



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

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Official Report

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Pages 34 to 63

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, MAY 9, 1978

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. David Searle): Item 2, replies to Commissioner's Address. Are there any further replies this afternoon?

Item 3, questions and returns.

ITEM NO. 3: QUESTIONS AND RETURNS

Are there any returns? No returns. Are there any written questions?
Mr. Nickerson.

Question W4-65: Municipal Finance And Taxation

MR. NICKERSON: Mr. Speaker, is it the intention of the administration to place before the Assembly at this session the paper on municipal finance and taxation which was promised at the previous session?

MR. SPEAKER: Hon. Arnold McCallum.

Partial Return To Question W4-65: Municipal Finance And Taxation

HON. ARNOLD McCALLUM: Mr. Speaker, it is the intention to bring this paper to this particular session. As to the particular date of bringing it before the House, I am not quite sure as to what day we would anticipate bringing such a paper here.

MR. SPEAKER: Any written questions?

Item 4, oral questions. Mr. Nickerson.

ITEM NO. 4: ORAL QUESTIONS

Question 05-65: Placement Of Territorial Flag

MR. NICKERSON: Following up, Mr. Speaker, on an important matter broached by the Member for Great Slave Lake yesterday, I notice now we have a federal flag flying outside the chamber but we do not as yet have the territorial flag. The question is, when can we expect the territorial flag to be flown outside?

MR. SPEAKER: I am advised by the Clerk that the answer is by tomorrow.

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion for first reading of bills.

ITEM NO. 7: NOTICES OF MOTION FOR FIRST READING OF BILLS.

Bill 6-65, Taxation Ordinance. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I believe that is Bill 8-65, is that correct?

MR. SPEAKER: Bill 8-65, yes. I think I said Bill 6-65 did I not? Yes, it should be Bill 8-65, Taxation Ordinance.

Bill 8-65: Taxation Ordinance.

HON. ARNOLD McCALLUM: Mr. Speaker, I give notice that on May 10, 1978, I shall move that Bill 8-65, An Ordinance to Amend the Taxation Ordinance, be read for the first time.

MR. SPEAKER: Bill 11-65, Petroleum Products Tax Ordinance. Hon. Tom Butters.

Bill 11-65: Petroleum Products Tax Ordinance.

HON. TOM BUTTERS: Mr. Speaker, I wish to give notice that on Wednesday, May 10, 1978, I will move that Bill 11-65, An Ordinance to Amend the Petroleum Products Tax Ordinance, be read for the first time.

MR. SPEAKER: Thank you, Hon. Tom Butters. Bill 16-65, Senior Citizens Benefits Ordinance. Hon. Arnold McCallum.

Bill 16-65: Senior Citizens Benefits Ordinance.

HON. ARNOLD McCALLUM: Mr. Speaker, I give notice that on May 10, 1978, I shall move that Bill 16-65, An Ordinance Respecting Senior Citizens Benefits, be read for the first time.

MR. SPEAKER: Thank you. Gentlemen, the Clerk has just handed me a note indicating that he has received a telephone message from Mr. Pearson this afternoon and apparently Mr. Pearson advises that he does not plan to attend this session at all.

---Applause

I thought that that should probably be a matter for the record.

Item 8, notices of motion. Mr. Nickerson.

ITEM NO. 8: NOTICES OF MOTION

Notice Of Motion 1-65: Earth Receiver Stations.

MR. NICKERSON: I give notice, Mr. Speaker, that on Wednesday, May 10, I will introduce the following motion:

WHEREAS Telesat Canada has a monopoly on the ownership of earth receiver stations which are essential for the reception of satellite television in the remote areas of the Northwest Territories;

AND WHEREAS the public interest may not be best served by such an arrangement;

NOW THEREFORE, I move that this House conveys to the Minister of Communications in the federal government its opinion that private ownership of earth receiver stations should be made possible within the Northwest Territories.

MR. SPEAKER: Are there any further notices of motion?

Item 9, motions for the production of papers.

Item 10, motions. There are no motions on which notice has previously been given.

Item 11, tabling of documents. Mr. Pudluk.

ITEM NO. 11: TABLING OF DOCUMENTS.

MR. PUDLUK: Mr. Speaker, I wish to table the following:

Tabled Document 8-65, Proposed Ordinance Respecting Hamlets, which has been approved by the Baffin regional council. This ordinance has been translated into both languages.

MR. SPEAKER: Thank you. Are there further documents to be tabled?

Item 12, introduction of bills for first reading.

ITEM NO. 12: INTRODUCTION OF BILLS FOR FIRST READING

Bill 5-65, Municipal Ordinance. Hon. Arnold McCallum.

First Reading Of Bill 5-65: Municipal Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 5-65, An Ordinance to Amend the Municipal Ordinance, be read for the first time.

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

---Carried

Bill 8-65, Taxation Ordinance. Hon. Arnold McCallum.

First Reading Of Bill 8-65: Taxation Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 8-65, An Ordinance to Amend the Taxation Ordinance, be read for the first time.

MR. SPEAKER: I am told that I am to leave Bill 11-65 at present, at its present point and not to give it first reading. So, Bill 16-65, Senior Citizens Benefits Ordinance. Is that correct? Mr. Whitford.

MR. WHITFORD: Mr. Speaker, you did not call the vote.

MR. SPEAKER: Pardon me?

MR. WHITFORD: You did not call the vote, sir, on Bill 8-65.

MR. SPEAKER: Did I not call a vote on Bill 8-65? No? You moved it did you, Hon. Arnold McCallum?

HON. ARNOLD McCALLUM: Yes I did, Mr. Speaker.

MR. SPEAKER: Did I call for a seconder? No? I must confess I do not know what is happening. Is there a seconder for that motion? Mr. Kilabuk. The question. All in favour? Down. Contrary? First reading of Bill 8-65 is carried.

---Carried

I am glad that this Assembly has only a little longer to go. You are all becoming procedural experts. Bill 11-65 is to be stood down. Bill 16-65, Senior Citizens Benefits Ordinance. Hon. Arnold McCallum.

MR. EVALUARJUK: I do not know what we are proceeding with. Did we do Bill 8-65?

MR. SPEAKER: I called Bill 8-65. The one I did not call, Mr. Evaluarjuk, is Bill 11-65 because I am told that we are not to proceed with that but I did call first reading on Bill 8-65. So, we will proceed with Bill 16-65. Hon. Arnold McCallum.

First Reading Of Bill 16-65: Senior Citizens Benefits Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 16-65, An Ordinance Respecting Senior Citizens Benefits, be read for the first time.

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

SOME HON. MEMBERS: Question.

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

---Carried

Item 13, second reading of bills.

ITEM NO. 13: SECOND READING OF BILLS

Bill 5-65, Municipal Ordinance. Hon. Arnold McCallum.

Second Reading Of Bill 5-65: Municipal Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 5-65, An Ordinance to Amend the Municipal Ordinance, be read for the second time. The purposes of this bill, Mr. Speaker, are to change the title of the chief executives of villages and hamlets from "chairman" to "mayor", to allow for elections to fill vacancies occurring during the first year of a councillor's term, to enable the Commissioner to fix the date of first elections in any order made by him, to make the financial year of a hamlet the same as that of the territorial government and to effect certain minor amendments to the Municipal Ordinance.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. Discussion on the principle. Is there any discussion?

SOME HON. MEMBERS: Question.

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

---Carried

Bill 8-65, Taxation Ordinance. Hon. Arnold McCallum.

Second Reading Of Bill 8-65: Taxation Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 8-65, An Ordinance to Amend the Taxation Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to make certain legislative changes to make the Taxation Ordinance compatible with a previous amendment to section 97 of that ordinance, to extend the deadlines for making demands for and payment of real property taxes, to enable the Commissioner to provide for discounts for early payment and interest on arrears, and to rectify an erroneous order proclaiming the coming into operation of the ordinance throughout the Northwest Territories.

