could speak for this committee and the House in that this is the type of approach that we would prefer, but I would suggest however that if we do wish to change it in this bill we should go back and change it throughout the whole Social Assistance Ordinance to make the reading of that particular ordinance consistent all the way through.

THE CHAIRMAN (Mr. Stewart): Any further comments of a general nature? Mr. Butters.

MR. BUTTERS: At the last session, we moved a motion that had hitherto before been moved in 1973 relative to establishing pension supplements for old age people in the Northwest Territories. The minister at that time assured us that he would see that his department got on with the job that they were supposed to have done five years ago, I wonder if we might have some kind of interim report on the tremendous amount of productivity that has been occurring in reply to that motion.

THE CHAIRMAN (Mr. Stewart): Hon. Dave Nickerson, I will recognize you and then I will take Mr. Pearson next. Hon. Dave Nickerson.

HON. DAVE NICKERSON: I think Mr. Chairman that because that particular question is not in keeping with the matter we are discussing at the present time, although I am quite prepared to give an answer, I think that you should possibly ascertain whether or not the committee wishes to discuss that at the present time before I would do so.

THE CHAIRMAN (Mr. Stewart): What is the committee's wish? Are there any nays? Proceed, Hon. Dave Nickerson.

Supplementary Benefits For Old Age Pensioners.

HON. DAVE NICKERSON: The Department of Social Development has undertaken a thorough study of what kind of supplementary benefits are given to old age pensioners throughout the rest of Canada. A document has been prepared summarizing this in some detail in fact and it is my intention within a few days to make this available to the Assembly.

At the same time, we have prepared recommendations as to the manner in which old age pensioners' income can be supplemented by the Government of the Northwest Territories. It is anticipated that these recommendations will be placed before the Assembly again within a few days. So far the recommendation regarding supplementary income has not been looked at by the Executive Committee and, of course, because the sizeable financial implications that would have to go through the Executive Committee for approval before they can be brought to this Assembly and as soon as the Executive Committee has time to meet and look at these things and if at that time it does meet with their approval I will undertake to bring them before the Assembly shortly thereafter.

THE CHAIRMAN (Mr. Stewart): Questions of a general nature? Mr. Pearson.

MR. PEARSON: Mr. Chairman, first of all I am delighted to hear Hon. Dave Nickerson's comments...

SOME HON. MEMBERS: Hear, hear!

MR. PEARSON: ...both on the matter he just enunciated and the previous matter that communities are becoming a little concerned about their role and their responsibilities and the council of which I happen to be the chairman is one of these communities. We can find no more challenge in being responsible for the dump, the dogs and the roads and if the council is to mean something to the community we have to take on greater responsibilities and the area of social responsibility in one particular area. However, I wonder just in looking at these minor changes to the ordinance how this will enable the council of the community of Frobisher Bay, for example, to take on the responsibility for social development in total because we want to take it on. We want that responsibility in total. Another technical point is that any committee of the council of Frobisher Bay, as chairman of the council, as a Member of this committee, is there any provision in this ordinance for that? Does Hon. Dave Nickerson agree that this is the direction this bill is going?

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

Method Of Approach For Municipalities.

HON. DAVE NICKERSON: That is the intention. This is the way that the bill is going, Mr. Pearson. You will not be able to go back to Frobisher Bay and put this in operation next Tuesday, but what he will be able to do, assuming that this of course passes, is that he can go back to Frobisher Bay and with the consent of the municipal council he could approach the Director of Social Development, myself or the Commissioner with suggestions as to what the municipality would like to do. I envisage something like this happening, that maybe instead of a social worker or a welfare worker being on the staff of the Department of Social Development, maybe that person could become an employee of the municipality and subject to their control. That is the type of thing that I would be looking at and I know in certain communities they would like to take on some responsibilities but not all.



Some communities I have talked to are very reluctant for instance to take on matters relating to child welfare whereas in one of the others, that might be one of the things they would like to do. I should perhaps warn Mr. Pearson that if a municipality does take on this responsibility they will still be subject to certain financial restraints imposed by virtue of both our legislation and, indeed, by the Canada Assistance Plan, the federal legislation which oversees the whole thing.

I would hope that in those municipalities that wanted to do this, and I know for a fact, especially the larger ones in the Northwest Territories; Inuvik, Yellowknife, they would not touch this with a ten foot barge pole but some other ones, I know Frobisher Bay when I appeared before the municipal council there, they were very enthusiastic about this, the same as a number of smaller councils and presumably if they wanted to look after the social assistance function of the department they could do that, hire their own employees as I said before and be given some kind of a budget with which to operate and I would hope that we could give them as much discretion as possible over how to use this budget.

There are certain difficulties because of the Canada Assistance Plan and the eligibility of certain moneys to be cost shared and all of this type of thing that might not enable us to be able to give as much discretion to the municipalities as what we would really like.

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

#### Thrust Towards Decentralization

MR. PEARSON: That is a very encouraging answer, Mr. Chairman, and I congratulate Hon. Dave Nickerson for his forthrightness and adventuresome approach. I would say that if communities were given the opportunity and it was made known to them that these kind of responsibilities the centralized territorial government is prepared to relinquish then I think we can get down to a program with a real thrust in decentralization to give the responsibility of running the affairs to the people of the Northwest Territories and not the administration in the remote little town of Yellowknife and to give the people and the communities the responsibilities which are rightfully theirs, the right to run their own affairs. I would suggest that Hon. Dave Nickerson and perhaps someone on his staff visit Greenland in the very near future to see how this thing is done there, the responsibility for all functions lie entirely within the community from an administrative point of view.

There comes another point and Hon. Dave Nickerson did not touch on it and that is the financial backup to provide the kind of services -- I envisage the village of Frobisher Bay being responsible, as I do many other communities, for the total welfare responsibilities, but of course this is only possible when finances are available, when people are given the money to do the job. It is fine to give them the bylaws but who is going to pay for it? I mean the village of Frobisher Bay has bylaws by the dozen but none of them we enforce because we do not have anybody to enforce them and to set up a police force to do that is a very costly business. So what is the point in having bylaws if you can not enforce them? A similar situation applies here, if you are honest when you say you will transfer these responsibilities then hand over the money and all the other goodies that go with it, accommodation, the positions, the whole deal, the package deal, not just the responsibilities. Give us the tools and we will do the job.

DEPUTY COMMISSIONER PARKER: Yes, Winston.

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

Use Of Locally Generated Funds.

HON. DAVE NICKERSON: Further to what Mr. Pearson has been saying, he is exactly right, nobody is talking of transferring people without transferring the authority that goes with it, but I would hope that those municipalities, for instance, that would like to see much more energy and effort devoted to social services than what this Legislature is prepared to pay for on its own might consider the opportunity that is available to them to use some locally generated funds to supplement the money that we are prepared to give them. They will have this option which they do not have at the present time.

THE CHAIRMAN (Mr. Stewart): Thank you. We are studying Bill 5-62. Mr. Lyall.

MR. LYALL: Mr. Chairman, I do not know why this Assembly or some part of this Assembly always tries to belittle the Government of the Northwest Territories and drag up Greenland. I have been in Greenland and in all these areas, education, social development, we spoke to quite a few people, Mr. Steen and I as a matter of fact. I talked to the people of the Northwest Territories and I thought they were a heck of a lot more advanced than the people of Greenland. I think this Assembly should start taking into consideration that this is the first time that these types of duties have been delegated to local councils in the settlements and that instead of always knocking down what this government is doing, I think we should start to try and improve our ways and at least brag up this government and not belittle it all the time.

SOME HON. MEMBERS: Hear, hear!

THE CHAIRMAN (Mr. Stewart): The hour being 10:30 o'clock a.m., we will adjourn for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls the committee back to order. We are dealing with comments of a general nature. Do I have the committee's agreement that I may ask a question of the Minister?

---Agreed

Mr. Minister, I understood from what you said that there is a possibility of welfare funds being used as wages to create employment and may be used by municipalities or any other interested groups, and may be supplemented further by those groups. However I understood from the Minister of Northern Affairs when he was here, he said that he could not make people work for welfare and I think this point should be clarified.

Canada Assistance Plan

HON. DAVE NICKERSON: I think that the Hon. Warren Allmand was quite right in giving you that advice. Under the Canada Assistance Plan, which is the federal legislation that we are a party to, it says in there that people in need shall be given welfare and it is that simple. If people are in need because they had \$1000 and squandered it in the bar, or if they are in need because a job was offered them and they refused to take the job, according to the federal legislation to which I personally am totally opposed, I do not like the Canada Assistance Plan at all, I think it is wrong, but the Minister is quite right when he says that you can not force people into doing what you suggested. However, Mr. Chairman, from listening to what my colleagues have said, especially my colleagues from the Arctic areas, the Honourable Members for Central Arctic and for South Baffin, they have told me that in their communities most of the people, or most of the employable people who are on welfare are on welfare, not because they refuse to work but because there is no work available. I would suspect that the greater majority of them would be pleased to be able to do something useful for their community if that is the type of system the community wanted to set up under the powers which we plan to transfer to them.

We would run into some difficulties on the cost shareability of funds which they use. This is a rather technical problem. I am sure that with good intentions on all sides we could work something out regarding the cost shareability of moneys used for these purposes. Usually if you have a good enough lawyer you can usually find some way around it. So, I have to admit, Mr. Chairman, that what was told to you by the Hon. Warren Allmand is quite correct, but I would assume, especially in the Arctic areas at any rate, because this is what the Members from those areas have told me, that people would be pleased to be able to work for their assistance if that is what the municipalities wanted, if they wanted to put that type of system into effect.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Minister. Are there any other comments of a general nature? Mr. Butters.

MR. BUTTERS: Just to say that I think that the Minister's statement before coffee that his department is moving very quickly to developing the recommendation for approval by this body which would see pensioners receive a supplement is very welcome and a very important statement. In fact, I think in my estimation, contrasting it to the Mackenzie Valley Pipeline Inquiry Commission report, I think that it is more important probably than our debate on the Berger report. I would hope that the Minister would move with all possible haste to get that recommendation before us so that we could ensure that the old people of the territories, the elderly in the territories, who are in the main native people, do not go into another winter with the same pension amounts that they are presently allowed by the federal government. I commend the Minister and his people for the speed at which they are moving in solving this most important problem.

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

Funding Of An Old Age Pension Supplement

HON. DAVE NICKERSON: I am very pleased that we have been able to be of some assistance to Mr. Butters and the other people who had strong thoughts on this particular subject. I would however caution Mr. Butters that the plan that we are working with will probably cost in the region of one million dollars per year, and because of the limited revenue producing ability of the Northwest Territories at the present time, and the financial set-up that we have with Ottawa, assuming that our proposals receive favour with this House and are adopted by them, it will still be necessary to negotiate with the federal people who control the purse strings whether or not they will allow us to put it into effect. So, there is another step which is outside of our hands, so to speak.

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

MR. BUTTERS: Just a supplementary question, sir, in view of the fact that the Minister mentioned the projected cost for the project, I wonder if he or his officials have seen any advantage in approaching the leaders of the native organizations in this area. I will say why, as I think, and maybe I should not say this as this is just my personal opinion, but I feel that the native organizations have been very, very dilatory, very slow in getting at their land claim and negotiating their land claim. Since the organizations were first established to look into this some six or seven years ago I do not know how many elderly people have died. My feeling is that people should be getting the advantage of the land claim but it should be the elderly as well as the young, and what I would think, and suggest to the native organizations is that they move immediately, on the basis of moneys coming to them from the eventual settlement of land claim, that they should move immediately to establishing a \$50 supplement to be paid for out of the land claim money. Admittedly this excludes the outsider who is not entitled to land claim, but I think the majority of the people of the Northwest Territories are native people and I feel that this should have been negotiated years ago as one of the elements of the final complete land claim. As I say the most important thing to the elderly people is the cash they can get to make their lives a little bit more amenable, a little bit easier. So what I am saying is have you approached the native organizations to determine if they are making or will be making or could make in the immediate future some arrangement with the federal government to supplement the elderly?

Approaching Native Organizations On Supplement For The Elderly

HON. DAVE NICKERSON: We have not approached them directly, but I will relate to you an interesting little story about my visit to Fort Simpson a few days ago. There I had the pleasure of visiting the old folks' home with Mr. Joe Mercredi, who I am sure is well known to all of us here.

MR. BUTTERS: Joe who?

HON. DAVE NICKERSON: Mr. Joe Mercredi. Mr. Mercredi feels very much the same way that you do and he feels that he has a personal responsibility to the older people in his community and I think he spends some time visiting the old folks' home and other old age people in Fort Simpson and tries to make their lives a little bit easier. He tells me that he brought this matter up, or spoke about it both to the Metis Association there and also I believe to the band council. He has been told by them, in no uncertain terms, that that is none of their business. They are in business principally to effect a settlement of land claims and they consider themselves to be political organizations rather than -- I can never say that word, organizations devoted to the well being of specific people like the elderly.

So, he says that he got absolutely nowhere in taking this type of approach. I have to admit that we have not approached, for instance, the head offices of the native organizations. We would assume that it is not really for us to take this initiative towards them, that would be the kind of thing they would have to do on their own accord.

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

#### Rigid Rules Of Subsidized Term Employment Program

MR. PEARSON: I have a question on a different subject and I wonder if there is still some unfinished dialogue on that same subject? I guess not. STEP, Subsidized Term Employment Program, which Mr. Butters touched on, I would like to ask the Minister if it is possible that the program could be a little bit more flexible. It has very rigid rules and one of them of course is the time period in which it operates, and for people in the Arctic, and in particular in Frobisher Bay, we find that the work we would like to do, using this program, is impossible during the midwinter in the intense cold and dark period. We could do a lot of clean-up in the community but it is not possible until the spring. So, the money that we had set aside for this was returned, and there was a financial loss to the community.

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

HON. DAVE NICKERSON: We have been doing just what Mr. Pearson suggests, we have set up new guidelines regarding the STEP program. We are very cognizant of the fact that in the higher latitudes it is not possible to do very much in the middle of January. So, we have become much more flexible as regards to time periods in which this work can take place. I do not have the times and dates with me at the present time but we could certainly provide them to Mr. Pearson. Another area where in the past we have been criticized because of inflexibility is the eligibility requirements of social assistance recipients to work on these projects.

