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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, JANUARY 24, 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): Item 2, replies to the Commissioner's Opening Address. Mr. Nickerson.

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

Mr. Nickerson's Reply

MR. NICKERSON: Before starting with the prepared part of my reply to the Commissioner's Address, please allow me, Mr. Speaker, to comment briefly on the presentation of the Hon. Hugh Faulkner, delivered to this Assembly last Friday.

His announcement of the federal government's intention to proceed with the long awaited Liard highway, of course meets with our approval. This is something we have been pushing for for a long time. However, one relatively short road, the construction of which is apparently to be spread out over a period of five years, will not in itself replace the opportunities which have been lost with the pipeline and we would urge the Hon. Hugh Faulkner to look upon this development as just the start of a major undertaking with respect to the provision of a full scale transportation network throughout the territories.

Settlement Of Land Claims

It would appear from Hon. Hugh Faulkner's speech that the Government of Canada now plans to get down to business with the settlement of native land claims. We applaud this development as on numerous occasions we have called for the just, equitable and speedy settlement of outstanding claims. If the older native people, those who most deserve to benefit from any settlement are to receive any benefit at all, negotiations must start in earnest as soon as possible. Hon. Hugh Faulkner's remarks I am sure will be received with gladness by the responsible native people of the North and such people constitute by a large margin the majority of our indigenous population.

All in all, Mr. Speaker, on the face of it, Hon. Hugh Faulkner's approach, although extremely cautious and conservative, appears to be something of a breath of fresh air after the days in the wilderness with the Berger-Allmand coalition. However, we too must be cautious in awarding approbation as over the past few years we have learned with good reason to distrust the federal government and their vacillating policies. The new Minister must show not only by his words but also by his actions over a reasonable period of time that a change of heart has taken place, and then and not until then, will we be able to offer him our accord and trust.

Need For Responsible Government

Mr. Speaker, in my reply to the Commissioner's Address today, I wish to speak on one issue, only one issue. But this is probably the most important matter concerning the Northwest Territories today. What I refer to is the need for constitutional change, specifically the need for responsible government in the Northwest Territories, government responsible to the people it serves. This is the issue.

On the face of it, you might consider economic matters very important, especially in the light of the economic depression facing much of the Mackenzie area in the wake of Mr. Berger's evil deeds but to me this is just another illustration of the inability of the Department of Indian Affairs and Northern Development to come up with policies which the people of the Northwest Territories themselves desire. They are completely incapable of formulating or putting into practice anything which we ourselves want and until such time as a system of government in and for the territories can be set up which is responsive to and responsible to the people of the territories this type of nonsense will persist.

Policies which are imposed on us from the South, such as the policy of no development with which we have been faced for some time, result because they are developed in response to what the Ottawa government believes to be southern public opinion. Their policies, if you can dignify them with such a name are thrown together in ad hoc fashion in response to the daily change in generally ill-informed and frequently manipulated southern public opinion rather than being based on the facts as we ourselves know them.

They are not designed in the best long-term interests of the North or of Canada as a nation. We have not had a comprehensive northern policy since the days of the Hon. John Diefenbaker's vision which has faded away in the dullness of the Trudeau regime. The Department of Indian Affairs and Northern Development should admit to the fact that they know little and care even less about what happens to us. We ourselves have to develop the constitutional mechanisms to enable us to channel our indigenous northern energies into providing for ourselves the good life which Ottawa has so dismally failed to produce.

Problem Of Overgovernment

Before recommending changes, let us take a look at the system of government as it exists in the territories today. The first thing to notice is the expense and size. We have a bureaucracy of a size and complexity we neither want nor asked for nor can afford. There are some 5000 federal and territorial civil servants in the territories, and nobody seems to stop to think just how ludicrous it is to have so many people administering a population of only 40,000 souls. In diagnosing the many ills of the North surely the problem of overgovernment is the most apparent. The private sector has been emasculated and the private citizens of the North subjugated under the oppressive hand of a top-heavy government not of our own making.

We tend to look upon the territorial administration as being something different from the federal people but this is not really the case. The territorial administration is, in fact a branch of the Department of Indian Affairs and Northern Development. It is common knowledge that the territorial civil service is more efficient both in the use of money and manpower. They do not squander the money to the four winds as many federal government departments are inclined to do but nevertheless as far as being responsible for their actions, they are indeed a part of the Department of Indian Affairs and Northern Development.

Bureaucracy In The North

The trouble with the massive bureaucracy in the North is that it is really answerable to no one. It is a power unto itself. There is a frightening resemblance between what is happening in the territories today and the situation in India at the turn of the century. In both cases the bureaucracy says and maybe even honestly believes that they are acting in the best interests of the people they govern. They say that they are working towards the day when the governed will be able to govern themselves but subconsciously their vested interests will make sure that that day never arrives.

Sir Winston Churchill one time remarked that the British colonial office worked on two principles. The first was that the man in the field should never be trusted and the second was that the colonial power should never give way except to force. The ideas prevalent within the senior ranks of the Department of Indian Affairs and Northern Development are exactly these. I would like to know how many times the senior man in their department in the field, the Commissioner, has been completely ignored. It is obvious that the Department of Indian Affairs and Northern Development is spreading its tentacles, constricting the people of the territories further and further, worming its way in. If they are allowed to continue, there never will be a time that the people of the territories will be ready, especially in their eyes, to govern themselves. We have to use the force of argument, repeated time and time again. We have to take them to task continuously. We have to show Canadians that what they are doing is not necessarily in the best interests of the people. People never will be able to govern themselves unless they are given the opportunity and allowed to make their own mistakes.

The answer to many of our problems is that of responsible government. At present, we have a representative Legislature that is true, and this may be looked upon as a first step but what we really want is the executive government of the territories to be responsible to the people of the territories. This can only be done when the chief executive officer whether he be termed the Commissioner, the premier or something else is chosen by and answerable to the people he serves. This talk of evolution towards responsible government is very much a red herring. Evolution or a slow evolving process might work towards provincial status and this is very often confused in peoples' minds with responsible government. But we are really talking about two very dissimilar concepts. We have responsible government in the municipalities today where the mayor is elected by the people.

Not Responsible To People

We might evolve slowly towards full provincial status, a slow process might make sense here. We can take over as we hope to do the responsibility for mining inspection shortly and afterwards the full responsibility for health, inland fisheries and similar provincial-type areas and this can be done a step at a time. But when you are talking about responsible government it is clearcut. The executive government, the Commissioner, is either responsible to the people of the territories or to someone else. There is absolutely no in-between. It has to be one or the other and at present, I am sorry to say, he is just a functionary within the Department of Indian Affairs and Northern Development. He is responsible to the Minister and not to the people of the Northwest Territories.

The Executive Committee is molded on similar failures which have been tried with as little success many years ago. The Executive Committee does not work and it will not work until such time as that body has not only the trappings of authority but real authority. I am afraid that there is no way that I could serve again on the Executive Committee knowing that I did not have any real authority but could only act in an advisory capacity to a civil servant.

There is something obscene about a duly elected representative of the people kowtowing before an appointed civil servant. Until such time as the Executive Committee constitutes the real government of the territories and is not just some high-priced advisory board it can not be looked upon as anything else than window dressing and an attempt by the Department of Indian Affairs and Northern Development to deceive us into thinking that we are being allowed some modicum of control over our own affairs when in reality we have none. I have to admit that elected Members on the Executive can have some influence but believe you me they have absolutely no authority.

Provincial-type Revenues

The argument has been put forward by Ottawa that provincial status is somehow dependent on our ability to finance our own government, to pay for all the services we presumably provide to people. You will notice that there is a shortfall of some \$180 million in our budget this year that has to be made up by operating deficit and capital grants from the Government of Canada. In all fairness I guess we have to agree that there is something to this argument. It might, however, sound a little bit more convincing if the federal government would be prepared to hand over some of the potentially revenue-generating areas such as natural resources.

Now it is grossly unfair of them to refuse us access to provincial-type governmental revenues and then say that you can not run your own affairs because you do not have enough money. In the same line of thinking it is probably unfair for a few people in Canada's northland to control entirely what might amount some day, provided that incentives are there for exploration efforts to be made, to half the non-renewable natural resources of Canada.

We admit this and our proposal is that we should enter some form of revenue sharing arrangement with the federal government, and at one time they seemed quite willing to go along with such a suggestion undoubtedly because of its inherent fairness. However, under the Hon. Warren Allmand things changed, and we have not yet heard from the new Minister whether he would support such an equitable solution.

All these arguments are used by Ottawa to deny us provincial status, but I tell you the same arguments can not be used against responsible government. They just will not hold water. The matter is entirely different. The government of the territories at present has a number of provincial-type functions under its jurisdiction and the chief executive officer of that government has to be responsible to the people for his actions in these areas.

Financial Negotiations

It is expected that we would continue with an operating deficit for some time to come. It is very expensive to administer especially the eastern and northern parts of the territories and provide there, at the insistence of Ottawa, services of a comparable standard to those available in southern Canada. But what would happen, if we had responsible government and a status approaching that of a province, would be that the financial negotiations which now take place between the Treasury Board, the Department of Finance, the Department of Indian Affairs and Northern Development and the Government of the Northwest Territories would be carried out in very much the same manner, but the Department of Indian Affairs and Northern Development would not be there. They serve no useful purpose as it is.

