



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
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Speaker The Honourable David H. Searle, Q.C.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, OCTOBER 18, 1978

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. David Searle): Gentlemen, just before starting our normal business I thought that you would like to know that we have received a letter from the Commonwealth Parliamentary Association confirming that the Northwest Territories branch has been approved. Our application has been approved for representation at the plenary conference by one delegate each year and this was approved by the general assembly of the association on the 29th of September in Jamaica.

---Applause

Item 2, replies to the Commissioner's Address.

Item 3, questions and returns.

ITEM NO. 3: QUESTIONS AND RETURNS

Are there any returns? Hon. Arnold McCallum.

Return To Question W4-66: Airstrip, Gjoa Haven

HON. ARNOLD McCALLUM: Mr. Speaker, on October 16th, Mr. Lyall asked Question 4-66 concerning the airstrip at Gjoa Haven. I have the following answer: The administration has been and will continue to press Transport Canada to build adequate airstrips under the northern airstrips program. Airstrips of only 3000 feet are not considered adequate for Spence Bay or Gjoa Haven. In light of the present carriers' plans and equipment, lengths of 4000 at Spence Bay and Gjoa Haven are essential. If Transport Canada will not agree to these lengths, the administration will have to consider what action it will take at that time.

MR. SPEAKER: Hon. Peter Ernerk.

Return To Question W1-66: Reopening Of Fur Shops In Aklavik, Tuktoyaktuk And Fort McPherson

HON. PETER ERNERK: Mr. Speaker, on October 16th, 1978, Mr. Steen asked Question W1-66 concerning the reopening of fur shops at Aklavik, Tuktoyaktuk and Fort McPherson. I have the following reply: As I indicated to the House on Monday, October 16th, 1978, immediate steps have been taken to reopen the fur shops at Aklavik and Tuktoyaktuk. Our regional staff flew into Tuktoyaktuk and into Aklavik to open the shops. Funding has been made available to allow the projects to produce new wolf parkas and to retrim muskrat parkas to meet orders from the markets. The volume of the work will employ six to eight employees for a two to three month period.

In the Fort McPherson project, we do not have a product with an established market and so we are not in a position to open the project for production at the present time as we are in Tuktoyaktuk and Aklavik. Prior to May, 1977, the Fort McPherson project produced exclusively canvas items, tents and bags. At that time the revenues were unable to sustain the overhead expenses of production and it was decided to close down the canvas shop and to provide an alternative production line to maintain employment for people in Fort McPherson. We are well aware of the contribution that employment in the project has made to the economy and social conditions in Fort McPherson.

Our staff has devoted considerable efforts, time and money to develop some new lines and markets for alternative sewing products. Six hundred small windbreaker-type jackets were produced as prototypes to assess the labour force and training requirements for this kind of production. Then 1000 samples of spring, summer and fall jackets were made over the last winter and markets were tested in the North and the South. It was found that the quality would have to be upgraded but that there was a market for a limited quantity. These efforts have used up the budget that was available for the work. Further samples are now being produced in the Inuvik sewing centre as well as samples of clothing for the hospital and institutional market. Orders for a quantity of sweat shirts have also been received that would make a useful addition to the production line. I understand that small orders for canvas products continue to be received on the Fort McPherson project in numbers sufficient to employ two or three sewers. This volume of production will not support the overhead of the shop on its own.

Last week our staff in the Inuvik region discussed these activities and plans with the people in Fort McPherson. Once markets have been identified for sufficient quantities of goods to support the project, our next step will be to put together an operational plan and obtain financing for the project. Because of the general spending restraint on government we must justify spending money on production based on a solid market forecast. I repeat, we do not yet have a product line with sufficient market acceptance to run a full production line at Fort McPherson or to open the project at the present time.

The government recognizes its commitment to provide opportunities for employment in Fort McPherson within the amounts of money which are available to us and we will continue to do our very best to develop product lines in markets which will enable us to open the Fort McPherson project at the earliest opportunity.

MR. SPEAKER: Further returns? Do you have a return, Mr. Lyall, or a written question? Written question then, Mr. Lyall.