MR. PEARSON: Hear, hear!

#### The Work Arctic Approach

HON. DAVE NICKERSON: We have tried to somewhat loosen up these requirements, but unfortunately we have not been able to do it to the extent that we would have liked. I personally like the Work Arctic approach where anybody was given the opportunity to work. I think we will not really solve all the problems until we can get something like the Hay River Work Arctic scheme into effect again. I think that if you bear with us, realizing the financial constraints put on us, as we have approximately a one million dollar per year budget for the STEP program, and we have to try to allocate those funds to be most cost effective. What I am saying is if we can spend five dollars on STEP and cut down three dollars on social assistance expenditures, we are doing better than spending five dollars on STEP and only cutting down social assistance expenditures by two dollars and in so doing we have that much more money to spend on STEP. Unfortunately that is the case as it is and until such time as our revenues are much greater than they are today I am afraid we will still have to keep that approach.

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

MR. PUDLUK: I would like to ask the Minister, it is probably not the same subject we are talking about, but I would like to ask the Minister if in the Baffin region, it will probably be up to the committees to look into this, but I feel that in the Baffin region the welfare assistance that we get is not enough because it has been a long time since they have been given more money. We have listened to the Minister about this and I would like to know if he has done anything about this problem. I would like to know if the welfare assistance could be raised. We all know that there is inflation and that food is going up in price. I feel that the welfare should be more. Thank you.

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

No Option But Social Assistance

HON. DAVE NICKERSON: Mr. Chairman, this was the same question that was asked before by the Honourable Member for the South Baffin and reply will be the same too, Mr. Chairman. We are aware of the inflation that is taking place. We know that people have no option but to depend on social assistance and in many cases they are not being able to live as well as we would like.

My staff is working on recommendations which I would hope would be presented to this House in January, 1978, regarding changes in the rates for social assistance. I will tell you quite frankly now that I do not want to see them raised to such an extent that it will prove to be a disincentive for people to find alternative sources of income. I think that is a danger to be avoided. I think we have to keep rates comparable to incomes that people might be able to make from alternatives available to them. Say, for instance, we were handing out a thousand dollars a month to a family on welfare, there obviously would be no incentive then for them to start living off the land which would not bring in much more than a bare subsistence. So we have to be very careful that we do not destroy people's initiative and make them completely dependent on welfare by increasing the rates too high. What I would hope to do in January when these recommendations are available, is to change the system somewhat. I think that I would like to see a fairly substantial increase, 25 per cent or that kind of thing in rates in respect of what I call the deserving cases and I know that is not the kind of terminology that people like to use these days, but I have a great deal of sympathy for the older people who can not work, or who are injured in some way or another, or have a lot of young people to look after, or people who really can not get money from other sources, people who can not really move about the country from one part to another to take up employment opportunities elsewhere. So, I would like to see the rates raised in respect to these people and not raised or changed, the emphasis changed when it comes to people who have available to them other opportunities.

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

MR. PUDLUK: Mr. Chairman, I kind of disagree with the Minister on what he said. I think that he mentioned at one time when the people asked him if he could raise welfare and I think he said that the only answer to the people, the only place where it could be raised is to take it to the Legislative Assembly and now he is saying that the Executive Committee will be dealing with this and I would like to know why. He said that this will come up in January.

HON. DAVE NICKERSON: Mr. Chairman, the answer to this is that I told them that I can not do everything myself. I have a very good staff and they generally do it and do it very well.

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

Political Concerns On Pension Supplement

MR. LAFFERTY: Thank you, Mr. Chairman. I sincerely appreciate the effort made on the part of our Minister. I think it is a job well done and something to look forward to and discuss at some length in the communities and so forth. My own concerns are perhaps political, but that is the name of the game which we are entrusted with. In view of the great opposition that we do find to governmental interests in affairs and especially now with the opposition support following Mr. Berger's comments, I feel that we have to be very, very careful at the way that we introduce or regulate this very needed authority at the local level.

I am not in any way attempting or saying that we should or that we do want to control the politics of the North. Nevertheless, to me the politics of the North are our bread and butter and we have a lot of hungry people in the North, and I think it is a very sincere effort on the part of the administration for which they should be given a hand for attempting to pass on some responsibility to the local level.

Again in listening to Mr. Butters' comments and the Minister's, in listening to Hon. Dave Nickerson bringing forth the viewpoint of our representative on the board of directors of the Metis Association, Mr. Joe Mercredi, this man acts under the advice or at least he is supposed to under the terms of reference we have given to him. It is quite true that a lot of the native people in Fort Simpson, the Metis particularly that I am speaking of presently, would like to see some of their land claims money brought to them. It is and has been suggested through the local organizations to the board of directors that immediate cash be given to our senior citizens, but then it ends up always in the joint land claims interest, not that there is a joint land claims systems or committees that I know of, but it is the said interest of the joint land claims interest and this is where it ends and nothing gets done.

Amendment To Societies Ordinance Suggested

I think that because this is a very important item and as I said it is bread and butter and bread and butter to a lot of people, that this Assembly in some ways, to some degree are responsible for these organizations' existence. I feel in this sense that the administration can help individual native persons by drafting amendments to the Societies Ordinance, if need be, to serve the individual at the community level, subjecting any organization that is operating in the Northwest Territories to this Assembly or to the administration. It is a very urgent thing because we do have people who wish to be served and who look to our civil service in the communities for service. What this ordinance I feel would do and if I am wrong I would like to have our Minister respond to it and correct me, that I am afraid if we pass this authority without any control it may fall in the wrong hands because there are some communities in the North that are small and are fairly well under control of political groups. So, it is an urgent thing. There should be some kind of regulation, if not then in the ordinance which would subject any administration of this authority be responsible to the Social Development headquarters here in Yellowknife.

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

HON. DAVE NICKERSON: I think Mr. Lafferty has done a service to this committee by pointing out some of the pitfalls with which we could come into contact with this type of legislation. We know and are fully aware of the fact that when we hand things over to municipalities they might not do with their authority what we would particularly like them to do. You know, we have handed it over and very much they are their own masters from then on. There is an ever present danger that they might not do something quite right, in fact we do not do some things quite right. We know that. Now, what would happen with this legislation, and you will notice that there is provision for the making of regulations with respect to this delegation of authority, so presumably there will be certain regulations drafted up to control it to some degree.

#### Agreement On Duties And Responsibilities

Now, it is quite apparent from travelling around the territories that various municipalities would like to get involved with various things and provide various parts of the social services that the Government of the Northwest Territories has an obligation by virtue of the law to provide. Some might not want to get into social assistance for instance and others might not want to get into child welfare. Some might want to get into probation and actively take a part in supervising community or service orders and that type of thing. So, I would imagine that in each particular instance an agreement would be entered into by the municipality, or other body, and by this government to lay out specifically what their duties and responsibilities would be and what our duties and responsibilities would be.

Also at the same time we would have a responsibility for kind of monitoring what goes on. I do not wish to imply that we would have someone standing over the shoulder of the municipality all the time, we would not want to do that, but if it became apparent that they were not carrying out their responsibilities in a responsible manner, and that things were going very, very badly, we would retain the right to go in there and take over, just the same as we do with hospitals. For instance a hospital, under the new Territorial Hospital Insurance Service Ordinance, is run by a board of management and we take a hands off approach, but we always retain the right if the danger to the patients or if the safety of the patients is in jeopardy we retain the right to send an administrator in and take over. So we would retain that right which would be another safeguard.

THE CHAIRMAN (Mr. Stewart): Thank you. Have you completed, Mr. Lafferty?

MR. LAFFERTY: Thank you, Hon. Dave Nickerson, that is exactly the point I was trying to get at and I did not know, I just got this ordinance and did not have the time to read it and see what the assurances are and safeguards, and that is what I wanted to know. Thank you, Mr. Chairman.

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

#### Costs High In Some Settlements

MR. LYALL: Mr. Chairman, on the same subject that Mr. Pudluk was talking about, I would just like to point out that in areas, such as in his constituency and such as where I am, our costs compared to other settlements are very high. I met with about 40 members from social assistance committees in all the settlements and they have asked me to raise this question also but I was going to do that tomorrow but seeing it is on the floor I will speak to it now.



They pointed out to me, and I do not know where they got their information from, I think it might have been from the consumer people here in Yellowknife, that our social assistance that we receive up in those areas is less than in Alberta by at least \$20. It is also less than some of the provinces; more in some cases, but the point I think they gave to me was that our assistance that we do receive should be higher than at least that of Alberta because of the fact that in Pelly Bay for instance the price of food that you get is five times higher than here in Yellowknife, and about seven times as high as that in Edmonton.

When they get down to buying clothing and food I do not think any one of us would like to live under those kind of conditions. Now, I am speaking mostly of the people who do really need social assistance. There are some people who do have to have it because they can not live any other way. As a matter of fact in Cambridge Bay I know one woman who has no husband and has four kids, and I am talking about this type of person. I think when you ask your staff to bring out a report in January I think it would be a good idea if we could get a price comparison between Pelly Bay and perhaps compare it to Cambridge Bay where food prices are perhaps a little less and maybe get one from Cambridge and one from Pelly Bay and compare, compare that to say, the price in Edmonton.

#### Raising Social Assistance In Accordance With Prices

I think then when you decide that social assistance will be raised I think it should go up in accordance with the kind of prices you will be getting in Cambridge Bay and Pelly Bay. I am very sure that in Resolute Bay prices will be just about the same as they are in Cambridge Bay and what they are in Pelly Bay will be about the same as they are in Grise Fiord. We are not complaining about it but the thing is some people can not make it on what they do get and that makes for frustration and we will see a lot more if the Berger recommendation is accepted by the government. I do hope that you will look into that matter because of the fact, like I say, in the areas where Mr. Pudluk and I come from I think the food prices have to be about the highest. Thank you, Mr. Chairman.

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

HON. DAVE NICKERSON: I will not reply in great detail to Mr. Lyall because it is the same matter that has already been brought up by both Mr. Pudluk and Mr. Pearson. I will be up in the Central Arctic next month, in June, and Mr. Lyall knows this already but this is just general information for the benefit of everybody. I have invited to come along on that trip Mr. Lyall and Miss Hunley who is my counterpart in the province of Alberta. We would hope to travel around nearly all the various communities in Mr. Lyall's constituency and, at that time he will of course have the opportunity to show me some of these things himself. I would point out that maybe sometimes we should not always compare ourselves to Alberta. Alberta is one of the wealthiest, if not the wealthiest, province in Canada. It would be very nice if we in the Northwest Territories could afford to give our people the same social services that the people of Alberta can give their citizens but unfortunately this is not really the case, and we have to try to a certain extent to live within our means.

#### Key To Prosperity In Alberta

Now, it has always been my greatest hope that we could have in the Northwest Territories the same kind of things they have in Alberta. Their key to prosperity is their oil and gas industry and we in the Northwest

Territories have a great potential for oil and gas activity here. This is the kind of activity that generates revenues with which we can then subsidize in effect our less fortunate citizens.

I am very, very disappointed, Mr. Chairman, in for instance Judge Berger's report, in that he is telling us "No, you people in the North you just sit back and be exhibits in this wilderness so that people who live in Ottawa and Toronto can think that this wilderness still exists, you just keep to your subsistence-type living. The benefits of twentieth century society are not for you, we will not allow you to provide for your citizens, the same type of benefits that the people in Alberta do for them."

I would sincerely hope that the Government of Canada will realize what is going to happen in the Northwest Territories unless we can start becoming self-sufficient, unless we can develop our resources and have the same type of life that the people in Alberta can. Until that happens we in all honesty can not say that the people in Alberta have this and therefore we would like to have a little bit more. It just does not work out that way.

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

MR. LYALL: Mr. Chairman, the thing I think there is a bit of confusion on, or what I was trying to say, is that the prices of food are a lot higher than Alberta and that is what I am saying and the assistance that is received in those communities is not enough for them to live on.

If some of those people did not have relations around there with them they would be dead. The only way they do exist, like this woman with the four kids I was talking about, the only way she exists is to wait every month to get her welfare cheque and if she runs out of food she goes to her relations. Now, that makes it hard, even harder for the man trying to make a living to support that woman for maybe the next five days of the month. I also said that if this report, the Berger report is accepted by the federal government that frustration will be even harder than it is today. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments of a general nature? Are we ready for clause by clause? Is it agreed?

---Agreed

Clause 1, delegation of functions. Is it agreed?

MR. BUTTERS: Mr. Chairman ...

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

MR. BUTTERS: I had two questions for clarification. Where they say "local authority", is this a municipality or hamlet or could a local authority be a child welfare body which is incorporated under the Societies Ordinance and really not comprised of elected members of the community?

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

The Local Authority

HON. DAVE NICKERSON: Mr. Butters is quite correct. Normally we would anticipate that the municipal council or the settlement council would be the local authority. I have in my travels around the territories, not yet come across any other type of body who would really want to take on some of these responsibilities, although certain juvenile court committees have indicated that they might like to provide some of the services in the way of probation that we provide at the present time. So, we have worded this so that a local authority could for instance be a juvenile court committee, it could be the equivalent of a Children's Aid Society or something like that, but normally we would anticipate that it would be the municipality.

MR. BUTTERS: That was the reason for the question because already a provision does exist, a legal provision does exist, within the Child Welfare Ordinance to establish a Children's Aid Society and give that society, or rather gives that society very broad powers within the terms of that piece of legislation. The second question I have relates to probably the same thing and is "welfare services" to be interpreted broadly here? So, the two questions are relative.

HON. DAVE NICKERSON: I think welfare services are defined in our ordinance, in the Social Assistance Ordinance. I have not got it here at the present time but I think that the interpretation there -- oh, it is coming up right now, and I will quote from the interpretation section of the Social Assistance Ordinance and it says: "Welfare services means services of a kind prescribed..." this is not very useful, "...prescribed in the regulations having as their object the lessening, removal or prevention of the causes and effects of poverty, child neglect or dependence on public assistance." So you will see that it is fairly broad.