The negotiations at present are carried on competently by the staff of the Government of the Northwest Territories and the final say as to whether or not our requested grants will be forthcoming lies with the Department of Finance and the Treasury Board. The only reason why Indian Affairs and Northern Development are there is because our grants appear in their budget.

It could just as well appear in the budget of the Department of Finance. There is no difficulty there at all. All that Indian Affairs and Northern Development does by being at these meetings is to confuse the issue. They just get in the way. There is absolutely no reason why an equitable system of financing can not be developed, compatible with responsible government in the Northwest Territories.

Colonial Administration

The territories today are in the same position vis-a-vis the federal government as the colonies of Upper and Lower Canada, Nova Scotia were in respect to the British colonial office in the 1830's. The situation is almost identical. The only difference is that the 19th century colonial officers of the British Empire were enlightened, benign and liberal in their views compared with their Ottawa counterparts of today. Nineteenth century colonial administrators at least had some sense of humanity whereas it appears that the people within the Department of Indian Affairs and Northern Development have but one end in mind and that is to keep the people of the Northwest Territories in subservience for as long as possible.

Contrast what was said in 1846 by Lord Grey, the British colonial secretary of that time, in his advice to the lieutenant-governor of Nova Scotia. He said, "Let the governor be guided by the advice of his councillors. Concession to their views must sooner or later become inevitable since it can not be too distinctly acknowledged that it is neither possible nor desirable to carry on the government of any of the British provinces of North America in opposition to the opinion of the inhabitants". Contrast this with the speech made some 130 years later by the minister of Indian Affairs and Northern Development with the federal government of Canada. A speech with which you are all familiar. The infamous "not within the foreseeable future" speech. How in the space of 130 years can such regression have taken place? Is there not today in Ottawa, one man with the vision, the foresight and the sensibilities of Lord Grey? Is there not one man who recognizes the impossibility of governing people for any length of time in opposition to their wishes?

Mr. Speaker, history has proved that Lord Grey was right. History will prove that we are right and history will consign into oblivion those who would deny us our rightful place in Canadian society.

---Applause

MR. SPEAKER: Gentlemen, are there further replies?

Item 3, questions and returns. Are there any returns? No returns. Any questions? Mr. Nickerson.

ITEM NO. 3: QUESTIONS AND RETURNS

Question W4-64: Escheats To The Northwest Territories

MR. NICKERSON: Mr. Speaker, could the administration please provide to the next session of the Legislature a brief information item on the subject of escheats to Her Majesty in right of the Northwest Territories and give therein their opinion as to the sufficiency of the present legislation, if any, on this subject?

MR. SPEAKER: Mr. Nickerson, could you just repeat that please?

MR. NICKERSON: I have just about lost my voice, Mr. Speaker. Would you like me to repeat the whole question?

MR. SPEAKER: Well the first part I am afraid I did not get.

MR. NICKERSON: I am sorry. Could the administration please provide at the next session of the Legislature, a brief information item on the subject of escheats to Her Majesty in right of the Northwest Territories and give therein their opinion as to the sufficiency of the present legislation, if any, on the subject?

MR. SPEAKER: Did you say a sheet?

MR. NICKERSON: I said escheats not a sheet.

MR. SPEAKER: The trouble with that kind of a question, Mr. Nickerson, is I suppose the Executive, if it takes any time to put a paper together, wonders if more than one person may wish it. You may find it more effective to put it by way of motion. I just make that suggestion.

MR. NICKERSON: Mr. Speaker, that had crossed my mind but it would appear to me that there is only probably half an hours work to put this thing together. I might, of course, be mistaken and I thought rather than going through the whole formality of raising a formal motion it might be quicker to do it this way. But if you, as a person knowledgeable in the law, suspect that this might be more than half an hours work maybe I should think otherwise.

MR. SPEAKER: Maybe we better wait and see what the Executive says.

Partial Return To Question W4-64: Escheats To The Northwest Territories.

COMMISSIONER (Mr. Hodgson): Yes, Mr. Speaker.

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

Question W5-64: Construction Contracts, Hall Beach

MR. EVALUARJUK: There are three construction contracts for the Housing Corporation, the Bay and the nursing station in Hall Beach. The people there believe the construction workers are not doing a good job. Since the Deputy Commissioner is on the board of the Housing Corporation, I would like the administration to look into this matter.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will take the question and review the material and provide a reply later in the session.

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

Question W6-64: Causes Of Deaths/Disablements In Frobisher Bay

MR. LYALL: Mr. Speaker, I would like to ask this administration how many deaths or lifetime disablements have been caused in Frobisher Bay by people drinking something other than liquor since the closure of the liquor store.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will get the information and provide it as a reply at a later date.

MR. SPEAKER: Further written questions.

Item 4, oral questions.

Item 5, petitions. All right, Mr. Lyall.

ITEM NO. 5: PETITIONS

Petition 1-64: Request For Television, Gjoa Haven

MR. LYALL: Mr. Speaker, I would like to table this petition made by the people of Gjoa Haven requesting television and radio in that community.

MR. SPEAKER: Thank you, Mr. Lyall. Further petitions.

Item 6, reports of standing and special committees. Are there any reports of special and standing committees?

Item 7, notices of motion. Mr. Lyall.

ITEM NO. 7: NOTICES OF MOTION

Notice Of Motion 1-64: Appointment Of Elected Member To Executive Committee

MR. LYALL: Mr. Speaker, I wish to give notice that on January the 25th I will introduce a motion concerning appointment to the third Executive Committee position.

MR. SPEAKER: Further notices of motion. Mr. Whitford.

Notice Of Motion 2-64: Rearrangement Of Constituency Boundaries For Yellowknife North And Great Slave Lake

MR. WHITFORD: Mr. Speaker, I give notice that on January the 25th I would like to present a motion:

WHEREAS the Yellowknife Indian Band is most disconcerted that Detah is within the territorial constituency of Great Slave Lake and that Block 500 is within that of Yellowknife North thereby splitting the band in half;

AND WHEREAS this House would like to see territorial constituency boundaries conform to the wishes of the residents of the areas concerned;

NOW THEREFORE, I move, seconded by the Honourable Member for Yellowknife North, that prior to the next territorial general election, constituency boundaries be rearranged so that both Block 500 and Detah which are inhabited predominantly by members of the Yellowknife Indian Band are contained within the same constituency.

MR. SPEAKER: Mr. Nickerson.

Notice Of Motion 3-64: Transfer Of Mining Inspection Services.

MR. NICKERSON: Mr. Speaker, I give notice that on Wednesday the 25th of January I will move a motion dealing with the transfer of mining inspection services from the federal to the territorial government.

MR. SPEAKER: Further notices of motion.

Item 8, motions for the production of papers.

Item 9, motions.

Are there any motions, Mr. Clerk? No. Mr. Lyall.

MR. LYALL: Mr. Speaker I would like to have unanimous consent of this House to proceed now with the motion of which I gave notice today under Item 7.

MR. SPEAKER: Unanimous consent being requested to move a motion with respect to the appointment of a Member to the Executive. Are there any nays? Unanimous consent then is granted, Mr. Lyall. Proceed.

ITEM NO. 9: MOTIONS

Motion 1-64: Appointment Of Elected Member To Executive Committee.

MR. LYALL: Mr. Speaker:

WHEREAS one of the positions on the Executive Committee to be filled by an elected Member of this House is vacant;

NOW THEREFORE, I move that this Legislative Assembly respectfully request the Commissioner to appoint Mr. T. H. Butters to the Executive Committee of the Government of the Northwest Territories.

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

MR. WHITFORD: Mr. Speaker, I am delighted to second the motion of Mr. Lyall to have Mr. Butters appointed to the Executive.

MR. SPEAKER: Is there any discussion?

SOME HON. MEMBERS: Question.

Motion 1-64, Carried

MR. SPEAKER: Question being called. All in favour? Down. Contrary? The vote with the exception of Mr. Butters voting, was carried almost unanimously. Congratulations, Mr. Butters, if I may say so, from the Chair of the House.

---Applause

MR. BUTTERS: Mr. Speaker, I wish to thank my colleagues for their support and will do my utmost to merit that confidence. I will have more words to say on this matter in my reply to the Commissioner's Opening Address. Thank you.

MR. SPEAKER: Are there any further motions?

Item 10, tabling of documents.

Item 11, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 11: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS,
RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Bill 8-64, the Vehicles Ordinance is the first one I have here. Are we prepared to proceed to hopefully conclude that matter, Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I wonder if it would be possible that we could move to Bill 11-64, the Appropriation Ordinance to allow for Assistant Commissioner Mullins to come in as a witness and to introduce the budget. We would not have to get into a discussion on it. There are some circumstances that I think it would be in our best interests now if we could do it at this time if we could have the consent of the Members for that.

MR. SPEAKER: In that case the House will resolve into committee of the whole for consideration of Bill 11-64, the Appropriation Ordinance, with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 11-64, Appropriation Ordinance, 1978-79, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 11-64, APPROPRIATION
ORDINANCE, 1978-79

THE CHAIRMAN (Mr. Stewart): This committee will come to order to study 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. Mr. Minister, you indicated you wished to call a witness, Assistant Commissioner Mullins.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Agreed.

