



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES  
**DEBATES**

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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TABLE OF CONTENTS

23 January 1978

	<u>PAGE</u>
Prayer	37
Replies to Commissioner's Opening Address	37
Questions and Returns	41
Oral Questions	44
Tabling of Documents	44
First Reading of Bills:	
- Bill 1-64 Wildlife Ordinance	45
- Bill 2-64 Accommodation Tax Ordinance	45
- Bill 4-64 Nursing Profession Ordinance	45
- Bill 5-64 Taxation Ordinance	46
- Bill 6-64 Corrections Ordinance	46
- Bill 7-64 Summary Conviction Procedures Ordinance	46
- Bill 8-64 Vehicles Ordinance	46
- Bill 9-64 Collection Agreement (Income Tax) Questions Ordinance	47
- Bill 10-64 Retirement Plan Beneficiaries Ordinance	47
- Bill 11-64 Appropriation Ordinance, 1978-79	47
- Bill 13-64 Engineering, Geological and Geophysical Professions Ordinance	47
- Bill 14-64 Financial Agreement Ordinance, 1978	48
- Bill 15-64 Loan Authorization Ordinance No. 1, 1978-79	48
- Bill 16-64 Northwest Territories Housing Corporation Loan Ordinance No. 1, 1978	48
- Bill 17-64 Judicature Ordinance	49
Second Reading of Bills:	
- Bill 2-64 Accommodation Tax Ordinance	50
- Bill 4-64 Nursing Profession Ordinance	53
- Bill 5-64 Taxation Ordinance	54
- Bill 6-64 Corrections Ordinance	54
- Bill 7-64 Summary Conviction Procedures Ordinance	54
- Bill 8-64 Vehicles Ordinance	55

YELLOWKNIFE, NORTHWEST TERRITORIES.

MONDAY, JANUARY 23, 1978.

MEMBERS PRESENT.

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

ITEM NO. 1: PRAYER.

---Prayer

SPEAKER (Hon. David Searle): Mr. Nickerson.

MR. NICKERSON: Point of order, Mr. Speaker. Is it not a fact that the Rules of this House state that the session will start at 9:00 o'clock a.m.?

MR. SPEAKER: It is indeed, Mr. Nickerson. You will have to remind both Northern Canada Power Commission and Yellowknife taxi of that, both of whom are on my list for this morning to heap upon. My apologies, gentlemen, for being late, but those are the two reasons.

Item 2, replies to Commissioner's Opening Address. Hon. Peter Ernerk.

ITEM NO. 2: REPLIES TO COMMISSIONER'S OPENING ADDRESS.

Hon. Peter Ernerk's Reply

HON. PETER ERNERK: Mr. Speaker, Mr. Commissioner, Mr. Deputy Commissioner, my honourable colleagues and ladies and gentlemen, before I go on to my reply to the Commissioner's Opening Address, I would like to make one or two remarks that concern the Legislative Ball the other night. First of all I think it should be mentioned that Mr. Dennis Marshall should be congratulated, because as I understand it, he did a lot of work for the ball and that he was the right arm man of the Clerk of the Council, who also worked very hard to make things happen with regard to the ball. While I see that everybody had a good time during the Legislative Ball the other night, I felt there was one thing missing and that was there was not enough accordion music for the native people who came here to have a good time. It seemed as though there was a lack of fun because people from the Eastern Arctic usually enjoy square dancing and things of that nature, so next year we will have that in mind for sure.

Motion Of Appreciation Seconded

Mr. Speaker, I am both delighted and honoured to be the second speaker to move a motion of appreciation to the Commissioner's Opening Address today. Before I go on to the main theme of my speech today I would quickly like to touch on economic development in the Northwest Territories. There are many theories in the world today about how to influence governments, how to control governments, how to create conditions that enable us to make changes in our society.

The one that I believe in is that social and political evolution comes about due to a thriving economy, a low rate of unemployment and a government that is directly responsible for the man on the street. Unemployment continues to be one of the biggest problems facing us in the North today. We have, in fact, the highest rate of unemployment in Canada at the present time. To add a note of reality to this, I would be pleased to have a member of my department give this Assembly first hand information about the northern unemployment statistics and explain to us the jobless rates.

At this point, I would like to point out that many of the people who helped destroy any potential economic growth here in the Northwest Territories are now either on the lecture circuit in southern Canada or are opposing developments in the Eastern Arctic. It is also interesting to note that after destroying any potential for jobs in this area, they have now abandoned any activity in it and take no responsibility for their actions. They shrug their shoulders and glibly state that it is not up to them to plan for the native people of the North. I wonder how they rationalize the planning of the destruction of our economy for us without our consent. Unfortunately, this irresponsible attitude appears to be the order of the day of the activists now that we are reaping the grim northern harvest of recession. It would appear obvious to even most of the modest minds that this Legislature is the only institution that is attempting to solve the economic and social ills that plague us. Mr. Speaker, I am certainly proud to be a Member of this House, which is both positive and constructive. We still do pass and approve ordinances and budgets that affect the everyday lives of the people in the Northwest Territories.

#### Functioning And Responsibility Of The Legislature

To Hon. C. M. Drury, I would like to point out that we need certain changes in order to improve the functioning and responsibility of our House. To continue the process of political evolution towards responsible government we need more elected representation on the Executive Committee of the Northwest Territories. That in itself would be relatively useless unless the decisions of the Executive Committee were made binding upon the Commissioner. This would be a gigantic step towards two democratic governments in northern Canada. We do not need an independent Commissioner who is a federal civil servant but a Commissioner who is directly responsible to the Legislative Assembly. We are one of the only Legislatures in the world, other than Uganda, where our ability to oppose the executive branch is limited to budget sessions. This must change, Mr. Speaker.

### The Seal Fur Market

As Minister of Economic Development and Tourism in the Northwest Territories, there are two other major items I am most concerned about. First, the unwitting destruction of the seal fur market by such bleeding hearts as the Greenpeace Foundation and those associated with it. The Inuit people of the Northwest Territories have for the past century relied upon the seal as one of their main natural commodities providing both food and clothing. The Inuit hunters were always most conservative in their hunting practices taking only sufficient seal to sustain their needs. We were true conservationists when we hunted for our own needs. With the arrival of the fur trader and the eventual change that took place in our own lifestyle, we did not only hunt for our needs but to satisfy the requirements placed upon us by these traders. We then became more and more dependent on the income derived from the sale of these furs.

At this time, the Inuit people living in the Arctic coastal communities rely on the sealskins as one of their main sources of income. Unlike the seal hunting off Newfoundland and to a certain extent Labrador, the Inuit people who live in the Northwest Territories still utilize the seal meat as a main item in their homes, especially in places like Pangnirtung, Broughton Island, and Clyde River in the Eastern Arctic.

Mr. Speaker, as I said earlier, I am sure that those people who support the Greenpeace Foundation in their attempt to save the seal pups off Newfoundland, however unwittingly, destroyed the seal fur market and therefore created a terrible economic depression in many of the Inuit communities. Unless the seal fur market recovers before the prime sealing months of this coming spring, perhaps April, May, June and July, we must take action as the government of the Northwest Territories responsible for the livelihood of all people in all areas of our territory and I, as Minister responsible for the economic development in the Northwest Territories, must consider every option available to us to ensure that the economy of these particular communities is stabilized, even if this means the introduction of some form of subsidization through the local hunters' and trappers' associations.

### Difficulties Of Seal Hunters

Briefly, I want to give you an example, Mr. Speaker, of the difficulties which must be experienced by a hunter and his family in their efforts to obtain an adequate livelihood through seal hunting. Because of the size of many of our Arctic communities today, it is necessary to travel further and further from the communities to find game. Therefore the hunter will purchase ten gallons of gasoline for his skidoo or snowmobile and take off hunting. After perhaps five hours, he will spot a seal on the ice if he is lucky. The Inuit hunter must patiently stalk the seal. It is truly a test of skill that he gets his seal. It takes great skill to stalk a seal, unlike the Newfoundland hunters, who just club the young seal to death. Then the Inuit travels another four or five miles or four hours and sees nothing, therefore he heads home. Out of ten gallons of gasoline he has probably used eight gallons at a cost of \$12 and if he happens to catch a seal, when he gets home his wife takes over. She skins the seal, scrapes all the fat off it, washes the skin and then very carefully places it on a stretcher to dry. This probably has taken her several hours. She then goes back and butchers the seal herself and gives the meat to some of her friends and uses the rest for the family. The next day the seal skin is dry. If it is a prime skin the woman may wash it once again. The third day, the hunter takes his skin to the local trading post and again if he is lucky, he will get roughly \$10 to \$12 for it today. In other words, he just barely covers his gasoline cost.

### The Soapstone Industry

Mr. Speaker, the second problem as I see it in the Northwest Territories, is with regard to the soapstone industry and again I am speaking of the Arctic coastal communities. With the arrival of the traders, stores, modern equipment such as outboard motors and snowmobiles, the people in the Eastern Arctic and Central Arctic also started to make carvings. Northern stores started to take in various northern carvings, hand carved items, such as soapstone, ivory, etc. The Inuit people who live in these communities have been able to supplement their income through the soapstone carving industry as well as ivory carving and whalebone carvings. The problem is that a number of manufacturers in southern Canada have started to make replicas, fake carvings, copying the original Eskimo carvings and selling them to people in Canada as well as other countries, at much reduced prices. If I can be ignorant for a minute, those people in southern Canada and other countries can not really tell the difference between a real soapstone carving and an imitation carving.

There are Inuit people in the communities, mainly the older people who will hope to continue for several years to come, to supplement their income from sealskins, soft skins, as well as from soapstone industry, carving industry that is. But there are problems which are facing us presently. I also feel there are several options that are open to the people in the settlements, to the Northwest Territories government and to federal government, as well as various organizations such as Inuit Tapirisat of Canada, Canadian Arctic Producers and the Canadian Arctic Co-operative Federation.

On my part, Mr. Speaker, I have been trying to promote as much as possible the importance of the sealskins as well as the carvings to the Inuit people. I have written to various cabinet ministers in Ottawa and Members of Parliament to see if they could put together some kind of legislation which would solve the import of imitation carvings as well as imitation sealskins. While I can see that we can not do too much about the southern Canadian manufacturers of replicas or imitations, I believe once legislation is passed through the House of Commons by competent Members of Parliament, the importation of imitation carvings from foreign countries would stop and it would also help the soapstone carving industry in Canada's North.

Promotion Of Soapstone Industry.

Another way of looking at this would be to encourage our own government and the Government of Canada to give visiting dignitaries Inuit carvings as gifts. My idea here, Mr. Speaker, is to promote the soapstone carving industry and although it might be a very slow process, in the long run it might be useful in giving the Eskimo carving a world wide recognition. We could also use the news media throughout the country to write feature articles promoting the importance of the soapstone carving industry. In this way we could inform the people about the hunting techniques, especially seal hunting techniques of the Eskimo people in comparison to the Newfoundland hunters. Mr. Speaker, the problems affecting both the sealskin fur and the soapstone carving is bad news for the Inuit people, because many of them may no longer be able to supplement their incomes significantly through the sale of sealskins and carvings.

I doubt very much if the organizers of the campaign against the baby harp seal off Newfoundland realize the seriousness of their actions on the group of Inuit people thousands of miles away from the area of controversy. It is a bloody shame, that is all I can say. Just to give you an example of what has happened with regard to the sealskin industry, just a few weeks ago Progressive Conservative Member of Parliament from Newfoundland, Mr. John Crosbie, tried to get the House of Commons to prohibit the import of French champagne as a retaliatory measure against the French government's ban on the importation of sealskins from Canada. Unfortunately, this did not get unanimous support from the House of Commons in Ottawa.

Having said all of the things I wanted to say to the people of the Northwest Territories, I now feel that we, the people in the Northwest Territories, must make every effort to tell our side of the story to the people in the world. People have to learn the truth about the importance of the sealskins to the Inuit people, that their hunting does not make the seal an endangered species.

Invitation To Brigitte Bardot.

Finally, Mr. Speaker, I invite the head of the International Fund for Animal Welfare Incorporated to appear before this Legislature before we are through discussing sealskin markets, sealskin prices in the Northwest Territories. Furthermore, and I am very serious about this, that we invite Miss Brigitte Bardot to appear before the people of Pangnirtung in the Eastern Arctic, to appear before the trappers' and hunters' association meeting in March of 1978, and defend the kind of comments that she has been making to the world public within the past year. It would be interesting for her to find out the other side of the story and this is important to the people who have been supplementing their income from the sealskins and who will hopefully continue to do so in the years to come. Thank you very much, Mr. Speaker.

---Applause

MR. SPEAKER: I was wondering, Hon. Peter Ernerk, how we might have Miss Bardot attired. Further replies? Gentlemen, are there any further replies this morning? Just a reminder to Members that replies stay on the order paper until this Friday. In other words, you have until Friday to make your reply, if you plan to make one.

Item 3, questions and returns. Mr. Nickerson.

ITEM NO. 3: QUESTIONS AND RETURNS

Question W1-64: Cost Estimate Of Legislative Ball 1978.

MR. NICKERSON: Mr. Speaker, could the administration please provide a full estimate of the cost of the Legislative Ball held last week? Such an estimate should include, firstly, the actual expenses paid out; secondly, the cost of



time of government staff seconded to the project, but whose salaries and expenses have been charged to something else; and thirdly, the cost of services rendered by DND, RCMP and other governmental agencies; and fourthly, any other costs paid directly or indirectly by the Northwest Territories or Canadian taxpayers.

MR. SPEAKER: Mr. Nickerson, with respect to that question, I wonder, as I understand the ball, it was endorsed by caucus and is being run essentially through the Clerk's office and under the direction of the Speaker. It seems to me the administration may be in some difficulty in putting that kind of an answer together and that they really have not been responsible for the project exactly.

Now, I do not know, maybe they could put it together, and maybe we could ask Mr. Remnant to assist to that extent. I am just wondering if you are addressing that question to the right body and whether you should not address it to caucus. Mr. Nickerson.

MR. NICKERSON: It would appear to me, Mr. Speaker, that this question is more properly addressed to the administration. I know that the committee of caucus, chaired by yourself, has done much of the work but also I realize that the administration has put a very great deal into this, in that a number of people, not actually under the direction of the caucus committee have been involved with this. I think it would be rather difficult to know, for yourself even, or for Members of your committee, to know exactly what amount of time and energies were put into this by administration personnel. I think that although you might have an accurate record of the first item I gave, the actual expenses paid out, I do not think, or I think rather, that the caucus committee might not be in a position to gain the full expenses, find out the full amount of money paid in this. This is why this question is addressed to the administration who do have the financial staff to handle it.

MR. SPEAKER: Well Mr. Nickerson, possibly I should not prejudge the matter but wait and see what kind of response the administration gives. Further questions? Mr. Butters.

MR. BUTTERS: This is an oral question, Mr. Speaker.

MR. SPEAKER: Mr. Nickerson.

Question W2-64: Preliminary Report Of The Royal Commission On Financial Management And Accountability

MR. NICKERSON: Mr. Speaker, could the administration please make available to those Members of the Legislature which request one, a copy of the preliminary report of the Royal Commission on Financial Management and Accountability, which was recently tabled in the House of Commons?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W2-64: Preliminary Report Of The Royal Commission On Financial Management And Accountability

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker, we will make copies available.

MR. SPEAKER: Are there further written questions? Do you have a point of order, Mr. Nickerson?

MR. NICKERSON: I would like to know if the administration intends to reply to the first question.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the administration will review the question and provide a response on a subsequent day.

MR. SPEAKER: Are there further written questions? I believe there are no returns.

Item 4, oral questions.

ITEM NO. 4: ORAL QUESTIONS.

MR. SPEAKER: Item 4, oral questions. Mr. Butters.

Question 03-64: Meeting With Minister

MR. BUTTERS: Mr. Speaker, I have examined the top of my desk and I have looked in the social program and I see no where it is recorded that this body, Members, are scheduled to meet with the Minister of Indian Affairs and Northern Development. I understand the Minister is in town today. I understand that he is meeting with the local Liberals this evening and I am just wondering if there was anything scheduled that he might meet with us, as has been the wont of previous Ministers when they come to Yellowknife. I realize he spoke to this chamber but this does not constitute what I would call an exchange, a meeting between Members and the Minister.

Partial Return To Question 03-64: Meeting With Minister

MR. SPEAKER: Mr. Butters, I know of no arrangement for him to meet informally with Members and nor indeed do I know what his travel plans are. For instance, I would not know when he is back here, or whether he is back here now or later. The only thing I know is that he speaks tonight at a fund raising dinner. I guess you might ask the administration to find out what his agenda is and report to us and see if some kind of an informal meeting can be arranged. The difficulty is we sit all day until 5:30 p.m. and then he has his dinner tonight. Mr. Butters.