MR. SPEAKER: Is there a seconder? Hon. Tom Butters. Discussion? Question being called. All in favour? Down. Contrary? Second reading of Bill 8-65 is carried.

---Carried

Bill 14-65, Northwest Territories Housing Corporation Ordinance. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I would like to hold that one off for another day or so.

MR. SPEAKER: I am sorry.

HON. PETER ERNERK. I would like to stand this down for another day or so, Mr. Speaker.

MR. SPEAKER: Bill 16-65, Senior Citizens Benefits Ordinance. Hon. Arnold McCallum.

Second Reading Of Bill 16-65: Senior Citizens Benefits Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 16-65, An Ordinance Respecting Senior Citizens Benefits, be read for the second time. The purpose of this bill, Mr. Speaker, is to authorize the Government of the Northwest Territories to pay certain benefits to senior citizens resident in the Northwest Territories out of funds allocated for the purpose by the Council.

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

SOME HON. MEMBERS: Question.

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

---Carried

Item 14, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 14: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Is it the wish of the Executive to proceed in the order indicated on the order paper, that is, with Bill 1-65 first?

HON. ARNOLD McCALLUM: Mr. Speaker, if I may, Hon. Peter Ernerk has passed me a piece of paper that I would like to read. We did get into the Income Tax Ordinance yesterday in committee of the whole and maybe we could proceed with that since that has already been opened.

MR. SPEAKER: The Legislature will resolve into committee of the whole for continued consideration of Bill 12-65, Income Tax Ordinance, with Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 12-65, Income Tax Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 12-65, INCOME TAX ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to continue study of Bill 12-65, An Ordinance to Amend the Income Tax Ordinance. Yesterday we set this bill aside because there were not translations ready. Are the translations now in the hands of the Members? Mr. Evaluarjuk, you raised the question yesterday. Do you have your translations now?

MR. EVALUARJUK: Yes.

THE CHAIRMAN (Mr. Stewart): Did the Member of the legislation committee wish to give us any rundown on this particular bill from the legislation committee's point of view? I see the chairman is still not here. Would anybody else like to undertake it?

MR. FRASER: Mr. Chairman, the committee had a meeting in the Laing building prior to the opening of this session and we went through both of these bills with certain amendments and changes. I do not think there is too much to report, other than we went through the bill and we now leave it up to the rest of the Members to pick holes in it or whatever.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Fraser. Comments of a general nature on Bill 12-65? If there are no comments of a general nature, are you prepared to go clause by clause?

---Agreed

Clause 2, penalty for negligent misstatement or omission. Agreed?

---Agreed

Clause 3, commencement. Agreed?

---Agreed

Short title. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

I will report Bill 12-65 ready for third reading. Agreed?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 12-65, Income Tax Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 12-65, An Ordinance to Amend the Income Tax Ordinance, and I wish to report that this bill is now ready for third reading.

MR. SPEAKER: Thank you, Mr. Stewart. Bill 1-65, Hon. Arnold McCallum.
Hon. Peter Ernerk.

HON. PETER ERNERK: The same applies, Mr. Speaker.

MR. SPEAKER: The Legislature will resolve into committee of the whole for consideration of Bill 5-65, Municipal Ordinance, with Mr. Stewart -- since this is the Municipal Ordinance, would you like someone else to take the chair?

MR. STEWART: If possible, Mr. Speaker.

MR. SPEAKER: Mr. Fraser, would you take the chair?

MR. FRASER: Yes, Mr. Speaker.

MR. SPEAKER: In that case, the House will resolve into committee of the whole for consideration of Bill 5-65, Municipal Ordinance, with Mr. Fraser in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 5-65, Municipal Ordinance, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-65,
MUNICIPAL ORDINANCE

THE CHAIRMAN (Mr. Fraser): The committee will come to order. This is An Ordinance to Amend the Municipal Ordinance. Does anyone wish to speak to this bill?

HON. ARNOLD McCALLUM: Mr. Chairman, I would. I would just like to make some opening comments on the various amendments to the Municipal Ordinance. I indicated in the purposes of this bill, Mr. Chairman, that there were various amendments we would like to make, not the least of which would be changing the title of the chief executives of villages and hamlets from the current term "chairman" to a term that is used for towns and cities; that is, "mayor".

You will recall, Mr. Chairman as will other Members, that at the last session of this House the Commissioner in his opening remarks indicated that he would like to see this change made in the Municipal Ordinance and I indicated as well I think in an announcement at the last session that this is in fact what the Department of Local Government would propose. I think Mr. Chairman it is most appropriate for this change in terminology to come about because of the conference of mayors of various municipalities in the Northwest Territories and Greenland, as well as some representation from the Yukon Territory who will be meeting here in Yellowknife next week. The terminology that we are proposing I think lends credence and refers to the offices which these people have in the various forms of our municipal government. The term "chairman" does not indicate the kind of responsibility that I think these elected people have in various communities and we believe that the change to the term "mayor" is more fitting.

Filling Of Vacancies In Municipal Governments

As well, Mr. Chairman, there have been some difficulties in the election, or in the filling of vacancies of the terms of councillors in municipal governments that occur within the first year of the retiring councillor's term. The current act is rather vague and we would simply like to correct the situation that would allow an individual who has been appointed or selected to fill that term to simply fill out the year, the first year and then, of course, to allow for the proper election under the democratic process at the time of the next election. There are times when the number of elected councillors in a municipality may only number three in a particular year and we believe that this is not the intent of the Municipal Ordinance at the present time and to take away that vagueness of the act, in section 7, subsection (5) we would want to see that there should be at

least four or more elected within any one particular year, not just three or a number less than four.

In addition, Mr. Chairman, we are proposing an amendment here to enable the Commissioner to fix the date of the first elections and the orders made by him. Now, again there is a difficulty in the present ordinance and this amendment simply, you know, would bring to better order the wording of the existing sections in the Municipal Ordinance.

Financial Year Of Municipalities

Again, Mr. Chairman, there is difficulty experienced in municipalities as regards the financial year, especially in the hamlet form of local government and we would want to try and reconcile that and have their financial year coincide with the financial year of the territorial government. There are subsequent changes, Mr. Chairman, that are indicated in schedule A of the proposed amendment that would be consequent upon the changes that have been proposed and also there are some minor amendments in schedule B.

I think as well, Mr. Chairman, one of the amendments that may come from the floor is the report of the standing committee on legislation which would enable a municipality to make grants to various organizations in that municipality to a greater sum than is now within the Municipal Ordinance as regards the operations in a town. Under the existing sections of the Municipal Ordinance, the amount of grants that the local municipality may make to an individual organization, or in total, differs, depending upon the status of the local government. In a city there is no restriction, in a town the present restriction is \$1000 to an individual municipality and a total of \$5000 that the town may make in total grants and in hamlets it differs as well. I think the standing committee will make an amendment to that.

These kinds of amendments we are proposing to the Municipal Ordinance are to bring the ordinance more up to date, to recognize the efforts and the work, the time and energy devoted by various members in the elected form of local government and to make that recognition in law.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Any comments of a general nature? Mr. Stewart.

MR. STEWART: Mr. Chairman, there is only one thing I find I am not in total agreement with here and that is deleting, or the deletion of the word "mayor", deleting that the mayor is a councillor, and this may be all right in cities or towns where a person is specifically elected to that position, however, the ordinance as it now stands, the person who may be elected by way of vote of the elected members to become the mayor, in effect loses his vote other than in the case of a tie.