---Agreed

Assistant Commissioner Mullins, please. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, while Assistant Commissioner Mullins is taking his place if I could just offer an explanation, a further explanation for our procedure today. We would like to have Assistant Commissioner Mullins make an explanation of the budget and the budget format because together with the director of Finance and the staff of that department, a very considerable amount of work has been done in this area and before we get deeply into budget matters we think it proper to have a proper explanation made.

We have a small timing problem tomorrow and therefore, we appreciate the opportunity that you have given for Assistant Commissioner Mullins to make this presentation today. After we have gone through a presentation on the budget, then if you think well of it we might go back on to Bill 8-64 and work on that bill and then we will be prepared at any time to proceed on a department by department study of the budget. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. Assistant Commissioner Mullins, would you care to proceed?

ASSISTANT COMMISSIONER MULLINS: Thank you, Mr. Chairman. With your indulgence, I would like to spend just a few moments this afternoon outlining in general terms the contents of the budget. I would like to do so in terms of outlining the change in the size of the budget from the year we are just now completing.

Development Of Budget.

I would like also to review some of the process that has been gone through in order to develop the budget which the administration is presenting to the House. I would like also to indicate some of the major items that we normally call B level items by which the programs of this government are proposed to be enriched for next year. I would briefly like to comment on the new format of the estimates which the Executive Committee and the staff of the Department of Finance has spent a considerable amount of time in developing so as to provide what we feel is more information to this House in a form which is readily usable and readily understandable, by Members of this House and by the general public. Mr. Chairman, the estimates for next year contain a request for appropriations in the amount of \$268,425,000. Mr. Chairman, this is the first time that the budget of the Government of the Northwest Territories is proposed to exceed a quarter of a billion dollars.

Of that amount approximately \$210 million are to cover the anticipated operating expenditures of the next fiscal year. An amount of roughly \$55 million is anticipated to be the budget for capital purposes for next year and an amount of slightly less than \$5 million is to be provided in the appropriations of the Department of Local Government for the purposes of loans to municipalities. Mr. Chairman, it just might be interesting to note that this budget contains \$5800 for every man, woman and child resident in the Northwest Territories. Mr. Chairman, the intent of the administration for the next fiscal year has been to have a budget growth which basically reflects the same percentage growth in dollar terms as the growth in the economy.

Streamlining Of Expenditures

Therefore, it is seen that the budget is growing by approximately 11 per cent over the budget for the year which is now ending. Because we wanted to get the most for the dollars that we are spending, a major review exercise was concluded during the calendar year 1977 with a view to streamlining some of the expenditures of this government. The details of the streamlining efforts will be available during discussion on a department basis. Among the things that we found during the detailed review conducted in 1977 was that there were considerable errors made in the presentation of previous budgets. Essentially, Mr. Chairman, this government followed a practice initiated by the federal government of basing one years budget on the basis of the previous years budget.

We objected to this process because budgets are plans and not all plans are perfect and we thought it desirable to re-evaluate our spending needs on the basis of the actual expenditure patterns in previous years. So what we did is we took a very detailed look at the actual way in which the government spent its money in 1976. We then assessed the implications for the year we are now in and came up with a budget for 1978. In essence, you will find that there is actually a reduction in the budgets of some programs and a much higher than average increase in the budgets of others and that is to reflect a fairly intensive analysis of needs conducted during the last year.

Responsibilities Changed

The other thing which we did, Mr. Chairman, in preparing the budget is to attempt to highlight responsibilities and accountabilities and where we felt that some of the responsibilities rested in the incorrect department we made some reallocations and changed some of those responsibilities. I will not go through them all at the moment, Mr. Chairman, but a good example relates to the management of this government's real property, its buildings and its other assets. We find that the responsibility for all of those was distributed, dispersed through the Department of Personnel, Department of Finance and the Department of Public Works. What we have done this year is to consolidate

those responsibilities all in the Department of Public Works and to highlight them in a budget which provides for greater control by this House and for greater control and monitoring by the Executive.

Mr. Chairman, we also took a look at some of the pressing needs in the Northwest Territories and some of the things which this House on occasion or Executive Members or the Commissioner's consultation with communities indicated were things which ought to be enriched. I am therefore, pleased to announce at this time, Mr. Chairman, that there will be a major and substantial increase in the recreation grants to communities contained in this budget, along with a new recreation grant policy. There will be financial provision for a communications program to provide services to communities with a population of between 250 and 500 individuals if those communities so express a desire to have enhanced communication facilities. And there is an expansion of the Northwest Territories Housing Corporation's maintenance program to upgrade the level of maintenance in the public stock of housing.

In the capital budget, Mr. Chairman, there has also been a reallocation of the thrust of this government. Essentially, Mr. Chairman, an analysis of the capital budget will show a great strengthening in the budget of the Department of Local Government primarily to provide for greater levels of water and sewer expenditure and other municipal expenditures in those communities.

Revenue Growth Rate

On the revenue side, Mr. Chairman, the picture is a little different. The total revenues from normal revenue sources, that is taxes and liquor profits collected by this government are forecast to increase by only 6.3 per cent. So essentially Mr. Chairman, the rate of growth of revenues from tax sources under the control of the Government of the Northwest Territories is growing at a less rapid rate than is the cost of providing services to territorial residents.

Mr. Chairman, in introducing my remarks a few moments ago I indicated that I wished to be brief and I therefore wish to allocate the next five or six minutes to a discussion of the new format of estimates. The estimates that you have before you are approximately half the size of the estimates in previous years. What we have done in consultation with the Executive sub-committee on finance, your standing committee on finance and the Executive Committee is to attempt to determine what kinds of information are of interest to legislators and what kinds of information are necessary for the internal control of government and what we have done is to separate those two items.

Previously, the main estimates contained documents which were very similar to working papers necessary for the internal administration of government but not, in the judgment of Members of your standing committee on finance, particularly helpful in assessing need and assessing adequacy of budget. Therefore we have taken that level of detail out of the main estimates and replaced it with financial or numerical information in a more summarized form and replaced a lot of the numerical detail with text, with text describing what it is that program managers are expected to try and achieve, what it is they are expected to do with the funds that are made available to the administration by this Legislature.

Detail Of Budget Information

We have really done this in just a few simple ways. Firstly, we have expanded the grants and contributions tables introduced for the first time last year to provide even more information on the grants and contributions provided by this Legislature to bodies outside the Government of Northwest Territories. After all, a grant or a contribution is a financial gift by this Legislature to people directly rather than moneys expended and controlled by the administration. Therefore we have highlighted information on grants and contributions a little more.

Secondly, we have expanded slightly the details of the capital program by wherever appropriate, showing the total program cost or total project cost related to a particular capital item. We feel that it is as important to legislators to know the total cost of a multiyear project as it is to know the amount to be spent in any one year and therefore we have expanded the format of capital to show the total cost of the project, the total cost of moneys already spent on that project, the total cost forecast for the estimates year and the amount that will be required in subsequent years.

But Mr. Chairman, the most significant changes have been made in discussing the operating votes of each department. The operating moneys in this year are presented in a separate page in the estimates for each of the activities of government and each of the activity sheets provide a brief description of the accountabilities of the particular activity and in most cases, a statement of the major achievements or thrusts in the current year and the major plans for the new year. In addition on that same sheet we have summarized capital moneys and the size of the manpower resources that will be required to support that activity.

Where in the past some activities appeared to be redundant with each other, we have amalgamated them and in other cases where large lumps of money are required for a specific purpose but were basically buried inside another item, we have highlighted that other separate activity for both the information and control by this House and also for the control in monitoring by the Executive Committee.

Those remarks, Mr. Chairman, briefly summarize the changes in the format which the administration has proposed in the presentation of main estimates to you and also bring to conclusion the brief introductory remarks on the over-all financial composition of estimates.

THE CHAIRMAN (Mr. Stewart): Thank you, Assistant Commissioner Mullins. I just wanted to ask one question. Why would the vote numbers be deleted from these estimates? There are no vote numbers so that we can follow them through. Is there a reason for this?

Explanation Of Item Numbers

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the vote numbers appear on about the second page of estimates, numbered small Roman numeral (ii) and these are item numbers. The items previously shown in earlier sets of main estimates were activity numbers which were used for internal control purposes within the computer of the government. Some people found those numbers to be useful. Others found them quite confusing and we thought it would be possible this year instead of referring to those internal control numbers when handling discussions of items, to refer specifically to the name of the item, be it the accommodations budget of Public Works or the equipment maintenance budget or what have you.

THE CHAIRMAN (Mr. Stewart): Thank you, Assistant Commissioner Mullins. Mr. Nickerson.

MR. NICKERSON: I wanted to make a few comments on the new format of the main estimates for this year. I think one of the best things about the new book that we have is the very high quality printing and I would like to compliment the people in the printing shop for putting it out. That is probably the best thing I have to say about it. Certain Members have commented that the reason why it is only half as thick this year is because either you are only giving half as much information; or concealing twice as much, whichever way you want to put it.

There are a few good points about it. I myself like the summary pages. I like the emphasis given to grants and contributions. These expenditures are frequently of a political nature and a way in which the administration and some of our civil servants exercise what they might consider to be their prerogative of just a little bit of patronage. We like to keep our eyes on that.