Eradicate Poverty Through Economic Development Programs

MR. BUTTERS: Yes, it seems that it could open a whole interesting area,

social services management for the territorial government. You use the word "poverty" but one of the ways one could eradicate poverty is to introduce economic development programs. Are you suggesting that you transmit that responsibility to a poverty removal committee at the third level of government which would be using social welfare moneys to diminish poverty in the communities?

HON. DAVE NICKERSON: I think that that is a possibility included in our legal definition of welfare services and it has to be something within that very, very broad category of a kind prescribed in regulation. So this will have to be one of the programs so to speak operated by the government. Of course there is no reason why a community wanting to take on a specific program could not have that program prescribed by regulation.

I think the intention here is to make it as wide as possible, to generally allow municipalities to set up other community type organizations and to get involved in this delivery of social type services and in the body of the ordinance we do not want to confine it. The confinements will be by way of financial restraints and how much money we have available and how much money the communities can raise on their own account and how much money the federal government is prepared to turn over to us and generally how much money there is available to pay for these services.

MR. BUTTERS: I have one more question. It seems to me and I know the Hon. David Searle raised this point earlier about involving the Executive Member or the Minister, but it seems to me that if the definition of assistance and welfare services is as broad as the Minister suggests and the delegation of this responsibility with the accompanying fiscal means to carry it out is done by the director we could be seeing an awful lot of problems developing because all this requires is that the director ask the Commissioner, "Is such and such under the ordinance a local authority?" And if the Commissioner says yes, I can see the director of your department, sir, delegating money to groups which were going to set up an economic development program or a local government training program or whatever general subject might be fitted in under the very broad terms of this ordinance.

It is very general and if this group is going to be involved in the issuing of social assistance then we should say so, but if it is going to be involved in every aspect of your department then I think we should be specific as to what powers are being delegated or decentralized or whatever.

### Handling Of Major Items Of Expenditure

HON. DAVE NICKERSON: You will notice that there is provision for regulation here and we will get down to the specifics in the regulation. The Government of the Northwest Territories does not work on a system where the major items of expenditure are made without, first, them being voted first of all by the Legislative Assembly and second, the Executive Committee and the Executive Member responsible for the department under which the expenditures are made knowing full well what they are about. Now, when in the legislation it says, for instance, the director of the department is responsible for such and such a thing or the Commissioner is responsible for such and such a thing or the superintendent is responsible for something else, these people do not really act just on their own accord and it is a government decision as to whether a major item of expenditure is to be made and all it means is that in any particular instance the order might be signed by the Commissioner or signed by the director or signed by some other officer in the government. I do not think -- well, I will put it this way, as long as I am the Executive Member responsible for Social Development we are not going to get into any local government training schemes.

MR. BUTTERS: I would be happier if we had something to the effect that the director in accordance with the instructions of the Commissioner or something, but not in accordance with the regulations. There should be something in there indicating that the authorization is being provided and given by the Executive which hopefully would some day be the cabinet of this House.

HON. DAVE NICKERSON: If Mr. Butters wishes to move an amendment to that effect we have no objection at all.

MR. BUTTERS: If the Legal Advisor might comment on my suggestion, is it redundant to add an amendment along the lines I just suggested?

LEGAL ADVISOR (Ms. Flieger): Would you repeat that, Mr. Butters?

THE CHAIRMAN (Mr. Stewart): Could we have the Legal Advisor's microphone on, please?

LEGAL ADVISOR (Ms. Flieger): Mr. Butters, I missed the last line of your question.

MR. BUTTERS: The question was related to the first two lines of subsection (2). It says: "The director may in accordance with the regulations..." And I was wondering whether or not it might be more in keeping with the intentions of this House if it read: "The director in accordance with the authorization of the Commissioner..." or somebody or some designation to reflect that, that it occurs with the knowledge and approval of the government, or the Executive Committee because of the vagueness of the body that is being delegated or could be delegated, everything from social assistance say to economic development programs or whatever?

### Designation Of Local Authority

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, as I imagine the regulations will be written in they will be quite specific on what functions were delegated to the local authority and the local authority would of course have been designated and approved by the Executive Committee.

MR. BUTTERS: I have no hint about the regulations and had never seen the regulations before they are written. I see the regulations very infrequently and yet these regulations have a very great impact on what occurs in an administrative sense. I would like to see here, that the director is

acting in accordance with instructions from the Government of the Northwest Territories, which is the Executive Committee.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, perhaps I could be of help here. The regulations of course are the instruments of the Commissioner and the Executive Committee. Regulations can not exist unless the Commissioner signs them. Increasing, to some extent, the regulations are brought before the Executive Committee, and in fact the odd time the regulations are brought before this House. The regulations are the instruments of the Commissioner and they are the instruments of the Executive Committee. I think we could give assurance to the Member that we need regulations in order to give some flexibility as has been outlined. Some things may be of interest to some communities and some things to other communities, but those regulations must be signed by the Commissioner and I think that the instructions of this House that such regulations be always brought to the Executive Committee would be heeded.

THE CHAIRMAN (Mr. Stewart): Clause 1. Agreed?

---Agreed

Clause 2. Agreed?

---Agreed

Motion To Amend Subclause 3(2) Of Bill 5-62.

Clause 3, membership. The Legal Advisor suggests that we make a word change subclause 3(2) the second line, that the word "less" should be changed to "fewer" for continuity. The word "fewer" be used throughout this rather than the word "less". It is just a technical point. Do we agree to amending the word "less" to "fewer"?

---Carried

Clause 3 then as amended, is it agreed?

---Agreed

Clause 4, board. Agreed?

---Agreed

The bill as a whole?

---Agreed

Is it your wish that I report Bill 5-62 ready for third reading?

---Agreed

MR. SPEAKER: The House will come to order. Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 5-62, Social Assistance Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 5-62 and we wish to report this bill ready for third reading.

MR. SPEAKER: Hon. Peter Ernerk.

HON. PETER ERNERK: I would propose we move on to Bill 2-62, the Municipal Ordinance.

MR. SPEAKER: Gentlemen, the Municipal Ordinance is not on the order paper under Item 13. So, we would have to have unanimous consent to put it on under Item 13. The reason it was not on under Item 13 I understand is because it had not yet received examination by the standing committee on legislation. Is it your wish that we add it to the order paper under Item 13?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Is there anyone who is of a contrary view? No. Is it agreed?

---Agreed

This House will resolve into committee of the whole for consideration of Bill 2-62, the Municipal Ordinance and Mr. Stewart, I would assume that due to the fact that you are also mayor of Hay River that you may not wish to take the chair on this one.

MR. STEWART: Mr. Speaker, I have no objection to taking the chair.

MR. SPEAKER: In that case, then with Mr. Stewart in the chair.

...Legislative Assembly resolved into committee of the whole for consideration of Bill 2-62, Municipal Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 2-62, MUNICIPAL ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 2-62, An Ordinance to Amend the Municipal Ordinance. Are there any comments of a general nature?

DEPUTY COMMISSIONER PARKER: Would you like a brief explanation of this amendment?

THE CHAIRMAN (Mr. Stewart): Yes, it would be in order if you would, Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, this matter has been raised in the House from time to time and the amendment is here as a solution to a problem which we have had for many years. That problem is this. In raising territorial revenues, particularly for education purposes, and that is in areas where there are no school boards, we have been constrained to use the same mill rate in each community. This is unfair because the assessments in the communities, even though done by the same assessment branch, vary depending upon the age of the assessments. For example, if the assessment in Frobisher Bay was conducted last year and the assessment in Pine Point was conducted four years ago, they would not be on exactly the same basis. Therefore, to ask each community to collect for the government, 15 mills, has proven to be unfair because in the case that I have outlined to you of the recent assessment in Frobisher Bay, Frobisher Bay residents would be asked to raise more money, proportionately, than would the residents of Pine Point in the example I have used, because their assessment would be considerably less.

### Equalizing Assessments.

Therefore, we have sought means of equalizing the assessment. We think that we have been able, or we think we can solve this now and in fact are doing it this year on an ad hoc basis. We take the time at which the assessments were carried out and we age those assessments, we equalize them by applying a figure for depreciation so as to make the assessments equal; that is, to make the assessments, or place the assessments on the basis that they had all been done at the same time. Once this has been done, then of course it is quite proper to use an even mill rate. We then apply the even mill rate to the equalized assessment. We determine the total amount of money that should come from a community and then we convert that back to a mill rate on their actual assessment so that the assessment notices can be sent out by the community using the actual assessments.

The result of this is that some communities may pay 13 mills, others may pay 12, some may pay 14 or 15, but the effects on the property owner will be as fair and as equal as they can be made to be. I suspect that is a sort of a complicated explanation but I am afraid there is no simple approach to it.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. I presume that if the Berger report is accepted that we will have a reassessment because down the valley the lands will not be anywhere near the assessed values you have on them now. Mr. Butters.

MR. BUTTERS: With the report just being published I think the value of our lands has dropped on the market, because of supply and demand, although that does not happen to the assessed value I know. I have two questions. The Municipal Ordinance is always coming before us for amendments or revisions and is probably the most amended ordinance we have in our collection of laws. I just wondered what progress has been made by the administration of producing a new updated Municipal Ordinance. It seems to me four years ago there was one being kicked around by the Association of Municipalities and it still has never appeared on our table. I wonder if the Deputy Commissioner could tell us when if ever we will be seeing such a draft piece of legislation with all these amendments brought together so we can see it in its entirety for once.

My second question is I wonder if the Deputy Commissioner could advise whether or not the Association of Municipalities has been consulted with regard to this legislation and the reaction of that body.

THE CHAIRMAN (Mr. Stewart): The Deputy Commissioner is busy but the Hon. Dave Nickerson has indicated he can answer at least part of that question. Hon. Dave Nickerson.

### Consultation With The Association Of Municipalities

HON. DAVE NICKERSON: I do not know if the Deputy Commissioner specifically wanted to answer that or not but I was prepared to when he was away. Perhaps if I could say a few words and if he has more information, he could add it to those. The Executive Committee met with the Association of Municipalities a few weeks ago and at that time we were advised by the association that they no longer wanted to have a complete revision of the Municipal Ordinance. They had studied it in some length and they thought that for the next few years down the road they would prefer to work with the old ordinance rather than having us go through the major process of coming up with a new Municipal Ordinance which would be of great length. This is one of the longest ordinances we have in the book and they did not want to go through this process. One of the reasons I believe is because they realize how long and how much trouble it had been to put the Education Ordinance through and they did not want to get bogged down in that type of thing at the present time.



Now, I think I am correct in saying that the impetus for this legislation came from the municipalities in the first place. I think that one of the most active people in soliciting this kind of legislation has been His Worship, the Mayor of Hay River. Unfortunately, of course, he will not be able to speak to it. So, I think that what you are looking at here is a response by this government to the concerns of the municipalities, and it has been done at their insistence.

MR. BUTTERS: Thank you.

Motion To Amend Subsection 289 (2) Of Bill 2-62

THE CHAIRMAN (Mr. Stewart): I note that there is one change that the Legal Advisor recommends and that is in subsection 289 (2), the second word should read "rates", there should be an "s" on it rather than "rate". Could you make that correction or are we agreed to that amendment?

---Carried

Is there any discussion of a general nature on Clause 1, rate? Are you ready for the question?

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Stewart): Are you agreed? Mr. Pearson.

MR. PEARSON: I have a general question. The purpose of this is to raise education money is it not, to raise money for education purposes? What is the total amount of money that is collected from this tax across the Northwest Territories, and what does it try to prove?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the amount that is forecast to be collected for 1977 is \$865,273. It is true that this tax is designated as an education tax. However, as Members know, I am sure, this money simply forms a part of the total revenues of the territorial government and, as such, goes into our consolidated revenue fund. It has a bearing on our ability to spend money for educational purposes but it is not the final word.

MR. PEARSON: The total education budget for this year is \$45 million?

DEPUTY COMMISSIONER PARKER: Something like that.

MR. PEARSON: It sounds like a pretty insignificant amount. Does the government feel that it will ever collect the total revenue, as the cost of education must be borne by someone, and is this in fact a realistic way of collecting money? This is like a hotel tax, it seems to me.

DEPUTY COMMISSIONER PARKER: I think it is a completely realistic way of collecting taxes, pardon me, of raising revenue. It is one of the few methods available to us and as I have said many time before the growth to responsible government is, to a certain extent, tied to the ability to pay for our own expenditures. Certainly we are many, many years away from paying or raising taxes to pay for our total education system. However, this is one of the steps in that direction. Each of the taxes that are collected by the territorial government forms part of the financing pattern and no one of them really can be sacrificed.

MR. PEARSON: There are so few people who pay this tax and invariably the majority of people who are paying it are the businesses and the private companies in the Northwest Territories and so few of the residents except in a very large municipality such as this one, Yellowknife.

Communities Collecting Municipal Taxes

DEPUTY COMMISSIONER PARKER: Mr. Chairman, there are six communities that contribute to this revenue plus Yellowknife which is a little different because its money goes directly to the municipality who then pays it over to the two school districts.

MR. PEARSON: So there are seven communities then out of the 70 odd.

DEPUTY COMMISSIONER PARKER: The 50 odd.

MR. PEARSON: We only have 50 left.

DEPUTY COMMISSIONER PARKER: The number used to be kicked around but it is 50 odd not 70 odd.

MR. PEARSON: That is again a very small percentage. So, in a sense, as a territorial wide measure, it has very little significance on the residents of the Northwest Territories, and it makes very little contribution to the education picture as a whole.

DEPUTY COMMISSIONER PARKER: We would be pleased if the Member had in mind a method of raising the amount and broadening the scope.