MR. BUTTERS: That was what I had in mind, sir. I would introduce a motion to change the hours and seek unanimous consent if the administration could inform us that there was a time during this afternoon in which we could convene with him.

MR. SPEAKER: That sounds like a sensible suggestion. Why do we not see if we can determine what his itinerary is; and then subject to that, the administration could ask to go back to returns and then you in turn could go back to motions. Any further oral questions?

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion.

Item 8, motions for the production of papers.

Item 9, motions.

Item 10, tabling of documents. Mr. Nickerson.

ITEM NO. 10: TABELING OF DOCUMENTS

MR. NICKERSON: Mr. Speaker, I wish to table the following document; Tabled Document 6-64, a copy of a letter dated the 25th of November, 1977, from a Mr. William O'Henly of Yellowknife to the Prime Minister, in which he described a proposed tax credit scheme for renters and home owners in the Northwest Territories. The scheme would encompass a sliding arrangement whereby people with lower incomes would receive greater credits. The cost to the taxpayer he estimates as being in the order of \$3.5 million.

MR. SPEAKER: Any further documents to be tabled?

Item 11, first reading of bills.

ITEM NO. 11: FIRST READING OF BILLS

Bill 1-64, the Wildlife Ordinance, Hon. Peter Ernerk.

First Reading Of Bill 1-64: Wildlife Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-64, An Ordinance Respecting Wildlife, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favor? Down. Contrary? The motion is carried.

MR. NICKERSON: No, no, no.

MR. SPEAKER: As I see, it is carried, Mr. Nickerson. Do you wish me to recall the question?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: On first reading of the Wildlife Ordinance, all in favor? One, two, three, four, five. Down. Contrary? One, two, three, four, five, six. The first reading is defeated, is lost.

---Defeated

Bill 2-64, Accommodation Tax Ordinance. Hon. Peter Ernerk.

First Reading Of Bill 2-64: Accommodation Tax Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 2-64, An Ordinance Authorizing the Imposition and Collection of a Tax on Public Accommodation in the Northwest Territories, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question. Question being called. All in favour? One, two, three, four, five. Down. Contrary? One, two, three, four. First reading is carried. Gentlemen, when the question is being called -- down, I will recall the question, kindly co-operate with the Chair and put your hand up. You know, I am getting them coming up and down. Now, I will recall the question. All in favour? One, two, three, four, five, six. Down. Contrary? One, two, three, four, five, six. Chair votes in the affirmative.

---Carried

Bill 4-64, Nursing Profession Ordinance.

First Reading Of Bill 4-64: Nursing Profession Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 4-64, An Ordinance to Amend the Nursing Profession Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question. All in favour? Down. Contrary? Carried.

---Carried

Bill 5-64, Hon. Arnold McCallum.

First Reading Of Bill 5-64: Taxation Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 5-64, An Ordinance to Amend the Taxation Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question. Question being called. All in favour? Please keep your hands up. One, two, three, four, five, six. Down. Contrary? One. First reading carried.

---Carried

Bill 6-64, Corrections Ordinance. Hon. Arnold McCallum.

First Reading Of Bill 6-64: Corrections Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 6-64, An Ordinance to Amend the Corrections Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question. All in favour? Down. Contrary? Carried.

---Carried

Bill 7-64, Summary Conviction Procedures Ordinance. Hon. Arnold McCallum.

First Reading Of Bill 7-64: Summary Conviction Procedures Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 7-64, An Ordinance Respecting Procedures for Summary Conviction Offences under Ordinances, Regulations and Municipal Bylaws, be read for the first time.

MR. SPEAKER: Question. Sorry, seconder? Mr. Whitford. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? First reading is carried.

---Carried

Bill 8-64, Hon. Arnold McCallum.

First Reading Of Bill 8-64: Vehicles Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 8-64, An Ordinance to Amend the Vehicles Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? First reading is carried.

---Carried

Bill 9-64, Collection Agreement (Income Tax) Questions Ordinance. Hon. Arnold McCallum.

First Reading Of Bill 9-64: Collection Agreement (Income Tax) Questions Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 9-64, An Ordinance Respecting the Resolution of Questions Arising out of the Collection Agreement Entered into Pursuant to the Income Tax Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Whitford. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? First reading is carried.

---Carried

Bill 10-64, Hon. Arnold McCallum.

First Reading Of Bill 10-64: Retirement Plan Beneficiaries Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 10-64, An Ordinance Respecting the Designation of Beneficiaries under Retirement Savings Plans, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Kilabuk. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? First reading is carried.

---Carried

Bill 11-64, Hon. Peter Ernerk.

First Reading Of Bill 11-64: Appropriation Ordinance, 1978-79

HON. PETER ERNERK: Mr. Speaker, I move that Bill 11-64, An Ordinance Respecting Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st day of March, 1979, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question being called. All in favour? Down. Contrary? Carried.

---Carried

Bill 13-64, Hon. Peter Ernerk.

First Reading Of Bill 13-64: Engineering, Geological And Geophysical Professions Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 13-64, An Ordinance Respecting Engineers, Geologists and Geophysicists, be read for the first time.

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

MR. LYALL: Mr. Speaker, I would just like to report to the House that we did not have time to look at this bill at our last meeting.

MR. SPEAKER: Mr. Lyall, strictly speaking, I think that is the kind of report that you might make on second reading. Is there a seconder? Mr. Lyall. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? First reading is carried.

---Carried

Bill 14-64, Hon. Peter Ernerk.

First Reading Of Bill 14-64: Financial Agreement Ordinance, 1978

HON. PETER ERNERK: Mr. Speaker, I move that Bill 14-64, An Ordinance Respecting a Financial Agreement Between the Northwest Territories and the Government of Canada, be read for the first time.

MR. SPEAKER: Seconder? Hon. Arnold McCallum. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? The first reading is carried.

---Carried

Bill 15-64, Hon. Peter Ernerk.

First Reading Of Bill 15-64: Loan Authorization Ordinance No. 1, 1978-79

HON. PETER ERNERK: Mr. Speaker, I move that Bill 15-64, An Ordinance to Authorize the Commissioner to Borrow Funds from the Government of Canada and Make Loans to Persons in the Northwest Territories During the Fiscal Year 1978-79, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Fraser. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? The first reading is carried.

---Carried

Bill 16-64, Hon. Arnold McCallum.

First Reading Of Bill 16-64: Northwest Territories Housing Corporation Loan Ordinance No. 1, 1978

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 16-64, An Ordinance to Authorize the Northwest Territories Housing Corporation to Borrow Funds, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Whitford. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? The first reading is carried.

---Carried

Bill 17-64, Hon. Arnold McCallum.

First Reading Of Bill 17-64: Judicature Ordinance.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 17-64, An Ordinance to Amend the Judicature Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? First reading is carried.

---Carried

Mr. Whitford.

MR. WHITFORD: Mr. Speaker, that was Bill 16-64, not 34 in the last.

HON. ARNOLD McCALLUM: I did not say 34, I believe. If I did, fine, sorry.

MR. SPEAKER: I think it is clear in everybody's minds that we are dealing with Bill 16-64, notwithstanding the fact that there may be a slip of a number there, because reference was clearly made by Hon. Arnold McCallum to the Northwest Territories Housing Corporation Loan Ordinance, I think. Mr. Lyall.

MR. LYALL: Mr. Speaker, I guess when we got to Bill 13-64 I had a question. I guess we are going into second reading now. My question I think would have been at that time whether it was proper for it to be introduced at the time. That was my question.

MR. SPEAKER: As I indicated to you, Mr. Lyall, the time to make points on principle is on second reading of the bill. No debate of any kind is permitted on first reading. When we get into second reading, then I call for a mover, the seconder and discussion, and it is at that time you can say quite properly, as chairman of the standing committee on legislation, we have not had a chance to look at that, and I suggest that it not be advanced at this time.

Now then, presumably the administration could stand up and withdraw the bill from first reading, so that it is not defeated. I think that would be the way, the procedure to follow. I should point out too, as I have on all occasions, that according to our Rules, bills may be advanced on the same day, from first to second reading, unless prior to calling second reading of any particular bill, two Members indicate that they do not wish the bill to proceed to second reading, because we have run into difficulty on this before. I just point that out to you. However, if you do that with all of the bills, then we would have a very short day today.

Item 12, second reading of bills.



ITEM NO. 12: SECOND READING OF BILLS

Bill 2-64, Accommodation Tax Ordinance. Hon. Peter Ernerk.

Second Reading Of Bill 2-64: Accommodation Tax Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 2-64, An Ordinance Authorizing the Imposition and Collection of a Tax on Public Accommodation in the Northwest Territories, be read for the second time.

The purpose of this bill, Mr. Speaker, is to create legislative authority for the imposition and collection of a tax on the sale or provision of public accommodation in the Northwest Territories.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum.

Now, I call to discussion, gentlemen, and you must discuss the principle of the bill. You can not get into the detailed sections but you can discuss the principle on second reading. Discussion. Mr. Butters.

MR. BUTTERS: Mr. Speaker, I voted on first reading to defeat this bill and I will vote on second reading to defeat this bill. I realize that it is before us now because you broke the tie and brought it forward for discussion. I appreciate that this is a good move on your part because it does give us an opportunity to point out the weaknesses in the bill and why it should not be brought forward at this time.

When it was originally proposed, the economic prospects of the Northwest Territories were a great deal brighter than they are today. I think Members took very much to heart, although our guests had left and much of the press had left and most of the visitors gallery had left, the real concerns, economic concerns raised by the Honourable Member from Hay River.

The Department of Economic Development is looking to the future, and it looks to, as one of the alternate sources of development, the tourist industry. I think that Canada has difficulties encouraging tourists to stay in Canada. This is why we are experiencing a \$4.5 billion annual deficit in our balance of payments, \$4.5 billion, and certainly we, in the North, find it very, very difficult to bring people into the territories.

Tourism An Important Industry

Now to slap a tax on the hotels which will provide the tourists the accommodation is, I think, a very great disincentive to one of the important alternate industries that we are now beginning to look at and I think for that reason alone, it should be rejected. We should be encouraging the tourist industry rather than encouraging tourists to go elsewhere and spend their dollars.

The second thing I have against the bill is that it is tied in, or has been tied in -- Bill 3-64 was not introduced but it has been tied in with that bill using the excuse that this tax will be used for an old age pension supplement and that is the way it was originally advanced. I think this is wrong. I do not think we should raise taxes on the basis of putting them in some specific place. I think that we should not consider this bill in relation to Bill 3-64, or in relation to the old age pension supplement. That is a priority item, and as a priority, should be judged on its particular and specific need, not in relation to this bill and this taxation requirement. For those two reasons I am going to once again vote against the bill.

MR. SPEAKER: Further discussion in principle? Mr. Pearson.

MR. PEARSON: Mr. Speaker, this bill has been before this chamber I think on two previous occasions, and often being accused of repeating myself, I would not want to miss an opportunity. But after the third time I think, can not the administration give up? Why continuously send this thing back to this chamber for approval? The whole principle was defeated. The bill was defeated on previous occasions, that the Northwest Territories tourist industry is a fledgling industry. It requires support. It requires as much assistance as it can get. No, it does not want to be taxed. It is already taxed with incredible costs of electricity and power in trying to establish itself and the burden that is already imposed upon the fledgling industry is bad enough without imposing further taxes. I voted against it then. I vote against it today and I will do it tomorrow or any other time you want to put it down here.

MR. SPEAKER: Further discussion in principle? Who moved the bill? Was it you Hon. Arnold McCallum or Hon. Peter Ernerk? Okay. No, Hon. Arnold McCallum.

#### Reason For Introducing Bill 2-64

HON. ARNOLD McCALLUM: Well, Mr. Speaker, I would just like to say that I do not think that the administration is trying to foist something on this House in terms of this bill. I would suggest that the bill is here because, in point of fact, the administration was requested to bring it back by this House in the last session.

The reason that it has been tied to another piece of legislation was, in fact, that the administration had to acquire funds somehow. You know, where are we to get these funds? I do not think that, you know, it would be fair for Members to suggest that they are trying to take three cuts at the same ball. I do not have to be knocked down two or three times to find out that it is coming through. This House had asked the administration to come back this time with a proposed piece of legislation. I think that the administration has made an effort and there has been a great deal of discussion already about the proposed ordinance by Members and by other people within the territories, but the administration has done what this House has requested it to do. To suggest that we are trying to belabour a particular point I think is totally erroneous.

MR. SPEAKER: Further discussion? Mr. Nickerson.

MR. NICKERSON: It would appear, Mr. Speaker, that in its public rounds, this bill has met with a good deal of opposition but I do not like to see Members who themselves were the original promoters of the legislation, who voted unanimously in favour of the administration bringing forth legislation at their request, turning things around and trying to put the blame on the administration. It is entirely unfair.

It may be that at Rankin Inlet or wherever it was where we suggested that a hotel tax would be a good way of financing the old age pension supplement, it may be that in retrospect that was not a particularly good idea or it may be that because of the economic depression in the territories following Mr. Berger things might have changed. It is just that it is no longer feasible to do that but I would not like to see Members of this House use our Members who are on the Executive as scapegoats. I do not think that that is the proper way of going about it.

#### Alternative Methods Of Funding

I would hope, Mr. Speaker, that we might get to the committee stage with both this bill and the bill which would allow the Commissioner to give old age pension supplements. I think that if that were to be done we might use the opportunity then to find alternative methods of raising the required funds, because it has been made very apparent to us that the federal government does not intend to put in very much money, if any money at all, into this proposed scheme.

I had hoped that the administration would have an opportunity during this debate on second reading, maybe in Hon. Peter Ernerk's summing-up remarks, to tell us what has actually happened to the old age pension supplement bill. It is not on the order paper. So, perhaps they could tell us what has happened to that and whether or not it is the intention of the administration to introduce that bill if the hotel tax is defeated on second reading.

MR. SPEAKER: Mr. Stewart, I think you had your hand up, then Mr. Lafferty.

Effect Of The Economic Situation

MR. STEWART: Mr. Speaker, the intent of speaking to this would be in agreement with Mr. Nickerson. I believe it was on the advice of this House that this bill was brought forward and at that time I was in agreement with it. However, things have so drastically changed in the economic field in the Northwest Territories, that although I was one of those that supported it being brought back into the House, at this time I can no longer support the bill and will vote against it.

MR. SPEAKER: Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, I too, when the bill had been first introduced, I had supported this at that point in time and Mr. Stewart just took my words here. I realize that the economics of Mackenzie Valley and elsewhere have changed a great deal and because of the response recently that I have been getting to the proposed ordinance, I am of a different opinion. I feel perhaps we should bring it into a committee discussion so that we may find some alternate means of raising money which is to assist the older citizens of the North. However, if this is not the case, then I would be prepared to move against the motion. Thank you, Mr. Speaker.

MR. SPEAKER: Further discussion? If there is no further discussion, then I will call the question. Question being called. Question being called.

HON. PETER ERNERK: Mr. Speaker, perhaps I should say a couple of things with regard to one or two remarks that were made just a little while ago. To answer the Honourable Member from Yellowknife North, we have the bill before us, a bill with regard to the old age pensioners, but this will depend on what we do with the accommodation tax. If we, as a House, pass the accommodation tax then we will go ahead with the old age pensioners' ordinance and have it discussed here. Mr. Speaker, we have also sent some correspondence to the federal government with regard to the matter and I am not sure exactly where we stand on this at this moment. Perhaps the Honourable Minister in charge of social services might have more on this than myself.

MR. SPEAKER: I am afraid not, Hon. Peter Ernerk, because you have wound up the debate. Question.

SOME HON. MEMBERS: Question.

Second Reading Of Bill 2-64, Defeated

MR. SPEAKER: All in favour? One, two, three, four. Down. Contrary? One, two, three, four, five, six, seven. Second reading of Bill 2-64 is lost.

---Defeated

Bill 4-64, Hon. Arnold McCallum.

Second Reading Of Bill 4-64: Nursing Profession Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 4-64, An Ordinance to Amend the Nursing Profession Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to provide for temporary certificates of exemption from registration to enable persons to work as nurses in the months preceding their formal qualification and to change the effective date of annual registration.

MR. SPEAKER: Is there a seconder? Mr. Stewart. Discussion in principle. Any discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 5-64, Hon. Arnold McCallum.

Second Reading Of Bill 5-64: Taxation Ordinance.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 5-64, An Ordinance to Amend the Taxation Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to make certain legislative changes to make the Taxation Ordinance compatible with a previous amendment to section 97 of that ordinance, to extend the deadlines for making demands for and payment of real property taxes, and to clarify the tax position in relation to church properties.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 6-64, Hon. Arnold McCallum.

Second Reading Of Bill 6-64: Corrections Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 6-64, An Ordinance to Amend the Corrections Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, minor amendments to the Corrections Ordinance are necessary to bring it into conformity with the Prisons and Reformatories Act (Canada) which was amended in August of 1977 by parliament. Other minor amendments are necessary to delete references to the Department of Social Development.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? The bill is carried.