Activity Number Useful

The first few pages of the document where it gives the recoveries and breaks down the sources of expenditure are pretty good but I dislike to a certain extent or even indeed to a great extent, the breakdown in the various activities or what was formally called activities and I would agree with the chairman of this committee that a lot of us would have found the activity number useful. It could have been printed at the top of the page with no difficulty whatsoever. Whenever you are talking to any of the people involved with finance within the government they have the shorthand where everything is referred to by its number; 4440 or 1011 or whatever it is and after a while people get used to using those numbers. So, I think that that would serve some useful purpose in maintaining the old system of putting the numbers on there.

But I think what I object to most strongly is the lack of real information on the expenditures. Before we probably got too much or for many activities we got too much. We started breaking things down into how much we are spending on paper clips and envelopes and that type of thing and it did not really make too much sense. It did not make sense having the identical line objects for each activity because in some departments there were only very minimal expenditures in one particular line object, but at least that did give us some information.

The new format gives us practically none at all. I see the operations and maintenance part of the expenditure broken down into salaries and wages; grants and contributions, which as I said before fortunately are outlined in a fair amount of detail; and then, other O and M. You will find if you look through this book activity by activity that frequently the other O and M is the major item of expenditure.

Clerk Of The Council Expenditures.

I opened this book at random and came up with the estimates for the Clerk of the Council and I do not mind talking about this because this is ours and it is where our indemnities are contained. You will see there that salaries and wages, presumably for Mr. Remnant and his staff amount to some \$190,000 and then everything else is lumped together under other O and M. What I would have liked to have seen is each activity treated differently and the major items of expenditure under that particular activity put as footnotes beneath the page we have or on a separate page. We might not want to know how much money Mr. Remnant spends on paper clips and envelopes and other stationery. That is not really that important but what we would like to know, or more specifically what the public would like to know in the case of budget for the Clerk of the Council is how much money is being paid to the Members of the Legislature.

Now, surely the public have a right to know how much the taxpayers are paying us for sitting here and giving the administration the benefit of our wisdom. Obviously that is one of the items which we should know of and should be written down as far as the budget of the Clerk of Council is concerned. Another item that people would want to know in that particular budget is how much is paid for rent of accommodation such as the hire of this hall and related expenses.

So I think that this budget format is going to cause a fair amount of difficulty. We will continually have to ask questions what this other O and M is and I think the administration will find themselves doing more work this way than had they gone through the initial exercise of outlining activity by activity the major items of expenditure for that particular part of the budget.

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

Per Capita Expenditure

HON. DAVID SEARLE: Mr. Chairman, I could not help but notice the figure of \$5800 per capita used by Assistant Commissioner Mullins with respect to what this budget amounts to, if you divided the total budget into the population of the Northwest Territories. That to me seems to be just an incredible sum of money and I am wondering though if Assistant Commissioner Mullins has at his fingertips any comparisons with other jurisdictions, say the Yukon and some of the provinces, so that he can indicate to us what the per capita expenditure might be elsewhere.

THE CHAIRMAN (Mr. Stewart): Assistant Commissioner Mullins, can you answer that question at this time?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I do not have that information at my fingertips by province or territory for next year. I will attempt, though, to provide it the next time I am here for the year we are now in for major provinces and the Yukon Territory.

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

MR. NICKERSON: On this question, Mr. Chairman, I am of the understanding that taking both federal and provincial or territorial expenditures, the per capita expenditures in the Northwest Territories are just a little higher than three times the national average. Would that make sense, am I on the right line do you think in assuming that?

THE CHAIRMAN (Mr. Stewart): Assistant Commissioner Mullins.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, that is the correct order of magnitude, yes. The expenditures in the Northwest Territories by the federal government and by the territorial government are in the order of magnitude of three or possibly four times the national average.

THE CHAIRMAN (Mr. Stewart): Any other comments or questions for Assistant Commissioner Mullins? Mr. Lafferty.

Committee Report Delayed

MR. LAFFERTY: Mr. Chairman, I sort of got caught by surprise. I should have made the standing committee report today but I will do that tomorrow.

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

MR. BUTTERS: At this juncture it is very difficult to determine whether or not this budget will be more satisfactory for debate than the one Members used last year. Probably if Assistant Commissioner Mullins might be available at the end of the budget debate as well so that the experience of the next three and a half weeks could be then provided to him and, rather than projecting some expectation of what this budget will or will not provide us at that time, we could probably give him some more concrete indications of either omissions or of some strong points on which we can congratulate him and his officials.

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

MR. PEARSON: Mr. Chairman, I wonder, have we heard from Mr. Lafferty on this yet, his report? His committee has seen this new approach; does he have any comment to make about it?

THE CHAIRMAN (Mr. Stewart): Mr. Lafferty has indicated he will have his report ready for tomorrow.

MR. PEARSON: Oh, I beg your pardon.

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

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would apologize to Mr. Lafferty for placing this on the agenda a day ahead perhaps but I do not think that it is particularly out of place because Assistant Commissioner Mullins' remarks are restricted to the general case and to the format and Mr. Lafferty's report, of course, will touch on both the general case and the specific recommendations that were made on a department by department basis. Certainly we would not as an administration propose to proceed into a department by department study before Mr. Lafferty has had a chance to give his report.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comment or question? Mr. Whitford.

MR. WHITFORD: Mr. Chairman, when we discuss the Department of Economic Development I would hope that we bring in Mr. Ivor Stewart as well as one of his representatives but at the same time I think that it would be just as important to bring in a representative from DREE, who are also starting projects and programs in the Northwest Territories.

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

Major Economies

MR. PEARSON: Just a question of a general nature. In light of the dreadful economic status of this country at the moment and the need for some belt tightening by the governments of all the provinces and territories, have there been any major cuts at all in the budget this year? Have there been any things that have not been funded as they have been in the past? Where have the economies taken place? Would Assistant Commissioner Mullins give us some indication?

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, the major economies that are displayed in the main estimates take the form of a smaller percentage growth in expenditures than has been the case in the past. If we look at the relationship again of percentage growth, our percentage growth is approximately 11 per cent.

Our approximate growth in previous years was in the neighbourhood of 18 per cent and a portion of growth in previous years was related to a sizeable expansion in the public service of the Northwest Territories. You will see in the estimates before you statistics which show a reduction in the size of the public service. Most of the reductions are, in fact, of a technical nature but in basic terms, the size of the public service next year is anticipated to be the same size as the public service this year. So there are some changes between departments. There are a few changes between headquarters and regions but basically speaking there is not growth in this government set of budgets.

THE CHAIRMAN (Mr. Stewart): Hon. Peter Ernerk.

HON. PETER ERNERK: No.

THE CHAIRMAN (Mr. Stewart): Any other comments or questions? Am I correct in assuming, Mr. Minister, that this then concludes the section that you wish to do today and we should report progress at this time? Do I have permission of this committee to report progress?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 11-64, Appropriation Ordinance, 1978-79

MR. STEWART: Mr. Speaker, your committee has been studying Bill 11-64 and wishes to report progress at this time.

MR. SPEAKER: Thank you. Do you wish now, Hon. Arnold McCallum, to proceed with Bill 8-64?

HON. ARNOLD McCALLUM: Yes, Mr. Speaker.

MR. SPEAKER: This House will resolve in the committee of the whole for continuing consideration of Bill 8-64. I take it, Mr. Stewart, you would like Mr. Fraser to continue in the chair.

MR. STEWART: Yes, Mr. Speaker.

MR. SPEAKER: With Mr. Fraser in the chair.

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

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

THE CHAIRMAN (Mr. Fraser): Where we left off yesterday dealing with Bill 8-64, Vehicles Ordinance, we left instructions with the -- can you hear me now? Sorry. We were dealing with Bill 8-64 yesterday when we concluded and left instructions with the Legal Advisor to come up with some report on some of the problems we were having with this bill and I think she has everything ready here for us now. Ms. Flieger, if you want to go ahead with the findings.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, an amendment to the bill is being distributed now. That amendment replaces clause 6 which was the clause that

dealt with automatic suspension of drivers' licences. It should be distributed momentarily.

THE CHAIRMAN (Mr. Fraser): Has everybody got a copy? Could we get consent from the House to bring the witnesses back in, Mr. MacLean, Mr. Irving and Mr. Singer? Agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Fraser): Deputy Commissioner Parker, please, one minute. I think when we concluded yesterday with Bill 8-64, we jumped to clause 6 from clause 1 and at that time you informed us that you would send telegrams to different provinces and you have an answer for us today. I wonder if that answer is available or if you have got it yet.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the answers that we have received thus far are being circulated right at this moment. We sent a wire and a copy of that is being circulated. It is stapled to replies from four jurisdictions. We will undoubtedly get further replies but we felt that we would put these forward as they are received.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Has everybody got a copy? Everybody but the chairman, I think, has a copy. Is it the wish of the House that they want to go through these before we proceed with clause 1?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, do you wish these responses read into the record? If you do I will be glad to read them, otherwise the Members have them in front of them.

THE CHAIRMAN (Mr. Fraser): Well if it is the wish of the House. Agreed. I only heard one agreed.