MR. PEARSON: I am not suggesting that people get things for nothing, and I never have done. I think there is too much of that in the territories, but I just wonder about the realism of this kind of tax imposed on so few people who already bear the great burden of having to survive and pay their way in this country, when it is becoming more difficult as it goes on, and I hope that the Baffin region conference that will be held this summer and also an examination which is to be made of the Municipal Ordinance in May, the end of May in Frobisher Bay, that perhaps this can be discussed and recommendations could come from that conference on this matter.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I could add just one other piece of information. The six places that I mentioned that are paying school taxes are municipalities which are also collecting municipal taxes. There are seven or eight additional communities which are taxed territorially at the rate of 25 mills which are not municipalities, so that the total number is 14 or 15 that are in fact paying the territorial tax. That number will increase as the ownership of the property and improvements increases and our ability to conduct the assessment program.

Amendment To Ordinance Insignificant.

MR. PEARSON: Well, while my light is still on, it seems that it would be fair to say that the whole matter of this could be reviewed and now there was just an amendment to it which is pretty insignificant and you consider so many of these communities who are paying what is called a school tax and are paying at different rates and it is a very inconsistent approach to the problem. For example, Hay River would pay a much different rate than Yellowknife, would it not, as would Frobisher Bay?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the whole purpose of the legislation here is to make it equal. In other words, to make it fair.

MR. PEARSON: Across the board?

DEPUTY COMMISSIONER PARKER: What was unfair previously was putting a 15 mill rate tax on an unequal assessment and by equalizing the assessment we can then charge an even mill rate.

MR. PEARSON: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 1, as amended. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

Shall I report Bill 2-62 ready for third reading?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 2-62, Municipal Ordinance

MR. STEWART: Mr. Speaker, your committee has been discussing Bill 2-62 and I wish to report third reading.

MR. SPEAKER: Hon. Peter Ernerk, what is the next bill that you would like to deal with?

HON. PETER ERNERK: Mr. Speaker, we have two more bills to go and they are Bill 4-62 and Bill 1-62. I have been trying to avoid the situation of avoiding the bills themselves, but I am expecting or was rather expecting a couple of visitors some time this week from the Department of Regional Economic Expansion and I do not think they will be here this afternoon. However, I would like to recommend that we break for lunch at this time and get on Bill 4-62 this afternoon.

MR. SPEAKER: It is 12:15 o'clock p.m. and we normally break at 1:00 o'clock. What is the opinion of Members, would you like to recess now and come back at 2:30 o'clock p.m.? Mr. Pearson.

MR. PEARSON: I suggest that we get on with the business. We have not been very productive this week and it is Wednesday already.

MR. SPEAKER: In looking at the orders of the day, Mr. Pearson, we have gone up to Item 12 and there are two items left on Item 13 and what other matters would you suggest?

MR. PEARSON: Well, there are information items perhaps, Mr. Speaker.

MR. SPEAKER: Mr. Pearson, information items that appear are put on at the request of Members. I understand that if there are two Members who indicate that they want information items we would put them on but to date no Members have indicated a request to discuss information items.

MR. PEARSON: Well, again on the orders of the day it was necessary for us to give unanimous consent I think to the bill that we just discussed and perhaps the same could be done for one of the other items, Bill 6-62, which is now on the order paper.

MR. SPEAKER: Bill 6-62, Hon. Dave Nickerson, how do you perceive that?

HON. DAVE NICKERSON: Unless the Members of the Assembly specifically request the presence of witnesses I think it would be possible to deal with this bill at the present time.

MR. SPEAKER: Well, you need unanimous consent then as well to put Bill 6-62 under Item 13 and is it the Members' wish to proceed at this time with consideration in committee of the whole of Bill 6-62? Agreed? Is there anyone to the contrary? Nay?

SOME HON. MEMBERS: Nay.

MR. SPEAKER: There are two nays and therefore we can not proceed. That being so, gentlemen, then I think I have no choice but to simply recess until 2:30 o'clock p.m. at which time we will proceed with Bills 1-62 and 4-62.

---Agreed

This House stands recessed until 2:30 o'clock p.m.

---LUNCHEON ADJOURNMENT

MR. SPEAKER: Gentlemen, this House will come to order, the time being 2:30 o'clock p.m. and there being a quorum. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I would suggest that we move into the Tribunal Procedures Ordinance, Bill 6-62.

MR. SPEAKER: That is Bill 6-62?

HON. PETER ERNERK: That is correct, Mr. Speaker.

MR. SPEAKER: We have had unanimous consent previously or did we, no, we were seeking it I believe, to add Bill 6-62 which appears under Item 12 to the list contained under Item 13 for consideration in committee of the whole. Unanimous consent is required and is there anyone to the contrary? No one to the contrary.

---Agreed

Bill 6-62 will be added to Item 13.

This House will therefore resolve into committee of the whole for consideration of Bill 6-62, the Tribunal Procedures Ordinance, with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 6-62, Tribunal Procedures Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 6-62, TRIBUNAL PROCEDURES ORDINANCE

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THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 6-62, An Ordinance to Provide Procedures Governing the Exercise of Statutory Powers Granted to Tribunals. Mr. Lyall, has your committee any report to make on Bill 6-62?

MR. LYALL: Mr. Chairman, looking at the Tribunal Procedures Ordinance, I would advise that this ordinance is being introduced by the administration in response to a previously adopted motion to establish standard procedures applying to the activities of boards, committees and commissions which have quasi-judicial powers to safeguard the interest of persons appearing before such bodies, and beginning from clause 1 to clause 28 inclusive, everything was approved as presented.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lyall. Does anyone from the Executive wish to make any further comments with regard to this ordinance? Hon. Dave Nickerson.

HON. DAVE NICKERSON: Mr. Chairman, as Mr. Lyall says this bill has been brought forward by the administration at the request of the Legislature. It became apparent to us some time ago that we were setting up within the Northwest Territories a whole lot of these various quasi-judicial bodies, boards and committees, having various statutory type authority, who would in many instances be making decisions which could affect various people in grave and serious ways. Instances of the types of boards and committees to which this would apply would be professional bodies such as the nurses when looking at the conduct of a nurse, pursuant to the Nursing Profession Ordinance and teachers. Recently we gave the teachers a good deal of self-government as far as the concerns of the Northwest Territories Teachers' Association was concerned. These are the types of organizations to which this ordinance would apply. It would basically do two things. It would protect the rights of the individual who was brought before one of the tribunals, it would make sure that he was dealt with due process and in accordance with natural justice as far as is possible. It would also

protect the tribunals themselves, they would have this set of guidelines to go by and, in keeping to these they would then prevent a case happening where their decision could be appealed by a court because they had not gone about their duties in a proper way. So, it gives protection to both sides.

A number of the provinces have this type of legislation which is fortunate because it enabled us to copy them without drawing up this legislation on our own. I think that this ordinance is very much a copy of the Ontario legislation on the subject.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any comments of a general nature on Bill 6-62? Hon. David Searle.

HON. DAVID SEARLE: I assume, Mr. Chairman, that this bill would therefore regulate the procedures before such boards as the Workers' Compensation Board, the Liquor Board, the Highway Transport Board; is that correct?

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

#### Application Of Ordinance

HON. DAVE NICKERSON: Mr. Chairman, the application of the ordinance is spelled out in clause 3. I think it is fairly clear under clause 3 to which tribunals it would apply. You will notice that the tribunal or judicial type, the quasi-judicial type body would have to be set up by virtue of one of our ordinances. We do not pretend to tell for instance the federal government what they should do, or how they should conduct their proceedings in hearings before say the Water Board, and that type of thing because that is not really within our jurisdiction. So, it has to be something that we ourselves have set up and given the power to. You will notice under clause 3 that there are a number of proceedings exempted from this ordinance, and it is quite lengthy, and one for instance is the Public Inquiries Ordinance. This is presumably because the procedures for that particular body are set out in the Public Inquiries Ordinance which we passed at the last session of the Legislature. Of course this does not apply to courts, courts of law as they are commonly accepted, such as the magistrate's court or the supreme court.

HON. DAVID SEARLE: The reason I asked that question is that although I do not have the specific legislation in front of me that sets up for instance the Workers' Compensation Board, I recollect that within the legislation establishing that board, and I think the Liquor Board, and I think also the Highway Transport Board, are provisions in the respective ordinances indicating that those boards may establish their own procedures. I guess the thing that bothers me is that unless this is very clearly overriding those provisions that let them set up their own procedures, you get into the dilemma of then having to argue whether this ordinance applies or whether the specific provisions in those acts apply. It is really a matter of legal drafting. I guess I would have thought that there might be in clause 3, for instance, in subclause (1) something like "Notwithstanding any provision in any other ordinance to the contrary..." so that it would be clear that this was overriding those provisions in those ordinances and then that could be read in that way. I am wondering if our Legal Advisor, as I suppose it is really a question for her rather than anyone else, because she is also a draftsman, I am just wondering whether or not she feels that it is clear enough that these provisions override?

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

Conflicting Provisions

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, it is my view that this ordinance, if it were in conflict with specific provisions of another ordinance would override. Within existing ordinances there is a rule of interpretation which says that the latest will override an earlier one, and that would apply, and then there are provisions in this ordinance which specifically relate to the rules set by tribunals under the power given to the tribunal in the ordinance creating it. I think there would be no conflict in those places. For example, as to evidence that is admissible there is a provision here which takes into account the rules governing the tribunal as set in the ordinance creating the tribunal.

HON. DAVID SEARLE: I guess what bothers me, and I am getting into the details of the bill, I suppose I should wait until we get there, but for instance subclause 3(2) which says: "This ordinance does not apply to proceedings..." And then if you go to paragraph (h): "...of a tribunal empowered to make regulations, rules or bylaws in so far as its power to make regulations, rules or bylaws is concerned."

In other words in the interpretation of that, for instance, it would not apply to the Workers' Compensation Board, the Liquor Board and the Highway Transport Board, if those boards have the powers as I suspect they have to make regulations, rules or bylaws for themselves.

LEGAL ADVISOR (Ms. Flieger): My understanding of paragraph (h) is that this ordinance would not govern the Workers' Compensation Board when it is sitting to make its bylaws, rules or otherwise.

Common Procedures

HON. DAVID SEARLE: You see, as I understood the need for this legislation it was to make sure that those boards which particularly had a common procedure as to notice, as to hearings, as to witnesses and as to those matters of procedural concern, and I guess I am concerned if you can enact an ordinance to set up common procedures and then exempt the very ones that are most commonly dealt with by the public, because then you give it with the one hand and inasmuch as you giveth you taketh back.

LEGAL ADVISOR (Ms. Flieger): I think that the Workers' Compensation Board would in fact be bound except when it is sitting to make its rules as to procedures and various bylaws. It would be caught by these procedures when it is exercising its statutory power of decision affecting the rights of individuals.

THE CHAIRMAN (Mr. Stewart): Have you finished for the time being, Hon. David Searle?

HON. DAVID SEARLE: The other question I have, and I am not going to argue on the basis of what my legal opinion would be, but if our Legal Advisor is satisfied then I suppose that for the purposes of this House I have to be satisfied. I suspect there would be a judicial review of that, but however, I will not press that point any more and if Ms. Flieger is satisfied we will see whether she is right or wrong. The other question I have is that I notice the Coroners Ordinance, or coroners' inquests are exempted, and I think they should be, but that does raise the question that I think has been amply proven by some of the coroners' inquests we have had of late, that is, the Panarctic situation, that we need to have a review by our standing committee on legislation, I think, of the Coroners Ordinance, because the people I have talked to who have tried to deal with it. I know many years ago I was involved in a case before it, and there were very many shortcomings we felt, and I heard that comment repeated. So, my question would be one of the Executive and the standing committee on legislation as to whether there are current plans to review the Coroners Ordinance.

Current Plans To Review The Coroners Ordinance

THE CHAIRMAN (Mr. Stewart): Deputy Commissioner Parker, do you wish to respond to that? The answer is, no, you can not answer it or you are not considering changing it?

DEPUTY COMMISSIONER PARKER: No, I can not answer to it. Perhaps the Legal Advisor could be of some assistance. We have talked from time to time about a review of the Coroners Ordinance but honestly I can not tell you exactly where that stands at the present time.

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

LEGAL ADVISOR (Ms. Flieger): It does not appear on the current program.

HON. DAVID SEARLE: Mr. Chairman, I know that when I was involved in a very important case three or four years ago I followed it up by writing a two page letter to the territorial government legal people then who, of course, are not the same as they are today, setting out a dozen or so areas of serious weakness. I have talked to the crown attorneys who have to work with it and I know they are not happy. I can not remember the dozen or so areas of weakness now and I think it would be inappropriate for me in discussing this ordinance to go into any more detail. I know there are some serious shortcomings. I would like to suggest that it be taken under advisement, the coroners be consulted, the crown attorney's office be consulted and that some of that correspondence which has been written by lawyers and judges be dredged up and reviewed because I think there are some comments there that come from the practical experience of having to try to use it. I would like to suggest that and again I do not think this is necessarily the case to make a formal motion, but in any case I can not make a formal motion because I am never here to make it, but for what it is worth, there is some gratuitous advice.

THE CHAIRMAN (Mr. Stewart): You have been reading too many reports lately. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I do not think that the main function of this body is to make laws, in fact I think we have too many laws as it is. I certainly support the concern raised by the Honourable Member from Yellowknife South. I think we should know exactly to what bodies this legislation is going to apply and I for one will not vote on it. I do not care what happens, I will not vote on it unless I can see written down the boards, committees and investigative bodies which are referred to here. I would like to know the exceptions as well. I would like to know whether there are groups concerned like the Alcohol and Drug Co-ordinating Council.

Too Many Restrictions

Now, there is quite a difference in sophistication between the Alcohol and Drug Co-ordinating Council and the Workers' Compensation Board and I would just like to see for whom we are legislating. There is a very great concern to me that we are becoming so sophisticated and fancy that we restrict and diminish public participation in public hearings. I was alarmed along with many residents of Inuvik just recently when for the first time outside of Yellowknife the Northwest Territories Utilities Board came to hear a complaint laid by the town of Inuvik against Northern Canada Power Commission and its recent rate hike. Fine, this is good, there were certain procedures that had to be followed, the town made its position and the chairman rightly so said "Is there anyone here who wishes to speak?" Then, the rules within which people could speak were so narrow that many people who attended that meeting felt that the board should not come at all. It was an absolute waste of time and money, the reason being that there are so many restrictions that the public had been cut out.