---Carried

Bill 7-64, Summary Conviction Procedures Ordinance, Hon. Arnold McCallum.

Second Reading Of Bill 7-64: Summary Conviction Procedures Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 7-64, An Ordinance Respecting Procedures for Summary Conviction Offences under Ordinances, Regulations and Municipal Bylaws, be read for the second time.

The purpose of this bill, Mr. Speaker, is to provide for a system of laying informations and issuing summonses in respect of certain offences by means of tickets which may be issued by peace officers and to enable persons accused to pay specified amounts and thereby avoid court appearances.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 8-64, Hon. Arnold McCallum.

Second Reading Of Bill 8-64: Vehicles Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 8-64, An Ordinance to Amend the Vehicles Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to provide for automatic suspensions or driving prohibitions in respect of persons convicted of offences against the Criminal Code committed by means of a motor vehicle, to enable further classifications of driving licences and vehicles and different driving examinations for each class of licence, to enable municipal councils to make bylaws on traffic matters irrespective of whether or not such provisions are enacted in the Vehicles Ordinance, to increase certain fines and to correct certain legislative errors.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 9-64, Hon. Arnold McCallum.

Second Reading Of Bill 9-64: Collection Agreement (Income Tax) Questions Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 9-64, An Ordinance Respecting the Resolution of Questions Arising out of the Collection Agreement Entered into Pursuant to the Income Tax Ordinance, be read for the second time.

The purpose of this bill, Mr. Speaker, is to allow questions respecting the collection agreement under the Income Tax Ordinance to be referred to the court by the Commissioner.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 10-64, Hon. Arnold McCallum.

Second Reading Of Bill 10-64: Retirement Plan Beneficiaries Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 10-64, An Ordinance Respecting the Designation of Beneficiaries under Retirement Savings Plans, be read for the second time.

The purpose of this bill, Mr. Speaker, is to adopt a Uniform Act prepared by the Uniform Law Conference of Canada. Its main purpose is to allow a contributor to a retirement plan to designate his beneficiary.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question is being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Bill 11-64, Appropriation Ordinance. Hon. Peter Ernerk.

Second Reading Of Bill 11-64: Appropriation Ordinance, 1978-79.

HON. PETER ERNERK: Mr. Speaker, I move that Bill 11-64, An Ordinance Respecting Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st day of March, 1979, be read for the second time.

The purpose of this bill, Mr. Speaker, is to provide funding for the territorial government for the fiscal year 1978-79.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Second reading is carried.

---Carried

Second Reading Of Bill 13-64, Stood Down

Bill 13-64. Now, before we call Bill 13-64, as I have indicated before to Mr. Lyall, this would be an appropriate time for him and one other Member to indicate they do not want second reading given under the Rules and it will just be stood down until tomorrow. That is that Rule that says if two Members indicate they do not want second reading given then it will not be given at this time. In other words, it will not be advanced two stages in one day. Mr. Butters.

MR. BUTTERS: On a point of order, Mr. Speaker, would it not be just as well to amend second reading and refer the bill to the legislation committee, which I think is the matter we wish to see occur.

MR. SPEAKER: Well that is a rather complicated way, I suggest, Mr. Butters, of doing what I have indicated can be done in that way. If Mr. Lyall, as chairman of the standing committee on legislation indicates he does not want the bill advanced to second reading and he gets the support of one other Member, that is all it takes to do exactly that. Second reading of Bill 13-64.

MR. LYALL: Mr. Speaker, then could this bill be referred to the standing committee on legislation?

MR. SPEAKER: You do not want this bill advanced to second reading at this time, is that right?

MR. LYALL: That is right, Mr. Speaker.

MR. SPEAKER: Does Mr. Lyall have the support of one other Member? Mr. Butters, Mr. Stewart. This second reading of Bill 13-64 will therefore be stood down.

Bill 14-64, Hon. Peter Ernerk.

Second Reading Of Bill 14-64: Financial Agreement Ordinance, 1978

HON. PETER ERNERK: Mr. Speaker, I move that Bill 14-64, An Ordinance Respecting a Financial Agreement Between the Northwest Territories and the Government of Canada, be read for the second time.

The purpose of this bill, Mr. Speaker, is to authorize the Commissioner to enter into an agreement with the Government of Canada providing for the payment of operating and capital grants to the Government of the Northwest Territories.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Carried.

---Carried

Bill 15-64, Hon. Peter Ernerk.

Second Reading Of Bill 15-64: Loan Authorization Ordinance No. 1, 1978-79

HON. PETER ERNERK: Mr. Speaker, I move that Bill 15-64, An Ordinance to Authorize the Commissioner to Borrow Funds from the Government of Canada and Make Loans to Persons in the Northwest Territories During the Fiscal year 1978-79, be read for the second time.

The purpose of this bill, Mr. Speaker, is to authorize the Commissioner to borrow funds for the purpose of making loans to municipalities and others.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Discussion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? No contrary. Second reading is carried.

---Carried

Bill 16-64, Hon. Arnold McCallum.

Second Reading Of Bill 16-64: Northwest Territories Housing Corporation Loan Ordinance No. 1, 1978

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 16-64, An Ordinance to Authorize the Northwest Territories Housing Corporation to Borrow Funds, be read for the second time.

The purpose of this bill, Mr. Speaker, is to authorize the borrowing of funds by the Northwest Territories Housing Corporation for the purpose of carrying out various housing programs under the National Housing Act.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Carried.

---Carried



Bill 17-64, Hon. Arnold McCallum.

Second Reading Of Bill 17-64: Judicature Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 17-64, An Ordinance to Amend the Judicature Ordinance, be read for the second time.

The purpose of this amendment, Mr. Speaker, is to provide for the appointment of an additional judge of the supreme court of the Northwest Territories and to make consequential changes in the Judicature Ordinance.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? No contrary. Second reading of Bill 17-64 is carried.

---Carried

MR. SPEAKER: Gentlemen, you have been so expeditious today that the next item of business is Item 13, and I am going to have to discuss just where we go from here. However, since it is coffee time, it is an appropriate time to break and have that brief discussion. Legislative Assembly therefore recesses for 15 minutes for coffee.

---SHORT RECESS

MR. SPEAKER: Gentlemen, the House will come to order. Item 13, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

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

This House will resolve in the committee of the whole for consideration of Bill 8-64, the Vehicles Ordinance, with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 8-64, Vehicles Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 8-64, VEHICLES ORDINANCE

THE CHAIRMAN (Mr. Stewart): Committee will come to order to study Bill 8-64, An Ordinance to Amend the Vehicles Ordinance. The Chair will accept comments of a general nature at this time.

HON. ARNOLD McCALLUM: Mr. Chairman, as I had indicated, the purpose of the ordinance is to attempt to upgrade the Vehicles Ordinance in respect of providing an opportunity for municipal councils to make bylaws on traffic matters; to enable persons who have been convicted of offences against the Criminal Code committed by means of a motor vehicle; to provide for automatic suspensions in driving prohibitions; to correct certain legislative errors that are in the ordinance now; and to increase fines under the ordinance, and finally Mr. Chairman, to introduce driving examinations for various classes of licences and make them compatible with other jurisdictions.

Before we get into very much of this, Mr. Chairman, I wonder if I might prevail upon the House to bring in three of the witnesses, in the persons of the director of the Department of Public Services, Mr. Irving; Mr. MacLean as well and Mr. Singer the draftsman of the ordinance. We would have these three people come before and act as witnesses. I would be most appreciative.

THE CHAIRMAN (Mr. Stewart): Do I have the committee's approval to call these witnesses?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): I am sorry. I evidently did not have my mike on. We are dealing with Bill 8-64. There is a paper I would ask the Clerk to distribute on this Bill 8-64. Call the witnesses please. Comments of a general nature, Bill 8-64. Possibly there are no comments of a general nature at this time. We could ask our witnesses to bring us up to date on exactly the purpose of this amendment.

Classification Of Drivers' Licences

MR. IRVING: Mr. Chairman, Members of the Legislative Assembly, I had asked Mr. Remnant to provide an information paper which sets out the five main purposes of this bill. I wonder whether he has done that. Basically the amendments to the bill provide for our department to commence the classification of driver licences with improved driver examination.

Just a very brief explanation here. This type of classification for driver licences, we do not have. We are the only body in Canada that does not have a proper type of classification. The Yukon and all the other provinces have this type of classification. The main purpose is that we are finding it difficult for people in the territories when they go outside to have their driver licences recognized by the other provincial bodies. An example being if somebody goes out and wants to rent a car, we have found recently in some provinces that the territorial driver's licence may not be accepted by other provincial authorities. Also to improve the driver examination which runs hand in hand with that classification.

Number two, to provide for automatic suspension for and/or driving prohibitions for people convicted under the Criminal Code. All other provinces have this provision, we do not in the territories.

Number three, to enable the municipal councils to enact the bylaws regarding vehicle matters. This rectifies a problem particularly in the Eastern Arctic, involving the operation of the three wheel Honda, the all-terrain type of vehicle, where some of the bylaws now are ultra vires of the Vehicles Ordinance. It is an amendment to put matters straight and to help us in looking after these all-terrain vehicles.

Very briefly, the snowmobile is not a motor vehicle, but the three wheel Honda and any other type of similar vehicle is a motor vehicle under the ordinance and this is where we are having a problem, in that the police have their hands tied and they are enforcing the Vehicles Ordinance respecting the three wheel Honda and those all-terrain types of vehicle, which is, in some areas providing a hardship on our native people, particularly in the Central and Eastern Arctic.

Number four, to increase the fines and this is always a hardship. This was a recommendation from the chief magistrate to bring the fines into line with the other provinces, particularly Alberta.

And number five, to correct the spelling and numbering errors that are in the present legislation. And there are a number, and they are contained in the schedule that is attached to the new legislation. Some of these are just straight spelling errors that had been previously made in the legislation.

I believe that covers it in brief. If there are any further questions that you might have we would be pleased to cover any further explanations you might want.

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

#### System Of Licensing

MR. NICKERSON: Yes, Mr. Chairman. I would imagine one of the best ways of dealing with this would be to split the bill into its various principles. The first one I believe, deals with classification of driving licences; the second one on mandatory suspensions; the third one on empowering municipalities to make additional vehicles regulations.

Now on the first issue, the need for a rather detailed and complex system of licensing, I would have preferred it personally, if the Northwest Territories could have kept to the existing system. I am rather adverse to making anything complex when it could be kept simple and I understand from the evidence just presented by the witnesses, that this has become necessary because certain other jurisdictions, certain other provinces, in the witness' words, have not accepted our licences. I presume by this he means that people from the territories have gone down to a province and have not been allowed to use that licence in the province. I think that the proper manner of showing us that this legislation is necessary from the point of view of the administration, is to show us where this has happened and explain to us in some detail, where this trouble is arising. So I guess, Mr. Chairman, my first question is where have our licences not been accepted?

#### Acceptance Of N.W.T. Licences

MR. MacLEAN: There have been some instances in two of the western provinces but in particular the province of Ontario, we have had objections from them in respect to the lack of driver testing and the lack of suitable classification system for licences; with respect to operators driving on the highways in the province of Ontario. There have also been discussions with the registrars of motor vehicles in British Columbia, Alberta and Manitoba, in relation to the possible upgrading of our driver testing program and a classified licensing system.

Apart from that aspect we have had complaints from Northwest Territories residents who hold operators' licences from this jurisdiction, with respect to their operators' licences not being recognized from car rental firms when they wish to rent a car in some of the eastern cities.

MR. NICKERSON: Mr. Chairman, is there anything in writing, is there any communication from any of the provincial licensing agencies, any written evidence that can be presented to us?

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

MR. MacLEAN: I believe that there is something on file from the province of Ontario but I would have to check that. Apart from that the Canadian Conference of Motor Transport Administrators meets yearly and over the last two annual meetings this matter has been discussed in detail with the registrars of motor vehicles from all the other jurisdictions in their attempts to establish a standard driver training and classified licensing system across the country. That is where the complaints have arisen and they have been of oral nature but I would be pleased to search our files and see what I can discover in writing.

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

MR. NICKERSON: No, that is all I have on this at the moment but I would very much like to see something in writing from one of the provincial authorities. I do not know whether the minutes of this Canadian Conference of Motor Transport Administrators was committed in writing but if they are, I think that would be very helpful too.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Steen, we are on Bill 8-64 in committee of the whole, for your information. Mr. Pearson, had you indicated that you wished to speak?

Snowmobiles.

MR. PEARSON: I have several questions Mr. Chairman, on the bill as a whole. I wonder what the possibilities would be of including snowmobile under motor vehicle?

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

MR. IRVING: We have legislation being proposed now to cover the all-terrain vehicle. The problem lies in the enforcement and it makes a problem for the RCMP. If the snowmobile was designated a motor vehicle and subject to the requirements of a motor vehicle, that is you would need a licence to drive it. You would have to be 16 years of age to operate it. It means insurance on it. It would be subject to the various speed restrictions on a vehicle on a highway, and this is the problem.

When a vehicle or an all-terrain vehicle is operated off a highway on the land, it should not be subject to those restrictions and those laws. As it is now, the snowmobile does not need those types of restrictions placed on it. If a young lad under the age of 16 is competent in operating it, he can do so. The problem involves operating a snowmobile within the hamlet or village or community. What we propose is that with the all-terrain type of legislation which would cover all those vehicles, the three wheel Honda, the minibike, and the snowmobile, then the municipal bylaws could be enacted to govern the operation of those vehicles in the community. But when they are on the land there are not those restrictions. Do you follow me?

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

Dangerous To The Public

MR. PEARSON: Mr. Chairman, I know what Mr. Irving is saying and I do not agree that they can not be licensed. We in Frobisher Bay are having a hell of a time trying to maintain some kind of control over snowmobiles. In fact it was only a few days ago that a lady died from an accident that she sustained after being hit by a snowmobile, driven by somebody under the age of 16. The community is fully prepared and willing to accept the restriction in the community of no one under the age of 16 operating a snowmobile.

Any of these machines that use roads and drive at high speeds are dangerous devices. I think they should be restricted under some kind of territorially wide legislation and not necessarily rest with the municipalities. They are a danger to the public. There are many of them now, we must accept them as part of our lives. They are here to stay and there have to be some very rigid controls. I would also suggest that there be some kind of examination made of the operator before he is given a licence to even drive a snowmobile. I think we are going to have to accept this as part of our northern lifestyle. They are a menace as it is now and without any responsibility. They can hit insured vehicles, insured vehicles hit them but there is no responsibility on their part to be insured, nor do they have any registration plates, nor are they subjected to the lights and noise pollution and all the rest of these things. They go whizzing around the roads, in what appear to be out of control half the time because they are so difficult to steer.

Now the municipality of Frobisher Bay is having a difficult time in trying to enforce some kind of restrictions on these machines. Of course the police are unwilling to enforce the bylaw that exists because they say you go in pursuit of a snowmobile breaking the law in a police car and he suddenly switches off the road and heads across the fields of Frobisher Bay and that is the end of the pursuit as far as the police are concerned. Whereas if that particular vehicle had some kind of number plate that should be imposed territorial wide. So, I would suggest, Mr. Chairman, that snowmobiles perhaps do fit under the Vehicles Ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. As a point of interest to the committee, the suggested changes that were made by our legislation committee when they were studying this bill will be found on page 16. This is the recommendations of our own committee, if you wish to look at those as you proceed. This particular set-up makes it rather difficult to follow. You might want to tear those sheets out and put them in their appropriate place because you are going to be switching back and forth and you can get great confusion going here. This is evidently a new procedure, and it certainly does not appear to me to be going to work very well. Mr. Pearson, did you have something further?

MR. PEARSON: Not just at this point. Perhaps a response from Mr. Irving or his experts.

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

#### Snowmobile Problems Vary In Communities

MR. IRVING: Yes, Mr. Chairman. Mr. Pearson, you are no doubt aware that the snowmobile operation is now covered by the Snowmobile Ordinance and it does provide for those types of things that you mentioned, including the operation. We are quite aware of the problems in the Eastern Arctic, particularly Frobisher Bay. I think each of the communities have different types of problems and it is our belief that if you, as you suggest, change back to the ordinance and put snowmobiles back in as vehicles, in some of the smaller communities, take for instance like Eskimo Point or even Igloolik, you would probably provide a hardship on some of the native people operating that type of a vehicle. They would have to have insurance on the vehicles. They would have to be properly licensed. They would have to pay for the licence plate, a driver's licence. They would be limited by age as to who could operate the vehicle.