DEPUTY COMMISSIONER PARKER: In order that they can be readily interpreted perhaps it would be wise if I were to read them if I may, then.

THE CHAIRMAN (Mr. Fraser): Agreed.

---Agreed

Replies To Telegram

DEPUTY COMMISSIONER PARKER: The wire that we sent to each of the registrars or superintendents of motor vehicles was as follows. This is the wire that we sent to them:

"During discussion of proposed amendments to our Vehicles Ordinance by the Council of the Northwest Territories, several Members requested evidence of any concern with our present territorial driver licensing system as expressed by licensing authorities or individuals from other Canadian jurisdictions. Would you be kind enough by return telex, to provide your assessment of our current driver licensing system as to its acceptability in your jurisdiction."

The first reply in the package came from British Columbia, and it reads as follows:

"The province of British Columbia accepts Northwest Territories drivers' licences for evidence of qualification for class five only. Vehicles not exceeding 10,886 kilograms in accordance with Canadian Conference on Motor Transport Administrators standards. Only the class five road test is waived

and all other portions of the test, vision, written test, medical, must be completed by Northwest Territories applicants. Northwest Territories driver's licence is not considered for higher classes one, two, three, four nor class six. In contrast, those provinces or territories who have adopted the classified licence system are recognized for all classes and only the normal medical, written and vision test need be completed relative to CCMTA agreements.

"We further require any person to obtain an air brake endorsement on their driver's licence if vehicles are so equipped. The driver must attend an air brake course or show evidence of such qualification. The British Columbia motor vehicle branch would of course be most pleased if Northwest Territories adopted the CCMTA standards and classified licence system as previously determined. We would, after your conversion, accept Northwest Territories drivers' licences in the same manner as other jurisdictions on the same system. If you should require further information, data or assistance, we would be most pleased to provide same." Signed by S.D. Green.

The second message is from the Yukon and it reads as follows:

"Re your telex requesting assessment of your current driver licensing system as to its acceptability in our jurisdiction. Currently your driver's licence system does not meet the qualifications of vehicle operation as to size and weight in the same manner as the classified operator's licence issued in the Yukon. It is apparent to us some of your chauffeur licence holders are not qualified to operate say tractor trailer combinations or vehicles equipped with air brakes. Also few if any have had a vision or knowledge test. We therefore are considering requiring that all Northwest Territories residents moving to the Yukon complete a driver examination prior to the issuance of a Yukon operator's licence." That was signed by Mr. H.D. Spray, territorial secretary.

The next message is from Halifax, Nova Scotia.

"Re telex of January 23 re licensing system not knowledgeable as to your driver licensing system therefore can not provide information. Northwest Territories driver licence accepted this jurisdiction as per reciprocal agreement." That is from George Allen, Halifax.

And the fourth one is from Manitoba.

"We have no problems except will reciprocate for class five licence only." Peter Degala, registrar, motor vehicles.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. I recognize the clock as 4:00 o'clock, if we could break for a recess for 15 minutes and continue with this bill.

---SHORT RECESS

THE CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum and I will call this meeting back to order. If we could call the witnesses back. Just before we start here, the witnesses will notice a piece of paper in front of their mikes. The interpreters are having a little problem. Once they get used to your voice, maybe it will change. Mr. Nickerson, have you anything on this motion that you made?

MR. NICKERSON: I would like to thank the administration very much for getting these replies which we have at such short notice. It would appear from perusing these that there is concern on the part of provincial and indeed the Yukon territorial licensing authorities with regard to our licences and I think that this is the type of information and substantiation which is very useful to us and I would have liked to have had at the beginning of the debate.

As far as I am concerned this information has substantiated the need for a licensing system in the Northwest Territories to conform with -- what is it, the Canadian Conference on Motor Transport Administrators, the system that has been adopted by most of the provinces in Canada.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nickerson. Just before we proceed with Bill 8-64, clause by clause, I would like to ask Mr. MacLean -- he was asked a question just prior to sitting down yesterday on licensing. If one of you would care to answer that question that Mr. Nickerson asked you about licensing yesterday. Mr. Irving.

Licences Involving Classifications

MR. IRVING: Yes, Mr. Chairman. I will answer the question. As I understand it, the question is whether we were issuing the new licences involving classifications now and the answer is definitely not. The licences that were issued yesterday from our office here in Yellowknife were the standard licences that we have been using for some time.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Irving. Does the House wish to proceed with Bill 8-64, clause by clause, now that we have got the information required?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Fraser): Starting with clause 2. Clause 1 is a new one.

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Fraser): Clause 2, section 44, licence required.

HON. DAVID SEARLE: Mr. Chairman, are you calling clause 2 the committee's proposal that appears at the end of the book after page 15?

THE CHAIRMAN (Mr. Fraser): Yes. Agreed?

---Agreed

Clause 3, learner's licence, on page three. Agreed?

---Agreed

Clause 4. Agreed?

---Agreed

Clause 5, fee. Agreed?

---Agreed

Clause 6, automatic suspension, as amended. Everybody has this amendment, that loose page that was distributed. Maybe we will just get the Legal Advisor to read it out, so it is in the record.

Chauffeur's Or Operator's Licence.

LEGAL ADVISOR (Ms. Flieger): The amendment reads "Replace clause 6 in the bill with the following: Subsections, 53(3) and (4) of the said ordinance are repealed and the following substituted therefore: (3) The justice to whom a licence is delivered up as a result of a conviction under subsection (1) may make an order prohibiting the holder of the licence from driving a motor vehicle for any period not exceeding five years that to the justice seems proper."

"Subsection (4), where a person who is not the holder of a chauffeur's or operator's licence is convicted of an offence referred to in subsection (1), the justice making a conviction may order that the convicted person be disqualified from holding a chauffeur's or operator's licence for a period not exceeding five years that to the justice seems proper." The only change, Mr. Chairman, in those two subsections from the present law is the change in the time limit. In the first case it is from 12 months to five years and in the second case from two years to five years.

THE CHAIRMAN (Mr. Fraser): Clause 6, automatic suspension. Agreed?

---Agreed

Clause 7. Agreed?

---Agreed

Mr. Singer.

MR. SINGER: May I speak, Mr. Chairman. If you look ahead at clause 7, Mr. Chairman, you will see that section 53 of the ordinance is in fact amended. Specifically one of those two subsections is amended. If it is the desire of the House to proceed with this policy could I ask if they could look at clauses 6 and 7 together because there are certain amendments in clause 7 which amend the same section and which also deal with the class system.

When we get further on in the proposed legislation, we will also find certain other places which are dealt with in a consequential manner dependent on the original section 52.1. These consequential changes will have to be considered at the same time. What I am saying is that basically clauses 6 and 7 would be merged in effect.

THE CHAIRMAN (Mr. Fraser): Is that agreed, do you want to have time to look at clauses 6 and 7 together or just pass clause 6 and go to clause 7? Ms. Flieger.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, looking at clause 7 of the bill, the amendment to section 53 contained in paragraph (b) of the amendment which amends subsection (4) of section 53, in the last line it appears that that 12 months which appears now in the legislation should be changed to five years. That would replace the amendment that you just considered; the subsection (4) of section 53 which was just amended. So that on page eight of the bill towards the bottom of the page, that 12 months should be changed to five years I think.

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

Learner's Licence.

HON. ARNOLD McCALLUM: Mr. Chairman, in the present bill there is nothing there dealing with the learner's permit. I did not realize that we were changing that period from 12 months to five years but I thought it was simply the addition of the learner's licence.

THE CHAIRMAN (Mr. Fraser): Mr. Singer maybe should answer that.

MR. SINGER: Sir, I think I can clarify this. The substitution for 12 months of the five year period arises from the discussions of the House yesterday. The insertion of the reference to the learner's licence is the consequential amendment which arises from the class system, arising out of clauses 1 to 5 which have already been agreed. I would therefore suggest to the House that the reference to the learner's licence also be included in the amendment.

THE CHAIRMAN (Mr. Fraser): Mr. Singer, could you identify any of the other changes as a result of this amendment that was put out today?

MR. SINGER: Mr. Chairman, as we proceed through the bill there are going to be several changes which are consequential upon the change made or proposed to be made by the House. Namely, we had a system of automatic suspension of licences being provided for. Now as I understand it, the intention is to take away that automatic system. In several places later in the bill we have specific references to section 52.1 which now has been removed out of the bill and therefore I think we have to take these as they come. I have tried to make a note of where they arise.

THE CHAIRMAN (Mr. Fraser): I understand then that the changes that will affect this amendment you will identify when we come to them?

MR. SINGER: Yes, sir.

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

A Difficult Bill

MR. STEWART: Mr. Chairman, this bill appears to me to be right from the beginning put together in a very difficult manner to handle in committee and we are again faced with numerous changes to be made. It would appear to me that it might be advisable to have all the changes done and have a look at it in total rather than this piecemeal thing. We are going to wind up I am afraid with a bad piece of legislation that we are trying to repair ad hoc type of thing on the scene. I would much rather see that they come back as a finished product reworded to reflect the desires of the House. This trying to do it on the spot here as we go seems to me to be a very difficult procedure.