Mayor's Power To Vote

Now, there are many situations where the chairman may have very strong feelings and indeed the people who elected him may have very strong feelings relative to a subject and he may choose to oppose a motion and use his vote, not as the chairman, but to use his vote as a councillor and thereby form a tie which of course indicates that the legislation is defeated. I do not propose it should get into the syndrome of Judge Morrow where he votes to create a tie and then votes to break a tie, I do not think that should be allowed. I do believe that as a councillor that the prerogative should still remain for a vote to be heard on the basis of a councillor by the new terminology "mayor".

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Stewart. Any further comments of a general nature? Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I was wondering if the Minister had taken into consideration that for example in Fort Simpson, because of the feelings of the chairman that all the members had resigned. I was wondering if there was some kind of consideration when the bill was being made that the chairman or the mayor, as it is going to be, would have been elected as a separate thing like that of towns and cities where the mayor runs in his own campaign and is elected and the councillors are running on a separate ballot I suppose or whatever for their own seats.

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

Different Concepts Of Local Government.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that is exactly the point that Mr. Stewart is making as well, or it is similar. Under the present Municipal Ordinance in a hamlet there are eight, or at least a certain number of councillors elected and these councillors select under the present ordinance the chairman and Mr. Stewart raised the question of particular votes and privileges under the present ordinance that a chairman has as a councillor. He presides at the meeting of the local council or the local government but is still able to give forth his particular views, whereas a mayor in a town or city is the chief magistrate, the chief administrative officer, and votes primarily in case of a tie and does not really get his point across. It is a different concept. Mr. Whitford raises, I think, the same kind of question, or basically the same question, whether in fact we should be looking at a further amendment to this ordinance to allow not just councillors to be elected in hamlet elections but to allow an individual to run as a mayor in that particular hamlet. I must confess that although I was aware of the difference between the operation of a hamlet and that of a village or a town or a city, and a hamlet and a village, that it never dawned on me that we would run into a difficulty. I think what we were attempting to do would be to recognize the worth, the effort, and we wanted to make these chairmen as they are now called, to give them a better title.

However, there are those concerns as voiced by Mr. Stewart and Mr. Whitford that are real in the execution of that individual's responsibilities in that form of local government, in a hamlet or village. I guess, Mr. Chairman, I would (a) either come back and produce something further or (b) I could take suggestions from this committee as to what direction we should go. I recognize the difficulties as both Members have very explicitly put forth, and there is a difficulty if we simply change the names of the now "chairman" to "mayor" without changing or doing something about the responsibilities they have under the Municipal Ordinance that is.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Does that answer your question, Mr. Whitford?

HON. ARNOLD McCALLUM: Excuse me, Mr. Chairman, but I do not think I answered it. I do not have any easy answer for it but I do recognize the problem. I guess I am just asking now from the committee rather than simply setting aside this particular ordinance and the amendments that are being proposed, I would take direction from the committee and maybe the Members. Mr. Stewart and Mr. Whitford could possibly give me some direction as to which way we should go.

THE CHAIRMAN (Mr. Fraser): Hon. Arnold McCallum, I think the question was the situation in Fort Simpson and I think you were talking to the Commissioner at the time. Do you want to address that question again, Mr. Whitford?

Situation In Fort Simpson.

MR. WHITFORD: Thank you very much, Mr. Chairman. What I was saying was that in the case of Fort Simpson because of the member who was going to be the chairman the rest of the members of council did not like it and they all resigned. What I am suggesting is that councillors run themselves as members of council, that the mayor and whoever runs against him have an election for mayor, but that in the end if he is elected as the mayor they have to accept that without resigning sort of thing like they can do now. I hope I have explained myself.

HON. ARNOLD McCALLUM: Mr. Chairman, though I recognize the Member is talking about a specific instance in the village of Fort Simpson, under the present situation all the members elected have, if you like, resigned as councillors. They have resigned and there is no council. Therefore there is no chairman of that particular municipality. The chairman is contingent upon having a particular council in that village. What we could do in terms of changing that kind of concept that regardless of whether the councillors like it or not, there would still be a chairman. I am not sure whether we could go that direction or not. There would have to be a substantive change to the legislation which I think is what Mr. Whitford is saying, that regardless of whether the councillors resigned, that person who is elected as chairman would continue to be chairman and they would require additional councillors and would have to have a vote.

Present Alternatives Under The Municipal Ordinance.

At the present time we only have one alternative under the Municipal Ordinance and that is, as we have done in the case of Fort Simpson, to place an administrator, not an elected person, but just simply an administrator to carry out the basic functions and see that the basic services are provided to the citizens of that municipality. We have had overtures made to us to allow for another election to occur in Fort Simpson and at the present time I am considering the petition that has been made to us on behalf of a number of citizens of the town or of the village of Fort Simpson. To go back to the Member's particular question that would require another change, another amendment to the Municipal Ordinance but we have been in fact pursuing it at this particular time. At the present time, if there was a council there would be a chairman and if there is no council, there is no chairman.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Comments of a general nature? Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I do not understand the amendment in section 186 and the following sections substituted: "The council of the town may make grants to any person or organization not exceeding five thousand dollars in any year to any one such person or organization," and not more than \$15,000 in any fiscal year. I do know the intention behind the amendment but I thought we were dealing here in this instance to assist the senior citizens who owned their own homes so that the municipalities or town councils can give them a grant to offset their tax. I would like to know just exactly what this clause would do.

THE CHAIRMAN (Mr. Fraser): Thank you.

HON. ARNOLD McCALLUM: Mr. Chairman, if I may, I think this amendment is from the standing committee. It has nothing to do whatsoever with tax relief to senior citizens in municipalities.

Grants Allowed Under Present Ordinance

At the present time section 186 of the Municipal Ordinance allows a town, only a town, to make grants to individuals or organizations in the amount of \$1000. The council of a town can make that kind of grant. The council of a town, under the present ordinance in section 186, may make a total grant to various organizations, various individuals to a sum not to exceed \$5000. What is being proposed is that we increase these amounts, increase the amounts from \$1000 to \$5000, increase the total amount from \$5000 to \$15,000. It has nothing, Mr. Chairman, to do with tax relief to senior citizens.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Comments of a general nature?

THE CHAIRMAN (Mr. Nickerson): The chairman advises me he will be absent for a period of about two minutes. I will take over in the meantime with your approval. We are still on comments of a general nature. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I wonder if the question has been asked yet with respect to whether all of these amendments have come down through the normal process of being looked at by the Association of Municipalities and in particular the one body that concerns me, of course, is the city of Yellowknife. I wonder if in the process of consultation as to the specific amendments that have been vetted by these two organizations and if so, what their attitude is.

THE CHAIRMAN (Mr. Nickerson): I think the person best able to answer that would be the Minister, Hon. Arnold McCallum.

Consultation With Association Of Municipalities

HON. ARNOLD McCALLUM: Mr. Chairman, I guess I would agree with that. Mr. Chairman, at any time that the department contemplates changes to the Municipal Ordinance it in fact takes direction from the Association of Municipalities as regards resolutions that may be passed at their particular conference or meetings. We see the executive director of the NWTAM, Northwest Territories Association of Municipalities, and exchange correspondence. There were a number of resolutions made at a recent NWTAM conference or annual meeting about the proposed changes to the Municipal Ordinance, but I would assure the Members that there is constant communication between that organization and the department regarding changes to the Municipal Ordinance. To the best of my knowledge the amendments that have been proposed here have met with favour with the Association of Municipalities.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I appreciate that the policy is as outlined by the Minister. What I am seeking here I guess is the Minister's assurance that this is the normal policy of checking with the association and its members and it has in fact occurred with respect to this particular amendment. The Minister says to the best of his knowledge. I wonder if possibly he could check with his department to see if indeed that did occur because this is one of those pieces of legislation where we have in the past very steadfastly insisted that that happen and we should be assured that it has happened. I do not mean just the resolution providing the wording of the particular section.