Question W12-66: Musk-oxen Count, Holman Island

MR. LYALL: Mr. Speaker, I would like to ask the administration when the Department of Natural and Cultural Affairs is going to complete the musk-ox count in the Holman Island area so they may adjust their quota accordingly.

MR. SPEAKER: Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, I will take the question as notice and have a reply filed but if the wildlife people are before the House in committee of the whole maybe he would address the question to them at the time.

MR. SPEAKER: Further questions? Mr. Stewart.

Question W13-66: Paving Of Mackenzie Highway

MR. STEWART: Mr. Speaker, has the Alberta government offered the federal and/or territorial government to pave the Mackenzie highway from the Northwest Territories border to Hay River? If so, why were they refused?

MR. SPEAKER: Deputy Commissioner Parker.

Partial Return To Question W13-66: Paving Of Mackenzie Highway

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the administration has heard nothing but rumours of the interest of the province of Alberta in assisting with the paving of a portion of the Mackenzie highway. However, if it pleases Members we would be satisfied to make suitable inquiries.

MR. SPEAKER: Mr. Pudluk.

Question W14-66: Translation Of Co-op Regulations Into Inuktitut

MR. PUDLUK: Mr. Speaker, this question is concerning Pond Inlet. In 1975 the people from Pond Inlet requested that the regulations of the co-op be translated into Inuktitut. They have not received a reply yet. They would like to understand the regulations before they build a new Hudson's Bay Company store. Thank you.

MR. SPEAKER: Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I will have to take the question as notice and provide a reply.

MR. SPEAKER: Written questions? Mr. Kilabuk.

Question W15-66: Gymnasium, Clyde River

MR. KILABUK: Mr. Speaker, this was brought up earlier. The people in Clyde River would like to know when the gymnasium will be built. Will it be built during the 1979-80 fiscal year?

MR. SPEAKER: Which Member of the Executive wishes to answer? Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I am not sufficiently certain of the question because my hearing aid is muffled but I will take the question from the transcript and provide a reply later on this session.

MR. SPEAKER: Mr. Nickerson.

Question W16-66: Northeast Mackenzie Transportation Study

MR. NICKERSON: Mr. Speaker, in his reply to Question 9-65 on the 12th of May, 1978, the Deputy Commissioner stated that phase one of the northeast Mackenzie transportation study would be completed by the 30th of June, 1978. Has this been done and if so, does the administration plan to table phase one of the study at this session?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W16-66: Northeast Mackenzie Transportation Study

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the study has not been completed as yet. I am therefore, not in the position to table anything to do with the study at this session. I will, if I may though, attempt to obtain a new timing on the completion of the study.

MR. SPEAKER: Are there further written questions? Mr. Nickerson.

Question W17-66: Settlement At Wholdaia Lake

MR. NICKERSON: Mr. Speaker, on the 11th of September, 1978, CBC radio carried a story dealing with the possible establishment by people from Saskatchewan of a new settlement at Wholdaia Lake in the Northwest Territories. Could the administration furnish the Legislature with any information they have regarding this plan?

MR. SPEAKER: Hon. Tom Butters.

HON. TOM BUTTERS: I will take the question as notice, Mr. Nickerson, as I believe my department has had some correspondence in this matter and can probably provide the most complete reply.

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

Question W18-66: Broughton Island, Dock

MR. KILABUK: Mr. Speaker, I have four questions from Broughton Island which have been brought to me. I have mentioned this before. Does the administration have any plans to build a docking area for Broughton Island? There is a need for this facility for the unloading of barges, winter use and docking area during stormy weather. Could this facility be made available to the settlement for 1979?

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, again I think we are having some difficulty getting the translation through the receiver sets. I think if I understand the question correctly, the Member is asking what the administration has done about a dock on Broughton Island. I think, Mr. Speaker, we would take the question as notice and come back with a reply.

MR. SPEAKER: Further questions? Mr. Kilabuk.

Question W19-66: Air Terminal, Broughton Island

MR. KILABUK: Mr. Speaker, another question on Broughton Island. Would the administration please advise as to the feasibility of providing an air terminal at Broughton Island? The airstrip is quite a distance from the settlement and results in much inconvenience and discomfort to the travelling public. I would ask that this be discussed at this session.

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, again I will take the question as notice and file a reply.

MR. SPEAKER: Mr. Lyall.