THE CHAIRMAN (Mr. Fraser): I do not quite get what you are -- I understand Mr. Stewart then, that you are requesting that they make the necessary changes and give it to us all on one piece of paper. Is that possible, Deputy Commissioner Parker?

DEPUTY COMMISSIONER PARKER: I just took the liberty of asking Mr. Singer if there were very many of these changes and he said no, there are a few and in his view we could go through this and he would identify the places where there had to be a correction made. That particular clause could be set aside and then once we have gone through the whole bill we would probably have perhaps four or five or half a dozen clauses that then would be amended and brought back in at a later time.

Perhaps the Legal Advisor can also comment on that, whether that is a reasonable procedure or not. I understand what Mr. Stewart is getting at. It is just that I do not think that the changes that need to be made are going to affect all that many clauses, are they?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think it would be possible to make a note as we go through that. For example, at the bottom of page eight, subsection 53(5) is going to have to be fixed to remove that reference to the section which does not exist, section 52.1. I think that the changes will not be very great.

THE CHAIRMAN (Mr. Fraser): Mr. Stewart then, what is your wish? That the changes be made and brought back to this House or shall we proceed clause by clause?

MR. STEWART: I am satisfied if our advisers indicate that we can do it in this manner and still come out with a good piece of legislation. I often question whether you can repair these things as you go along this way but I am quite prepared to proceed.

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

Amendments To Clause 7

MR. MacLEAN: With respect to clause 7, the only changes from the original section 53 and the amended section 53 that clause 7 deals with, is the insertion of the words "learner's licence" after the words "chauffeur's and operator's" in the various subsections and the necessary deletion of any reference to section 52 because that has been discarded. Those are the only changes.

THE CHAIRMAN (Mr. Fraser): I understand then the word "learner's" as it was changed and then down at the bottom this 12 months has to be changed and then subsection 52 has to be changed. Is that right? Those are the changes?

MR. MacLEAN: Section 52 is no longer in existence and that would just be deleted. But it is a simple matter for us to make those changes as you go through it clause by clause and come back to the Assembly with a revised draft. It is not complicated.

THE CHAIRMAN (Mr. Fraser): Is that the wish of the House then, that we recognize the necessary changes? Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Sorry to jump into this again but Mr. Stewart is right that we should not try to write this law as we go through. If I could suggest when the clause is called either the Legal Advisor or Mr. Singer can say that there is a consequential change to be made and he can say what it is and then I would suggest you stand the clause aside and go on to the next one. Then we will take these few clauses that are stood aside, have them properly drafted, typed out, circulated and brought back in at a later date. That will just mean cleaning up a few clauses as we usually do.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. We are still on clause 6. Ms. Flieger has something here on clause 6.

Previous Convictions

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, the committee just agreed to an amendment to section 53, subsection (4). The witnesses have pointed out that some of those, or at least some of the words ought to be changed in subsection (4) to add mention of the learner's licence. I suggest that we, looking at clause 7 of the bill, delete the amendment to subsection (4) of 53 and include in clause 6 the improvements that Mr. Singer has just pointed out.

THE CHAIRMAN (Mr. Fraser): Mr. Singer. Mr. MacLean.

MR. MacLEAN: Yes, that would be satisfactory. That would take care of the proper clause 6 then with the insertion of the words "learner's licence" after the word "operator's" in subclause (4) of clause 6. And then moving on to clause 7 it would just be a matter of indicating to the Assembly that subsection (4) which is in clause 7 is no longer needed if the necessary amendment is made in clause 6 and that subsection (5) under (b) of clause 7, the reference to section 52 should be deleted. Once that is done then the rest of that clause 7 stands as adequate except at the bottom of page nine where the reference to subsection 52.1(1) again should be deleted.

THE CHAIRMAN (Mr. Fraser): I have never seen a piece of legislation like this before. I do not know, I tend to agree with Mr. Stewart. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I too agree with Mr. Stewart. I think that if we approve clause 6, for which there is no debate or argument we then send the remainder back to pick up the consequential or sequential or whatever changes. Because when you study legislation there is a logical order that one must follow and if we start taking a piece out here and a piece out there we do not know what we are approving.

THE CHAIRMAN (Mr. Fraser): Yes, but we still have to change clause 6 now. We just amended it and now it has got to be changed again.

MR. BUTTERS: I did not understand that. I thought clause 6 was okay, I thought the amendment here was okay. We adopt that, that is okay and then the change is made from there. Well, let us send it all back and start again.

DEPUTY COMMISSIONER PARKER: Mr. Chairman.

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

DEPUTY COMMISSIONER PARKER: Clearly the bill should be corrected and brought back in a better form, that has become obvious and that is what we should do. Just before you report progress on it, are there any other questions of principle or general interest that occur to Members of the committee right now so that we could try and bring back most of the amendments in an acceptable form?

THE CHAIRMAN (Mr. Fraser): Is this agreed then with the rest of the Members that we send this Bill 8-64 back in for a rerun but to bring up any necessary changes right now that they want to make if they want to go through it and then have the changes corrected and brought back to the House. Is that agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Fraser): I only heard two agrees.

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Fraser): Is it the wish of the House then that I call progress?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: 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 wishes to report progress.

MR. SPEAKER: Is it the wish of the Executive to now go into committee of the whole or back into committee of the whole with respect to Bill 7-64? The House will resolve into committee of the whole for consideration of Bill 7-64, Summary Conviction Procedures Ordinance, with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 7-64, Summary Conviction Procedures Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 7-64, SUMMARY CONVICTION PROCEDURES ORDINANCE

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum, are there any witnesses to be called relative to this legislation, Bill 7-64?

HON. ARNOLD McCALLUM: Yes, Mr. Chairman, I would like to ask Mr. Irving to come back as a witness, if the committee would agree.

THE CHAIRMAN (Mr. Stewart): Do we have agreement of this committee to call Mr. Irving? Do I have agreement, gentlemen, to call Mr. Irving?

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Stewart): Mr. Lyall. Mr. Lyall is not here. Mr. Irving, would you like to comment on this Bill 7-64?

MR. IRVING: Yes, Mr. Speaker. The purpose of this bill is to provide for a system of laying informations and issuing of 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. Very basically I would like also to explain the situation that exists in Yellowknife. At the present time the RCMP in enforcing traffic violations in Yellowknife are required to lay a charge and summons that person into court and then that person appears in court and has the case disposed of.

What we are speaking of is the type of ticket that the police officer could issue, which is also a summons and that person then, if he wishes, can either pay the fine or if he wants he can appear in court but it gives the right to the driver, if he wishes, not to appear in court and merely pay a fine.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature? Mr. Pearson.

Collection Of Fines

MR. PEARSON: A very general one. In my capacity as chairman of Frobisher Bay, I received an offer the other day from the RCMP who are concerned with traffic regulations in this community and the offer goes something like this; perhaps the village would buy a radar gun, speeding gun, which is a new type of device and lend it or allow the RCMP to use it because they have not got the funds to purchase one of these things. Could the village of Frobisher collect the fines? We bought the gun. Could we legally collect the fines?

THE CHAIRMAN (Mr. Stewart): If it is under your bylaw I am not sure. I better let somebody else answer. If you are a town you can, but I am not sure about...

MR. PEARSON: Because we could make a few bucks.

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

MR. IRVING: If the charge was laid under the municipal bylaw the fine is entitled to go to the municipality. If the fine is laid under the ordinance it then goes to the territories.

THE CHAIRMAN (Mr. Stewart): In the case of Hay River, the RCMP usually lay speeding charges under our municipal ordinance and we do collect the fines.

MR. PEARSON: Are you making any money at it?

THE CHAIRMAN (Mr. Stewart): Yes, yes. I believe we do. We paid for the gun about three or four times over as a matter of fact.

MR. PEARSON: Thanks very much. That is all I wanted to know.

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

MR. PEARSON: Yes, I think it is a very good idea. I approve of it. It is what they do in Montreal, I know, because they have nailed me a couple of times and you just go to the bank and pay the fines. It saves a lot of messing around. The last time I was arrested I had somebody from the North with me. I do not think they are here. Anyway, you just go to the bank and pay the fine. So it is a good idea.

THE CHAIRMAN (Mr. Stewart): I do not know under what authority, but we have been doing it for two or three years. It is the same thing as this ordinance or this bill is providing. Mr. Irving.

Uniform Traffic Ticket.

MR. IRVING: Mr. Chairman, it is true. This is being done in Hay River but not under the Vehicles Ordinance. You have been issuing tickets under the municipal bylaw. I might add that there is one other provision which would be of some help to the RCMP and is of some concern to them. It would save them some time. Where they, in issuing a ticket or rather proceeding to charge under the Vehicles Ordinance they have to lay information then issue a summons and bring the person into court. We call this a uniform traffic ticket where the ticket itself is an information and a summons.

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

MR. FRASER: Mr. Chairman, I was just wondering if Mr. Pearson is sick. It is the first time I have heard him agree with the bill that has come up here.

MR. PEARSON: You do not listen very much then.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature. Mr. Pearson.

MR. PEARSON: Yes, there is one and that of course is the language problem. I think if justice is to be just, then it has to be fair and provision will have to be made under this act that the ticket be also in the language of the person to whom it is being issued. That will have to be done and I would suggest that the ticket either be bilingual or that there be two tickets. As in many other jurisdictions and particularly in the case of Wales in Great Britain, licences, tickets are all in English and Welsh. So if they can do it I think we can.