HON. ARNOLD McCALLUM: Mr. Chairman, I will attempt at this time to check with the department and to bear out in fact that the association has agreed to these. If the Member would allow me to pursue that for a few moments and I will come back as quickly as possible with it. I know it is not just the intent but as the Member has indicated, the actual writing of the amendments.

THE CHAIRMAN (Mr. Fraser): Is it agreeable with you, Hon. David Searle, that he come back with some further information on it?

HON. DAVID SEARLE: Mr. Chairman, I am quite happy to see the matter proceed just as long as we have that assurance before third reading.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. David Searle. Comments of a general nature on Bill 5-65? Mr. Nickerson.

Origin Of Changes To Ordinance

MR. NICKERSON: We were given, Mr. Chairman, a very good summary of what this bill is all about in its introduction by Hon. Arnold McCallum, specifically with reference to the change of name of the chief executive of certain municipalities. I would like to know why the administration recommends this change of name, why it is being done and where did the idea originate? Did it originate with the Association of Municipalities? Did it originate with a regional council? Did it originate from the hamlets themselves and villages? These are the sorts of questions that come to my mind.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nickerson. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, perhaps I may lead off and maybe other Members of the Executive would like to add to this. It seems to me as the Commissioner and other Members of the Executive travel throughout the various parts of the Northwest Territories and come into contact with various forms of local government, it has come to his and their attention that a change in name indicating more -- I hesitate to say this -- more in keeping with the terminology that is used in other areas, both in this country and in other countries, that the term "mayor" seems to be more acceptable. The term used to describe a chief among equals, if you are like -- more equal than other equals and councillors are concerned in various forms of municipalities, especially in those municipalities with forms of local government where the office is not elected on an individual basis.

Unique Form Of Local Government In The N.W.T.

We have, in the Northwest Territories, a unique form of local government. We have the hamlet form and this has allowed local governments to grow from, really, the grass roots level up in successive forms and take on more responsibilities from communities, to hamlets, to villages, to towns, and eventually cities. It seems to me and it may well be that the Commissioner, or Deputy Commissioner may want to add further to this, but it seems to me that this is the kind of thing that has been said to these people in terms of filling a particular position in local government. Certainly, I have heard that kind of comment made in at least two hamlets that I have visited over the past while, that they literally agree to this terminology, but from a hamlet and from a village viewpoint. There are people, these chairmen of villages in the Northwest Territories who much prefer and who see a need for them to take on a little more responsibility as being that chief executive officer of that particular community.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum, and does the Executive wish to add to that, or the Commissioner? I think Mr. Nickerson asked a question. How did this name originate and how did it come about?

COMMISSIONER HODGSON: Mr. Chairman, Hon. Arnold McCallum has pretty well given the reason for it and how it developed. When we began some 11 years ago, one of the main thrusts of the Carrothers Commission of that day was to push for the development of responsible government at the municipal level and as a consequence we hit on this idea of the hamlets as a step between an organized community and an organized municipality. Local improvement district was the terminology used at that time and that was done away with but we did not at that time call the chief executive of the hamlet a mayor, as we felt that was something we could grow into. However, now the communities have developed to the extent and there are in my opinion, enough hamlets and they are a major step in the process of municipal government.

Confusion With Term "Chairman".

As a result of this, I find as I go through the communities that there is a certain amount of confusion as there are so many chairmen in communities; chairman of this, and chairman of that, housing, hunters and trappers, recreation, education, and social clubs and things of that kind and it is pretty well recognized that the people with the most responsibility now in the communities, in a hamlet, are the hamlet council. As a result, they feel that their head should be designated exactly the same as it is in other countries and in other municipalities in Canada. So, for this reason I, personally, agree with them, I see that they have this terminology in Greenland. I see they have this terminology in Alaska and it seems only proper that we have it here.

Of course, there are some who would prefer to see this country, the Northwest Territories, develop politically along ethnic lines. I, personally, do not share that view. I agree with ethnic organizations for specific ethnic programs and ethnic problems but when it comes to the taxpayers' dollars and developing governments, whether it be at the federal, provincial, or municipal level, I think it has to be done along the time-tested pattern because they are using funds from the public purse. They are not funds that come about as a result of an investment, or a business, or something of this kind. So, it seems to me that this is a step that recognizes their acceptance and recognition of leadership of responsible government.

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

Support For The Changes

MR. NICKERSON: I must thank, Mr. Chairman, Hon. Arnold McCallum, and especially the Commissioner for those words of explanation. I, personally, agree with the proposals of the administration and am very pleased to see that they have brought this before us. It is certainly my intention to vote in favour of this change.

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

MR. WHITFORD: Mr. Chairman, I completely agree with it and support it. I see that Mr. Paul Nind is in the House and he, I believe, is the executive secretary to the Association of Municipalities and I was just wondering if he would, or could be invited in just to comment on it.

THE CHAIRMAN (Mr. Fraser): Is it the wish of the House? Is it agreed?

---Agreed

Mr. Stewart.

MR. STEWART: I wish to withdraw my objection to this section now that I have checked it out.

THE CHAIRMAN (Mr. Fraser): How come this special treatment?

---Laughter

Well, Members of the House, we have Mr. Paul Nind up here as a witness and we are still on comments of a general nature. Mr. Whitford.

MR. WHITFORD: Okay, Mr. Chairman, the reason we have invited you in, Mr. Nind, is to just give us your views on the proposed Municipal Ordinance and to see what your people had thought of it, or if they have discussed it.

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

Views Of The Association Of Municipalities.

MR. NIND: Mr. Chairman, I have before me a copy of An Ordinance to Amend the Municipal Ordinance which I obtained yesterday. In examining that document very briefly yesterday and today, I can see nothing in it that the association would have any negative views on.

THE CHAIRMAN (Mr. Fraser): I do not know about the rest of the Members, but I did not hear much of that. Did you hear it, Mr. Nickerson?

MR. NICKERSON: I think I heard and if I heard correctly, I understand that Mr. Nind said that the Association of Municipalities did not receive this draft bill until yesterday. Is that, in fact, correct?

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

MR. NIND: Yes, that is correct.

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

MR. NICKERSON: I wonder, in that case, if we could have some explanation from the Minister as to why this was not given to the association some time earlier. It must be very difficult for them to put together a position in such a small space of time and I would have thought it would have been in keeping with our long established policy that changes to the Municipal Ordinance and other matters affecting the municipalities would be given to the association some time in advance so they could study them in detail.

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

Discussion With The Association Of Municipalities.

HON. ARNOLD McCALLUM: Mr. Chairman, as with various pieces of legislation, or standing committee on legislation meetings, it would be our policy to have representation but I think though that the bill in total may not have got to the association. I think Mr. Nind would agree that in point of fact the various amendments that would have been proposed here, along with other amendments which were as a result of resolutions that the Association of Municipalities had been discussed with the association. The bill in total may not have been given to him because we just tabled, or introduced the bill in total yesterday as a bill. However, it would seem to me that the individual amendments that have been proposed have been discussed with the association.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Are there any further comments? Hon. David Searle.

HON. DAVID SEARLE: Accepting, Mr. Chairman, that the bill has not been made available in this form to the Association of Municipalities prior to yesterday, I am wondering if, notwithstanding that, since Mr. Nind does have a copy of it, if there is anything in the bill that he finds which is offensive or contrary, contrary to the position that he knows the association would take.