Question W20-66: Fire Alarm System, Spence Bay

MR. LYALL: Mr. Speaker, I would like to ask when the administration is going to complete the fire alarm system in Spence Bay. They have been working on it now I think for the last six years or so.

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I will take the question as notice and will file a reply.

MR. SPEAKER: Further written questions, gentlemen. Mr. Kilabuk.

Question W21-66: Sewing Centre, Broughton Island

MR. KILABUK: Mr. Speaker, I have a request from Broughton Island. The community of Broughton Island has asked me this question and I have mentioned it in the past. The community would like additional funds to construct a sewing centre. The material for the building is in Broughton Island right now. Could the administration supply additional funds for the construction of this building so that more women may become employed?

MR. SPEAKER: Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, as I am not familiar with the plans for Broughton Island with regard to the sewing centre I will have to provide a reply later on.

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

Question W22-66: Sewage Disposal, Spence Bay

MR. LYALL: Mr. Speaker, I would like to ask the administration about the situation in Spence Bay, where they are planning to spill the sewage. I would like them to check it out because I think it is very important that they send somebody up there to find out exactly where they are going to spill it.

HON. ARNOLD McCALLUM: Mr. Speaker, I will take the advice of the Honourable Member and look into the situation and come back with a reply to it.

MR. SPEAKER: Mr. Stewart.

Question W23-66: Alberta Government Opportunities Corporation

MR. STEWART: Mr. Speaker, has the Alberta government through its opportunities corporation offered its services to the Northwest Territories?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W23-66: Alberta Government Opportunities Corporation

DEPUTY COMMISSIONER PARKER: Mr. Speaker, yes, the Alberta government has offered and the Executive Committee considered the matter and we have responded to the Alberta government advising that we would be pleased to be part of their scheme and we asked only that applications that are made to the Alberta opportunities group be checked through our organization to make sure that there is no duplication.

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

Question W24-66: Police Officer, Broughton Island

MR. KILABUK: Mr. Speaker, this is another question from Broughton Island. The people of Broughton Island would like a police officer in their settlement. The housing for the police officer has already been sent in, but no police officer. If a police officer is not going to be stationed in Broughton Island the people would like to know why and, therefore, request that the superintendent of the RCMP accompany the Commissioner on his next tour to supply this information. Would it be possible for the superintendent of the RCMP to accompany the Commissioner on his next tour?

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will take the question of an RCMP officer at Broughton Island as notice and supply an answer. We will discuss this matter with the superintendent of the RCMP.

MR. SPEAKER: Further questions.

Item 4, oral questions.

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion.

ITEM NO. 7: NOTICES OF MOTION

Mr. Nickerson.

MR. NICKERSON: On a point of order, Mr. Speaker, I wonder if it would be possible for you to advise me of the procedure to be used in introducing a motion for the production of papers. Is it necessary to give a notice?

MR. SPEAKER: Mr. Nickerson, do you think maybe we can go on and take the other notices while we find the appropriate Rule?

Notice Of Motion 6-66: Parliamentary Privilege

MR. NICKERSON: I give notice, Mr. Speaker, that on Thursday, the 19th of October, I will introduce a motion dealing with the establishment of a special committee pursuant to section 37 of the Rules of this Assembly to inquire into certain matters of parliamentary privilege.

Notice Of Motion 7-66: Meeting With Owners Of Pacific Western Airlines And Transair

Mr. Speaker, on the same date I plan to introduce a motion dealing with a request for a meeting between the Government of the Northwest Territories and the owners or the people who have the controlling interest in Pacific Western Airlines and Transair, namely, the Government of Alberta.

MR. SPEAKER: Further notices of motion. Hon. Peter Ernerk.

Notice Of Motion 8-66: Invitation To Parks Canada Officials Of DIAND

HON. PETER ERNERK: Mr. Speaker, the intent of my motion which I would like to give notice for tomorrow, October 19th, 1978, is to extend an invitation to officials of Parks Canada to appear before this Assembly for the January session, 1979.