We are planning a type of legislation which would encompass the snowmobiles as well as all-terrain vehicles, to rectify some of the problems that exist, that you have stated. This also includes an unsatisfied judgment fund which would provide in some cases where there was not insurance and there was damage or liability involved, as is the case in some of the other provinces. I think that the way we had it planned with the Snowmobile Ordinance and these amendments to the Vehicles Ordinance, it does put the onus on the municipalities or the smaller communities, but those particular places have their own problems and they are best apt to cope with it.

If you put it into the ordinance then the enforcement falls on the RCMP to enforce the Vehicles Ordinance and they are in the position that they have a hard time deciding when the vehicle is being used in the community and when it is being used on the land. If it is being used at all in the community it has to be licensed. If it is being used on the land and you can not just leave the vehicle at the edge of the community. This is where the problem lies.

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

Municipal Bylaws

MR. PEARSON: With all due respect to Mr. Irving, we find that in the case of a community such as Frobisher Bay the RCMP are reluctant to act and to enforce the bylaws of the municipalities. You know it has been said in this House that the RCMP agreement does not provide for certain services within the communities, bylaw enforcement; and as long as the snowmobile is on that borderline area, then the RCMP have a good excuse for not doing anything about them.

I think that we have to accept the snowmobile as a reality of the northern life. They are not toys. They cost a fortune. They cost up to \$3000 each. They travel at incredible speeds with virtually no control at all. They whiz around communities causing untold misery and unhappiness to communities because of the noise and the smell and everything else. They whiz around people's homes, up and down snow banks and around houses without any regard for people's comfort. I think that this Assembly should consider the snowmobile as a dangerous vehicle.

In the case of the lady that was killed in Frobisher or died last week as a result of the accident, you know there was no insurance on the machine. The time has come. I think in Igloolik as you mentioned and in Broughton Island and in any of those communities, the people require the same kind of protection there. They have the same difficulties there as they have in any other community, be it Frobisher Bay or Yellowknife.

Yellowknife, you are fortunate. You have a bylaw enforcement organization and the Yellowknife police force but you know we in the smaller communities can not afford a duplication of police services. The communities such as Igloolik can not afford to have their own bylaw enforcement people.

Putting the snowmobile under the Vehicles Ordinance then forces the RCMP to act and as long as they take on the responsibility of the Vehicles Ordinance -- I do not know how much longer they will keep that one, but assuming they keep it for a while, the snowmobiles under that one would give us some assurance in the settlements that the law is being upheld.

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

Administering The RCMP Agreement

MR. IRVING: Yes I have, Mr. Chairman. One of the other responsibilities of my department is to administer the RCMP agreement and I am a little disturbed to hear from the Honourable Member for South Baffin that the RCMP are not enforcing those particular bylaws. The agreement that we have with the RCMP clearly indicates that they must enforce those particular bylaws in the smaller communities and that includes Frobisher Bay.

There is a reluctance we know, on the part of the RCMP to enforce what they term non-police duties and those include bylaws, but by the very nature of the Northwest Territories there was an addition to the agreement where by tradition and in the absence of other enforcement bodies, the RCMP must enforce those non-police duties, including bylaws.

Now, Yellowknife, Hay River and the larger communities do not do that but in the smaller communities they must do it. There is a provision in the Snowmobile Ordinance to cover those things that you have mentioned. Those are local bylaws, they can be amended locally to suit the existing conditions and as I have mentioned before we believe that certain communities have their own different problems. Certainly Frobisher Bay has its share and there is a problem involving motor vehicles but I know the RCMP are reluctant to enforce the provisions of the ordinance now respecting, for instance, the three

wheel Honda, because it is considered a vehicle and if you will just bear me out here.

The three wheel Honda as it now exists, is a vehicle under the Vehicles Ordinance and is subject to all the requirements of a vehicle. It means it must be licensed, it must be insured, the operator must be a licensed operator and surely that is a hardship when some young fellow wants to take it out on the land. He is contravening a number of various regulations.

The new legislation which will follow this, we hope, which will govern all-terrain vehicles including the snowmobile because the snowmobile is used probably more off-highway than within the settlement. The problem exists we know in the settlements but for those people particularly some young lad from the Eastern Arctic that is quite capable of operating a snowmobile, if you made it a vehicle he can not operate it. You can not have it both ways.

THE CHAIRMAN (Mr. Stewart): My list indicates that Hon. Peter Ernerk has the floor, followed by Mr. Lyall.

#### Different Uses Of Snowmobiles.

HON. PETER ERNERK: Mr. Chairman, I would agree that you include snowmobile in the Vehicles Ordinance because of the difficulties that we have right now in the smaller communities where accidents have happened, I know that in Baker Lake a couple of years ago when I was living there one or two accidents took place. But I think Mr. Irving is also quite correct in saying that it would place a lot of difficulties on the part of the hunters because the majority of the people, after all, use the snowmobiles for hunting purposes.

At the same time I can appreciate the fact that snowmobiles are used just like cars in places like Yellowknife for example, because a lot of the people use them for shopping purposes as well. Not in Yellowknife, mind you, but in the smaller places like Baker Lake, Eskimo Point and so on. One of the difficulties would be if you decided to put snowmobiles under the Vehicles Ordinance, is that many people, especially the people who use snowmobiles for hunting purposes, will definitely find it somewhat difficult in order to meet all of the requirements that you require to have an ordinary vehicle. I certainly would not mind seeing a provision made if there is not one already but perhaps within the Municipal Ordinance. I am not sure whether there is a provision already made within the Municipal Ordinance where a municipality or a settlement or a hamlet is allowed to make their own regulations. I think this is what Mr. Irving is really trying to say. Am I correct on that?

MR. IRVING: You have this provision now under the Snowmobile Ordinance to do just that very thing, Hon. Peter Ernerk. Maybe if I could ask our legislation counsel, Mr. Singer, to explain just the procedure there.

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

MR. SINGER: Yes. In the case of a municipality, the municipality makes its own bylaws and in the case of a settlement, it has regulations. It proposes regulations to be made by the Commissioner and the Commissioner makes the regulations accordingly.

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



Snowmobile Regulations.

MR. LYALL: Mr. Chairman, that is exactly one of the things that I was going to bring out. Like in the Central Arctic, in every community we have snowmobile regulations and they are looked after by the local RCMP. In the case of where there is no RCMP, they appoint their own person either right from the council or from the public to see that that regulation is adhered to.

It works very well in every community in the Central Arctic. In the Central Arctic we never had any deaths because of snowmobile accidents yet but I could see the points that Mr. Pearson was making, that some people do really abuse the speed limits in town with skidoos but it is pretty hard, I guess. I personally would like to see where a person could insure their snowmobiles.

Personally I would not mind paying some kind of insurance just in case I do get hurt on the skidoo but the thing is, like Mr. Pearson also said, the skidoos you buy nowadays -- there is one skidoo right now that you pay over \$4000 for, they just brought it out. It does cost hunters and trappers a lot of undue moneys that could be spent for something else. The same thing is the Accommodation Tax Ordinance which is going to put undue hardship on all hotels and motels in the territories.

If we do put this provision in for the skidoo for the local hunters and trappers, it is causing them the same kind of things that we would be causing with that Accommodation Tax Ordinance. So I would suggest that before you look into the settlement, there is a provision that you could have the settlement council make their regulations and they are looked after by the RCMP and they work very well.

Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Any comments from our witnesses? If not, Mr. Butters.

MR. BUTTERS: Mr. Chairman, I would like to ask our Legal Advisor through you whether or not there is any requirement and I have not studied this, to make certain amendments in the Municipal Ordinance as well, to achieve the third item whether or not such legal provisions should not be in that ordinance, rather than in the Vehicles Ordinance.

Matters Relating To Vehicles.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, it is not uncommon to treat matters that the municipal councils can deal with in an ordinance other than the Municipal Ordinance. In other words, it is probably better in this case to have everything relating to vehicles, or as much as possible, in the Vehicles Ordinance rather than in the Municipal Ordinance. This would be sufficient, I think, to allow the municipal councils to make the bylaws that are specified in this ordinance.

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

MR. BUTTERS: Thank you, Mr. Chairman. I disagree with our Legal Advisor in that I think it would be better to be in the Municipal Ordinance, so that the municipal people who administer that third level of government know fully and exactly what their functions and responsibilities are. If it is hidden away in another ordinance it may give the idea that the Vehicles Ordinance takes precedence over the Municipal Ordinance. I think in my own humble opinion, the Municipal Ordinance is much the more important of the two.

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

HON. DAVID SEARLE: Mr. Chairman, this discussion about snowmobiles is not a new one. I think it is the eighth or tenth time that I have heard it so far. My recollection was that we had, either through the Vehicles Ordinance or the Municipal Ordinance, I do not know which, or maybe through a specific ordinance itself, delegated the regulation of snowmobiles to municipalities and had purposely taken their regulation out of the general application which is what the Vehicles Ordinance deals with. Because we appreciated that you could not properly make laws with respect to the operation of snowmobiles, that would have general application throughout the whole territories because of the very different and distinct uses made of them in various parts of the territories.

In other words, in Yellowknife the snowmobile is essentially a recreational vehicle, whereas maybe in Mr. Lyall's constituency, it would partly be that, but essentially it would be the means of transportation that a hunter, a trapper, a fisherman, would have, that a family would have to go to and from shopping and one thing or another. So as I understood it, we had left and purposely made the regulation with respect to snowmobiles, up to municipalities.

#### Insurance For Snowmobiles

The other aspect that was very much of concern was the matter of insurance for snowmobiles and the fear there was twofold, as I recall. Firstly, there was the hope that all operators could have coverage but then there was the fear expressed that not everywhere in the Northwest Territories, in every settlement, could you obtain insurance coverage simply because there is not in most settlements, an insurance agent readily available to sell that kind of coverage. The fear was therefore, that mandatory insurance coverage would be entirely out of the reach of a lot of people who were living off the land, and hence impair their ability to go out on the land. Those were all of the concerns as I recall them.

Now, I guess therefore my first question would be, what piece of legislation did we delegate to the municipalities, the power to regulate snowmobiles?

MR. SINGER: In the ordinance relating to snowmobiles we have a specific piece of legislation. As I said previously, the position is that the municipality may make bylaws regulating snowmobiles and the settlement may request the Commissioner to make regulations, and the Commissioner acts accordingly and makes regulations. In fact, as Mr. Lyall said previously, there are quite a large number of these regulations already in force.

HON. DAVID SEARLE: If I may then, Mr. Chairman, appreciating that, I guess what the answer really suggests is that since that legislation is already in place, we should probably leave the matter of snowmobiles and go on to something else. If I may deal then specifically with this bill and express the general concerns that I have.

As I see the effect of section 44 as recommended by the administration, which is clause 2 and look at the other clause 2 proposed by the standing committee, I take it the effect or the difference is that the section proposed by the administration would leave the various classes of licences up to the Commissioner to set out in regulation; whereas the legislation committee would prefer to spell them out in the bill. What bothers me with the committee's recommendation -- it appears in subparagraph 2(2)(b) of section 44 and the use of words with such minor variation. Maybe I should leave that until we get a clause by clause study, but I wonder about that.

Suspension Of Drivers' Privileges

Then, if I may, the committee does not seem to mind the balance of the administration's suggestions which deal essentially with the automatic suspension of drivers' privileges. That is the one that concerns me most and I am wondering if I could just clarify what I think I heard Mr. Irving say that there was some support given for this section by the chief magistrate. Did I hear him say that?

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

MR. IRVING: No, Mr. Chairman, the recommendation from the chief magistrate was in respect to the increase of penalties, to bring them in line with the other provinces. You are speaking now of the automatic suspension and prohibition.

HON. DAVID SEARLE: Mr. Chairman, I am wondering if the administration spoke to the judiciary with respect to whether they supported automatic suspension of drivers' privileges.

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

MR. MacLEAN: Yes, I had several discussions with the judiciary, the magistrates, and their feeling is that they would like to leave it exactly the way it is right now, that they would like to have full discretion in relation to the suspension of drivers' licences.

HON. DAVID SEARLE: Does the administration lack confidence in its appointees?

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

MR. MacLEAN: That was one aspect of presentations made to the people involved in this. The RCMP of course, would like more severe penalties than are proposed here with respect to automatic suspensions. The crown attorney's office presented their viewpoint and there were some representations from the members of the public. This amendment is being presented on the basis of submissions that we heard and in relation to what has been done in the other jurisdictions in Canada. There was also a judgment handed down by Mr. Justice Tallis some six to eight weeks ago on an appeal with respect to a driving offence under the Criminal Code in which he directed the magistrates that in convictions of this sort, there should be suspensions of drivers' licences.

In speaking to the magistrates, they have indicated to me that they feel that they have to follow the direction given by Mr. Justice Tallis and in convictions subsequent to that judgment, there have been suspensions of drivers' licences with respect to convictions for operating motor vehicles under the Criminal Code.

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

Suspensions Prescribed By Legislation

HON. DAVID SEARLE: Mr. Chairman, it is one thing to follow the rule of what is called stasis decise or precedent from a higher court and it is another thing to put very stringent suspensions in legislation automatically follow from any conviction that set out minimums, that set out very, very severe minimums. There is no doubt that the RCMP and the crown attorney's office would like to see it spelled out in legislation because they like to deal with certainty. They like the policies of rigidity, to know where they are going and they do not like things being left up to the courts, to be decided on the merits of the individual case. The courts and the practising bar obviously

take the opposite view that you should not put your court in the position of being a mere rubber stamp or a computer; you just punch in a conviction and out automatically comes a fine prescribed by legislation and a suspension prescribed by legislation.

We certainly have consistently, over the last ten years that I have been a Member of this House, removed and refused to enact minimums, statutory minimums and have consistently held the view, very much encouraged by myself, of course, that you should -- though you may set out minimums, though certainly you may set out greater punishment for first and second convictions, but you do not -- you indicate the maximums but do not prescribe minimums because there are so many different cases and different circumstances that can arise, that would mitigate against that. In other words, 95 per cent of your cases may indeed receive suspensions, may indeed receive heavy fines. There is always that five per cent where it would be unjust and entirely inappropriate to do that, so you leave these minimums off so that the courts can, in those limited number of cases, be just.

#### An Example Of An Impaired Driving Charge

I will give you just an example of the sort of thing that happens. This is an actual case that I had. A case where a young man had gone into the Gold Range and he had had three beer. He came out of the Gold Range and he got into his car and he drove from the Gold Range towards his home. He is one of these people who have a little card that is issued, that tells you how many drinks you can have over what period of time and if you keep within that you are not impaired. Of course that is just a rough guideline.

So it says that if you have no more than three drinks in a certain period of time, you are probably not impaired. So he had this and he had his three drinks. What he did do though, he had his three drinks in a period of time that was shorter than the time set out. So he went home. There was nothing untoward in his driving, he did not collide with anybody, did not injure any property, did not run into a telephone pole, but on a Friday night it is police practice in this city to patrol that circle, running from the Yellowknife Inn to the Gold Range and around the block and back and everyone who steps out of one of those hotels and climbs into a motor vehicle after a certain time in the evening is stopped, like a check stop. You do not have to be doing anything wrong, just getting into that motor vehicle is suspicion enough and that is all this young man did. So the police walked over and said have you been drinking, and he said yes, I have had three beer. Come with me to the station. Onto the breathalyzer he goes and his reading was .10.

Now, you have to appreciate that .08 is the statutory maximum. You can be charged but the police do not charge, as a matter of policy, unless you exceed .10. This young man was right on .10, and the breathalyzer operator said well, if you were under .10, we would not charge you. It is just if you are at .10 or over that we charge you, so he was charged.

He came before the court but in those circumstances the court and I think properly so, held that that was so nominal, so technical an infraction that he should only receive a \$50 fine and not the normal \$250 fine and the court refused to exercise its discretion and suspend the operating privileges. He said what you have here obviously is a very zealous practise of enforcement that caught this young man and though he was technically guilty, a \$50 fine is all that is required in his case.

Discretion Of The Courts.

Now, if you pass this kind of legislation that the administration proposes, that person will be receiving, in the case of a first conviction, an automatic suspension of six months as I read it. I just wonder whether or not you want to remove from the discretion of the courts those legitimate situations that heretofore have not required suspension even though the courts have had in the past, the power to make these suspensions.

In other words it is not as if they have not had the authority previously and they certainly have exercised it, I submit in legitimate cases, but the issue here is whether you make them automatically suspend driving privileges, regardless of the circumstances and my humble suggestion gentlemen, is that you do not, even though this is common legislation in other jurisdictions. I think it is bad legislation in those other jurisdictions. It is the type of legislation that puts the court in a position of having to award punishments that it may not think fit or appropriate in those cases and if you carry that too far you know what kind of a governmental structure you end up with.

There was a guy who used to make his judges wear the little swastika too. They did not think that the punishments they had to mete out were necessarily fit or just in the circumstances. I speak very, very heavily against this kind of legislation.