One of my criticisms of the Mackenzie Valley Pipeline Inquiry was not that people did not get a chance to be heard. Judge Berger heard everything. Sometimes I thought you could just stand up and say anything. I feel that this was good if it was pertinent to the general public interest. However, then it is up to the judge or the board to rule within the strict parameters of the subject matter. I do not think you should restrict discussion. That type of a discussion has been, as far as I know, common in northern communities where people can talk and you do not shut them up. I just hope that these rules that we are advocating do not do exactly the opposite of what we intend them to do and that is involve the people in government.

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

Procedures For Boards And Tribunals

DEPUTY COMMISSIONER PARKER: Mr. Chairman, first of all if I remember correctly, this ordinance is before the House because Members asked that it be brought forward and that we set out and establish procedures for boards and tribunals in order to guarantee a certain uniformity of action and in order to protect the rights of people appearing before boards and in order to ensure that boards could get witnesses to appear, bring witnesses forward. So, the administration does not have a list to which this would apply. As far as I know I think we would wish to be guided by this committee. I would hope that we could come out of this debate with a recommended list. We have no wish to impose this ordinance which you asked for on any boards if it does not seem to be appropriate.

Now, I also have some of the same concerns that Mr. Butters has just expressed. He is absolutely right. We can build in rules that will prevent the public from being heard even though the good intention of the rules is to protect the rights of the public. He is absolutely right that in this what I would like to call a young area from a democratic standpoint we do not want to fence ourselves in too much. We want to keep matters sufficiently open and as informal as they can be kept informal so that people can be heard and that they can gradually learn to work within the rules.

So, in conclusion we would like to have recommendations from Members as to what there should be included under this legislation and I would like to give assurance on my behalf at least that we are concerned that this be applied too strongly and that we would not want it to be used to restrict the availability of boards to the public.

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

HON. DAVE NICKERSON: Mr. Chairman, I think as this ordinance reads at present originally what we intended I believe is to have an ordinance something like this and then at the back of it have a schedule and the schedule would contain the various tribunals to which it would apply, such as tribunals made pursuant to the Dental Profession Ordinance, the Nursing Profession Ordinance, Teachers' Association Ordinance and all of that type of thing.

The way that it has been presented here is to make it general with a few exceptions listed. I do not think it would take too long to go through the various ordinances and to compile a list to which this bill would apply. I think that could be done fairly easily.

Protection Of Witnesses

Secondly, I think if you read through this ordinance, you will see that what it is doing is to protect witnesses. For instance, say if the teachers were looking into the conduct of one of their members and they were called as a witness to give testimony, this ordinance would give protection. I do not think there is anything in that really which would restrict the rights of people to say what they want to at a meeting of the Public Utilities Board. As far as I can see there is not anything in the ordinance which affects this. What it is doing is protecting those people who appear as indicted persons or as witnesses and that type of thing, and I think those are the people we should try and protect.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments? Mr. Lyall.

MR. LYALL: Mr. Chairman, I guess the question should be directed to Hon. David Searle. Do you mean that you would like to have some witnesses to come before us? I mean that is what I understood you to say when you were speaking.

HON. DAVID SEARLE: Mr. Chairman, I am sorry if I made that impression. What I was asking through the Chair was a specific question to the Legal Advisor as to whether it is clear that this ordinance would apply to the procedures of all of the various boards that will establish legislation like the ones I mentioned and she said that she is satisfied that it would. I think she has the position to give that answer and so I would not ask for any other witnesses because obviously they would defer to her, her legal opinion on the matter.

Distinction Between A Public Meeting And Public Hearing

I guess the other thing that Mr. Butters opened that bothers me and Deputy Commissioner Parker carried on about is the fact that where our boards seem to get into difficulty and one of the reasons I supported that motion is because there is always a very grey area between every board that goes out and holds a public meeting and the distinction between a public meeting and a public hearing.

You see, a public hearing commonly is just like a court case, it may only involve the Crown and a single citizen, but it is held publicly; in other words, not in private. As we all know you can not go and sit in the back of a courtroom and from time to time join in the discussion, you can not stand up at the back of a courtroom and comment upon the guilt or innocence of the accused or otherwise participate in the public hearing.

On the other hand, there are bodies which go out and do hold public meetings where anyone attending the meeting could stand up and be heard. I guess one of the best examples of where you can not do that is if, say, you apply for a licence under the Aeronautics Act before the air transport committee. They will advertise the application and will ask for interveners to file copies of their interventions so you have to write in and say "I oppose this application for the following reasons..." and copies of that intervention are sent to the applicant so that when the applicant appears at the public hearing he knows what he is facing. You can be sitting there as an interested citizen and if you attempt to get up and comment you will be told to sit down because you did not respond in accordance with the advertisement, and the reason you are told to sit down in because the applicant obviously has not had a chance to prepare and meet the comments which you are making. So in some way a balance must be struck between throwing open public participation where the hearing involves the licence or rights of another individual and, you see, this is the tough point and that is where, in my experience, there has always been confusion, whether it has been the Liquor Board or the Public Utilities Board or whatever board, to what extent you can permit public participation when for instance the licence or application of another individual is being reviewed. It is a real dilemma.

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

Opportunity For Public Comment

MR. BUTTERS: I believe there should be as broad an opportunity for the public to comment in these areas which have an effect on the lives of the citizens. The Honourable Member from Yellowknife South mentioned the air transport committee. Well, the air transport committee has been in Inuvik twice, once with regard to the jet air licence and earlier than that under Mr. Pickersgill. In both cases, Mr. Chairman, the air transport committee permitted people to do just what Hon. David Searle said they can not do. People spoke on both those occasions by informing the various legal counsel. They were heard. Maybe the testimony, the position or the opinion they presented did not necessarily fall within the terms of reference of the particular application under question, but they were given an opportunity to be heard.

I was very impressed at the way Mr. Barry Thomson on his first trip handled the first formal hearings in Inuvik. I remember Father Ruyant got up and Mr. Mike Zubko got up and two or three other people. I felt that this opportunity for the average guy off the street to speak on something that affected the lives of us all made that hearing more effective and gave the commissioners a much better understanding of their responsibilities and to whom they were responsible. So, I disagree with the Honourable Member that these things are restricted. It is up to the commissioner, whoever the chairman is, and I would hate to see us restricting his discretionary powers on how he should conduct his meeting, especially where the public is concerned.

I realize there are rights to be protected in in camera hearings and such protection should be given, but we should not exclude and diminish the freedom of a citizen of this country to speak of his mind providing it is pertinent and to the point and not frivolous.

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

The Dilemma Of Tribunals And Boards

HON. DAVID SEARLE: I do not want to be misunderstood, I was not taking one point of view or the other. I was just explaining the dilemma that tribunals and boards are in and the distinction between a public meeting on the one hand and a public hearing on the other hand. A public hearing on the one hand, as I have said, simply means that the hearing is held publicly but may be very restricted as to the parties. On the other hand, a public meeting is just that, it is a meeting for the public to participate fully in, and it seems to depend upon the nature of the hearing and the nature of the body as to which route you go. I was just pointing out the quandary that these tribunals often find themselves in.

THE CHAIRMAN (Mr. Stewart): Thank you. Are they and further comments of a general nature? Mr. Lafferty.

MR. LAFFERTY: I am a little confused here, slightly confused, after Hon. David Searle's explanation. A new thought arises in my mind. I wonder if I could have Hon. David Searle go over what he said a little earlier? I understand that there is a difference between a public hearing and a public meeting, in some cases there are rules applied and in other cases there are none.

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

Participation Of The Public

HON. DAVID SEARLE: I probably should not have raised it but I just tried to point out the difficulty that tribunals get into when they try to permit full participation by the public. There are certain matters that boards are concerned with, for instance, a licence that you might have that really concerns you and whoever has maybe complained about you, but whether or not it would be proper to hear wide public comment without you first knowing what these people are going to say is questionable. So, you might be required to appear at a public hearing which would mean that it would be a hearing held in public, like a court case is, but not everybody can stand up and comment on it because it does not concern everybody. It may concern you and some rights you have or some licence you have.

On the other hand, some boards engage in wide public meetings where they go and they just want to hear from everybody generally on the subject. In those cases anybody who appears has a say. I am just pointing out the difference and this is why often if there is a public hearing held or a public inquiry, you go there and really all you are entitled to do is listen.

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

MR. LAFFERTY: Thank you, Hon. David Searle, that is what I wanted to clear up in my mind. Too many times in the past, I do not think this is really exercised at the public level. Instead of listening to the individual interest, you listen to a general broad public who are usually confused on many points, or on many issues. I would like to see the individual person, or rather I would not like to see the individual interest undermined in any of our legislation.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other comments of a general nature? Are you ready then to proceed clause by clause? Is it agreed?

---Agreed

Clause 2, interpretation. Is it agreed? Clause 2, I only have one agreed.

---Agreed

Clause 3, application.

MR. BUTTERS: Was it made clear that I might be getting that list of boards and committees I asked for before it passes? Was there any agreement on that, did the administration say they could provide it for me?

THE CHAIRMAN (Mr. Stewart): It was my understanding that one of the Executive Members, Hon. Dave Nickerson, said there would be no problem getting this attached. Is that correct, Hon. Dave Nickerson?

HON. DAVE NICKERSON: That is what I said, Mr. Chairman. Is it the request of this committee, Mr. Chairman, that such a list be compiled?

THE CHAIRMAN (Mr. Stewart): That would leave that matter then to go by way of motion.

Motion To Compile A List Of Boards And Committees

MR. BUTTERS: I would move that such a list be compiled showing the boards, the committees, the commissions and investigative bodies to which this would apply, and those that are to be excluded would also be listed. Also I would be interested in seeing some designation beside each one to determine whether the hearing would be, say, an in camera one where it is a disciplinary board in the sense of a professional person. That would differentiate between what could be an in camera hearing such as in the case of a request for disciplinary action and a public hearing such as one that might be made by the Northwest Territories Utilities Board or the Alcohol and Drug Co-ordinating Council where they wish to hear evidence related to an application for a grant.

THE CHAIRMAN (Mr. Stewart): I wonder if you could arrange to write out your motion or have the secretary assist you so I have a copy of it? That was hardly a motion but more like a speech and I just wonder exactly what you want so perhaps if I could have it in front of me?

MR. BUTTERS: If the committee would either agree that I might get this material or not, if they refuse me the list then I will not write out the motion of the various categories and waste my time. However, if they agree that I will get the information then I will write out the details.

THE CHAIRMAN (Mr. Stewart): You have the assurance that it will be done but, Hon. Dave Nickerson, do you wish to comment?

HON. DAVE NICKERSON: This does not comprise a great task on our part to do it. I think that the Legal Advisor was listening to what Mr. Butters just said and obviously the people in her department who would compile this list, it is only a few hours work, and if you could just solicit general agreement amongst the Members I am sure the Legal Advisor will undertake to have this done.

THE CHAIRMAN (Mr. Stewart): Is that satisfactory to you, Mr. Butters?

MR. BUTTERS: That is an excellent suggestion.

Motion Carried

THE CHAIRMAN (Mr. Stewart): You know the request. All those in favour of the request? A show of hands, please. Opposed, if any? Your request has been granted.

---Carried

Do you have sufficient information Madam Legal Advisor to look after our requirements?

LEGAL ADVISOR (Ms. Flieger): I understand you would like a list of tribunals to which this ordinance would apply.

THE CHAIRMAN (Mr. Stewart): Also a list of those to which it does not apply. Hon. David Searle.

Falling Within The Definition

HON. DAVID SEARLE: I am not suggesting that that is not a good exercise, but the section says of course that "This ordinance applies at proceedings by a tribunal in the exercise of a statutory power of decision conferred by or under an ordinance." So really that is the definition, it would be any tribunal exercising a statutory power of decision conferred on it

by an ordinance. Then it goes on further and says "...where the tribunal is required by or under such ordinance ... to afford the parties the opportunity for a hearing before making a decision". I think that if you put yourself in the position of a court that would be the first question you would have to ask, is the body in question under that definition and if it came within that definition then this ordinance would apply to it, providing it then did not fall out because of specific exclusion. I am not saying that that answer should make it a requirement for a list of them but that is the definition of the bodies to whom it applies.

THE CHAIRMAN (Mr. Stewart): Thank you. I wonder if I could ask some questions. This thing has got me confused. I understand it applies to a town council, is this correct?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, are you referring to subclause (2) of clause 2?

THE CHAIRMAN (Mr. Stewart): Yes, basically.

Concerning Municipalities

LEGAL ADVISOR (Ms. Flieger): In my understanding of that subclause it is that it would allow a municipality to be treated as a party to a proceeding and to be entitled to the protection as any other party is afforded by this ordinance.

THE CHAIRMAN (Mr. Stewart): But on the other hand it is not on the list of those that are excluded either.

LEGAL ADVISOR (Ms. Flieger): That is correct. In certain matters that the city council transacts I think it would be a tribunal. Perhaps for example zoning regulations, the application of zoning regulations, it could be that a municipality would be required to follow this ordinance.

THE CHAIRMAN (Mr. Stewart): I wonder if I might be allowed one more question regarding municipalities?

SOME HON. MEMBER: Ask it anyway.

THE CHAIRMAN (Mr. Stewart): For example in carrying out the duties of a municipality and with two applications for the same piece of land the council must make a decision, would it be acting like a tribunal in this case?

LEGAL ADVISOR (Ms. Flieger): I think that you would have to look at clause 3 to answer that question and the question then would be whether the tribunal is required when it is making that decision to afford the parties to the proceeding an opportunity for a hearing. This ordinance applies only where there is a hearing involved really.

THE CHAIRMAN (Mr. Stewart): I see that we have got the Northwest Territories ordinance in this and I wonder if you could fit in the Legislative Assembly because this makes some sticky wickets.

We are on clause 2, interpretation and I had a couple of agrees. Clause 2, agreed?