MR. SPEAKER: Further notices of motion. Mr. Nickerson, on your question of whether or not you need to give notice of motion before you put a motion for the production of papers, I believe we get guidance from Rule 42 which deals with notice and when it is required. Subrule (2) says in effect that notice is not required for a certain class of matters. Unfortunately, Rules for the production of papers are not set out in there, so by reverse deduction, as you might say -- in other words because it is not exempt it seems to me you should give notice of motion for the production of documents. Mr. Nickerson.

MR. NICKERSON: I presume, Mr. Speaker, that there is a Rule against giving more than one or two notices at any one time and therefore I would not be able to give a notice of motion for the production of papers at the present time. Am I correct in that assumption?

MR. SPEAKER: Yes, Rule 43 says: "No Member shall give more than two notices of motion in any one day." and if you have given two you can not give any more unless you want to ask the House's indulgence for unanimous consent to waive Rule 43. That is the only other way around it or, Hon. Arnold McCallum, it would be for Mr. Nickerson to make the request or ask me to make the request. Do you wish me to put the question, Mr. Nickerson?

MR. NICKERSON: No, Mr. Speaker, I am quite prepared to do it tomorrow.

MR. SPEAKER: Item 8, motions for the production of papers.

Item 9, motions.

ITEM NO. 9: MOTIONS

Motion 4-66. Mr. Nickerson.

Motion 4-66: Area Development Ordinance

MR. NICKERSON: Mr. Speaker:

WHEREAS it would be possible at present for the government to declare very large areas of land as "development areas" under the Area Development Ordinance contrary to the intent of the Legislature which envisaged such areas as being of a reasonable size;

NOW THEREFORE, I move that this House would favourably receive a proposal to limit the maximum size of a "development area" under the Area Development Ordinance.

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

MR. NICKERSON: If I may speak very briefly to this, Mr. Speaker, the Area Development Ordinance as we all know was originally put into effect to enable projects such as Nanisivik to be put under some kind of control and regulation. There was a time when Nanisivik first started to go ahead and of course there was no municipality there and it was necessary to establish a certain number of bylaws and other rules for the operation of that area. Another example of the legitimate use of the Area Development Ordinance would be for the proposed capital site in Yellowknife, the use of the examples given by the government when the Area Development Ordinance was first brought before the Legislature and I do not think we can really quarrel with that. There has to be some enabling provision for that type of activity to take place in those small and special development areas.

However, over a period of time it seems that there is a body of thought within the Government of the Northwest Territories that can see this ordinance -- it is only three or four pages and a lot of people overlook it -- and they can see where they can use that to control very large areas of land. This is something that the Legislature obviously did not contemplate when they passed it.

We have heard suggestions that either side of the highway, for instance, maybe up to four miles on either side of the highway for a stretch of highway 200, 300 or 400 miles and who knows, that it might be declared an area or a development area under the Area Development Ordinance. This would take away from the normal method of dealing with land and being subjected to certain rules and regulations from other ordinances or municipal bylaws and it would take all of this away from the mainstream of regulation. It would allow people in government, bureaucrats in government to strictly regulate what went on in these huge great areas of land.

Now, just as an example of what might go wrong, a few months ago there was a proposal to use the Area Development Ordinance to stop people putting tents at the side of the road or within, I think it was, four miles of the centre line of a road throughout the entire length of the road. That means that nobody would have been able to put a tent say between Yellowknife and Rae at the side of the road. We get these rather silly things developing and some of the people we have in our employ think that there is nothing wrong in taking away the liberty of an individual to put a tent wherever he feels like it at the side of a road and I think that that is something we should retain in the Northwest Territories. While the Area Development Ordinance stands as it is it would be quite possible for the government to designate half of the Northwest Territories as a development area and subject it to all of these harsh and unnecessary regulations.

Original Intent Of The Ordinance

Therefore, I think in keeping with the original intent of the legislation we should specify a maximum size of a development area. I would suggest somewhere in the region of 100 square kilometers or something of that area. That would obviously have to be decided later if the House decided to adopt this motion but I think there are very good reasons why these restrictions should be put on the government. We just can not allow the government to indiscriminately make rules and regulations to interfere with the liberties of the people of the Northwest Territories just because they feel it is some kind of an administrative expediency. Thank you very much, Mr. Speaker.

MR. SPEAKER: Further discussion? Mr. Stewart.