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

MR. MacLEAN: If I may Mr. Chairman, the principal reason for this type of automatic suspension being enforced in the other jurisdictions in Canada is because of the drinking and driving problem. It has been the feeling of the experts in this field that the provision of automatic suspension of operators' licences does have a deterrent effect on the drinking and driving convictions. Apart from that, of course our drivers who may be in other jurisdictions and are charged with impaired driving are susceptible to the legislation in that jurisdiction.

THE CHAIRMAN (Mr. Stewart): Would the witnesses please slow down? Our interpreter is having a little trouble.

Issuance Of A Restricted Licence

MR. MacLEAN: Oh, I am sorry. I should also like to point out to the Members, Mr. Chairman, section 54 of the ordinance provides for the issuance of a restricted licence to operate a motor vehicle by a magistrate, who convicts the driver.

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

HON. DAVID SEARLE: If I just may say, I appreciate that there is that section as well, but what I am dealing with is, and I hope everyone will agree, that the example I gave is a legitimate case where no suspension at all is appropriate and not where you give a suspension on the one hand and then you give a liberal permit to operate a restrictive licence on the other hand.

I am saying that I appreciate that that section is there, but there are still legitimate cases where it would not be appropriate at all to suspend. I have the complete confidence that in those cases where you have a serious breathalyzer reading or where there are circumstances where you could have caused bodily injury or property injury to a third party or where you did cause bodily injury or property injury to a third party, that the courts will give you a very hefty suspension. They will exercise their discretion. The question is whether you remove from the courts this discretion.

THE CHAIRMAN (Mr. Stewart): Did this young man, by any chance, have a good lawyer, Hon. David Searle?

HON. DAVID SEARLE: Well, I said at the beginning that this was a case I had.

THE CHAIRMAN (Mr. Stewart): Mr. Steen, I have you next on my list.

#### Responsibility Of Snowmobile Owners

MR. STEEN: Mr. Chairman, after listening to all the debate, I think I have to go back to what Mr. Pearson was saying earlier, that in the communities I see his concern. I have to go along with what he has said. I believe that there is not enough responsibility with snowmobile owners exercised amongst the owners themselves.

I find it the responsibility of the drivers. There is very little concern taken to the other people who are in the community, especially by the younger generation where they just tear through town at their own discretion. All they have to do, it seems to me, is that if they wanted to go from one place to another is that they just get on their snowmobile and go and tear through town. Sometimes what I have been experiencing in the few years now that the snowmobile has been introduced in the North is that sometimes they carry long sleds behind these snowmobiles and their children are sitting on those sleds. If there is a vehicle travelling who has got a licence to travel on the roads and is confronted with these sleds, no one knows just when you are going to come across a snow bank or a high spot where there is snow piled up and then a sled comes around there or a snowmobile and you find yourself in a situation where you are liable to crash into them.

If I am right here; everytime you get into an accident, no matter who you have run into and whether the other fellow has got insurance or not, you still get it on your record when you crash into someone. I think there can be two ways probably that we can deal with this thing. If snowmobile owners want to travel on your roads, then get them to get insurance, get them to get a plate to attach to this snowmobile. If they do not have them, then stay on the sides of the roads or off the roads, since a snowmobile can go anywhere. If he wants the privilege of travelling on the roads, then he has to get his plates. I disagree with what Mr. Butters was saying that it should be left up to the Municipal Ordinance. I think that not enough people in the small communities are capable or really know how to go about handling situations of such a problem. I think that we have to make provisions in this ordinance where if a fellow wants to use the public roads, then maybe we should have it in our Vehicles Ordinance.

THE CHAIRMAN (Mr. Stewart): Gentlemen, this debate, even by way of general comment, really does not have too much to do with this particular ordinance that we are dealing with. However, inasmuch as the snowmobile is a real problem, the Chair is prepared to let this continue, unless instructed otherwise by this committee.

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Stewart): Really, we have only been dealing with snowmobiles, but there is nothing about snowmobiles in this section that we are on, but I have no objection to allow you to continue if you feel that this is the time and place to do it.

MR. STEEN: Mr. Chairman, just one last little thing here. It is just that I came in late, and I just do not know the trend of the meeting. I thought perhaps in order to get good or full discussion -- I thought this was the debate.

THE CHAIRMAN (Mr. Stewart): Well, this is the way it is working. Mr. Pearson, just on a point on the question I raised, please.

### Accidents In Communities

MR. PEARSON: Well the difficulty is, Mr. Chairman, that it is very difficult, obviously, for some of us to discuss this ordinance without referring to a major problem in our communities, that of the snowmobile, because they seem to be so closely related. I find it difficult to think in terms of roads and vehicles and stop signs and drunken driving, without thinking about snowmobiles. They cause exactly the same accidents and the same kind of offences and commit the same kind of offences that drunken drivers of cars do. Also the licensing aspect of the snowmobile is a problem. People operate snowmobiles on the roads without any knowledge whatsoever of the rules of the road, of common courtesy of the rules of the road. I would urge that the Government of the Northwest Territories produce a book for prospective drivers who are taking their licence that they must pass.

I remember in Australia when I took my first driving licence, I had to learn the rules of the road and answer questions to the inspector. He was not a policeman, he was a licensing officer and I had to answer about 20 of these silly questions as to what I would do in given circumstances. So there was an attempt then and that was after the Stanley Steamer, incidentally. Now, I find it difficult to disassociate the snowmobile from this discussion, as does Mr. Steen and other Members of this Assembly. Drunken driving is a problem, particularly with snowmobile operators who are, to all intents and purposes, immune from some of these regulations and some of these rules. They are immune, they get on the snowmobile drunk and rush off home, immune from the law, so it seems. It could appear that way.

THE CHAIRMAN (Mr. Stewart): Mr. MacLean, is your department looking at such a book as Mr. Pearson has suggested?

MR. IRVING: Yes, Mr. Chairman. If I may, there may be a point you missed Mr. Pearson. Under the Criminal Code, the snowmobile is a vehicle, and a driver, operator, can be charged with either criminal negligence, impaired driving, drunken driving, whatever, so he does not escape that. But we do recognize you have a problem with the operation, but obviously you must have taken a good look at the Snowmobile Ordinance, and there are the provisions in there to govern the operation, as to how the municipality or the settlements want the operation governed, the mechanics are there.

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

MR. FRASER: Mr. Chairman, first of all, I had my hand up about half an hour ago and I was not recognized, but Mr. Pearson had three or four cracks at it, but that is beside the point, you should have a list there.

I would like to ask the witnesses a couple of questions. First of all, they say that a snowmobile is a vehicle and in order to operate that vehicle, you have to have insurance, you have to have a valid driver's licence, is this correct?

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

### Snowmobile Ordinance

MR. MacLEAN: No, that is not correct. As far as the Vehicles Ordinance is concerned, the definition of a motor vehicle specifically excludes snowmobiles, so they are not governed by the Vehicles Ordinance. The operation of snowmobiles in the Northwest Territories comes entirely under the Snowmobile Ordinance. The Snowmobile Ordinance, which is not before us today, allows the various municipalities and settlements to make decisions on how they want to regulate the use of snowmobiles, and they may request the Commissioner to pass certain regulations and they may then proceed to make their own bylaws, and those bylaws might include, or could include provision for a form of driver licences, or vehicle identification, or insurance.

MR. FRASER: That answers my question. Thank you, Mr. Chairman.

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

MR. NICKERSON: Yes, Mr. Chairman. I had originally hoped that we might be able to deal with the discussions on the Vehicles Ordinance in an orderly manner. Apparently we are incapable of doing that and are flipping backwards and forwards between the various parts of the ordinance presented to us, or the bill presented to us, and indeed a lot of other things that are not included in the bill at all.

But while we are adopting this procedure, I would like to speak on the matter of mandatory suspensions. I would concur in what the Honourable Member for Yellowknife South says on this matter. I personally am pleased with the measures being taken by the courts in handing out suspensions for serious motor vehicle offences. I think that this is a good way of preventing people from repeating these crimes and it probably has more effect than even a large fine or possibly even incarceration. I think that experience in the territories with a judiciary -- we have in my estimation now a judiciary of which we can be proud, not like the situation a few years ago. It has improved tremendously and I would be quite prepared to leave these matters to the discretion of the courts.

#### Automatic Suspensions

I, like my colleague, Hon. David Searle, am very concerned about the continual erosion of powers of the court and legislators taking away the discretion of the court. I think that under the present section 52, I believe it is, of the Vehicles Ordinance, a magistrate or a judge is empowered to enforce suspensions on people guilty, not only of offences against the Vehicles Ordinance but also against any offence laid down in the Criminal Code. I guess on first looking at this and reading the sections of the Criminal Code to which mandatory suspensions would apply, it seems fairly reasonable. If you look at, for instance, section 203 which I believe is criminal negligence causing death or section 204, which is criminal negligence resulting in grievous bodily harm, it seems quite a reasonable thing to order at least a six month suspension.

But when you get into some of the other sections, there are many instances whereby the actual offence could be of a very minor nature. The person might technically be guilty of an offence but actually what is done wrong is not that much. We can take, for instance section 233, and one of the offences in section 233 is leaving the scene of an accident when it occurs to cattle and the definition of cattle includes pigs, sheep and goats and all kinds of weird and wonderful animals. I can foresee the case of somebody going down certain streets in Yellowknife and local inhabitants are known to have pigs and goats and other kinds of animals. I do not think lions would be included in cattle, but I certainly know that pigs are. Getting into a minor accident with this pig which is wandering freely down the road, and he would technically be guilty of an offence. He might run over its tail or something like that. You would find that the magistrate before whom he was tried would find himself with no option but to impose a six month mandatory suspension on driving privileges for this person.

#### Definition Of Drunken Driving

Now, you might think I am giving a flippant example there and that might be true; but if you take other offences, the drunken driving or the driving over .08, I believe the definition of this offence is being in charge of a motor vehicle having alcohol content over the prescribed limit. Now, I think that at one time a case came to the courts in Yellowknife where a person was sitting in a motor vehicle, just warming it up or warming himself up, I forget exactly which it was. He had no intention of driving the vehicle but technically he was in charge of it. He was called up before the courts on this count and I believe he received a minor fine. But here there was no evidence given that this person drove the vehicle or intended to drive it. He was just sitting in it and technically he was in charge of it. So we have to recognize this type of thing will occur from time to time. I would be very reluctant to impose on the judiciary the condition that they have to hand out mandatory sentences of this nature.



THE CHAIRMAN (Mr. Stewart): Thank you. Any comments from our witnesses?  
Mr. Singer.

MR. SINGER: I would just like to make a remark on that illustration that was given about the cattle involved in the accident. I do not think that it is enough for this offence to be committed and on the basis of that to be subjected to automatic suspension merely to run over the tail of an animal. Subsection 233(2) of the Criminal Code involves a bit more than that. First of all, the person in charge of the vehicle must be involved in an accident with the cattle. Now, what exactly constitutes an accident may be subject to legal interpretation. Whether or not running over the tail of an animal and nothing more constitutes an accident is a matter for legal interpretation, but above that he would have to, with intent to escape civil or criminal liability, fail to stop his vehicle or give his name and address. So it is a bit more than what was represented in that illustration. That is all.

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

Accidents By Drunken Drivers

MR. PEARSON: There is an international effort being made by governments of many countries now to try to curb the incredible number of accidents that are being caused by drunken drivers. In Britain for example the crackdown there has been phenomenal and it has resulted in a reduction of over 50 per cent in deaths on the roads in the last couple of years. I do not think that we can simply pass this thing over.

I think it is good, that it is the kind of stringent measures that should be taken, giving the law some teeth to act and giving the courts the power. Somehow trying to cut down on admittedly something that has not reached major proportions in the Northwest Territories, but it certainly has in the rest of this country and in the rest of the world, deaths on roads by drunks in charge of vehicles. Why soften the thing up? I mean it has got some teeth there and I would recommend to my colleagues that it remains that way and leave it to the discretion of the courts.

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

HON. DAVID SEARLE: In answer to Mr. Pearson, Mr. Chairman, the point is that the legislation already has the teeth there to suspend in the appropriate cases. It is not as if the power of suspension were not already in the legislation and it is indeed exercised I can assure you, in appropriate cases. That is not what we are arguing, about giving teeth to suspend. It is already there.

What we are discussing is whether or not in all cases regardless of the minor nature, regardless of the fact that the man may not have moved his car nor indeed intended to, but was simply in care and control of it. Regardless of the fact that the person was marginally impaired and did no one at all any harm or himself regardless of the mitigating circumstances should you notwithstanding that, in all cases, have a minimum sentence suspended sentence, period? That is what we are discussing, whether you should remove totally from the court that judgmental area of whether they should or should not suspend in those minor cases. The teeth is in the legislation. The question is as I have indicated.

THE CHAIRMAN (Mr. Stewart): Any further comments of a general nature or are you prepared to go clause by clause? Clause by clause, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Stewart): I wonder, Mr. Lyall, inasmuch as your committee has proposed amendments to that first part, whether you would like at this time, to make a statement from the point of view of your committee?

MR. LYALL: Mr. Chairman, I am very sorry to say that my report is not ready yet. I will be tabling it some time within the next few days so I have really nothing to say.

Licence Required

THE CHAIRMAN (Mr. Stewart): Well evidently there is a great deal of confusion on the manner in which this book is set up. I understand that really the administration has agreed to changing clause 2, subclause (1) as proposed by the committee. It is at the back of the book. It appears to me that this thing is going to be very difficult to handle from the chairman's point of view, because I do not know what is going on. Mr. MacLean?

MR. MacLEAN: Mr. Chairman, with Mr. Lyall's permission perhaps I might shed a little light on this. The difference in the new clause 2, vis-a-vis the original clause 2, is with respect to three matters. The committee felt first of all that subclause (7) in the new clause 2 should be added, that is on page three, which deals with driver tests administered to people who may be illiterate. It was felt by the committee that this should be included in the ordinance itself to make it quite clear to people who are illiterate or who do not understand the language in which the driver's test is taken, that it would be possible to have an oral test or a test dealing with signs and symbols.

The other change was in relation to conducting a driver's test for someone who wants to operate a motorcycle. The section as it read in the original draft indicated that a learner who wanted to drive or operate a motorcycle would have to have a licensed motor vehicle operator sitting on the seat behind him. The committee felt this was rather dangerous and wanted a change to indicate, as is set out in subclause (5) on page three, and subclause (6): that a person learning to operate a motorcycle may be accompanied thereon or on any side cart attached thereto -- and so on.

#### Classes Of Licences

The third change was with respect to the classes of licences. It was felt by the committee that those classes should be included in the Vehicles Ordinance itself and you will notice on page five of the proposed amendment, on page four that the seven classes are set out therein. I may add that this last provision of the classes of licences being included in the ordinance did not meet with our full agreement as we would rather have seen it remain as part of the power-making regulations of the Commissioner or attached as a schedule in such a way that it would be flexible in case the classes had to be altered or amended in the future. Those were the three main areas in which changes were made and the new clause 2 was then brought forward.

THE CHAIRMAN (Mr. Stewart): Am I the only dunce here or is anybody else having problems following this thing?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think that what must happen is that the three points that Mr. MacLean has outlined should be discussed and debated in principle, and once that is done, then this committee can make a choice as to whether, or it will become obvious, whether it should deal with the material in the latter part of this bill or the material at the start of the bill. In other words, the one is an alternate for the other that was prepared on the request of the standing committee. So since the differences are as outlined by Mr. MacLean, if we could direct our discussion to those differences, we could then decide as to which of the two sets to follow.

THE CHAIRMAN (Mr. Stewart): Yes, Ms. Legal Advisor:

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, if the Members would take the last four pages from this bill, starting with the page that is headed "Further Proposed Amendments to Bill 8-64", if they remove those and then looking at clause 2 of the main bill and comparing it with the first two or three pages of those loose-leaf sheets you will be able to see the sections that Mr. MacLean just pointed out; being subclauses (5), (6) and (7) which appear on the new proposal and do not appear in the original bill as it was presented. I think that the cross reference will be easier if we remove those last four pages.

THE CHAIRMAN (Mr. Stewart): Well, to the committee, I would much prefer to have a report from our standing committee on legislation before we get into this. That is their job and it seems to me we are going around in circles and I am not sure where I am. If we have got to start taking books apart and this piece goes here and that piece goes there, I would much sooner deal with this after we have had our report, and get this thing straightened out. That is my opinion. What is the direction of this committee?

MR. LYALL: Mr. Chairman, I am told that the report should be ready this afternoon.

THE CHAIRMAN (Mr. Stewart): Well, fine, then I would like to set this aside, unless you wish to deal with it further in a general nature.

Motion To Set Aside Bill 8-64, Carried

MR. PEARSON: I so move, Mr. Chairman, that we set it aside until the report is tabled by the chairman of the legislation committee.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. Discussions of the motion? All those in favour? Opposed, if any? The motion is carried. I shall report progress.