---Agreed

Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, are we agreeing to this subject to obtaining

the list that Mr. Butters wanted?

THE CHAIRMAN (Mr. Stewart): That was the result of the vote. However, the Legal Advisor thinks that passing it is almost impossible, is that not correct?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, it takes some time to produce that list.

Legislating Must Take Time

MR. BUTTERS: Mr. Chairman, then I think we might be proceeding with this piece of legislation too quickly. I think that each legislation does not grow like an apple on a tree, separately. One piece of legislation affects another and here the Legal Advisor tells us that they do not have a list and they do not know how many other boards would be affected and in what manner. She says that it would take too long to do it during the session, but yet we are being asked to approve this thing and give it third reading and put it through without what seems to me to be sufficient investigation by the legal department of the implications of this act. If you can not provide this material I think we have not done sufficient homework. There have been all kinds of complaints in this Legislature that we just jam this stuff through that the government legislation gets jammed through and here it is our legislation that gets jammed through. Maybe sometime we had just better table some of this stuff and look at it for a few months. There is a public out there. We are not just legislating for ourselves. We are legislating for 40,000 people. I do not like to rush into things in which our legal department has not investigated fully yet and does not know the full implications of yet.

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

HON. DAVE NICKERSON: Mr. Chairman, I think that Mr. Butters is overstating his case a little. I think it would take and this is what the Legal Advisor advises, about five hours for somebody to make a real good job of this and go over all the ordinances and see which ones set up some kind of board of inquiry which would come under this act. So what the Legal Advisor is saying is that she has not got anybody whom she can spare for five hours today or tomorrow to get this done. I am certain that if nobody exists within the legal department to do this there are other people in the employ of the Government of the Northwest Territories who could spend a half a day compiling this list if that is what Mr. Butters wants.

THE CHAIRMAN (Mr. Stewart): Thank you. I am greatly concerned that it does not remove councils, town councils and city councils and so on from this section because I do not know when you would be in a position of really acting as a tribunal when these laws would apply. I am sure there would be many cases when we are acting as a formal tribunal and if we are not excluded it would be a terrible state of affairs to start operating under this thing. We have enough problems with the Municipal Act without giving us another one.



Acting Judicially

HON. DAVID SEARLE: With all due respect and with due deference to your other role, Mr. Chairman, I would think it would be excellent if the municipalities were caught by this act to the extent that they have to observe the normal rules of justice which is all this sets out when they are acting judicially. There are many things of course a municipality does that are not judicial acts and would be more of an administrative one and I know it would be difficult to necessarily define in each and every act where you are, but there are things that are clearly judicial when you have to give a hearing and an opportunity to be heard, etc. I have no doubt that in those cases municipalities fall within this legislation. It is a question, I would assume, that municipalities will have to ask their city solicitors in what areas and at what times are they acting judicially and hence must observe the requirements of this act. In what areas, just like the question Mr. Butters asked, in what areas and on what occasions are they acting purely administratively and do not need to comply with the terms of this act?

THE CHAIRMAN (Mr. Stewart): If it is so good for the municipalities why is it not good for this Legislature?

HON. DAVID SEARLE: I suppose because we are never acting judicially.

THE CHAIRMAN (Mr. Stewart): Well, we have agreed on clause 2. Clause 3, application. I have two agrees. Agreed?

---Agreed

Clause 4, disposal by agreement. I have two agrees. Agreed?

---Agreed

Clause 5, parties. Agreed?

---Agreed

Clause 6, notice of hearing. I only have two agrees on clause 6. Agreed?

---Agreed

Clause 7, effect of non-attendance at hearing after due notice. Agreed?

---Agreed

I believe there is some error in clause 8? Clause 8 is okay. Mr. Butters.

Notice Of Hearing

MR. BUTTERS: Mr. Chairman, if you could just indulge me and return to clause 6 about the notice of a hearing. Is there any value or necessity to include in that notice the subject of a hearing? All it says is a statement for the purpose, but would the purpose there include the material that would be discussed?

THE CHAIRMAN (Mr. Stewart): Madam Legal Advisor, the question on paragraph 6(2)(a) is the place and the purpose and what would the word "purpose" cover?

LEGAL ADVISOR (Ms. Flieger): The purpose of the hearing, Mr. Chairman, I would expect. For example, if a hearing were a disciplinary hearing under the Nursing Profession Ordinance then the purpose would be an action or a hearing by the disciplinary committee under section so and so into the conduct of this person. If it were a hearing of the Liquor Licensing Board

to consider an application for a liquor licence then I think it would state quite specifically that it was an application by certain persons for a licence to operate a specific kind of establishment.

THE CHAIRMAN (Mr. Stewart): Does that satisfy your question, Mr. Butters?

MR. BUTTERS: Yes, it does. It would appear to me that if that is the type of purpose, that is the purpose the tribunal sees that it could be a very narrow purpose. I am afraid that the tribunal may as it sets the frame of reference, put the individual at a disadvantage because they did not bring in materials which he believed to be pertinent. Is there any way in which a party to the proceeding who receives the notice and feels that the purpose is too narrowly stated might apply to have that purpose enlarged? That would permit their defence or whatever they may wish to be put before the inquiry.

LEGAL ADVISOR (Ms. Flieger): I wonder if Mr. Butters could be more specific about which kind of hearing he is considering, for example, the Public Utilities Board.

MR. BUTTERS: Without the list of whom this applies to I just do not know. There are so many different possibilities that I can not apply my own mind to each situation. I am just saying that if one party to a hearing feels that the purpose as stated by the tribunal is too narrow, whether or not there could be some way in which that purpose could be enlarged so that the case or position that they may wish to present would be better made because obviously the tribunal will be guided by that published purpose or given...

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think I see a somewhat more limited application of this ordinance than perhaps Mr. Butters does because this will apply only where there is a statutory power of decision. Presumably that decision or the purpose of the hearing is going to be related to the power of decision, and if it is a power to decide whether or not to license then the purpose of the hearing will be to hear evidence on that particular point. If it is a question of disciplining a member of a profession, then that again would be a very specific purpose. If it is a broad inquiry, for example, under our Public Inquiries Ordinance then I think that this ordinance probably has very little application.

MR. BUTTERS: Thank you.

Reasonable Time

THE CHAIRMAN (Mr. Stewart): Clause 8, Mr. Butters.

MR. BUTTERS: What is "reasonable time" to be?

THE CHAIRMAN (Mr. Stewart): Madam Legal Advisor, what is the meaning of "reasonable time"?

MR. BUTTERS: What is "reasonable" and "reasonable time"?

LEGAL ADVISOR (Ms. Flieger): I think that the phrase "reasonable time" may have a different meaning from time to time, but by anyone's definition I think a reasonable time under clause 8, a reasonable time for notice to a party whose conduct has been brought into question would be time for him to prepare his defence.

MR. BUTTERS: Would it not be better to stipulate say 30 days because what you are doing -- you would have two parties disagreeing on what is a reasonable time and then it would be referred to another court. One party may not agree with what is reasonable.

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

LEGAL ADVISOR (Ms. Flieger): This clause 8 should be read I think in conjunction with any other provision of any other ordinance which sets out a specific time for giving notice to a party in a proceeding. This clause I think is kind of an abundance of caution, it would be used only in a case where there was not a specific provision for reasonable time. Normally, you would find 30 days, I think that is the very minimum.

MR. BUTTERS: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 8, where character etc., of a party is in issue. Is it agreed? I have only two agrees again. Is it agreed?

---Agreed

Clause 9, hearings to be public, exceptions, Hon. David Searle.

Hearings Open To The Public

HON. DAVID SEARLE: I think there is a spelling error in paragraph 9(1)(b) the fourth line from the bottom, the words "or in" should be "or if". The line that reads "...in the interests of any person affected or in...", that should be "if", "...if the public interest outweighs the desirability of ..."

THE CHAIRMAN (Mr. Stewart): Can I note that as a typographical error rather than an amendment and so correct it? Is it agreed? Is it agreed to change the word "in" to "if"? Is it agreed? Mr. Minister.

HON. ARNOLD McCALLUM: I would think does it not in fact mean "in"; does it not say "...the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public"? It is in the interest of any person affected or in the public interest.

HON. DAVID SEARLE: Then there must be something wrong with "outweighs" because that does not read right "...in the public interest outweighs..."?

HON. ARNOLD McCALLUM: Is it not the problem of avoiding disclosure?

THE CHAIRMAN (Mr. Stewart): The Legal Advisor advises that the word should remain as "in". Hon. David Searle nods his head. Mr. Lafferty.

MR. LAFFERTY: Clause 9, paragraph (b) is rather disturbing. Maybe I am wrong, but it seems to say here that the two areas they are dealing with here as I understand it, financial and where a person's life is touched here, intimate financial or personal matters, and those words disturb me a great deal because I think that a man in this country anyway and I have said this many times that we have to look at the root of our problems in the North here. Are we really of the same interest as people are who are to the south of us? People in the North are individuals and many of them do not like public or any other person prodding in their personal life, or for that matter in their personal affairs. This is where I think many of us in the North get into trouble. As long as we have this kind of legislation where we have or authorize bodies or groups or other people to deal in our own personal intimate affairs, we will never come together. That is a very disturbing point, where you put the over-all public interests before the individual's rights. I would like to have more discussion on this before I either agree or disagree with it. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 9. Mr. Butters.

Motion To Amend Subclause 9(2)

MR. BUTTERS: Clause 9, on page six, the last two lines, I move that we delete all those words after, or we delete the words after the word "direction" and leave out the words "...and may use such force as is reasonably required for that purpose" as I think it is redundant and unnecessary unless the Legal Advisor can explain why it is necessary. Certainly the phrase "and every peace officer so called upon shall take such action as is necessary to enforce the order or direction" is acceptable but this business of using all such force as reasonably required has connotations of pounding up and beating out, physical force and some officers may think that it is what it is giving them grounds to do, punch you out, I move it be deleted as unnecessary and redundant.

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

HON. DAVE NICKERSON: I would tend to agree with Mr. Butters. It would appear to me, unless the Legal Advisor advises otherwise that the words that Mr. Butters would delete are redundant. I would imagine that the balance of the clause means that a peace officer would have these powers to use a reasonable amount of force, and I do not think it is necessary to actually specify it. I would be quite prepared to go along with what Mr. Butters suggests.

THE CHAIRMAN (Mr. Stewart): Madam Legal Advisor, have you any advice?

LEGAL ADVISOR (Ms. Flieger): I think that the words could be deleted without removing all reasonable powers of the police.

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum as Minister you indicated you wished to speak?

HON. ARNOLD McCALLUM: I do not want to speak to that motion, I was going to go back to what Mr. Lafferty had said.

THE CHAIRMAN (Mr. Stewart): So you do not wish to speak to the motion?

HON. ARNOLD McCALLUM: I beg your pardon.

Motion Carried

THE CHAIRMAN (Mr. Stewart): If you are not speaking on the motion, I will come back to you and deal with the motion first. To the motion? Are you ready for the question? All those in favour? Opposed if any? The motion is carried.

---Carried

Now, Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Now, coach?

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

Hearings Should Be Open To The Public

HON. ARNOLD McCALLUM: I think that clause 9, paragraph (1)(b) is necessary. I think that that is an area that gives the individual some protection. I think that hearings should be open to the public, but if there are certain things that may be disclosed at that hearing, that have a detrimental aspect to them, whereby such disclosure would be of a greater negative view than having it not disclosed then I think that that is necessary to have it in. I think that the hearings should be public, but if the hearing is about something that I consider that is private and personal I do not think it should be open to the public at that time, I think it should be held in camera and I think the clause justifies itself in being there. Other things that may not have a negative effect on an individual can be disclosed and rightly should be but I think that the desirability of avoiding disclosure of a personal matter or an intimate financial matter when it is in the best interests of that individual not to disclose it I do not think it should be. I think that is a means of protecting the individual and of course the other clause to the sentence as well, where it is in the public interest not to disclose. That part of the hearing should be held in camera and not in public.

THE CHAIRMAN (Mr. Stewart): Clause 9? Is it agreed?

---Agreed

Clause 10, rights of parties to counsel, to examine witnesses, etc., at hearings. Is it agreed?

---Agreed

Clause 11, rights of witnesses to counsel. Are we agreed? Hon. David Searle.

Rights Of Witnesses To Counsel

HON. DAVID SEARLE: That is a very strange one, and mind you it deals with a witness, not necessarily a party. I suppose that that is all right; I thought it might deal with a party but it deals with a witness.

THE CHAIRMAN (Mr. Stewart): Clause 11? Is it agreed? Gentlemen, I am not getting much co-operation this afternoon. Mr. Butters.

MR. BUTTERS: On clause 12?

THE CHAIRMAN (Mr. Stewart): No, on clause 11.

MR. BUTTERS: Pardon me.

THE CHAIRMAN (Mr. Stewart): I am only getting two or three agrees each time. If you have something to say about it I wish Members would do so and if not, agree to it or disagree with it. Clause 11. Is it agreed?

---Agreed

Clause 12, summonses. Mr. Butters.

MR. BUTTERS: It is very difficult to sort of object to how these provisions could apply to this situation or to reality in which they would be effective, but in clause 12, it says: "A tribunal may require any person, including a party, by summons... to give evidence."

I am just wondering in the case where a person is up before a professional tribunal and maybe they do not make the best witness for themselves, maybe they make a very poor witness for themselves and I am wondering, it seems to me that here we are removing from them a protection they have in the courts, and that is that they would not have to give evidence unless they wished to do so. I would say that it seems to me that if their counsel felt that their position would be better presented by other people, people who could attest to their professional competence and capability, or morality, wherever it may be, and if counsel felt it was unnecessary for them to give evidence, then perhaps they should not be required to do so. I do not know, I am throwing the point out to our Legal Advisor.

THE CHAIRMAN (Mr. Stewart): Madam Legal Advisor, have you any advice on this?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, if I could I would like to look at two or three specific ordinances in relation to that section before I give any advice.