MR. STEWART: Mr. Speaker, although I can sympathize with the intent of Mr. Nickerson, I find it difficult to strike an area of maximum size that could cover all situations. Secondly, I suggest to him that indeed if the government wishes to control land that there is no reason why they can not in one development area just take 100 square kilometers, that is development area number one, and number two right next to it and so on. So, if you really want to break the rule or the intent of the legislation by putting a maximum line, when that in effect is what you have to do, therefore, I can not support the motion because I think we are doing things that we just can not enforce.

MR. SPEAKER: Further discussion. If there is no further discussion then
--- Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I am lost and I wonder if Mr. Nickerson would talk to me personally and privately if I may. I am quite lost and I was the seconder.

MR. SPEAKER: Mr. Pudluk, I do not know of any way once we are half way through discussion you can stop and talk privately with Mr. Nickerson but he may wish to attempt to explain the matter to you if he elects to sum up. Mr. Nickerson, do you wish to make further comment? Mr. Lyall.

MR. LYALL: Mr. Speaker, I would just like to ask the Legal Advisor whether this motion is in line or not.

MR. SPEAKER: Mr. Lyall, you can not ask the Legal Advisor that. If you were of an opinion that the motion is out of order you can ask me that.

MR. LYALL: Yes, Mr. Speaker, I will ask you that then.

MR. SPEAKER: The answer to your question is that it is in order. Further discussion? Mr. Nickerson, do you wish to exercise your right to speak last and thereby wind up the debate?

Explanation Of Ordinance

MR. NICKERSON: What I will do, Mr. Speaker, is try and explain maybe in a little bit more detail what the Area Development Ordinance really says and what it does. This particular piece of legislation was passed originally in 1956. The need for it was felt because there were certain areas within the Northwest Territories which were experiencing some kind of development. Nanisivik is probably a very good example. There were at that time no municipal governments that could enact bylaws dealing with local rules and all of the things that a municipality normally regulates with respect to and there was a need for some mechanism whereby this type of legislation could be put into effect. The way that it was done was through the Area Development Ordinance whereby the Commissioner was empowered to designate certain areas of land within the Northwest Territories as development areas and then by Commissioner's orders he could regulate.

There are a whole list of things specified in the ordinance and a lot of them are normal municipal responsibilities. Examples are the zoning of the area, the allocation of the land for agricultural, residential, business, industrial and other purposes; the regulation or prohibition of alteration and repair of buildings; regulation with respect to streets, roads, lanes, sidewalks, power lines and regulation with respect to fire protection and public health and all of these types of things. That was the reason why the Area Development Ordinance was passed, to enable municipal type regulations to take place in areas which were undergoing development and which had not reached the stage where they had proper municipal government.

Ordinance Used For Ulterior Motives

My point is that this ordinance has been used or tried to be used for ulterior motives, that is, instead of designating a small area of land where some special form of development was being undertaken, certain people within the government wanted to, use this for declaring huge great areas of land, strips of land along roads and along rivers and declaring these as areas of being

subject to special regulations by Commissioner's order. The example that I cited was an occurrence several months ago where people in the employ of this government really wanted to stop people putting tents up on the side of the road within two or four miles of the highway. This type of restriction, and if we are not forever vigilant, people in government will try to impose these on us. I think that there is no necessity and no reason and it is contrary to the intent of the Legislature to allow the Commissioner to impose the very tight and stringent regulations on very large areas of land for which there is no real necessity or no real need to do that.

Now, just very briefly in reply to the points raised by the Honourable Member from Hay River; in designing any change to the legislation it would, of course, have to take into account what he said. There would have to be some restriction on the number of development areas that could be established by the Commissioner within any one given larger area. We would obviously have to give some thought to that.

Another thing we would have to take into account is the shape of any development area. Under certain regulations made under the Territorial Lands Act when we are talking about areas of land and people who do not want a strip of land 100 miles long and 100 feet wide. They do not want that to happen to take up the allowable acreage, the specifications are in there that say, for instance, the maximum dimension of a certain area of land shall not exceed five times the minimum dimension, so in the technical design of legislation, you would obviously have to take that into account and give some thought to it. The idea of putting this motion before this House is not to deal with those technical problems of legal draftsmanship but it is just to get the idea or thoughts of the Members of this House as to whether or not they would look favourably upon the introduction of such legislation to change the Area Development Ordinance.