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

MR. PEARSON: I would like a response, bearing in mind that if a person receives a ticket he still has rights and he may go to court if he wishes. If a native person does not understand the ticket he can elect to go to court, but that should not be the only alternative. He should have the same rights as everybody else. So there will have to be bilingual tickets in the native languages of the communities that they are being distributed or used.

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

MR. PEARSON: Response please.

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

MR. IRVING: Mr. Chairman, I agree with the Honourable Member from South Baffin. However, when we are dealing with more than one language this will present a bit of a problem but we will have to overcome it. I foresee the specific problem in Frobisher Bay where the ticket could be printed in both languages. It just could not be in the one language because you have the person probably giving the ticket that only understands say, the English language but I think the problem could be overcome.

THE CHAIRMAN (Mr. Stewart): Thank you. I notice that Mr. Lyall is now in the chamber. We are dealing with Bill 7-64. Has your committee any report on this bill?

MR. LYALL: Mr. Chairman, I am sorry that I have not got the report yet.

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

Speed Limits In Metric

MR. PUDLUK: Mr. Speaker, Mr. Chairman, I would like to ask one question to Mr. Irving about speeding. Since the speed limits have been changed to the metric I would like to know if there is more speeding since they changed the speed limits to the metrics. I was really worried when they started changing these speed limits concerning about older people because all the people do not speak English and they know how to drive, and it will be too new for them to follow those metrics numbers. I wonder if the speeding has increased since the speed limit has been changed. Thank you.

THE CHAIRMAN (Mr. Stewart): Do you have the question?

MR. IRVING: Yes, I believe I do. In answer to Mr. Pudluk's question I do not have the specific answer. However I do, I could probably tell him in a general way as far as our office is concerned in dealing with the police that there has been no increase in speeding offences that they have been dealing with. I am aware that when the metric system came in and the new signs were posted on the highways that the police, for a period of time were going to issue warnings until the public was educated and were able to

cope with the new postings, that is the kilometres per hour rather than the miles per hour. I could obtain probably specific information in regard to this question and come back later but as far as I am aware there has been no problem to date.

THE CHAIRMAN (Mr. Stewart) Mr. Pudluk.

MR. PUDLUK: In those cars whose speedometers are not going to be changed it is going to take about ten years to learn those metrics for the older people, even more.

THE CHAIRMAN (Mr. Stewart): That undoubtedly is probably true. There are some reasonably simple ways of getting around it, but you can get new dials that you just place over top. They are close, they are not dead on, but they will give you the kilometres instead of miles. Mr. Nickerson, I have your name down next.

MR. NICKERSON: Yes, Mr. Chairman. I have had the privilege beforehand of looking at the actual tickets or I have seen the type of tickets they hand out I think it is in Saskatchewan. I wondered whether it might not be advantageous if other Members of this committee were able to view these tickets also so that they know what they are dealing with and I believe the administration have some available for circulation should Members wish. The second point, Mr. Chairman, is that I would like to see a list of the offences for which these tickets are to be given out, which ordinances or which regulations. I would imagine that would exist somewhere.

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

Summary Offence Ticket Information

MR. IRVING: Mr. Speaker, I have several copies of what is called the Summary Offence Ticket Information that is used in the province of Saskatchewan. I do not have enough copies for all the Members but this could be passed around if you wish. In respect to the question concerning what actual offences will be dealt with, these offences will be the ones that are contained in the Vehicles Ordinance and specifically the moving offences involved vehicles particularly the speeding offences.

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

MR. NICKERSON: Yes, it was my understanding that these tickets would be able to be used for offences, not only offences under the Vehicles Ordinance but minor offences under a number of other ordinances such as the Game Ordinance, for instance, a minor infringement of the Game Ordinance. Am I to understand now that it is only to be used for offences under the Vehicles Ordinance or is there to be more than that?

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

MR. IRVING: Mr. Chairman, no, these could be used for the majority of offences involving summary convictions. All the ordinances.

MR. NICKERSON: Mr. Chairman, I believe somewhere in the bill it says that the listing of the offences which may be dealt with by way of this ticket is to be left to the prescription of the Commissioner. So he will presumably have to issue an order listing the various offences before a ticket can be given. Otherwise you have to go through the courts in the normal manner. I wonder if this list has of yet been prepared.

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

MR. IRVING: Mr. Chairman, no, the list has not been prepared. If you look at the new legislation subclause 4(2) designates the offences involved concerning ordinances and bylaws and clause 7 covers the regulations that may be made by the Commissioner which gives the direction as to what offences are involved.

Regulations

MR. NICKERSON: That is precisely what I am referring to, Mr. Chairman, subparagraph 7(a). The designation of which offences would be able to be dealt with by way of ticketing has to be spelled out by Commissioner's order before ticketing can be used. According to my reading of this, a ticket could not be given in respect to any summary conviction offence unless that offence had first been prescribed by Commissioner's order.

SOME HON. MEMBERS: Hear, hear.

MR. NICKERSON: Even if an exhaustive list has not as yet been drawn up, I would like very much to see a tentative list.

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

MR. IRVING: Mr. Chairman, that can be accomplished. As yet the Commissioner has not decided as to a list but we could provide a tentative list for you if you so wish.

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

MR. PEARSON: Well just to agree with Mr. Nickerson. I think I am now a little concerned. Driving offences, fine, but the others are a little difficult to specify I would think. There is one fact that becomes obvious is that it would reduce the incredible cost that the administration of justice is now costing in the Northwest Territories and the cost for even dealing with minor offences in the courts are just incredible.

THE CHAIRMAN (Mr. Stewart): I would suggest also, Mr. Pearson, that it is a great saving for the accused to be able to do it this way without having to take time off from work to appear in court and all the rest of it. So it is a double-edged sword, this particular type of legislation.

MR. PEARSON: Yes, I agree and not to have to go through the embarrassment of appearing in court even though one may say that that factor there, going to court, is in itself a deterrent. However, I would want to see a list of the offences for which these tickets may be issued. It has to be very firm and concrete and this Assembly would have to agree to that list before I would go along with this.

Motion To Report Progress

So, I would recommend therefore, that until that list is prepared we report progress.

THE CHAIRMAN (Mr. Stewart): Mr. Irving, could you enlighten us as to whether or not there is any intention at this time to include anything other than the Vehicles Ordinance with this legislation?

MR. IRVING: Mr. Chairman, yes, we are considering some offences under the Game Ordinance and the Liquor Ordinance and of course offences under the Vehicles Ordinance but not all offences under the Vehicles Ordinance. We could set down those offences we have in mind and provide this House with a list at a very early opportunity.

THE CHAIRMAN (Mr. Stewart): Thank you. I understand from Mr. Pearson that he has made a motion that we report progress until such a list is provided. What is the direction of this committee?

SOME HON. MEMBERS: Agreed.

SOME HON. MEMBERS: Nay.

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

MR. PEARSON: I just wanted to add, you know, that it is a little different. It is, I think, quite revolutionary. I do not know whether it is setting a precedent in Canada but I think it is something we should give careful thought to and one of the problems that springs to mind is how do you hand one of these tickets to some drunk you just arrested on the street for drunk and disorderly? The constable writes out a ticket and hands it to him and what does he do with it? I have got a good idea.

THE CHAIRMAN (Mr. Stewart): I do not really think we are dealing with the application of how these are served at the present moment. Mr. Fraser.

Appealing The Ticket.

MR. FRASER: Mr. Chairman, I would just like to clarify one thing on this legislation. If you were handed a ticket and you disagreed with the amount that you were to pay, is there any provision made for an appeal? Can you appeal the ticket in question?

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

MR. IRVING: Mr. Chairman, yes there is. You can test the issue. If you feel that there is a problem and you do not wish to pay the prescribed fine that is indicated on the ticket then you go to court as you would now. That is correct, you would enter a not guilty plea and then the court would decide what the penalty would be.

MR. FRASER: Just one more thing then to follow up on that. What is the big deal then about having a list if you did not think that you were given proper treatment what good is a list going to do you. If you do not think you should pay the fine, well then you go to court or have an appeal or appeal the ticket. I can not see anything wrong with that type of a ticket.

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

MR. IRVING: Mr. Chairman, this is the whole purpose of a uniform traffic ticket. What happens now under the ordinances if a charge is to be proceeded with, that is if you are picked up for an infraction you have to go to court. You may have to take time off from work but you have to go to court and plead either guilty or not guilty in court. With the uniform traffic ticket a person has the opportunity not to go to court and if he feels that he wants to pay the fine, he can pay the fine that is prescribed on the ticket and therefore not have to go to court.

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

MR. LYALL: Mr. Chairman, that is exactly the way I was going to describe what Mr. Irving just said when Mr. Pearson made his statement. What I was going to ask Mr. Irving to do, maybe we should pass that ticket around if you have got enough copies for these guys to see, then you will understand. Actually, I think what this does for people that did minor offences it takes them away from getting into the public eye from going to court. Also it makes incentive for you if you do feel guilty you do not have to go in front of the magistrate, you just go into wherever the prescribed place you go and pay that fine and you just go ahead and pay it. But then, like Mr. Irving says, if you feel that you are not getting proper representation by going and paying it, then you appeal it and go to court.