THE CHAIRMAN (Mr. Stewart): Thank you. As the hour is almost 4:00 o'clock p.m., we will recess for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order. The Chair recognizes Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, if I just might I would like to recognize some very distinguished visitors in the gallery here this afternoon. The Aurora Cub Pack of Yellowknife, with Akela Ed Laroque and Mr. Paul Pertson who is called Kaa.

SOME HON. MEMBERS: Hear, hear!

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. David Searle. With regard to your question on clause 12 when we adjourned, Mr. Butters. Madam Legal Advisor, are you prepared to answer now?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, the question, as I understood it was, is this an unusual procedure to require a party to the proceedings to give evidence and I have looked at the present Legal Profession Ordinance and I see that in a disciplinary hearing under that ordinance the board of inquiry is empowered to summons any person before it and to require that person to give evidence. I think it is important perhaps to remember that these tribunals are not dealing with criminal matters. They are more civil matters and the immunity that an accused may have in answering questions does not extend to civil proceedings.

THE CHAIRMAN (Mr. Stewart): Clause 12, agreed?

---Agreed

HON. ARNOLD McCALLUM: Mr. Chairman, may I have your indulgence as well as that of other Members of the committee to go back to the section dealing with application, clause 3, subclause 2, where ordinance does not apply.

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

---Agreed

Proceed, Hon. Arnold McCallum.

Motion To Amend Subclause 3(2)

HON. ARNOLD McCALLUM: Mr. Chairman, in view of the discussion that took place under general remarks of the ordinance as well as this particular section, I would like to move an amendment to subclause 3(2) and I would leave it to the Legal Advisor to determine the lettering, but I would like to move the following amendment:

That subclause 3(2) now read "This ordinance does not apply to proceedings before the council of a municipality" and that could be paragraph 3(2) (b) and the following renumbered or an area somewhere in the listing.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Arnold McCallum. You have heard the motion.

HON. ARNOLD McCALLUM: Mr. Chairman, if I may, I think that the committee has heard the discussion that went on dealing with this particular section of the act and I think I for one in terms of the inclusion of the amendment appreciate it much more now, having heard that that there is a need for the inclusion of that new subclause. In my experience in municipal government, of course it would enhance that appreciation that I have since received from the discussion and I think that it is in the best interests of this committee to approve the amendment.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further discussion on the motion?

SOME HON. MEMBERS: The question.

Motion Carried

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

---Carried

HON. ARNOLD McCALLUM: I guess it really did not matter, did it?

THE CHAIRMAN (Mr. Stewart): When I report this bill out I will give the new wording back to page 8, pardon me, page 9, clause 13, contempt proceedings.

Contempt Proceedings

HON. ARNOLD McCALLUM: Mr. Chairman, relative to clause 13, would the explanation given by the Legal Advisor to Mr. Butters concerning clause 12, the preceding clause, would it answer the question dealing with contempt proceedings where one, a witness, refused to give testimony? We do not have an amendment in our constitution that the United States does, but we certainly would have something where one would not want to give evidence or testify at a proceeding on the grounds that it would be incriminatory toward that individual. That is a long way around and about the question to the Legal Advisor, but would her answer to Mr. Butters hold here as well?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think that clause 13 does relate to clause 12 and where a person has refused to give evidence before a tribunal the tribunal may apply to the Supreme Court to have that refusal treated as a contempt of the proceedings or of the tribunal.

THE CHAIRMAN (Mr. Stewart): Clause 13. Hon. Dave Nickerson.

HON. DAVE NICKERSON: I really did not want to speak on that, but you will note, Mr. Chairman, under clause 14 this clause is designed to protect the witness from incriminating himself by giving testimony and you will notice also under clause 14, subclause (2) that knowledge of this protection must be given to every witness. He must be advised of subclause 14(1) and also of section 5 of the Canada Evidence Act which deals with the same thing.

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

HON. ARNOLD McCALLUM: Mr. Chairman, that is prior to him being called as a witness or is it upon ...

LEGAL ADVISOR (Ms. Flieger): I think it applies, Mr. Chairman, when the question has been put to him, but I think that the warning or at least the availability of the Canada Evidence Act has to be made known to him before he commences to give his evidence.

THE CHAIRMAN (Mr. Stewart): Clause 13, contempt proceedings. We are down to one agreed again.

SOME HON. MEMBERS: Agreed.

---Agreed.



Protection For Witness

THE CHAIRMAN (Mr. Stewart): Clause 14, protection for witnesses. Mr. Butters.

MR. BUTTERS: Mr. Chairman, is this a common provision in similar legislation appearing in other jurisdictions? It smacks of taking the "fifth" and when you take the "fifth" you incriminate yourself anyway, so what is the difference?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I agree that the degree of protection it offers is not extensive.

HON. DAVE NICKERSON: First of all, I would remind the Honourable Member for Inuvik that the fifth amendment is part of the American constitution and not the Canadian one. I think he has certain legitimate doubts about this and I certainly have. I remember when we were discussing the Teachers' Association Ordinance, the same thing applied there and I remember arguing vigorously at that time about it. I have doubts as to how once a person has given this evidence that tends to incriminate him, how you could prevent other people from using it against him.

If he has admitted to it you might not be able to take a transcript of the tribunal procedure and present it in another court, but I am sure that a skillful lawyer would be able to get out of it the fact that he had made this testimony elsewhere and admitted doing something. So, it does bother me in a way and I would be most obliged if the Legal Advisor could maybe elaborate a little bit on how the protection would actually work out in fact and whether she foresees any problems with this.

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, as I say, it is not an uncommon legal provision. You would probably find it in a number of our statutes. The protection that it does give is that the transcript of the evidence given by the witness, it can not actually be produced before him and used directly and I think it is possible to use the information indirectly, however.

THE CHAIRMAN (Mr. Stewart): Do you think it would be in the case of a prospector going out, you would know where there may possibly be some minerals, do you think that is a similar situation? Mr. Lafferty.

The Right To Privacy

MR. LAFFERTY: Mr. Chairman, as we progress this is beginning to disturb me even more because I am getting more confused. I am quite certain that if I am confused, I am thinking of the hundreds of people like myself who are confused as to what we are doing here. I think there are very valid arguments and statements that we hear here, particularly the point that Mr. Butters brought up, but I still think, without really understanding why, that this is a very important piece of documentation that undermines the very principle which brought me here, the right to my privacy, and that is something I believe in and hold dearly. There are things in this ordinance that are personal. Going back to clause 9, in my simple and humble opinion it stinks. I thought we were sitting here protecting, at least hopefully, the very foundation of our government which respects the individual person. Here we are saying, going back if I may to page 5, clause 9, paragraph (b) that we can reach into the private lives of people and let me tell you why, presently, my arguments are against this. There are many people in the North who have no protection from claims against their income, from claims for their simple, meagre, little savings accounts and protection against their simple, small, little wages that we bellyache about all the time and this further says that we can go ahead and look into this and empower someone to dig into this privacy. It is all right for a \$35,000 a year man to say that, but it sure as hell is not easy for a guy who is earning \$500, or less than \$10,000 a year to say, "Okay, I will give you those powers to look into my privacy."

Mr. Chairman, I disagree entirely with this section and, on that section alone I have not had time to study this document, small as it is, as it is very important. We should not carry on with it, we should bring it and see how the majority of the people feel in our communities, and the people who are affected most, the poor wage earner who is trying to get into the wage economy.

Motion To Set Bill 6-62 Aside

Mr. Chairman, I move that this ordinance be tabled to the 63rd session, or fall session, and I ask that the Members here give this very serious consideration because it does affect the person who is coming out of school, trying to get into a wage economy from the old traditional lifestyle of hunting and trapping because we are empowering people to dig into our private lives, into our monetary lives. This should not be made public. Thank you.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. I think a great deal of it is based on a misunderstanding of what this bill is about, but just the same there does not appear to be much interest in it either this afternoon. To the motion.

HON. DAVID SEARLE: What is the motion?

THE CHAIRMAN (Mr. Stewart): That the bill be set aside until the next sitting of this Assembly. Do you want the exact wording? That is the intent. Mr. Lyall.

MR. LYALL: To the motion, or are you going to give the exact wording first?

THE CHAIRMAN (Mr. Stewart): "I move that this ordinance be set aside to the 63rd or fall session," and that is the exact wording of the motion. Mr. Lyall.

MR. LYALL: To the motion. I simply can not go for that move because of the fact that we are spending a lot of time with this already, or we did in the legislation committee meeting and we overlooked the fact that we do not know how many other ordinances it would affect. We might have overlooked that but I do not think it should be set aside until the 63rd session of the Assembly. I think it should be gone through and dealt with at this Assembly session. Thank you, Mr. Chairman.

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

MR. BUTTERS: As you so correctly observed, Mr. Chairman, there has been very little interest in the bill by Members. You have been hard pressed to get one or two people to give you agrees. I think that that fact alone indicates the keen interest on the part of this committee in the legislation. However, that is not the point I wish to make. I am going to support Mr. Lafferty's motion and I would hope that such support would give us permission to continue through the bill and comment on it clause by clause so we are satisfied that it is legislatively tidy, but I think we must recall that this bill was requested of the administration by this House and one of the things that we as Members have complained about for many sessions, and for many years, is the fact that legislation was being jammed down our throats by the administration, and by the Government of Canada without any warning or any opportunity for the public to read it and examine it in the draft form. We come to Yellowknife and shoved under our door is a piece of legislation which we are going to approve, law which we will approve in the next two or three days.

#### The Way Legislation Should Be Handled

I appreciate that the Honourable Member from the Central Arctic, recognizing the very long hours that he and Members of his committee have put into it feels that it is time wasted. Well, this is furthest from the truth. I think the document they have put together here is a pretty tidy document. Legally it is standing up to our examination and discussion, but I think that what Members may be concerned about are the far reaching implications of this thing. So, what I see Mr. Lafferty's motion as doing is giving it a chance to be examined by the public at large, giving knowledgeable people a chance to bring their concerns to us, if such concerns do legitimately exist, and then, at the next opportunity making it law.

That is the way laws should be made I think. They should be first tabled for examination, for discussion, not by this body first, but by the public at large and then when that discussion and opportunity for examination has occurred then we can sit down with the knowledge that we are not doing things as it were behind the public's back. So, as I think that this is probably the first bit of legislation that is ours, that we have called for, which was put together for us by the administration, we would be wise to indicate to both the administration and the Government of Canada that this is the way we think our legislation should be handled, that it be tabled, be discussed and then allowed public discussion, after which it would return to this body, in this chamber, be approved, given third reading, assent and all the other formalities that are required to make legislation law. So, I will be supporting the Honourable Member for Mackenzie Liard.

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

HON. DAVE NICKERSON: I think that I would be inclined to support Mr. Lyall. I think as you said, Mr. Chairman, that Mr. Lafferty's views, although sincere are certainly based on a misunderstanding and a misconception. I think in his speech he was referring to garnishee orders on individual's wages which of course did not come under or are not affected by this bill whatsoever. It might be quite true that Mr. Lafferty has not had time to study the bill in detail and find out what it is really talking about but I would suggest that a better alternative than to transfer it to the fall session would be for us to continue our study of it this afternoon and then report progress and come back to it in a few days time after Mr. Lafferty and other Members have had time to study it again.

#### Protection Of Individual Rights.

I think that when Mr. Lafferty does read through it he will find that the purpose of the bill is to protect those individual rights which he so sincerely wants to protect. If you read through some of our legislation dealing with tribunals at the present time you will find that this is not so. This is why the Legislative Assembly recommended to the administration that the administration bring forth such legislation in the first place, because of our deep concern for individual's rights. I think Mr. Lyall has a point when he says that his committee has spent a good deal of time on this. They have come up and refined the document to such a state that it can withstand all the criticism that Mr. Butters is so able to fire against it. I think it is a reasonably well written document and we can not discredit it on those grounds, that it has not been put together properly.

I think that we have a certain amount of responsibility to deal with it, because as Mr. Butters so rightly points out, it has been brought before us at our instigation. Originally I think a motion was passed requesting that this type of thing be brought forward, the administration then proceeded by way of a recommendation to the Legislature in which they outlined the main points of this bill, and that recommendation was accepted at that time at Rankin Inlet. I think one thing we should keep in mind, I know in the past we have tended to defer legislation so that the public could better study bills, but I think that that is particularly important on bills such as the Education Ordinance or the Game Ordinance, and it is our intention to table the Game Ordinance and let that die on the order paper and be brought back in the fall. This type of legislation tends to be a rather technical housekeeping matter that is not likely to generate on the part of the general public a great deal of discussion. It is something that in my mind we can deal with in the House, in the proper manner. For those reasons, Mr. Chairman, I think that I have to oppose the motion.

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

MR. WHITFORD: Mr. Chairman, I am a Member of this committee and, no doubt, like Mr. Lyall said we did our best to come up with what we have got, but at the same time I will support Mr. Lafferty. I believe that the Members do not understand exactly what this is, or what it is all about, and I think we should be given time to be able to do this. Now, by that I do not mean that we should not go completely through it; I think we should go through it, and then stand it down until the next session like Mr. Lafferty has suggested. I would also tend to believe that the Members from the East perhaps have seen this for the first time as well and it may be a little bit difficult for them as well to understand.

THE CHAIRMAN (Mr. Stewart): Thank you. However, if you approve this motion, I will have to report the matter to the Speaker and this bill will automatically die. It will have to be brought back for approval at the next session for second reading and we will have to start at page one and go through it all again. I would hope that we would go through it and finish it and set it aside and then you defeat it on third reading if you wish. If you do not like it at that stage after understanding it, you can defeat it on third reading, but this motion as it reads, the thing dies on the order paper and we have to start all over at square one. I just want you to understand that. You just can not stop now and pick it up again at the next session. That is not possible within our rules.  
Mr. Pearson.

#### The Setting Aside Of Bills

MR. PEARSON: Well, I just wanted to offer some comment on the motion that would defeat the bill and I understand Mr. Lafferty is concerned but I also recall or wish to bring to Members' attention a matter of just a few months ago when the same philosophy was used on the Education Ordinance and it was set aside so the people could discuss and when the people made their views known to this chamber, the chamber still ignored them.