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

MR. NIND: Thank you, Mr. Chairman. I would have to agree with the Minister, we certainly were present last January when the Commissioner made his announcement that there would be a change from the title of "chairman" to the title of "mayor". We were perfectly aware of that. The change in the financial year end and the date of the first election, which would seem to be the other two elements of this bill I have before me that would be most pertinent to the members of the Northwest Territories Association of Municipalities, we find neither contrary nor offensive.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nind. Any further comments? Is it your wish we proceed clause by clause? Is it agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

Clause 2, definitions. Agreed?

---Agreed

Clause 3, establishment of commission. Agreed?

---Agreed

Clause 4, membership. Agreed?

---Agreed

Clause 5. Mr. Nickerson, I think you have an amendment you want to read out.

MR. NICKERSON: I could do it at this time.

THE CHAIRMAN (Mr. Fraser): Is it on clause 5?

Motion To Insert New Clause 5 And Renumber Subsequent Clauses.

MR. NICKERSON: Yes, it is, and it will make certain other consequential changes, but this would, however, be an opportune time to bring this matter up. I would move as follows, Mr. Chairman:

Firstly, insert following as new clause 5: "5. Section 186 of the said ordinance is repealed and the following section substituted therefor: Grants by town, 186. The council of a town may make grants to any person or organization, not exceeding five thousand dollars in any year to any one such person or organization, and not exceeding, except with the approval of the Commissioner, in the aggregate fifteen thousand dollars in any one fiscal year." and renumber clause 5 as clause 6 and thirdly, renumber clause 6 as clause 7. This amendment, Mr. Chairman, is moved at the request of the administration by the standing committee on legislation.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nickerson. Clause 5. Agreed?

---Agreed

Any comments on the amendment? Schedule A? I am sorry. I am missing schedule A out of my book. Clause 5 now becomes clause 6. Clause 6, ineligibility. Agreed?

---Agreed

The old clause 6 becomes clause 7. Clause 7, vacancy and quorum. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

Schedule A. Agreed?

---Agreed

Schedule B. Agreed?

---Agreed

Do you wish now that I report progress or the bill is now ready for third reading. Agreed?

---Agreed

MR. SPEAKER: Mr. Fraser.

Report Of The Committee Of The Whole Of Bill 5-65, Municipal Ordinance

MR. FRASER: Mr. Speaker, your committee has been studying Bill 5-65, An Ordinance to Amend the Municipal Ordinance, and now finds the bill ready for third reading.

MR. SPEAKER: Thank you very much, Mr. Fraser. Hon. Peter Ernerk, what order shall we have again?

HON. PETER ERNERK: Bill 13-65, Mr. Speaker.

MR. SPEAKER: Bill 13-65, Income Tax Ordinance.

HON. PETER ERNERK: I have just been informed we should deal with Bill 1-65 first.

MR. SPEAKER: That sounds like a good idea. The Legislature will resolve into committee of the whole for consideration of Bill 1-65, Ophthalmic Technicians Ordinance. We will have to pick a chairman who can pronounce ophthalmic. With Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Bill 1-65, Ophthalmic Technicians Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-65,
OPHTHALMIC TECHNICIANS ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 1-65, An Ordinance Respecting, this should be good for a laugh, Ophthalmic Technicians. Does the standing committee on legislation have any comments with regard to this particular item? Hon. Arnold McCallum, as the Minister, do you have any comments with regard to Bill 1-65?

HON. ARNOLD McCALLUM: Mr. Chairman, as I indicated the purpose of the bill at second reading, this bill deals with persons or people who have completed adequate training programs to practise as ophthalmic technicians. The bill deals specifically with registration, licensing and discipline and other matters that are peculiar to this particular group of technicians. There is one particular change I would like to propose, Mr. Chairman, at this time and that is in subclause 4(2). The bill we have at present before us indicates where a person passed the examination referred to in paragraph 1(b) more than three years prior to his or her application for registration, he or she is not entitled to be registered unless he or she satisfies the Commissioner that he or she "(a) has practised as an ophthalmic technician within" -- I would like to change this number -- within one year preceding the application. This proposed change, Mr. Chairman, was recommended to us by National Health and Welfare Canada and the department and the administration agree to that. I can say within the standing committee on legislation that we are in agreement as well. I would like to propose that one change, Mr. Chairman, in clause 4, subclause (2) paragraph (a) changing the word "three" to "one" year. The government agreed with the request for this kind of service and they have a program prepared to have ophthalmic technicians practise within the territories. Other than those comments, Mr. Chairman, and the proposed amendment I have no further comments.

THE CHAIRMAN (Mr. Stewart): Thank you. The Legal Advisor has suggested that probably it should read "technician within the year preceding the application" and not the word "one".

HON. ARNOLD McCALLUM: Was that addressed to me? Is that why you were staring at me?

THE CHAIRMAN (Mr. Stewart): The Legal Advisor on your suggested amendment advises that it probably should read "technician in the year preceding the application" and not the words "one year".

HON. ARNOLD McCALLUM: That is copacetic.

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

MR. WHITFORD: Mr. Chairman, I do not have my dictionary with me but I assume that ophthalmic means an eye doctor, is that correct?

THE CHAIRMAN (Mr. Stewart): It is evidently a type of specialist who deals with the eyes.

Explanation Of Ophthalmic Technicians.

HON. ARNOLD McCALLUM: Just one correction, Mr. Chairman. It is not a doctor, it is similar to a dental technician as opposed to a dentist. We have dentists and dental therapists and dental technicians that they turn out of the school of dental therapy. For example, if I may, Dr. Rose is an ophthalmologist. He has technicians working with him who help but they are not doctors. They do not have that kind of training or education. It is very similar to a dentist and a dental technician. I do not know another example. It is similar to the difference between an engineer and a graduate in engineering of a two or three year course at AVTC, Adult Vocational Training Centre, but he does not have the actual academic training or knowledge to do the things an engineer can do. I hope that clears it up.

THE CHAIRMAN (Mr. Stewart): Anything further, Mr. Whitford?

MR. WHITFORD: Yes, Mr. Chairman. One out of three items but before I go on to that I would wish the next time the administration is putting this kind of thing out that they remember not all of us are on the same level so that we can understand this kind of word and I think it gets confusing. I was wondering if the administration was intending to build this kind of a clinic in the North or are they intending to put these technicians in communities or just what is the proposed plan?

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

HON. ARNOLD McCALLUM: Mr. Chairman, I appreciate the difficulties and I do not know about the administration tending to put words like this in as a means of trying to put something by them. I can readily understand and appreciate the difficulty Members may have, especially in terms of the various professions or various health professions that are around. At the present time, Mr. Chairman, there are two or three technicians now at work. We would hope that we would be able to attract others to this particular profession. We would hope to set up a course this coming fall in the territories to attract territorial people, students to enter into this. An ophthalmic technician can do eye examinations for example.

Objectives Of An Ophthalmic Program

It may not be possible to provide every community with a dentist. The main objective and goal of the dental therapy school would be to try to get as many of the technicians, dental therapists in various communities or at least be able to work with the communities in order to upgrade dental health care. So also with the goal or objectives of an ophthalmic program of training technicians, it would be to upgrade, to make people more aware of the need for good medical health in the area of the care of eyes. The Member is quite correct. That is our intention, to make sure that these people are available to those communities because it is not always possible to have dentists, ophthalmologists and everybody else in various communities so if you can not attract an actual doctor you can put in a technician. He can do most things that a doctor can do and it is identical in a lot of instances with difficulties in health care. He would give recommendations to individual patients to get further help. It is another step forward in the eye health care of the entire territories.

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

MR. WHITFORD: Mr. Chairman, just one last question. I thought there would be others commenting, but one last question. When they do put this out for competition to encourage people to come to join this particular program, I hope that the administration and I am not being facetious about this, that they make it so the people can understand what this particular ophthalmic technician is. I find the administration themselves have problems in trying to explain what it is in itself. I hope this is considered.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any further comments of a general nature? Clause by clause? Is it agreed?