Motion 4-66, Carried

MR. SPEAKER: On the motion. The question being called. The question is: "Now therefore, I move that this House would favourably receive a proposal to limit the maximum size of a 'development area' under the Area Development Ordinance." The question being called. All in favour? Four. Contrary? Four. How that can happen with 12 Members in the House I do not know. The vote is four in favour and four contrary. The Speaker votes in favour of the resolution.

---Carried

Motion 5-66, Mr. Nickerson.

Motion 5-66: COPE Land Claim

MR. NICKERSON: Mr. Speaker:

NOW THEREFORE, I move that at a suitable time to be set by the Speaker, this House resolve itself into committee of the whole to receive the advice of the Hon. Tom Butters regarding the Committee for Original Peoples Entitlement, COPE, land claim settlement and to discuss that said proposed settlement.

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

Motion 5-66, Carried

Question being called. All in favour? Down. Contrary? The motion is carried.

---Carried

Item 10, tabling of documents.

ITEM NO. 10: TABLING OF DOCUMENTS

Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, I wish to table the following document:

Tabled Document 11-66, Memorandum of Understanding between the Minister of Indian Affairs and Northern Development and the Commissioner of the Government of the Northwest Territories on the Role of the Government of the Northwest Territories in the Claims Process. With this document, sir, I believe that the Minister of Indian Affairs and Northern Development has recognized and more precisely defined the legitimate role of the territorial government and this Assembly in the settling of land claims or land rights in the Northwest Territories.

MR. SPEAKER: Further documents to be tabled. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I wish to table the following:

Tabled Document 12-66, Draft of Interview with Bryan Pearson: I had it transcribed this morning for the Members' information. They may even wish to take it from there after reading it.

MR. SPEAKER: I am having a great deal of difficulty hearing this system. I do not think you need necessarily repeat it but I wonder if I can draw Members' attention to trying to speak directly into their mike. I do not know if the rest of you are having the same difficulty. Are there further documents to be tabled?

Item 11, notices of motion for the introduction of bills.

ITEM NO. 11: NOTICES OF MOTION FOR THE INTRODUCTION OF BILLS

Hon. Tom Butters.

Notice Of Motion For First Reading Of Bill 13-66, Supplementary Appropriation Ordinance No. 2, 1978-79

HON. TOM BUTTERS: Mr. Speaker, I wish to give notice that on Thursday, October 19th, I will move first reading of Bill 13-66, An Ordinance Respecting Additional Expenditures for the Public Service for the Current Financial Year.

MR. SPEAKER: Item 12, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 12: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

I assume we are ready now, are we, to deal with Bill 3-66, Wildlife Ordinance?

HON. PETER ERNERK: Yes, Mr. Speaker.

MR. SPEAKER: In that case, this House will resolve into committee of the whole for consideration of Bill 3-66, Wildlife Ordinance and from the mad pointing of fingers that I see I take it, Mr. Stewart, you would like Mr. Fraser to chair that committee of the whole and Mr. Fraser shakes his head indicating he would not like to so shall we put you in the chair, Mr. Stewart? With Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 3-66, Wildlife Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-66, WILDLIFE ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order for consideration of Bill 3-66, An Ordinance Respecting Wildlife. I understand, Hon. Tom Butters, that you have a few comments and wish to name some witnesses that you would like to call. Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Chairman, with your indulgence, yes. I would like to call expert witnesses now rather than through the debate so that they can join us and settle themselves comfortably with their papers and with the agreement of the House may I do this then now, sir?

THE CHAIRMAN (Mr. Stewart): If you would. Proceed, Hon. Tom Butters. Are we agreed to call witnesses?

---Agreed

HON. TOM BUTTERS: I would like to call Mr. Norm Simmons, the superintendent of the wildlife service and Mr. Ellis Land who is responsible for field service division. I would be grateful too, if Mr. Vince Steen, the president of the Northwest Territories Game Advisory Council who appeared with us before and who is also in the chamber, might attend and if Mr. Derek Singer from the Department of Public Services, the legal adviser who drafted the legislation, may also attend with us. Possibly we could have a few more chairs. There are other witnesses in the House whom I might request permission to call later. One is Mr. William Nasogaluak who is the owner and manager of the reindeer herd in Tuktoyaktuk and also Mr. Ray James who is the Northwest Territories gun control officer for the territories.