THE CHAIRMAN (Mr. Stewart): Thank you. To the motion. Is there anyone else who wishes to speak? Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I appreciate all the comments that I have heard, the pros and cons and the support for and against. It is true and I would be in favour of going through the whole document item by item, discussing it even at length during this session and even then I think I would have one heck of a time explaining to a lot of people in my constituency that I understood this document and how it will affect those people that I represent three years, four years or five years from now. There are certain things that we could go and take and decide on and there are things that we say that should be protected and, of course, I appreciate Hon. Dave Nickerson's comments in that he is of the same opinion as I am, to protect that individual right, but too often I have heard in the North that sometimes in our efforts to protect that right we undermine it. In that sense I want to be certain that when this legislation passes that it is on the consent of those who govern.

So far as tabling the document, I think that I meant to say to defer it but not to kill, but to give people a chance, individuals a chance to understand it. We have their consent to reach in their pocketbooks, but somehow I have a feeling that this really does dig in the pockets of some individuals. Thank you, Mr. Chairman.

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

#### A Difficult Bill To Understand

HON. DAVID SEARLE: Mr. Chairman, I would like to comment on the issue. Firstly I think that Members should realize that a bill like this is not an easy document for anyone to understand because it is a very legal sort of thing, drawn by lawyers and essentially for the use of lawyers. It is the sort of bill that governs the proceedings of a tribunal. Therefore, to a certain extent you have to trust the competence of your Legal Advisor.

I remember the worst piece of legislation I have ever seen was a bill called An Ordinance Against the Rule of Perpetuity. Now, the rule against perpetuity is a very complicated and legal doctrine that I did not even understand when I went to law school and how I got through the course I

do not know. Then, when I got in this House and found we had to remove this complicated legal doctrine I remember our Legal Advisor then, Mr. Frank Smith, produced this piece of legislation which he got from a committee he was on called the law reform committee which is a national group of very learned lawyers and they produced that bill and as we got going into the debate I remember saying to him privately, I did not ask him this question publicly but I said to him privately, "Frank, do you understand what this bill says?" And he looked at me and said, "Do you know what it says?" And I said, "Frank, I will be equally as honest with you if you will be with me. No, I do not, I do not understand a damn thing it says," and he said, "Nor do I but I am told that it is absolutely necessary." So that is the basis we passed it on. I am not saying that this is as difficult as that or as difficult to understand, but it is a very legal sort of thing and I think you have to say from time to time, hopefully not very often, that there are bills that you have to be satisfied on from your Legal Advisor and from your legislation committee who have taken the time to go into them and understand them. You have to decide yourself whether this is one of those bills or not and I am not going to encourage you one way or another, you have to make an individual judgment.

A second thing I want to say, Mr. Chairman, is if Mr. Lafferty was speaking specifically to clause 14 and subclause (1) thereof and if I understood his comments to be correct -- was it clause 14, Mr. Lafferty? Clause 9.

#### In The Interest Of The Public

In looking back at clause 9 and appreciating the protection that clause 14 gives you, it seems to me much of what you said is a misunderstanding of it. The only thing that clause 9 says as I see it is that you may hold privately or in camera out of the public eye, a hearing where you satisfied the tribunal that they are matters of personal financial or intimate financial details that are not in the interest of the public, where your own personal interest is outweighed by the interest of the public by having it open to the public. Where you get into the protection I think what you are really concerned with is the clause we have not come to yet, clause 14 which says that any question put to you if you felt that that answer compromised you in any way you can seek the protection of the Canada Evidence Act and the answer can not be used in any other proceeding against you which is the normal protection that is given in the criminal law and it is simply repeated here. So, I do not think that this legislation encroaches on anybody's right, but rather continues the same sort of protection that is enjoyed in any other legal proceeding and indeed extends the protection that you get in the courts to proceedings before a tribunal and frankly you can not go any further than that. You know, you can not expect more protection than the courts give you.

So, I think you have to just by way of summary say to yourself, is this the sort of bill that just by its very nature is difficult to understand and I think you will have to rely on Mr. Lyall's committee and the legal advice that you get from Ms. Flieger, or is it not? If you are not prepared to do that then I think you will just have to state your concern and hope it can be answered. Frankly, I do not see the reason for setting a bill like this aside. This has got to be one of the least controversial pieces of legislation that you could possibly get into and is designed solely to put under one roof a procedure that the public can rely on regardless of what board they appear before. The advantage to that of course, is that without this bill each of these boards makes their own procedures and you never know when you appear before one or the other what the standard of proof is, who is going to be called on first or anything else.

So that at the very best, Mr. Chairman, I think there is a great deal of misunderstanding about this bill and for that reason maybe what you want to do is just back up and go back to the general purpose of it and make sure it is agreed, because then the sections follow.

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

Laws Affecting People In The Arctic.

MR. PUDLUK: Mr. Chairman, I would like to support the motion that was made earlier. I would like to support the motion because we do make bills, we do make laws that are pertaining to the Arctic and also whatever law we make is going to be affecting all of the people in the Arctic. You know, I remember in Rankin Inlet we were dealing with the Education Ordinance because when we were dealing with it we all knew that it was for all of the people in the Northwest Territories. During Bills 1-62, 2-62, 3-62, and 4-62, they did not seem to be all for the people, that is not for the whole of the Northwest Territories, but however Bill 6-62 seems to be pertaining to the people or affecting all of the people in the Northwest Territories. Personally I feel as to how this bill, it was made by legal advisors and how can we agree on it if we do not understand it? Supposing I say in Inuktitut, if you are a white man and I tell you that that is really a concern of mine and if you agree to what I suggested to you and if you agree to it and afterwards when you realize you did not understand it when you agreed to it, I am sure you would regret it. However, I will support clause 12, but in Inuktitut it is a bit hard to understand, when it is translated into Inuktitut because there are only six words whereas in the English version there are 12, there is a 12(a), (b), (c) and then there are subclauses (2) and (3) and then numbers (4), (5) and (6).

Not all of us understand this particular item and personally I do not understand it but if it is going to be affecting all the people, and if I do not understand it, I would like to understand it before I agree to it. Thank you, that is the way I feel, because I do not understand it.

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

Laying Ground Rules.

HON. ARNOLD McCALLUM: Mr. Chairman, again I think that the points that are raised, and it must be difficult for people, for Members, to see two full pages written and then to get a small summary of it, but I think that the explanation that both Hon. Dave Nickerson and Hon. David Searle gave in terms of the bill would allow for an interpretation to be given. It would seem to me that in plain English -- and I must be careful here because perhaps that can not be translated -- but it would seem to me that all we are doing with this is laying down the ground rules by which various boards, organizations, operate, in the hope that an individual who is taken to task by that board or organization will know what the procedure will be.

Now, I do not mind going some place and playing ball in another park, as long as I know what the rules are. All we are setting down here is to make sure that the rules will be the same for everybody. I do not know how we can possibly continue on reading it if it is to be set down. Rather than continue with this I would suggest we call the question.

SOME HON. MEMBERS: The question.

THE CHAIRMAN (Mr. Stewart): I had an indication of other speakers. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I appreciate the remarks and the ability the Executive has gained. I have a lot of faith in their ability, but also the concern that this Assembly has shown and the pressure this House has put on our Executive to produce such a document, that the public can see and understand. I appreciate that very much but there are things that concern me, no doubt, as it would concern many other people, individual people, the majority of whom are not very knowledgeable and there is the problem of interpretation. There are many problems. How do you explain to people that you have set up a system that in protecting their individual rights and that you yourself, under the umbrella of that protection do disclose their privacy? This is a technical question and I understand all these things, but the fact remains that I have to go back to my constituents and explain these things. It is easy for me to understand that point but there are other matters which are relevant that are not that easy. The motion is a simple one, it is merely asking for a delay so we can explain these things. I have no opposition directly to this document that has been produced, under strong pressure from this Assembly, now that task is finished.

More Time Needed

Now, the problem is to make it into law and to make our people understand it and this is all I am asking, just a little bit of time so that we can provide these people with some protection that they understand, with their consent. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Hon. Dave Nickerson, you had your hand up prior to me calling the question.

HON. DAVE NICKERSON: We seem to be proceeding at a slow pace so I do not feel guilty about slowing it down even further for a few minutes. With regard to the arguments that have been brought up by several Members about not really fully understanding certain bills of a very technical legal nature. I want to give you an example of what happened here before so that people can not really use that argument in this case.

I remember a couple of years ago we were considering the Judicature Ordinance and there was one clause in that ordinance and it said something to this effect. Clause 18, we will adopt the Alberta rules of court, and the chairman of the committee said "Does everybody agree?" and everybody said "Agreed" and I do not know if anyone here has seen the Alberta rules of court but they are very thick and are extremely technical, extremely difficult to understand. I certainly do not understand them, I do not think there is one Member here with the possible exception of Hon. David Searle who would understand them. I am sure that when he has to deal with them he has to go back to them every time and spend some time finding out exactly what it means in each particular circumstance.

So, if on that occasion Members within a matter of just a few seconds could adopt the whole Alberta rules of court, I feel sure that the Members, when presented with legislation such as we have before us -- which is nowhere near as detailed or technical, and which most Members, if they really wanted to, they might not get the full understanding but they could certainly find out what the intent was, I do not think they can really use that argument -- it would have to be presented in a way that could be understood by everyone in the Northwest Territories. It is unfortunate but I am afraid it is true, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): If we voted all documents in that manner we would not need lawyers. The question was called and as I understand the motion ... Mr. Butters.



An Understanding Of What Is Before Them

MR. BUTTERS: Thank you, sir. Just two points. One that was raised when Mr. Pudluk was speaking to the motion. We are an Assembly that has no party system. We do not have one group thinking one way and another group thinking another. Each one of us has to examine before him what is there and decide what he believes to be in the best interests of his constituents. To do so he must understand what is before him.

I value highly the legal advice of the Member from Yellowknife South, an excellent legal mind, but yet I can not accept his advice and say "Whoopee, I will vote with you", I must make up my own mind. I think this is what Members are asking. I was rather shocked that Mr. Pudluk's Inuktitut translation is not exactly the same in chapter and subclause as others and that is what I understood. I think that is wrong and I think if that is the case the Inuit Members have a great cause for concerted criticism of the manner in which their books are put together. That is what I understood him to say and I think if that is correct, then he rightly can not say "Agreed" to this stuff because he does not understand what is being said.

In The Best Interests Of Constituents

As I said, each one of us must make up our own minds and vote for what we think is in the best interests of our constituents. This legislation is not all that urgent and all that important. Nothing will stop tomorrow, no wheels will stop turning. The boards' procedures are set and this legislation just standardizes so that all the boards in existence, the committees and investigative bodies will operate in the same manner.

I think the principles that we are going to ride over here, if we push this through, are two: the one raised by the Honourable Member from the High Arctic, which is that each Member should know exactly what the other Members know and the other one is that the public should get a chance to examine legislation prior to the time we approve it in this House. We can not do that with government legislation but gosh, we certainly should be able to do it with the legislation that we request and bring in.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters. In the motion I have one word has been changed at the request of the mover, "I move that this ordinance be deferred to the 63rd or fall session."

Are you ready for the question?

SOME HON. MEMBERS: The question.

THE CHAIRMAN (Mr. Stewart): The question being called. All those in favour? Opposed? I counted that as six and six. I would like a recount. Mr. Clerk, would you please take a recount? Would all of those in favour please stand? Opposed to the motion? Did the Honourable Member from Foxe Basin understand the vote? That is, he was asked to stand if he wished to vote for the motion.

Understanding The Law.

MR. EVALUARJUK: Mr. Chairman, I quite understand but I do not understand the Tribunal Procedures Ordinance but the more important ones that are directed to the public are as important as this ordinance so I did not vote and in the Baffin region, the people do not want to starve but there is a legal aid service in Frobisher and so there comes into each community a legal advisor. I think it would be better that way and I think we should finish these to the end, the bills and when third reading comes up it would be better to vote if we should finish this or not because I feel, the way I understand this, that people who get into trouble they are the ones we are more concerned about at the moment. I know that when somebody gets into trouble, at one time he would be looked after but the only time they are really concerned is when he kills somebody. That is the only time somebody really starts looking after that person.

I feel that we should let the people understand the law before we get into trouble like this, and that is the reason why I did not stand up.

Motion To Amend Subclause 3(2), Defeated

THE CHAIRMAN (Mr. Stewart): Thank you. Then the recorded vote was five for and six against, and the motion has been defeated.

On that point I would like to report progress.

MR. SPEAKER: The House will come to order. Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 6-62, Tribunal Procedures Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 6-62 and wishes to report progress at this time.

MR. SPEAKER: Hon. Arnold McCallum, have you an announcement?

HON. ARNOLD McCALLUM: Yes, Mr. Speaker. I would like to remind Members who are on the constitutional committee, of which I am chairman, that we meet at 7:00 o'clock p.m. this evening in the Gold Room of the Yellowknife Inn. I would ask them to ensure that they have the proper working material which I gave to the Members. As well, there is a caucus meeting tomorrow morning in the board room of the Laing building at 9:00 o'clock a.m. and again I would ask all Members to ensure that they have the material for discussion at that time.

MR. SPEAKER: Are there any further announcements?

Mr. Clerk, orders of the day.

ITEM NO. 14: ORDERS OF THE DAY

CLERK ASSISTANT (Mr. P.F. de Vos): Orders of the day, 2:30 o'clock p.m., May 12, 1977, at the Explorer Hotel.

1. Prayer
2. Replies to Commissioner's Address
3. Questions and Returns
4. Oral Questions
5. Petitions

6. Reports of Standing and Special Committees
7. Notices of Motion
8. Motions for the Production of Papers
9. Motions
10. Tabling of Documents
11. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature, Information Items and Other Matters: Bills 1-62, 4-62, 6-62, Report of the Mackenzie Valley Pipeline Inquiry
12. Orders of the Day

MR. SPEAKER: This House stands adjourned until 2:30 o'clock p.m., May 12, 1977, at the Explorer Hotel.

---ADJOURNMENT

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