---Agreed

Clause 2, definitions. Agreed?

---Agreed

Clause 3, ophthalmic technicians register. Agreed?

---Agreed

Clause 4, registration.

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

THE CHAIRMAN (Mr. Stewart): I am sorry. Has everyone the amendment?

MR. NICKERSON: Would it be possible to vote on the amendment first? Would that not be the correct procedure?

THE CHAIRMAN (Mr. Stewart): Then at this time I will take an amendment from the Honourable Minister. Would you amend clause 4?

Motion To Amend Paragraph 4(2)(a) Of Bill 1-65

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to move an amendment to paragraph 4(2)(a) to now read "has practised as an ophthalmic technician within the year preceding the application, or ..."

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

MR. NICKERSON: Mr. Chairman, it is my intention to vote against this amendment. I think we tend to be restrictive on people. I guess there are good reasons, especially in matters pertaining to the medical profession but I would prefer if we could be as lenient as possible, as lenient as is reasonable and I can see many instances where somebody would not practise as an ophthalmic technician for a period of 12 months or so and then want to go back again. I think once someone has taken the examinations and has had a good deal of practical experience there is no reason at all why they should not leave the business say for 18 months and then go back again. I think perhaps we are being a little too restrictive with this amendment.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I think that the amendment to change this, that paragraph 4(2)(b) would cover any kind of restraint that may seemingly be imposed by the change I have proposed. I believe that anybody with the training could very satisfactorily be proven competent as they would be checked out if you like by an ophthalmologist and that would seem to me to remove any kind of apprehension that we are being too stringent in this regard. I believe as well that when one deals with an organ of such sensitivity as the eye that one must be, you know, very careful and fully conversant with good medical practices and have the training, but certainly a person who has been trained and has been out of

that -- I think working with an ophthalmologist they would be very capable and I would think that the second section paragraph (b) would look after that. That is a comment to the comment that was previously made.

Motion To Amend Paragraph 4(2)(a), Carried

THE CHAIRMAN (Mr. Stewart): The question being called. All those in favour of the amendment? A show of hands, please. The amendment is carried.

---Carried

Clause 4 as amended. Agreed?

---Agreed

Clause 5, licence to practise. Agreed?

---Agreed

Clause 6, prohibition against unlawful practice. Agreed?

---Agreed

Clause 7, suspension and cancellation. Agreed?

---Agreed

Clause 8, regulations. Agreed?

---Agreed

Clause 9, amendment. Agreed?

---Agreed

Clause 10, commencement. Agreed?

---Agreed

The short title. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

Shall I report this bill, Bill 1-65, ready for third reading?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 1-65, Ophthalmic Technicians Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 1-65 and we wish to report at this time that it is ready for third reading.

MR. SPEAKER: Thank you, Mr. Stewart. Mr. Clerk, when is the coffee ready or laid on for? Is it 2:30 o'clock or 3:00 o'clock?

CLERK OF THE HOUSE (Mr. Remnant): It is 2:30 p.m., sir.

MR. SPEAKER: In that case we will recess for 15 minutes for coffee.

---SHORT RECESS

MR. SPEAKER: The Chair recognizes a quorum. What is the wish of the Executive with respect to the order of the bills? You indicated to me Bills 1-65, 8-65 and 13-65 but there is no Bill 8-65 on the order paper.

HON. PETER ERNERK: Bill 3-65.

MR. SPEAKER: Bill 3-65, Presumption of Death Ordinance. Mr. Stewart, do you want to take the chair for that?

MR. STEWART: Yes, sir.

MR. SPEAKER: This House will resolve into committee of the whole for consideration of Bill 3-65, Presumption of Death Ordinance, with Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 3-65, Presumption of Death Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-65, PRESUMPTION OF DEATH ORDINANCE.

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 3-65, An Ordinance to Amend the Presumption of Death Ordinance. Has the legislation committee any comments with regard to this legislation? Will the Minister responsible for this bill give us an introduction at this time?

HON. PETER ERNERK: Mr. Chairman, I was going to ask the Legal Advisor, is this a uniform law?

THE CHAIRMAN (Mr. Stewart): You mean when you are dead, you are dead.

LEGAL ADVISOR (Ms. Flieger): Yes, Mr. Chairman. This bill updates the Presumption of Death Ordinance to make it accord with the latest draft of the model act proposed by the Uniform Law Conference of Canada. The changes, or the most substantive changes are those that deal with the situation where a person who has been presumed dead pursuant to an order is found in fact to be alive and he returns and the sections of the ordinance, especially section 5 allow the court to reorder the distribution of the personal property of that person. There are other amendments which improve the drafting of the ordinance.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further questions of a general nature?

HON. PETER ERNERK: This in no way should be confused with the new word "cloning".

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

---Agreed

Subclause 2, "interested person". Agreed?

---Agreed

Subclause 3, order of presumption of death. Agreed?

---Agreed

Subclause 4, duty of personal representative. Agreed?

---Agreed

Subclause 5, position where "deceased" later found alive. Agreed?

---Agreed

Subclause 6, distribution where "deceased" in fact dead. Agreed?

---Agreed

Subclause 7, appeals. Agreed?

---Agreed

Evidently all these subclauses were relative under clause 1. This was put together a little differently so we end up with all those being subclauses of clause 1 and we now have clause 2, commencement. Agreed?

---Agreed

The bill as a whole? Agreed?

---Agreed

Shall I report this ready for third reading?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 3-65, Presumption Of Death Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 3-65 and wish to report it ready for third reading.

MR. SPEAKER: Hon. Peter Ernerk, which bill now do you want to deal with?

HON. PETER ERNERK: Bill 6-65.

MR. SPEAKER: Bill 6-65, Coroners, Etc. Ordinance. This is a pretty gloomy afternoon when you get the Coroners, Etc. Ordinance and the Presumption of Death Ordinance, one right after the other.

This House will resolve into committee of the whole for consideration of Bill 6-65, Coroners, Etc. Ordinance, with Mr. Fraser in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 6-65, Coroners, Etc. Ordinance, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 6-65, CORONERS, ETC. ORDINANCE

THE CHAIRMAN (Mr. Fraser): The committee will come to order to discuss Bill 6-65, An Ordinance to Amend Certain Ordinances and Thereby Remove Certain Discriminations on Basis of Sex and Provide for a Chief Coroner. Does the Minister responsible for this want to comment on it?

HON. PETER ERNERK: Mr. Chairman, I do not have any comments to make at this point.

THE CHAIRMAN (Mr. Fraser): No comments. Are there any comments of a general nature? Does the committee wish that we go through the bill clause by clause? Is it agreed? Mr. Whitford.

MR. WHITFORD: Yes, Mr. Chairman. I was wondering, I thought that Mr. Walter England of Yellowknife was the chief coroner for the Northwest Territories, am I correct?

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

DEPUTY COMMISSIONER PARKER: The present legislation does not permit a chief coroner, they are just coroners and the purpose of this legislation is to allow us to have a chief coroner.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Is it the wish of the committee that we go clause by clause? Is it agreed?

---Agreed

Clause 1. Agreed?

---Agreed

Subclause (2), chief coroner. Mr. Nickerson.

MR. NICKERSON: I beg your pardon, I thought according to the copy of the bill as I have it before me clause 2 refers to the Forest Protection Ordinance.

THE CHAIRMAN (Mr. Fraser): What is the problem, Mr. Nickerson? Did we not go through this bill in standing committee?

MR. NICKERSON: We certainly did but you called clause 1 which was approved by the committee and surely now clause 2, which is found on page three of the bill, deals with the Forest Protection Ordinance. Is that not correct?

THE CHAIRMAN (Mr. Fraser): That is right, and that is what I have too.