---Carried

MR. NICKERSON: On a point of privilege, Mr. Chairman.

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

MR. NICKERSON: Am I to understand, Mr. Chairman, that the evidence in writing which may exist to support the administration's claim that it is necessary to implement these new classes of licences will be made available to the committee?

THE CHAIRMAN (Mr. Stewart): Could the witnesses try and have that information?

MR. MacLEAN: Yes, I have already asked for a search of our files and records, and hope to be in a position to provide that this afternoon. I will try to be in a position to.

THE CHAIRMAN (Mr. Stewart): Thank you. Now, shall we report progress? It appears that we are not in a position to report progress at this time, so possibly it is time for lunch.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Agreed.

---Agreed

THE CHAIRMAN (Mr. Stewart): We will recess then until 2:30 o'clock p.m.

---LUNCHEON ADJOURNMENT

THE CHAIRMAN (Mr. Stewart): The committee will come to order. Just prior to recessing for lunch the decision had been made by this committee to report progress on Bill 8-64. I will do that at this time. Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, just on a point of clarification information, was there in fact a motion to report progress?

THE CHAIRMAN (Mr. Stewart): Yes there was. It was moved.

HON. ARNOLD McCALLUM: Mr. Chairman, I was just hoping that there could be some way found because I believe the report that was looked for from the standing committee on legislation is available now.

THE CHAIRMAN (Mr. Stewart): That is correct and what is the committee's wish, that we proceed? We have had a motion duly passed but I am here at the will of this committee. Mr. Pearson.

MR. PEARSON: Well I do not recall the result of the motion but was the motion put? We moved this but I do not know whether it was acted upon.

THE CHAIRMAN (Mr. Stewart): It was agreed.

MR. PEARSON: It was agreed, I see, okay and I would move that we get back into committee of the whole or we stay as we are and continue the discussion of the bill. It is the report that we were waiting for. I think it is a perfectly innocent thing to do and the report is now available, let us get back to it.

THE CHAIRMAN (Mr. Stewart): Do I have your unanimous consent? Any nays? We will continue then. Mr. Lyall, have you your report ready for this committee?

#### Report Of Standing Committee On Legislation

MR. LYALL: Yes. Mr. Chairman, the committee questioned the need to replace the existing system of operators' and chauffeurs' licences with a more complex system of licences and vehicle classification but was advised that some seven Canadian jurisdictions are suggesting that they may not continue to recognize Northwest Territories licences unless the system is introduced. The committee suggested that details of driving offences be included in the operator's manual or that information papers be provided to applicants for learners' permits.

THE CHAIRMAN (Mr. Stewart): I wonder, Mr. Lyall, could we recall our witnesses? Go ahead, Mr. Lyall.

MR. LYALL: Third, the committee agreed that proposed subsection 44 (3) be redrafted to provide for oral and sign tests where required. Fourth, the committee agreed that various classes of operators' licence and certificates be incorporated in a schedule to the ordinance. Fifth, the committee recommended by motion that the requirement for a holder of a motorcycle learner's licence to be accompanied by a licenced operator be deleted. Sixth, the committee requested that a representative of the Northwest Territories Alcohol and Drug Co-ordinating Council be consulted when the ordinance was considered. Why would that be?

MR. MacLEAN: On the suggestion of one of the Members of the committee that it might be useful to have a representative from that organization here in case any of the Members of the Assembly had questions relating to alcohol and driving.

MR. LYALL: Okay, thanks, Mr. MacLean. Mr. Chairman, I will have that report to all the Members of this committee as soon as we get copies made.

THE CHAIRMAN (Mr. Stewart): Thank you. Are you ready now to proceed clause by clause? Hon. David Searle.

Automatic Suspension Of Driving Privileges

HON. DAVID SEARLE: Mr. Chairman, may I ask Mr. Lyall, the chairman of the committee, what view they took about the automatic suspension of driving privileges as opposed to leaving the matter in the judgment of the court? Was that considered by the committee?

THE CHAIRMAN (Mr. Stewart): Mr. Lyall, do you understand that question?

MR. LYALL: What stand we took on the automatic suspension of licences?

HON. DAVID SEARLE: Yes.

MR. LYALL: As far as I could recall, I think that everybody agreed with that. Mr. MacLean, could you give me a rundown on what stand we did take on that? I do not think we really discussed it to any extent.

MR. MacLEAN: Mr. Chairman, there were some questions by Mr. Nickerson and by another Member of the committee but there were no suggested amendments or changes proposed.

MR. LYALL: Mr. Chairman, what kind of questions did Mr. Nickerson ask? Could you maybe put them up again so that everybody would know? This is the reason why we suggested that this piece of legislation come before everybody, because of the fact we figured there would be a lot of questions on it.

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

Decisions To Be In Committee Of The Whole

MR. NICKERSON: My recollection, Mr. Chairman, is the same as that of the chairman, of the standing committee on legislation. It was considered by that committee that the proper place for the discussion of the principle as to whether or not we should enter into a system of mandatory suspensions should be left to the committee of the whole. We thought that it was an important question but it would have been imprudent for us to have tried to have changed or altered it at that time because of the implications. We thought that it would be better left to discussions by this body.

THE CHAIRMAN (Mr. Stewart): Thank you. Are we ready then to proceed clause by clause?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Clause 1.

MR. NICKERSON: Mr. Chairman, before we proceed with the second clause, the first one is just a housekeeping clause; but the second clause, I wonder if the information which I requested this morning substantiating the need to enter into this complex licensing system has been gathered yet by the witnesses.

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

MR. MacLEAN: I had some difficulty in rounding it up. My people on staff are looking for it. The registrar of motor vehicles is up in Inuvik today and there has been also, as you know, a recent move of motor vehicles from YK Centre into the present quarters of the motor vehicles branch. They are moving again in April, so some of the files have been stored in places where only the registrar of the motor vehicles apparently knows where it is. However, they are looking for it and as soon as it arrives, I will make it available.

THE CHAIRMAN (Mr. Stewart): Mr. Nickerson, do you feel that you want to proceed without this information or do you feel it is important to have this prior to dealing with it?

MR. NICKERSON: I think in order for the committee to ascertain for itself whether this is warranted or not, it needs some additional evidence, so to speak, and I would be reluctant to proceed with those clauses which deal with the new proposed licensing system until such time as that information is made available to Members of the committee.

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

Need For More Complex Licensing System

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I appreciate Mr. Nickerson's desire to have this kind of evidence because there is no question that what we are proposing is a more complicated system for licensing drivers in the Northwest Territories than exists at the present time. However, it has to be borne in mind that we are members of various interprovincial committees. We attend and send senior people to these meetings. Very often the information that they bring back is not in the form of any motions by these bodies but one of the values in belonging to these groups that get together is to determine what is being done in the rest of the country and the reason for it being done. What we have been told and what we have learned is that other jurisdictions have adopted more stringent licensing regulations, and that they are seriously concerned with extending reciprocal treatment to territorial drivers unless we, in fact institute a driver training scheme and a more detailed licensing and testing scheme.

I do not know whether we will be able to produce letters and evidence from people that will say these things. I do not know if they have ever been put in writing. Perhaps they have; but I do not think that we can hide from the fact that there is a concern in the rest of Canada, and goodness knows we are part of Canada, that our drivers when they wish to drive in other jurisdictions must have the same level of competence because peoples' lives are at stake.

Acceptance Of Licences

I think what is being proposed here is something that we have avoided for some time. We have tried to keep it as simple for as long as we can but we have now reached the point where we do not want our territorial drivers when they go to Edmonton or Montreal or Toronto to be embarrassed by having their licences questioned or not accepted. It will not affect the people in the North who do not want to drive in the South and who do not need to have a more complex or complicated licence. I do not think that anybody's rights are going to be interfered with but I really do think that we have reached the point where we must proceed with a licensing structure that is similar to and has been accepted in all other jurisdictions in our country.

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

MR. LYALL: Mr. Chairman, the committee felt very strongly too that for instance myself, I hold a chauffeur's licence -- that we express very strongly that when it is time for me to go and change my licence that I do get the equivalent of what I got, so that we are not going to be downgrading anybody that is going to be holding a licence, say a chauffeur's licence at this time before this ordinance comes into being.

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

MR. PEARSON: I understood the Deputy Commissioner to say that for those who do not plan going down South, ever, they would have one type of qualification and those that stay in the territories would have a lesser standard. My concern is that surely we should be aiming for the highest qualified drivers and there has got to be an improvement in the driving skills of people in my constituency anyway. I think a lot of them have got their licences over the years by osmosis as it were. They never actually went out and took a test and the quality of driving sometimes leaves questions usually on the side of the road.

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

MR. MacLEAN: Mr. Chairman, the plan is to put into operation for a driver examining system that would include written and road tests of such a quality that they would be recognized in the other jurisdictions and our Northwest Territories drivers' licences would be accepted without question anywhere in Canada.

In order to do this we have to amend the Vehicles Ordinance with respect to instituting a classified system of drivers' licences which would form the legal basis for us to implement the driver examining proposal. I attended personally the meetings of the Canadian Conference of Motor Transport Administrators at which discussions centring around drivers' licences in Canada took place. I was there when all of the jurisdictions agreed that if a driver examining plan was put into effect based on the classified drivers' licence system that the drivers' licences from that jurisdiction would be good in all other jurisdictions and would be recognized as being equal to drivers' licences from any other jurisdiction in Canada.

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



No Difficulty With Licences

MR. NICKERSON: I do not want the administration to get the impression that I am needlessly trying to delay this but I have some serious reservations about what they are saying. You see, most of the pressure that has been put on us to amend our licensing system appears to have come from sources such as the annual convention or whatever it is of motor vehicle registrars. It is internal civil service government. I have never come across anybody in the Northwest Territories personally who has told me that he or she has had difficulty having the licence accepted any place outside of the territories.

I personally had my own Northwest Territories driving licence accepted without question in nearly all the provinces of Canada and indeed in the United States and in South America and in Europe and there is no personal experience that I have had which would lead me to believe that any great amount of difficulty exists. This is why I would like some substantiation of what we have been hearing from the witnesses; something just other than a verbatim report of what might have taken place at a gathering of registrars of motor vehicles.

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

MR. LYALL: Mr. Chairman, I was one of the people that explained to the administration that any province that I drive in, they do generally the same thing as when you come into the Northwest Territories. You have six months to get your licence while you are still holding the one from any other province or the one from the Northwest Territories.

I came in and out of Alberta quite a bit and when I first went in there to live, you could keep your licence, your Northwest Territories' licence for six months. Then you have to go and take your driver's test from Alberta and even though I hold a Northwest Territories' driving licence I might not qualify for the type of licence that I was holding at the time. I was holding a chauffeur's licence here, and if I took a driving examination down there I might not be able to get that because of the fact I guess that we do have a little bit different system in driving in small settlements. You do not go as fast as you do down in the city. This was brought up.

Classification Of Licences

Another point that Mr. Pearson brought up was about people getting drivers' licences that are just going to be restricted to driving in the settlements but the thing is you have got your type of licence that you are going to be getting. You get class one, class two, class three, class four, class five, six and seven and what kind of drivers' licence are you going to be getting? When you go in there to get the driver's licence say to just operate a motorcycle, for instance, you are number seven. You are a class seven licence and you are going to be able to drive in class six and five also.

A class one licence would be generally your chauffeur's licence, so I think whenever you are going to be taking the test to drive you will get that licence for that settlement and more likely you would not be able to drive in Yellowknife if you had only been driving in Grise Fiord for instance, the type of vehicle that you would be driving up there.

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

MR. IRVING: Thank you, Mr. Chairman. I would like to briefly answer the questions posed by the Honourable Member from Central Arctic.

#### Time Involved For Testing System

Firstly, what we propose is what we call the grandfather clause. In his particular case where he holds a chauffeur's licence he would continue to hold a chauffeur's licence. It would affect a person not having a licence at all where he would be required to take a test and then be classified, but those people having particular licences would retain those licences, if it was a chauffeur's licence or whatever and this would come in over a period of some time. It is not something that is going to happen overnight. We foresee that the driver testing would initially start on the Mackenzie highway system and over a period of some time or a few years, would extend to the Eastern Arctic.

To continue on the question that was raised by the Member for Yellowknife North I would like to explain one thing which rather sums up our position. He stated, the Honourable Member has mentioned that he has not had his licence questioned. We are getting a fair amount of static. We are going to hope to produce some paper to this effect but what is happening now and this is our point, driver testing in the Northwest Territories as of today is done by the RCMP and who I have to say, do not enjoy doing it. We are forcing them to do it because it is one of those non-police duties that is covered in the police agreement and we tell them they have to do it. They keep coming back and saying well, as the agreement covers, you are supposed to do this when you have the people to do it.

#### Criticism Of Driver Testing

So we have a reluctant body doing our driver testing for us and we are holding them to the agreement. But what is that driver testing? It is a driver that wants a licence, he is taken on a drive around the block and if he can drive the car around the block he gets a licence and that driver then can go down to Ontario and drive on the freeway or in downtown Toronto with a valid licence. Now the various examining boards and motor vehicle branches in the provinces, know exactly what our driving testing consists of. We do not have a written exam, we do not even have an eye examination. We have had cases in the Northwest Territories recently where we have had actual blind people driving a motor vehicle and what we are proposing is to upgrade this system over a period of time.

You say that your licence has not been questioned. I would say that it is going to be questioned unless you change the current system, for the simple reason they know what we are doing and it is not good enough. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. I have had a letter delivered to me. I would ask you, Mr. MacLean, is it the usual procedure of your office to stamp a letter that comes in showing a date? There is no date or anything on this letter at all, whether it was received indeed by your department, or where it has come from. Is that your office procedure?

MR. MacLEAN: Mr. Chairman, that is just one of the letters that I was able to get a hold of over the lunch hour and I meant to send it to Mr. Nickerson, just so he would have a chance to peruse it. We have a file on correspondence relating to complaints and as soon as I can locate that I will get the rest of them. I thought this one letter might be helpful, showing that we do have complaints and it was received in our office right after the date of that letter. There is no date stamp on it from our office or from the office of the motor vehicle registry.

Letter Re Licences.

THE CHAIRMAN (Mr. Stewart): Fine. Inasmuch as it is pertinent to the question on the floor, I will read this. It is from Slave Lake, Alberta, October 15th, addressed to the motor vehicles branch.

"Dear Sirs: I was transferred from Ontario to Norman Wells in 1976. Arriving in Norman Wells I exchanged my Ontario's driver's licence for a Northwest Territories licence. This is the law so I had no choice.

"In July of this year I was transferred to Alberta. Again I exchanged my licence only to find out that a Northwest Territories licence is almost like having no licence at all. I worked hard and spent a small amount of money to build my ratings up over the years so that finally I had a fairly high class of chauffeur's plus a motorcycle licence. Now I am back to nothing, no motorcycle licence and a low chauffeur rating all because of holding a Northwest Territories licence for almost one year.

"If your licences are no good outside of the territories and your department probably knows this, why do you insist on transient people getting that worthless piece of paper? Maybe to boost your treasury. Truly disappointed," with a signature.

MR. PEARSON: It sounds like something from "Dear Abby".

---Laughter

THE CHAIRMAN (Mr. Stewart): Next on my list is Mr. Pearson, and then Hon. David Searle.

MR. PEARSON: I just wanted to pursue a line of Mr. Nickerson's which I thought was valid. I have travelled extensively in various parts of the country and other countries and have never been questioned, even on the occasions that I have been arrested for going through a stop sign or a red light, which happens occasionally, but there have never been any questions. There has been some question about my ability but not about my licence.

But the point that I wanted to stress is, it is all very well and good to have all these classes of licences which might sound rather atrocious and ominous and bloody costly. Who is going to do it? You know, you start setting up fancy licensing procedures and you will have to get Ministry of Transport inspectors in here. Or perhaps the territorial government envisages another department on top of one of the buildings they have got already with 500 civil servants in there administering to licenced drivers and people running around the territories testing them and having uniforms on to make them look more officious and stamps and all the rest of the paraphernalia that goes with another government department. If you want to get into a sophisticated system and as I said earlier, I agree that there should be a more stringent control in the issuance of licences, the RCMP are going to balk at that additional responsibility so I can see another department flourishing already. They are going to be busy already.

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

Staff Required For Testing

HON. DAVID SEARLE: Well, Mr. Chairman, I guess I would like to see Mr. Irving or someone answer Mr. Pearson because essentially those are my questions. Namely, how many more people are going to be required to do the testing, that is the driver examination on the one hand; and how many more people are going to be required in the issuing offices on the other hand to issue these seven different classes of licence? Now, I assume you have issued the same number but that there are seven classes of them or is there just extensive training required? I am concerned because I suspect if we pass this the next thing we are going to see, Mr. Chairman, is in estimates that are being proposed, which I have not looked at yet with respect to this department, a number of examiners and licence issuers being proposed to be brought on staff.