THE CHAIRMAN (Mr. Stewart): Thank you. Would the witnesses join us at the table please? Mr. Fraser.

MR. FRASER: Mr. Chairman, I would like to move a motion that we do not deal with Bill 3-66, Wildlife Ordinance at this time.

THE CHAIRMAN (Mr. Stewart): Just one moment, Mr. Fraser. Mr. Fraser, your motion is out of order. However, to accomplish your intent, I think your motion should be to report progress at this time. That is always in order.

MR. FRASER: Mr. Chairman, I wish to report progress.

Motion To Report Progress, Defeated

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor to report progress. On the motion, all those in favour? Opposed? The motion is defeated.

---Defeated

Hon. Tom Butters, are you ready to proceed at this time?

HON. TOM BUTTERS: Yes, I am. I would like to switch chairs with the Deputy Commissioner, if I may. I have papers which I may wish to pass to the witnesses.

THE CHAIRMAN (Mr. Stewart): If I recognize you as the Deputy Commissioner then we will take note of it.

HON. TOM BUTTERS: Mr. Chairman, I would like to provide a reasonably brief introduction to this bill although the draft ordinance which is before you is the same ordinance which appeared in January but there have been some amendments and suggestions and these are so set up so they can be readily identified and determined by the Members but I wish first to briefly review the history of game legislation in the Northwest Territories.

Apparently the earliest game bill of any importance was passed in 1877. A few years later in 1883 an ordinance for the protection of game was enacted. An important revision and consolidation of the Game Ordinance occurred in 1903. It was not until 1948 that the responsibility for the preservation of game in the Northwest Territories became part of the powers of the Commissioner in Council. This involved an amendment to the Northwest Territories Act. In 1949 the first Game Ordinance was passed by the territorial Council. A significant revision occurred in 1960. This ordinance remained in effect until it was amended by this Assembly in 1972.

In 1972 the Commissioner decided to revise the old 1960 Game Ordinance and this revision is the one that you have before you now. There were several important reasons for requesting a complete reorganization, a restructuring and revision of the old ordinance. First of all, the people who were most affected by the 1960 legislation had little or no opportunity to express their views about the ordinance. Certainly the people did not have the opportunity to participate in the development of that legislation as they have had in the preparation of the bill that is before us today.

Secondly, the Game Ordinance we now use for wildlife management is 18 years old. I think we would all agree that significant changes have taken place in the use of wildlife since 1960. There are many more people living in the Northwest Territories today and most of them wish to hunt. This brings increasing pressure to bear on the wildlife of these territories. Modern man and their machines make finding and killing game much easier. There are no longer inaccessible areas. Using aircraft, snowmobiles and rifles with telescopic sights, the hunter today can take any amount of game. We depend to a large extent upon the concern and reason of hunters and trappers in safeguarding wildlife but human nature being what it is, comprehensive wildlife legislation is necessary if we are to pass the wildlife resources, the animals that we enjoy today, on to future generations.

Shortcomings Of Present Ordinance

I would like to speak specifically now about a few shortcomings of the old Game Ordinance which can no longer be patched up through minor amendments. For example, section 25(1) of the existing ordinance deals with bounties for predatory animals and section 37 with the issuing of beaver seals. Both matters are no longer applicable to present situations. Section 25(2) where a maximum of \$30 may be paid to a person for expenses incurred in preparing the hide and hair of a bear killed in self-defence is no longer adequate. Section 31 deals with trapping areas. This is a section which should be in regulations so that changes requested by trappers can be made promptly. Some areas of the old Game Ordinance are unnecessarily restrictive; others unenforceable and yet other clauses do not protect wildlife sufficiently.