MR. NICKERSON: If I could speak on clause 2 dealing with the Forest Protection Ordinance.

THE CHAIRMAN (Mr. Fraser): Any comments of a general nature on clause 2, Mr. Nickerson?

Motion To Delete Clause 2 Of Bill 6-65

MR. NICKERSON: This is not of a general nature, Mr. Chairman. I would make a motion, I would move that clause 2 be deleted.

THE CHAIRMAN (Mr. Fraser): We have a motion. To the motion. Hon. David Searle, or Mr. Nickerson, rather.

MR. NICKERSON: My colleague was just scratching his head, I do not think he wished to speak. It is my intention by so moving, Mr. Chairman, to show that the age of chivalry is not entirely dead. I think generally the women's liberation movement is a very good movement and has done very much towards the betterment of society but when it comes to the point where forest officers or other persons could go out on the street and impress ladies into service fighting forest fires I think we are going just a little bit too far.

If a lady wants to get a job in the forest protection service and she voluntarily wants to go and fight forest fires, I think that is all well and good, but I do not think you should conscript ladies into this type of employment. I think that that just goes one little bit too far.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nickerson. Any more comments on the Forest Protection Ordinance? Hon. David Searle.

HON. DAVID SEARLE: I think I agree with Mr. Nickerson, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): To the motion? Could we have the motion read back? The motion was to delete clause 2. To the motion? Mr. Stewart.

MR. STEWART: Maybe they need cooks out in these camps or something and ladies want to get into everything. Maybe it would be an opportunity to be of great assistance in this area. I presume they are not expected to take a six foot chain saw and cut down trees but if they are, indeed, going to follow through with women being equal, taking jobs in a forest situation, they may be invaluable while the men do the work.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Stewart. Any further comments? Hon. Arnold McCallum, do you have your hand up, or are you just waving?

Summoning Of Assistance

HON. ARNOLD McCALLUM: I had it up and I was scratching my head at the same time. I will enter into the fray. It seems to me the ordinance dealing with forest protection, the kind of concern that may be expressed in regard to deleting that section, they might need feminine assistance in firefighting and that might very well be covered by section 24 of the Forest Protection Ordinance. Section 24 indicates that the forest supervisor, or any forest officer, judge, magistrate, or justice of the peace may, where he considers it necessary, employ or summon the assistance of any person and he may conscript that person. A medically fit person may assist the forest protection service. I think the phrase "medically fit" for the purpose would allay Mr. Nickerson's difficulty. Again, in dealing with the motion to delete that reference to the Forest Protection Ordinance, I think that would take care of that, whether the person is physically unfit for the purpose in that particular area and I am wondering if it is really necessary to delete the particular clause, to delete clause 2 in total.

I think, Mr. Chairman, the way it reads in the two paragraphs (a) and (b) in the Forest Protection Ordinance indicates an age not less than 18 and not more than 65, and it indicates people who are unfit for the purpose.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. To the motion?

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Fraser): The question is being called. All in favour? Mr. Kilabuk, have you got your hand up or down?

MR. KILABUK: (No translation)

THE CHAIRMAN (Mr. Fraser): I do not know if anyone got that. I know I did not get it. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, maybe I can outline what he said to it. He said he did not quite understand as to what exactly we were talking about. He did not understand what we were voting on.

Motion To Delete Clause 2, Carried

THE CHAIRMAN (Mr. Fraser): Does he want an explanation on it? Has he got the ordinance in front of him? Mr. Kilabuk, the motion is to delete clause 2 completely. Let us try that again. To the motion? The question has been called. All in favour? Against? The motion is carried.

---Carried

Clause 3, sex. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I guess the problem I have now is that we may wish to leave the Forest Protection Ordinance where it was. It says: "The forest supervisor or any forest officer, judge, magistrate or justice of the peace may, where he considers it necessary, employ or summon the assistance of any person who". And then the interpretation clause in the Interpretation Ordinance which says, it seems to me, if you can use a male, you may use a female. I am wondering if that is not sort of what we are into. I guess it is a question for the Legal Advisor. Having done what we did, that is, we changed the Interpretation Ordinance as requested at the top of page four, could we not interpret the Forest Protection Ordinance where the word "male" is used and also where it says "female"?

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

MR. STEWART: Effectively, what we have done in deleting this clause is, we have said, indeed, a justice of the peace where he considers it necessary, to employ -- you are back into a complete male section. This section says "employ", it does not say necessarily mandatory to take them. You can not employ them if you take this whole section out. I think you have got to be careful with what you are doing here.

THE CHAIRMAN (Mr. Fraser): What is the legal side of that?

Rule Of Interpretation

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, I think that another rule of interpretation would also work with this rule and that is that an express wish to override this rule could result, that is, you could indicate a contrary intention by specifically saying a male person. I think that, generally speaking, "she" would be interpreted as including "he" and "he" as including "she", that when you specify a male person that would have that effect.

HON. DAVID SEARLE: I understand that, but unfortunately, we do use the words "male" and "female" in the interpretation section. In other words, I could see that if we had left the previous wording of the interpretation -- not even then. We do use the words "male" and "female" and I wonder if we should not be absolutely clear and go back and put in the words "notwithstanding the Interpretation Ordinance, a forest supervisor, etc., etc.," or something like that. I leave this up to her. It is not really my field.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. David Searle. Mr. Stewart had a question. I do not know if he got an answer for it. If this was to be left out, I wonder if his question was they could not hire a female, period. Was that your question, Mr. Stewart?

MR. STEWART: That is the way I would read this section. If only male persons may be hired, it is prohibitive.

THE CHAIRMAN (Mr. Fraser): Mr. Speaker, how do you interpret that?

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, is the question directed to the section of the Forest Protection Ordinance that has been brought through?

MR. STEWART: Yes.

The Hiring Program

LEGAL ADVISOR (Ms. Fliieger): I see. Mr. Chairman, subsection 24(1), the amendment which was defeated, does not relate solely -- it relates to the hiring of people. I think this section is the one which allows the forest supervisor to pick people up in the midst of whatever they were doing to go off and fight a

forest fire. It might be that the hiring program is done before the emergency arises so that, in that case, I would think there would be nothing to prevent the hiring of any person. It would just be in a situation where a justice of the peace or a judge is used to summon these people, that it would be restricted to males.

MR. STEWART: If that is the case, why would they have the word "employ"? It says, "employ or summon". If it just said "employ", I would buy that.

LEGAL ADVISOR (Ms. Flieger): I do not know. I will have to check the rest of the ordinance, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): What is the wish of the House? To wait until the Legal Advisor checks it out or to go on to clause 4 and to come back? It has been defeated.

MR. STEWART: It has been defeated, so I presume we continue with the renumbering system.

THE CHAIRMAN (Mr. Fraser): The section has been defeated.

LEGAL ADVISOR (Ms. Flieger): It seems Mr. Stewart may be correct as it seems to be the only section dealing with employment.

THE CHAIRMAN (Mr. Fraser): What is your wish? Do we continue on with clause 3? Agreed?

---Agreed

MR. STEWART: Does clause 3 now become clause 2?

THE CHAIRMAN (Mr. Fraser): Ms. Flieger.

LEGAL ADVISOR (Ms. Flieger): It will be renumbered.

THE CHAIRMAN (Mr. Fraser): The Legal Advisor tells me it will have to be renumbered so clause 3 now becomes clause 2. Agreed?

---Agreed

Clause 4. I suppose clause 4 now becomes clause 3. Clause 3, the Jury Ordinance. Agreed?

---Agreed

Clause 4, the Mining Safety Ordinance. Mr. Nickerson.