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

Present Personnel To Be Utilized

MR. IRVING: Mr. Chairman, as I briefly mentioned this program will come into effect, if it is passed here, in stages. For the forthcoming year we are not adding any personnel. We plan to use existing personnel in our motor vehicles office and with our highway transport inspectors. We see initially this year, if this is approved, it would start on the first of April. We would use two qualified examiners which we have identified; one within our motor vehicles office here and a highway transport inspector from Hay River to do the area on the Mackenzie highway system. I do not see this as any big deal in providing the licences. It would only pertain to people applying for new licences. Those that had existing licences are not involved at this time unless they want to take a test to upgrade a chauffeur's licence to one of the higher classes for a particular reason to drive a school bus for instance, on the Mackenzie highway system.

At some future date we would take in the Eastern Arctic. However, if there were certain individuals in the Eastern Arctic who wanted a higher classification we would make arrangements for one of the existing examiners to go over on a particular date to examine several people but we do not see this as very many people involved to begin with. The only expense at this time, besides some slight travel expenses would be the equipment involved; an eye examination machine, which we do not have and which is not being used in the territories at this time; the booklets that we want to have published so the applicants can inform themselves of the various rules and regulations and of course, the examination papers that they would have to write.

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

HON. DAVID SEARLE: Mr. Chairman, the answer that I take from that is for this year at least there will be no new staff added either to the licensing or to the driver examination aspect. Is that correct?

MR. IRVING: That is correct.

HON. DAVID SEARLE: When somebody goes back this year to apply for a licence he is going to automatically get a licence. Now, in my case, I do not have a chauffeur's licence. I have a private operator's licence, so what do you issue me when I come up there? Do you issue me with, I think it is a class five licence or do I have my choice? Can I have any one or can I come forward with my operator's licence and say I want a class one licence?

MR. IRVING: No sir, you would be entitled to class five which is basically what you had before. If you want to significantly upgrade your licence, then you are entitled to take the test.

HON. DAVID SEARLE: If I had a chauffeur's licence which did not have any subcategory to it at all, I could have either a class one, a class two, a class three or a class four licence, could I? Or could I have a licence with all those endorsements on it?

Discretion In Licensing

MR. IRVING: It would depend, and here is where some discretion would have to be used, of course, it would depend what you were doing. If you were driving a school bus with an existing licence, the grandfather clause comes in and you would be issued a similar type of licence. If that is the highest class on there for operating a school bus, you would have that licence without going through the formality of examinations. What would happen if a person did not have any licence, then he has to be examined and he is given the licence that is approved for him.

HON. DAVID SEARLE: In your testing let us deal with the person who has not had an operator's licence before. What kind of test do you envisage giving? For instance will you give the colour blindness test, the one with all the little dots and the numbers that show up on it?

MR. IRVING: It depends on what classification the person wants. For instance, if it was a school bus or the highest form of chauffeur it would also require a medical examination but in regard to the eye examination it is a fairly simple one. We do not envisage the expensive equipment that they use in Ontario, where they really give you a thorough eye examination. This is chiefly just to make sure whether you are colour blind or not, or whether you can see at all.

Testing For Colour Blindness

HON. DAVID SEARLE: Mr. Chairman, I am just wondering. I think there is a test to determine whether you can see and then there is a separate test to determine whether you can distinguish between colours and I am just wondering to what extent you would be going. Obviously you should know if a person can see or you should not have people who are blind driving around anywhere. But will you get into colour blindness because I think Yellowknife has three lights but I do not think there are any traffic lights anywhere else in the territories? So you know, how sophisticated are you going to get?

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

MR. IRVING: Thank you, Mr. Chairman. There are colour blind tests for all of them but they are fairly simple. These are attachments that go on the machine but there are two areas that you might have forgotten. This is the flashing lights on a vehicle, whether they are brake lights or whether they are directional lights, and also the colour of various signs which are important and which have different colours, besides your traffic lights.

HON. DAVID SEARLE: Mr. Chairman, I am particularly interested personally because when I last tried that colour blind test you know with the dots that has the numbers on it, I personally did not see one single number in the whole book.

THE CHAIRMAN (Mr. Stewart): Possibly because there was no dollar sign in front of it.

---Laughter

HON. DAVID SEARLE: Very funny.

School Bus Regulations

THE CHAIRMAN (Mr. Stewart): I have got to do something, I am having a terrible day. I wonder if I might ask one question. You have been getting on the business of school buses but to my knowledge the regulations have not been amended as approved by this House, I believe Regulations 279-72, 513-72, 93-73 and 613-73 have never been proclaimed. Is there a reason for this?

MR. SINGER: I believe that the school bus regulations are up for amendment just at this moment. I think it is possible if not probable that the actual final wording of the school bus regulations may depend, to some extent, on whether or not this legislation is passed and I think accordingly the regulations have not been amended as yet.

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

MR. PEARSON: Well, there are some difficulties I see just lurking under the surface. I think one of them is going to occur if and when this thing comes into effect particularly in the area of school buses because once it is established that there are stringent criteria for driving ability in the Northwest Territories, every insurance company that deals in the Northwest Territories is going to demand that everybody that they insure undergo these examinations to prove their ability as drivers.

So this sort of company, private companies and organizations in the Arctic for example, is going to be screaming to have someone come in and test their people so that they can be insured properly. The same will apply with school buses. The municipalities and communities, hamlets and villages are going to be asking for qualified examination of drivers to meet the criteria set by the insurance companies and I think it is going to put a big rush and a great demand on this government to provide some kind of facility. That will mean little people running around the Northwest Territories examining drivers.

Now if you send somebody over from Yellowknife who happens to hop into a water truck with Napashinov in Frobisher Bay who does not speak a word of English and try and examine him sitting on the back of a water truck, how will that be accomplished without the aid of an interpreter standing on the step of the truck interpreting through the window for the driver's aid? It is going to be a very expensive involved business and not something that can be, you know, just glibly written down on a piece of legislation. It is going to be involved and it is going to cost a lot of money.

#### Training Program In Communities

So, perhaps the honourable gentleman should consider a way of accomplishing this by instituting the training program for individuals in communities who could work in conjunction with the RCMP who could sort of be your front men if you like. Perhaps the municipalities would be willing to take on this responsibility themselves for a small fee and reissue the licence. The municipality issues the licence. Perhaps a municipal servant could be the person responsible after undergoing some considerable training in a territorial training program. It may provide work for lots of unemployed people around and bilingual people particularly, because in the Eastern Arctic unilingual people are not much use unless they have an interpreter. How you do that on a motorcycle, I do not know.

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

MR. MacLEAN: Well, Mr. Chairman, first of all, anyone who is driving a school bus now will continue to drive a school bus. He will go in and have his licence issued in that class because that is the work that he has been doing and that is the type of driving that he has been doing.

As far as the insurance companies are concerned the only legal prerequisite that they can ask for is that the driver of that school bus have a valid Northwest Territories driver's licence in relation to the operation of the bus. However I think the Honourable Member's suggestion with respect to assistance from the various communities in affecting liaison with a member who may be of assistance in conducting tests is a good one and that is the sort of thing that we envisage coming along in the future. Really what we are trying to do is to try and put this into operation to see if the plans that we have in relation to making it effective are the proper plans to see that nobody is prejudiced or affected adversely by the operation of such a licensing system.

### Insurance Rates

I may say also that there has been some indication, although not a promise, that with the proper driver testing program up here, there is an outside possibility that some of the insurance rates may drop on vehicles. You know insurance companies as well as I do and an indication of their interest in the program.

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

MR. PEARSON: I gather then that every province in Canada and every territory, except the Northwest Territories, has a sophisticated driving testing system and obviously all of them meet the standards that we set in the Northwest Territories. What I am asking is: is it a standardized system across the country? I mean seven levels of drivers' tests my God, it is like karate, the black belt.

MR. MacLEAN: They vary. Saskatchewan, I think, has ten classes and Ontario has ten or 11 classes. We have adopted really the basic, simplest sort of system we could put into effect in order to then go ahead with the driver examination program and that is really our goal, because there are a lot of people driving vehicles in the Northwest Territories today who have not been tested properly and are a hazard once they get out on that street.

### Classification Of Licences

We have tried to make it as simple as possible. This will be more apparent once we get down to looking at the classes, although when you talk about seven classes it sounds highly sophisticated. I think you will see the simplicity of the classes when we get to the discussion of the types of classes that we are speaking about and the prerequisites necessary for the various classes. For instance, class one. Anyone who has a class one licence automatically qualifies for all the other classes. Now, class one is a fellow who drives a tractor-trailer outfit on the highway with airbrakes, so you are not going to restrict him in the other classes. He has got a licence and he can drive everything else except a motorcycle. That is the way it operates.

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

MR. WHITFORD: Mr. Chairman, a lot of the points that the Members are raising in regard to the licences, such as the inspectors, charts, etc., for the use in determining whether a person has good eyesight or in fact, the capability of people being able to drive, etc., have all been discussed at the committee meeting, the committee of the Legislature and some of the Members here are still rediscussing these issues. It seems to me, I could be wrong, Mr. Chairman, but the recommendations have already been made by the committee. I would have thought that these perhaps could have been discussed to a degree but we have been now continuously rehashing the same things that we talked about in the committee.

THE CHAIRMAN (Mr. Fraser): Clause 1, Bill 8-64, An Ordinance to Amend the Vehicles Ordinance. Are we prepared to go through it clause by clause?

### Two Parts To Bill

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would like to make sure that there is no confusion over which part of the bill is being dealt with. It is presented in two parts, because the standing committee met and as has been reported they proposed amendments. Now, those amendments are contained in the last four or five pages. The administration is prepared to accept the amendments that the standing committee recommended and therefore after you have called clause 1, if you would be kind enough to turn for clause 2 to the last four pages, then we can deal with clause 2 in the proposed amended form.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Could I get the consent of the rest of the Members that we go to clause 2?

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Fraser): Clause 1 has been agreed? Hon. David Searle.

HON. DAVID SEARLE: I just want to make this clear. We are dealing with, as Deputy Commissioner Parker said, the amended clause 2 at the back of the book that results from Mr. Lyall's committee, eh?

THE CHAIRMAN (Mr. Fraser): Right.

HON. DAVID SEARLE: Well if that is so, I guess the only words I wonder about would be found on page two under subclause 3 (b), and they are on the second last line there, Mr. Chairman, "may make such minor variations from the terms of that schedule, as he thinks fit". I am just wondering about the legal...

THE CHAIRMAN (Mr. Fraser): Hon. David Searle, I wonder if we can get an agreement on clause 1 first before we go into...

HON. DAVID SEARLE: I thought you called clause 2.

THE CHAIRMAN (Mr. Fraser): No, I did not call it. I just wanted agreement on clause 1 first.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Fraser): Agreed, Mr. Nickerson.

---Agreed

Request For Substantiating Material

MR. NICKERSON: Yes, Mr. Chairman. Still getting back to my original point there that we have not yet seen the promised material substantiating the need for these changes. We have seen one letter resulting from unfortunate things that happened to one individual who lived for some time in Norman Wells. I would very much like to see this material and if I do not see it I will feel inclined to vote against the proposals here not because I feel that strongly against them, I do not, but I want to see the substantiation. So I would suggest, Mr. Chairman, that if the other Members of the committee maybe feel the same way I do, we could refrain from dealing with this matter until such time as that material has been presented to the committee.

THE CHAIRMAN (Mr. Fraser): Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: No, Mr. Chairman, in this case I am afraid you are looking for the Holy Grail. There may be more letters on file similar to the one that was read out. In any event, they have not been located yet because the principal officer happens to be away, which is unfortunate but I do not think that we are going to find any or many letters of an official nature from the kind of people I can only assume that the Member is asking about.

In fact, these kinds of regulations and this ordinance that we are dealing with are handled mostly at the officials' level and frankly it is the officials in the provincial jurisdictions who do the meeting and discussing and in fact, drawing the real conclusions as to what is safe and to what is not safe. They present this material then to their ministers and their ministers enact it into law, in their own jurisdiction. We have not as yet had overt or written complaints of



any great depth about our system but at the time of these official meetings we have been told that there is knowledge of the situation in the North and there is deep and genuine concern. These officials are concerned as are their politicians. They are concerned for the lives of the people on their roads.

#### Licences May Cause Embarrassment

The action that will be taken, I assure you, will be along the lines of the territories becoming blacklisted and then is when it will become obvious what is happening. That is what is going to happen to us. We will reach the point where they will have tried through a reasonable persuasion and giving us quiet advice, it will then become a matter of public concern and there will be circulated, I am sure, and I mean this as no threat either, but I am sure it will be circulated among the officials that the territories, licences are not very good licences and this will very soon find its way out to car rental agencies and truck rental agencies and so forth, you know.

We are just trying for once, to do the right thing by not restricting people unduly within the territory but preparing them to not be embarrassed in other parts of the country. So if I could just sum up: if Mr. Nickerson wants to hold the committee discussion of the bill awaiting this evidence, I am afraid on behalf of the administration it is unlikely that we are going to come up with the kind of written evidence that he is looking for and therefore the decision will probably have to be made as to whether to proceed or not on the evidence that you have at hand.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Mr. Nickerson, you wanted to comment on that?

MR. NICKERSON: Well, it appears, Mr. Chairman, that the administration does not have any evidence or any evidence of the written nature. We had been given to understand and I do not know if this was said explicitly or not that such material does exist and through a series of continued questioning it now appears that this material just does not exist.

#### Material Imposed By Administration

I do not know. I have serious reservations. I would be quite prepared to vote in favour of this if I knew in my own mind that this is something that just had not materialized within the administration. I would certainly, you know, like to, if it is not in writing at least have the opportunity to phone the registrar of motor vehicles in Alberta and find out if these things have actually been said.

I get rather suspicious and I think other Members do at times on what is happening within the territorial administration. We see things presented in this chamber. A good example of this is the Wildlife Ordinance this morning that did not even get past first reading. It is stuff that comes out of the administration. It does not seem to come from anybody else. It is material that is imposed on the people of the territories rather than coming about the opposite direction, rather than the territorial administration responding to the wishes and the needs of the people. It is something that is thrust upon us by the administration and I want to satisfy myself in my own mind that this is not what is happening here.

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

MR. BUTTERS: Mr. Chairman, I support the position that has been advanced by the Honourable Member of Yellowknife North. I have operated a vehicle in the North for many years and I think that if there is one place that is very difficult to drive it is in the North country where you are driving on ice. It takes a pretty good driver to drive in the conditions we experience in the Northwest Territories.

Many of the problems you see occurring in this country are with people who have just come in and get into a vehicle and have no experience in driving on ice.

I recognize that if we are not requiring of people applying for licences an eye test, this could be very, very easily required without a great big volume of legislation, just a matter of a slip from the local nursing station that the person has passed the eye chart test. So, I would tend to agree with Mr. Nickerson in that unless the administration can develop these -- and they do say that they have them as well. I quote here: "As well, an increasing number of residents are having their Northwest Territories driver's licence questioned when driving on vacation or applying to rent a car in the South."

That is a statement from the administration. Obviously they made it on some basis, not just that letter that the chairman read to us a few minutes ago. So, with Mr. Nickerson, I would be very interested in seeing the corroborating evidence that is supporting this legislation.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I was a bit reluctant to indicate this previously, but for the first five or six years that I lived in the territories I had a licence from another province but I did not have a car, so it really did not bother me driving here. Now I have a licence from here, and I have a car, but I do not drive it out very often.

### Problems With Car Rental

But I have an indication -- and the reluctance I have is to indicate the province because I know the kind of shots I will get, but I had an occasion this past summer to attempt to rent a car from a car rental firm, a country wide national wide one in a province and I had difficulty with the licence from the Northwest Territories.

Now, I do not know whether you go around and find you know, individual people. I think that what we are trying to do is that we have an indication from provinces where there have been concerns expressed. I do not think we are looking at trying to keep people from driving in the territories. I think the concern is that people have indicated to our officials from other provinces the difficulties they have there.

I think as well that it is about high time that we did something to ensure that our drivers, people who are licensed in the territories are in fact capable of driving, but I think that we may be getting confused as to what we are attempting to do.

Certainly, I have a concern about who drives school buses in a community where there are buses involved. I have a concern about who can drive the various kinds of vehicles. There are certain elements in here that I do not think that I, for one, would want to rise or fall and take a stand on the issue. I think in terms of trying to promote, or to ensure rather, that people who are in fact licensed to drive a vehicle in the Northwest Territories are able to, actually have the capability of doing so and to ensure that people from the territories who do in fact go out to attempt it. Now my situation was entirely different than others, such as Mr. Nickerson and Mr. Pearson who has not had any difficulty doing it but maybe that was only in the one province.