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

Offences Under The Ordinances

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I am advised that the three ordinances for which this kind of ticket would be used are the Liquor Ordinance, the Game Ordinance and the Vehicles Ordinance. Now, in order to comply with the wishes

of Members do you wish any further information? Do you need to know which clauses or offences under those ordinances or is it sufficient that we have said which ordinances they will be?

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

MR. NICKERSON: Well really what I would like to find out is what is the most serious type of offence for which a ticket might be given and with regard to the Liquor Ordinance, for instance, I am wondering whether bootleggers might be given a ticket or whether you would cut it off at a lesser offence.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, then certainly we will put that kind of a report or information together and make it available as soon as we can. I would think it might take a couple of days consideration. If you are willing to go through the bill, bearing in mind that this information will come in before you finally pass it out of committee that would be most agreeable.

SOME HON. MEMBERS: Agreed.

---Agreed

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

Motion To Report Progress, Withdrawn

MR. PEARSON: I will withdraw the motion, Mr. Chairman, on that basis of the Deputy Commissioner's enlightening words.

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

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Clause 2, interpretation. Agreed?

---Agreed

Clause 3, ticket. Agreed?

---Agreed

Clause 4, composition of ticket. Agreed?

---Agreed

Clause 5, operation of ticket system. Agreed?

---Agreed

Clause 6, payment of ticket summons out of court. Agreed? Mr. Pearson.

MR. PEARSON: If this person were to receive a ticket and go to court, go to the bank or whatever and pay it, or the RCMP office I guess or the municipal office, pay the fine, what then happens to the receipt and how long is it before that receipt is destroyed and all record is destroyed? In other words, are there funny little boxes where these things are dropped and a tally kept of them? Shoe boxes under the inspector's bed and that kind of thing, you know.

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

MR. IRVING: Mr. Chairman, no, there are no shoe boxes involved. The fines would be payable to the clerk of the court, and particularly in remote areas, if it was required, these fines could be mailed, but they would go into the clerk of the court that would be responsible or have jurisdiction for that court. I do not foresee the little box like they have in some jurisdictions where you put a fine and a number of people have keys to that box. That could present all kinds of problems.

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

Keeping Of Records

MR. PEARSON: But there is no record kept then? The customer gets a receipt or the criminal, whatever he may be, gets a receipt, the police have a receipt. He goes to the bank and he pays it. The bank or whoever hands that over to the authorities. Who are the authorities? Where does it go? What happens to all the paperwork? Is it destroyed after a certain length of time?

MR. IRVING: Mr. Chairman, the payment of the fine would be registered with the court as a conviction of a summary offence. It is a summary conviction offence, a very minor offence and it would go on the court records as a conviction for a summary conviction offence. The same as it does now. The offences are not changing. It is just a new system of operating within the court, which is simpler for an accused in that he can pay a fine without going to court.

THE CHAIRMAN (Mr. Stewart): Clause 6, payment of ticket summons out of court. Mr. Nickerson.

MR. NICKERSON: One concern I have, Mr. Chairman, is that on occasions people get these tickets and they are asked to pay a five dollar fine or a very minor sum of money and they do not really think they are guilty of the offence, but they would rather pay the five dollars than have a long drawn out court appearance over the matter. According to the bill we have before us, payment of the ticket would be considered to be an admission of guilt. Is there no way it could be considered not an admission, a case of nolo contendere or something of that matter, so that people are not saddled with a record of having been found guilty of committing an offence when all you did was try to avoid yourself the expense of going to court.

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

A Summary Conviction Matter.

MR. IRVING: Mr. Chairman, I would like to point out to the Honourable Member, we are not dealing with criminal matters. This is not a criminal offence, not an indictable offence. This is a summary conviction matter, a very minor offence, that is being dealt with through the courts now. I do not foresee changing the court records but a summary conviction offence is not a criminal record and is not treated by the courts as a criminal record.

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

MR. NICKERSON: Mr. Chairman, I am worried if somebody like myself gets a ticket and if I get a ticket for something that might be a very minor offence, and I do not think that I am guilty of that offence, there is no way that I am going to pay that ticket. I am going to tie the courts up for three weeks if needs be, to prove that I am not guilty. Whereas if I had the option of not entering any plea or I think the technical term is nolo contendere, but I am not sure about that, if I could just pay the ticket and not admit to the guilt, then I would be more inclined to do that.

THE CHAIRMAN (Mr. Stewart): Deputy Commissioner, were you waving your hand at me?

DEPUTY COMMISSIONER PARKER: I had the temerity to point to the Legal Advisor but now that my mike is opened, I think if you have a ticket and you pay it, you are admitting that the offence listed on that ticket was yours indeed. I would suspect there is no way around that. But that is not for me to say. The Legal Advisor will have to advise you.

THE CHAIRMAN (Mr. Stewart): I know that on the tickets that Hay River brought out that there was indeed a place on that ticket to sign that you did admit guilt when you paid it. Our legal advice from Edmonton was that you could not do this, you could not make that assumption and could not have them sign that indeed they were guilty. They could pay the thing, but you could not have them sign and say yes, I did it. So that had to be deleted from the tickets and we had to reprint all of our tickets. Ms. Legal Advisor, have you any comments?

Avoiding An Appearance In Court.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, this bill is intended to provide people who do not wish to contest their guilt, in fact who are admitting their guilt, with a quick way of avoiding -- well, a method of avoiding an appearance in court. The intention is that only the guilty will pay the voluntary fine and in fact admit guilt.

As to Hay River's procedure in issuing tickets, I think that is strictly limited under the ordinance to parking offences anyway. I do not know whether your legal advice went so far as to say that you could operate more broadly than that. I see nothing wrong with allowing the person to plead guilty when he pays the voluntary fine, that is what he is doing, and nolo contendere is an animal unknown to Canadian law, I believe, Mr. Nickerson. I think it is a plea that is used in some of the American states and I think maybe in Scotland, or somewhere, but it is not a part of Canadian law.

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

MR. FRASER: Mr. Chairman, I would like to ask the witness another question. Do these tickets apply to parking meters in the municipality of Yellowknife?

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

MR. IRVING: Mr. Chairman, no they would not. That is already covered by the bylaw. The Yellowknife bylaw covers the parking tickets and some moving offences, that is speeding under the municipal bylaw. Just one point of clarification. What we had in mind in regard to offences was those common offences that are being dealt with by the RCMP respecting moving offences under the ordinance, the Vehicles Ordinance, and those liquor offences that are very common. We did not anticipate that this would include bootlegging, just the very common offences like unlawful possession and those common offences.

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

MR. FRASER: Yes, I would just like to clarify one thing, that I have got tickets here in Yellowknife for the parking meters and the parking meters are frozen, you can not put any money in them, but you still get a ticket. That is what Mr. Nickerson was saying, that you are not guilty but still you have got to pay.

THE CHAIRMAN (Mr. Stewart): That is frozen justice. Yes, Mr. Irving.

MR. IRVING: Mr. Chairman, I would think that is a problem for the municipality of Yellowknife, and I agree that it must be frozen justice.

THE CHAIRMAN (Mr. Stewart): Clause 6, payment of ticket summons out of court. Agreed? Mr. Pearson.

MR. PEARSON: Once this system were instituted, the community of Hay River and whatever other community wished, may still enforce the traffic laws under their own bylaws.

THE CHAIRMAN (Mr. Stewart): It is part of this legislation actually. It broadens our powers really. Clause 6. Agreed?

---Agreed

Clause 7, regulations. Agreed?

---Agreed

Agreed. Now, I understand it is the wish of this committee to hold the conclusion of this bill for third reading until we have a list, so rather than getting agreement on the short title, I will just leave the short title off and report progress. Is that your wish?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 7-64, Summary Conviction Procedures Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 7-64 and we would like at this time to report progress.

MR. SPEAKER: May I remind you of two engagements; one this evening, dinner here for those Members who had indicated, and I believe all of you did, that you wished to have dinner this evening at 7:30 o'clock p.m., in the Explorer Hotel. The information I have is 7:30 o'clock p.m., and tomorrow morning here again for breakfast at 7:30 o'clock a.m., so it is easy to remember. 7:30 o'clock a.m., tomorrow morning is not all Members, just those who had indicated that they were able to get up that early. 7:30 o'clock a.m., breakfast is with Mr. Penner, you will recall. Mr. Lyall.

MR. LYALL: Mr. Speaker, I think that engagement tonight is at 6:30 o'clock p.m., is what I understood from earlier on.

MR. SPEAKER: That has gone back and forth. For those who do not wish to accept my word, they are certainly at liberty to show up at 6:30 o'clock p.m.

---Laughter

For the rest of us, we will show up at 7:30 o'clock p.m. Mr. Clerk, orders of the day.

ITEM NO. 12: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, January 25, 1978, 9:00 o'clock a.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: Bills 8-64, 7-64, 17-64, 9-64 and 11-64
12. Orders of the Day

MR. SPEAKER: This Legislative Assembly stands adjourned until 9:00 o'clock a.m., January 25, 1978, at the Explorer Hotel.

---ADJOURNMENT

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