Mining Safety Ordinance

MR. NICKERSON: I do not want to vote against this particular one, Mr. Chairman, but to anyone who has ever studied what happened in the last century, the 19th century, anybody who has ever studied the actions of men such as Mr. Robert Owen and Lord Shaftesbury, people of that ilk, you find that during the last century there was a tremendous debate that went on. At that time it was quite common for women and children to be employed in mines and in a lot of factories and the type of legislation which was developed about 100 years ago which disallowed the employment of ladies and children in mines was at that time looked upon as being most progressive and most liberal legislation. It seems we have now come full circle and the very employment which people such as Owen and Shaftesbury fought against, we have turned it around and now in order to be progressive and liberal we have to put the ladies back into the mines. I was wondering, I see we still have the provision that "no person under the age of 16 years shall be employed in or about a mine" and I wonder if we might be considered in retaining that as violating the rights of young children? Perhaps we should amend that to allow the employment of seven or eight year old children in the mines so we are not violating their civil liberties, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Nickerson. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: No, I will not.

THE CHAIRMAN (Mr. Fraser): Clause 4, mine safety committees. Agreed?

---Agreed

The schedule on page five. Agreed?

---Agreed

The bill as a whole? Agreed?

---Agreed

Do you wish I report this bill ready for third reading? Or report progress?

---Agreed

MR. SPEAKER: Mr. Fraser.

Report Of The Committee Of The Whole Of Bill 6-65, Coroners, Etc. Ordinance.

MR. FRASER: Mr. Speaker, your committee has been studying Bill 6-65 and there was one motion to delete clause 2 dealing with the Forest Protection Ordinance to have it deleted and the rest of the clauses remain. I wish to report this bill ready for third reading.

MR. SPEAKER: Thank you, Mr. Fraser. Under Item 14 it looks to me as if there is only one other bill listed, Bill 13-65, or I mean one other we have not dealt with. Is it your wish we deal with Bill 13-65?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Bill 13-65, Public Utilities Income Tax Rebates Ordinance. I presume that with your interest in public utilities, Mr. Stewart, you would like Mr. Fraser to take the chair on that one.

MR. STEWART: Yes, Mr. Speaker, if Mr. Fraser has no objection.

MR. SPEAKER: In that case the House will resolve into committee of the whole for consideration of Bill 13-65, the Public Utilities Income Tax Rebates Ordinance, with Mr. Fraser in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 13-65, Public Utilities Income Tax Rebates Ordinance, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 13-65, PUBLIC UTILITIES INCOME TAX REBATES ORDINANCE

THE CHAIRMAN: (Mr. Fraser): The House will come to order to study Bill 13-65, An Ordinance to Provide for Payment of Income Tax Rebates to Certain Public Utility Companies. Are there any comments of a general nature? Does the Minister responsible for this bill have any comments? Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Chairman, as I moved the bill and have the background I will provide that to the Members of the committee. As Members know this is a new ordinance and related to the recent institution of the Northwest Territories Taxation Ordinance. What this does is legalize in the territorial sense an action which has already been carried forward by the administration. At the present time under the authority of a federal act the Northwest Territories administration rebates companies which are providing, selling and distributing power in the territories with a taxation rebate which is provided to them by the federal government. The two particular companies affected by this action at the present time would be Alberta Power and Plains Western. I think that Members and residents who receive power from these companies have noted that from time to time there appears on their bill an amount designated as rebated. This ordinance will take the action from the administration and put it within the ambit of this House and thereby allow the legislators to determine the manner in which the rebate will be paid and will allow us to instruct the administration to apply the rebate as we direct and not as is the current case, the federal government directs.

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

MR. WHITFORD: Mr. Chairman, I would have said this before but I decided to wait until Hon. Tom Butters had delivered his bill. I have noticed that when Hon. Arnold McCallum and Hon. Tom Butters deliver their bills they give a preamble as to what the bill is all about. I think that is good because the listening public are here to find out what we as legislators are trying to do, and then they have a better understanding of what is the text of that particular bill. I would hope that the Minister responsible for Economic Development, Hon. Peter Ernerk, could try and start doing the same thing because it makes for better understanding by everyone.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Whitford. Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I am sorry, we have no translation at all on this Bill 13-65.

THE CHAIRMAN (Mr. Fraser): I did not quite get that.

MR. PUDLUK: We have no translation of this Bill 13-65.

THE CHAIRMAN (Mr. Fraser): I understand you have no translation for Bill 13-65. Is that right? We will just have Mr. de Vos check. What is the wish of the House? He has to go upstairs and check out the interpretation for Bill 13-65. It is a little too early for coffee. Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Chairman, I apologize for not ensuring that the translations were in the Members' books. As it is my responsibility to see that it is done and in view of the fact that they do not have this material I suggest there is nothing to gain by proceeding. I think we have made remarkable progress today and I would suggest that we report progress until the material is available to Members and they can study it.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Tom Butters. Agreed?

---Agreed

I wish then to report progress on Bill 13-65 until we get proper translation. Is it agreed?

---Agreed

MR. SPEAKER: Mr. Fraser.

Report Of The Committee Of The Whole Of Bill 13-65, Public Utilities Income Tax Rebates Ordinance

MR. FRASER: Mr. Speaker, your committee has been studying Bill 13-65 and we are now awaiting proper translation of this bill and wish to report progress.

MR. SPEAKER: Gentlemen, we have run off the order paper. We have completed everything. Items 1 to 14 that were on for this day and unless there is something else that can be brought on with unanimous consent I would have no alternative but to simply adjourn until tomorrow afternoon. You have been so diligent that you have done all the work that we put on the paper. Mr. Fraser.

MR. FRASER: Mr. Speaker, at the rate we are going through these bills I would like at this time to move that we adjourn for the day and come back tomorrow with the necessary translations. Perhaps we could take a little time and check the rest of the bills to see that we have the translations.

MR. SPEAKER: It will not be necessary for you to move adjournment because the next item I go to is Item 15 which is orders of the day. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I wonder if I might with the indulgence of the House make two announcements?

MR. SPEAKER: Yes.

HON. ARNOLD McCALLUM: The first deals with a caucus meeting at 9:30 tomorrow morning in Katimavik A. The other announcement, Mr. Speaker, Members will recall that at the last session, the January session of this House, that I announced increased medical assistance, or medical travel assistance benefits and at that time, during the January session the Member from Hay River, Mr. Stewart, asked what could be done in regards to assisting cleft palate patients and their expenses which are continuing and necessary over the years. Today I am very pleased to announce that effective immediately the addition of coverage for cleft palate and lip will come under the medical assistance benefits and I know that that will be well received by not only Mr. Stewart but by the other Members and other people who are afflicted with this particular difficulty. So I am very pleased to announce on behalf of the government that special medical assistance will be given to those patients whose parents have encountered difficulty.

---Applause

MR. SPEAKER: Any further announcements? Mr. Clerk, orders of the day.

ITEM NO. 15: ORDERS OF THE DAY

CLERK OF THE HOUSE: Orders of the day, May 10, 1978, 1:00 o'clock p.m., at the Explorer Hotel.

1. Prayer
2. Replies to Commissioner's Address
3. Questions and Returns
4. Oral Questions
5. Petitions
6. Reports of Standing and Special Committees
7. Notices of Motion for First Reading of Bills: Bill 18-65
8. Notices of Motion
9. Motions for the Production of Papers
10. Motions
11. Tabling of Documents
12. Introduction of Bills for First Reading: Bills 11-65 and 18-65
13. Second Reading of Bills: Bills 11-65, 14-65 and 18-65
14. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bills 8-65, 13-65, 9-65, 16-65, 10-65, 11-65, 2-65 and 4-65, Information Item 2-65
15. Orders of the Day

MR. SPEAKER: This House stands adjourned until 1:00 o'clock p.m., May 10, 1978, at the Explorer Hotel.

---ADJOURNMENT

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