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

MR. PEARSON: Mr. Chairman, I listened with interest to the comments made by Mr. Nickerson but I am concerned about the thing and I am concerned about a bureaucracy developing and all the rest of it. What concerns me more than that is the appalling low standard of driving skill that I see about me in the Northwest Territories. I for one think that there has got to be an effort made by someone and who else is there but the territorial government to impose and try to impose more stringent restrictions on drivers to improve the quality of driving in the Northwest Territories, the basic rules of the road?

I mean, they may be able to slide around on the ice but when it comes to basic road use courtesy, a lot of people have not got a clue as to what it means to pull to the right and you know, indicate and all the rest of it. So I reluctantly support this because I feel strongly about this particular issue.

### Driver Education Program Proposed

What I would suggest, perhaps, is that sooner than go dancing headlong into this thing as the administration may, is that they go into it on a slower basis and that first of all there be an education program established and that they provide for all drivers who get their licences renewed every March the 31st, a handbook entitled "Rules of the Road" in all languages and that you go through this process for one year and build it up so the people can develop a sense of road consciousness because the increase in traffic and vehicles in the community in which I live over the last couple of years is just tremendous.

I am sure the same thing applies in Yellowknife and every other town in the Northwest Territories. There are vehicles appearing on every sealift, so I would suggest that we do it but on a slower basis and on that basis, I would support this bill if they agree to do that.

THE CHAIRMAN (Mr. Fraser): Thank you. Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think that what Mr. Pearson says on the matter of introducing changes that are reasonably broad, as these are, makes a lot of sense and I am sure that during the discussion we can come to a conclusion as to how quickly these changes should be put into force. That is something that most certainly can be accommodated.

I understand the Members' concern who would like to have evidence other than from all of those bodies like myself inside the administration and the reason that I spoke as I did was that, you know, I did not want to hold you up with the idea that we could produce a lot of evidence. We think that there are notations in the minutes of these meetings of officials and unfortunately due to a number of circumstances we will not be able to put our hands on the minutes until probably later today.

What I would suggest that we might do that would be of assistance to you would be to send a telex off right away to the registrars or whoever the senior people are in the field in each of the provincial jurisdictions and simply ask them for their comments on this subject. Now we would be pleased to have assistance in preparing the telex so that it will not appear to be loaded but we would be glad to draw up a telex and get that away and I should think we would probably have some responses back by tomorrow. I do not know whether that is acceptable or not, but if it is, you may wish to proceed in any event with the rest of the aspects of this bill.

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

Motion To Consult With Provincial Jurisdictions

MR. NICKERSON: I think that that is an admirable suggestion, Mr. Chairman, and I would move that we accept the administration's offer to do this and that we in consequence skip over sections that deal with this licensing procedure until such time as that information has been received.

THE CHAIRMAN (Mr. Fraser): I have a motion on the floor. Do we have a seconder? Can you read the motion? I think the motion reads, Mr. Nickerson, that Deputy Commissioner Parker has agreed to send telexes to the different provinces and asking them for their opinion on the Northwest Territory licence holders. The motion was made by Mr. Nickerson that we proceed this way and that we skip clause 1, I guess, or wherever it deals with licensing, and carry on to clause 2.

MR. NICKERSON: Mr. Chairman, I think clauses 1 through 5 deal with licensing and we could proceed now with clause 6 and leave those first five clauses until this information has been gathered by the administration.

THE CHAIRMAN (Mr. Fraser): We have a motion on the floor. Any comments on it? I would just like to make a few comments on licensing. I have been driving in the territories for 35 years and I happened to be moving out of Fort Nelson and I applied for a licence. Mine was expired and I went down and took a test and they told me to come back in a month and study a book that they gave me, and I was not qualified for a licence in British Columbia because I did not know the white lines and dotted lines and black lines and you name it. I could not get a licence and I was driving for 35 years in the territories by then. So, that is one of my comments anyway. I think this licensing in the territories should be looked at pretty closely and I think it needs upgrading myself. Any more comments? Mr. Lafferty.

MR. LAFFERTY: I might comment. We have a motion on the floor but my comments are of a general nature. I too have had a Northwest Territories driver's licence back in the 1950's and upon enlisting in the army I had to end up six weeks in the drivers' school in order to qualify to drive. After listening to the discussions that have taken place here for the last several minutes I do know that this is a very, very urgent matter with our whole idea of expansion in traffic in the North, with the promotion of tourist trade and everything else like that. Of course the expression that I have heard from all Members here that we should have higher qualifications for our northern people and with the road proposed developments in the North and the expanded transport, we would have to look at this matter very seriously because the people who may engage in transportation systems may travel into other provinces and states. So it is something that I believe that we should seriously think over, even if it takes a long time to get it through. We should be getting something like that developed for the future of our people.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Lafferty. Comments to the motion?

SOME HON. MEMBERS: Question.

Motion To Consult With Provincial Jurisdictions, Carried

THE CHAIRMAN (Mr. Fraser): The question has been called. Are you ready? To the motion that this committee accept the offer of the administration to consult with provincial authorities regarding their willingness to accept validity of the Northwest Territories driver's licence and that consideration of clause 1 through 5 is postponed until their replies are in. The question has been called. All in favour?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Fraser): One, two, three. Get your hands up, we can not see. One, two, three, four, five, six, seven, eight. Opposed? Motion is carried.

---Carried

Clause 6, automatic suspension. Comments. Mr. MacLean. Go ahead.

MR. MACLEAN: I wonder if, before the Assembly proceeds, we could ascertain if the Legislature wishes to give us some direction on the drafting of the telex or whether you wish to leave that with us.

THE CHAIRMAN (Mr. Fraser): Deputy Commissioner Parker will look after drafting of the telex. Mr. Butters.

MR. BUTTERS: I would just suggest if the drafter of the telex could show it to the mover of the motion, and receive from him his satisfaction because I think that it is very important how that telex be worded. You know, "Do you accept stupid Northwest Territories licences?" and it is obvious that they are going to say "No", but if you say, "Please confirm that your jurisdiction recognizes etc., etc., ..." you get a different kind of answer.

THE CHAIRMAN (Mr. Fraser): I think it was pointed out by the Deputy Commissioner that he would accept any help from the floor.

MR. BUTTERS: I was just suggesting that maybe the mover of the motion would fulfil that responsibility of sort of editing the telex that goes out.

THE CHAIRMAN (Mr. Fraser): Deputy Commissioner Parker, do you want to answer that? Do you want some help or are you going to do it alone?

DEPUTY COMMISSIONER PARKER: We will show a copy of the telex to Mr. Nickerson and anyone else that he wishes to show it to and then we will get it away as quickly as possible.

THE CHAIRMAN (Mr. Fraser): Maybe you should draft two or three and they could accept one.

---Laughter

Okay, we are on page five, clause 6, automatic suspension. Comments?  
Hon. David Searle.

Automatic Suspension Of Driving Privileges.

HON. DAVID SEARLE: Well, I am not going to repeat everything I said before but I disagree in principle, Mr. Chairman, with there being an automatic suspension of driving privileges. I think what we should do is send this section back for redraft. I do not object to the periods of time for a first or a second or a third conviction but they should be worded in a way that says that the court may suspend on a first conviction for that, or may on a second conviction for that, but leaving to the court the discretion of whether it will suspend at all. Now I would be prepared to put a motion to that effect later but you may want to hear other Members' views on it before I do.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. David Searle. Any more comments? Mr. Butters.

MR. BUTTERS: Mr. Chairman, I would agree that it be sent back to our Legal Advisor for redrafting. I also feel that where it says -- I think the words are "not more than six months", that again the discretion of the court can be exercised in the amount of time that the suspension would be enforced. All I am saying is just let us enlarge the court's discretion here by adding those few words.

THE CHAIRMAN (Mr. Fraser): Any comments? If there is no further comment -- Mr. Nickerson, go ahead.

MR. NICKERSON: Mr. Chairman, I also have spoken on this matter before. I do not want to belabour the point, but whereas my objections to the first part of this bill were on matters of procedure and requiring more evidence so to speak, this is a point on which I feel very strongly. I do not like to see the powers of the courts undermined and I would strongly support Hon. David Searle if and when he moves a motion to the effect that this be sent back for redrafting.

THE CHAIRMAN (Mr. Fraser): Any comments? Any more comments? Mr. Lafferty.

MR. LAFFERTY: Yes, I would support the motion to send this section back for redrafting as I too do not believe in the idea of the automatic suspension. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): Thank you. Any more comments on automatic suspension? Hon. David Searle, do you want to go ahead with your motion then? Is it in order now?

Motion That Clause 6 Be Redrafted.

HON. DAVID SEARLE: Mr. Chairman, I would like to move that clause 6 be redrafted to permit the court's discretion as to whether or not there will be a suspension, yet leaving in the section the periods indicated as guidelines to them in terms of maximums as to what we see as for first, second and subsequent convictions.

THE CHAIRMAN (Mr. Fraser): Is there a motion?

HON. DAVID SEARLE: I think that Ms. Flieger knows what I mean by that.

THE CHAIRMAN (Mr. Fraser): To the motion? Mr. Steen?

MR. STEEN: Mr. Chairman, I would have to support the motion with just this comment, that if we did not leave the courts with any discretion then there would be no need for lawyers.

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

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Fraser): Question being called. I hear questions. Hon. David Searle, could you read that motion again please?

HON. DAVID SEARLE: I was just going to hand it to you. I move that clause 6 be redrafted to permit the court's discretion as to whether or not there will be a suspension yet leave in the periods indicated in the clause as guidance by way of maximums.

THE CHAIRMAN (Mr. Fraser): Do I hear question?

SOME HON. MEMBERS: Question.

Motion, Carried

THE CHAIRMAN (Mr. Fraser): All in favour? Against? The motion is carried.

---Carried

MR. NICKERSON: On a point of order, Mr. Chairman, if clause 6 is redrafted, it appears to me that there might be consequential changes to other clauses and also up to clause 13 that deals with either matters appertaining to licensing or this mandatory suspension. So would it be the advice of the Legal Advisor that we now proceed to clause 14, Mr. Chairman?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, it appears that most of these sections coming up, clauses 9 and 10, some of these at least, deal with the matter of the licensing system as well. Yes, I will just look through and see which section I think is the next one.

THE CHAIRMAN (Mr. Fraser): Yes, Mr. Irving.

MR. IRVING: If we may, Mr. Speaker, our legislation counsel has some information for you on this very point, if I could give you Mr. Singer, please.

THE CHAIRMAN (Mr. Fraser): Just go ahead, Mr. Singer.

MR. SINGER: Sir, I would like to point out that the new paragraph 52(a) has its rationale the very system of automatic suspensions, I believe. The present section 53 of the Vehicles Ordinance and in particular subsections (3) and (4) already deal with the power of the court to impose suspensions of licences. In the case of subsection 53(3) this is where the person already has an existing licence. In the case of subsection 53(4) this is where the person does not have an existing licence. As I understand the purport of this amendment, what in effect is being done is to sweep away the rationale behind paragraph 52(a) and in effect to make an amendment to section 53. If that is the case, then perhaps consideration could be given to whether or not it should be section 53 which should be amended and whether or not in fact the power which is sought to be carried by the amendment is not there already in fact.

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

HON. DAVID SEARLE: Well, Mr. Chairman, that was exactly the comment I was going to make; that I think you have to look at section 53 to see now whether in fact you need any change at all. It may be that you do because if you look at the latter part of my motion which said reflect the maximums as indicated in the proposed section 52.1 that you had in clause 6. They go up to five years of suspension depending upon whether or not it is, say, a third conviction.



And then if you look at section 53, subsections (3) and (4), you will see that they only go to 12 months and two years respectively, so to affect those maximums that I think we agreed in that motion were legitimate, but expressing them as maximums instead of minimums you would probably have to do a new section 53. If that makes sense.

THE CHAIRMAN (Mr. Fraser): We are just talking to the Legal Advisor here, she is going to look into it and according to the witnesses there will be some complications or changes in section 53, if section 52 is changed. Is this right?

Automatic Element Of Sentences

MR. SINGER: That is certainly my opinion. I think my position is that section 52.1 is a provision which has been incorporated into the proposed legislation to deal specifically with automatic suspensions. If the automatic element of the sentences were taken out and we are not dealing with minimum and maximum here, we are dealing with specific offences ranging from six months up to five years. I agree entirely that the period of five years is not covered in the present legislation -- the period even of two years is not covered where somebody already has an existing licence but I think that the way that the legislation might be structured if the automatic suspension concept is taken out of the proposed legislation is by another route, namely possibly by amendment of section 53. What I am saying is that in considering the motion I would ask that some leeway be given to the technique in which the changes are drafted, given whatever the desired policy is.

THE CHAIRMAN (Mr. Fraser): Thank you. I think we will just leave this with the Legal Advisor for now and she can come back maybe some time at a later time and I recognize the clock now as coffee time. We will break for 15 minutes recess.

---SHORT RECESS

THE CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum and calls this meeting back to order. Mr. Nickerson.

MR. NICKERSON: During the coffee break, Mr. Chairman, it has come to my knowledge, or at least I suspect that the licences which are being issued today, the licences which are being sold today at the licensing office are these new class system licences. I wonder if that is correct information or not, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): Would one of the witnesses care to answer to that?

MR. IRVING: Mr. Speaker, pardon me, Mr. Chairman, I do not think that is the case but we are checking it out right away. We had not planned, or rather our plan was that if the Assembly approved this particular type of legislation that we were prepared to go ahead on April first on the Mackenzie highway system and going into the classification in 1979. I am sure that it is not the case but we are going to check it right away.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Irving. There has been some change in plans. I would like to get unanimous consent from the House to call progress and leave this bill with the Legal Advisor. The changes are a meeting with the Minister and a caucus meeting combined, so we will, if we get unanimous consent from the House, call progress at this time.

SOME HON. MEMBERS: Agreed .

THE CHAIRMAN (Mr. Fraser): Contrary? Unanimous.

--- Agreed

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

Report Of The Committee Of The Whole Of Bill 8-64, Vehicles Ordinance.

MR. FRASER: Mr. Speaker, the committee has been studying Bill 8-64 and at this time wishes to report progress.

MR. SPEAKER: Thank you. Gentlemen, you will recall earlier today Mr. Butters made the request, rather the inquiry I think, that he wondered if the Minister had time to meet with Members as he often does informally apart from his formal address which he made. I had indicated that we would try and find out if he did have time. He has indicated that he would have time to meet with Members at 9:30 o'clock tomorrow morning, is that not so, Mr. Stewart?

MR. STEWART: At 9:00 o'clock, Mr. Speaker.

MR. SPEAKER: At 9:00 o'clock tomorrow morning.

MR. STEWART: In the boardroom.

MR. SPEAKER: In the boardroom. So that presumably means that if we are to do that, we should maybe adjourn early this evening. I am thinking of now, instead of our normal 5:30 o'clock p.m., and proceed to the Members' lounge upstairs and usefully spend some time discussing what we are going to raise with the Minister.

Otherwise it seems to me with the dinner that is on tonight and the early meeting tomorrow, we would not have prepared an agenda. Would it therefore meet with the approval of this House for the Chair to recognize the clock now and suggest that we proceed upstairs on that basis?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: That being so, the Chair recognizes the hour to be 5:30 o'clock p.m. Orders of the day, Mr. Clerk.

ITEM NO.14: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, January 24, 1978, 2:30 o'clock p.m., at the Explorer Hotel.

1. Prayer
2. Replies to Commissioner's Opening 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 and Other Matters: Bill 8-64, Bill 7-64, Bill 17-64, Bill 9-64, Bill 11-64
12. Orders of the Day

MR. SPEAKER: Possibly one of the Members sitting next to Mr. Lafferty would be good enough to brief him on what we are doing as he just came in the chamber. This House stands adjourned until 2:30 o'clock p.m., January 24, 1978, at the Explorer Hotel.

--- ADJOURNMENT

Second Reading of Bills: (cont'd)	<u>PAGE</u>
- Bill 9-64 Collection Agreement (Income Tax) Questions Ordinance	55
- Bill 10-64 Retirement Plan Beneficiaries Ordinance	55
- Bill 11-64 Appropriation Ordinance, 1978-79	56
- Bill 14-64 Financial Agreement Ordinance, 1978	57
- Bill 15-64 Loan Authorization Ordinance No. 1, 1978-79	57
- Bill 16-64 Northwest Territories Housing Corporation Loan Ordinance No. 1, 1978	57
- Bill 17-64 Judicature Ordinance	58
Consideration in Committee of the Whole of:	
- Bill 8-64 Vehicles Ordinance	59
Report of the Committee of the Whole of:	
- Bill 8-64 Vehicles Ordinance	99
Orders of the Day	100

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