Some examples: if wildlife officers were to enforce the section concerning motor vehicles they would be charging almost every hunter and trapper in the Northwest Territories. This is because snowmobiles are considered to be motor vehicles. Applications to establish game farms have been denied since there is no enabling legislation in the Game Ordinance to allow such ventures. The same is true for tanneries and there is no licensing provision for taxidermists under the present ordinance. Industrial exploration and development will have important effects on wildlife. The current Game Ordinance is not designed to protect wildlife during major development. This could pose serious problems for wildlife managers should a large development project, such as the Liard highway, occur in the near future. The expanded use of musk-ox, including commercial sale of the meat requested by the people, must be denied again because the Game Ordinance does not permit it. As you know, the number of animals killed is controlled by quota and therefore greater flexibility in the use of the meat is needed.

Revision Of Ordinance Impractical

The list of required changes to the old ordinance is now at sufficient length to make any solution short of complete revision impractical. Very soon after the decision was made in 1972 to revise the Game Ordinance wildlife officers began talking to hunters and trappers about changes to the game laws. It soon became apparent that wildlife laws in general were so poorly understood that no useful discussion of proposed changes could take place. First of all, the existing and proposed laws had to be translated into local languages before a meaningful dialogue and discussion could be developed. In order to promote understanding of game laws the government employed Mr. Frank Bailey, a 50 year resident of the North, to travel to communities to explain current laws and to listen to the recommendations expressed by the people concerning changes to the laws. He visited 52 communities and held many meetings during the period of September, 1975 to April of 1977. During the last year of his tenure he worked for the Game Advisory Council and reported directly to them. His report was tabled before this Assembly in May of 1977.

Publicity On Draft Legislation

The Game Advisory Council has worked very hard on their review of the many drafts of the current ordinance. Their review and input occurred between May of 1976 and October of 1977. As you well know, copies of the draft legislation were tabled before us in May of 1977. Since that time the proposed legislation has been well publicized on radio, television, by means of a slide and print program, questions and answers, brochures and so on. Public meetings have been held in every settlement with copies translated into Inuktitut and into simple English usage. In some settlements it has been delivered door-to-door. Copies of the proposed legislation were also mailed to hunters' and trappers' associations, bands and settlement councils.

I think it is fair to say that anyone who wished to be informed about the proposed ordinance have had their views heard or have read the draft legislation and have had an opportunity to do so over the last 18 months. I think as the Commissioner said in his opening remarks, probably our Wildlife Ordinance has received more public discussion than any other piece of legislation developed either in this jurisdiction or any other Canadian jurisdiction.

After revealing to you some of the reasons for total revision of the 1960 ordinance I would like to draw your attention to some of the advantages of the proposed bill for both the wildlife users and managers. This revised ordinance provides the legal framework whereby hunters' and trappers' associations or band councils may immediately accept meaningful responsibility for wildlife management and receive more than token recognition. Just by way of commenting on that, this is a new addition to the ordinance and it is a result of very intensive and very valuable discussions that were held by members of the wildlife service and myself, with Inuit Tapirisat of Canada both here in Yellowknife and

in Rankin Inlet and many of the new recommendations which you will be examining when looking at this bill, are as a result of those discussions and consultations.

Furthermore, unenforceable laws and unnecessary restrictions have been largely eliminated whereas worthwhile activities and expanded uses of wildlife will be permitted. For example, correctional centres and schools will be allowed to conduct hunting and trapping courses as part of their rehabilitation or their cultural inclusion in their educational programs. In addition, the commercial use of musk-ox will be allowed under this bill.

Relation To Land Claims

It has been said that this legislation should not be considered until after land claims have been settled. Obviously some people feel that this wildlife bill will in some way jeopardize the settlement of claims. I would like to make it clear that this proposed bill is an interim -- no not interim legislation, it is a provincial-type legislation and it is submissive to the federal legislation in this field of which the final settlement of land claims will be made. This ordinance therefore is subject to federal acts which means that the federal law which will be enacted in order to settle land claims will overrule the territorial ordinance in many cases. However, the total settlement of land claims may continue to be delayed for some years, whereas the changes reflected in this proposed ordinance are needed immediately if wildlife is to be managed properly.

One of the points raised by Inuit Tapirisat of Canada was this point and their concern that this ordinance would jeopardize the final resolution of their land claims. They requested that some type of preamble be included in the ordinance to point out what our Legal Advisor had told them which was that territorial legislation is secondary to the federal act. I have had developed a paper here on this matter which I will table, which ensures or points out, that the final settlement claims act will take precedence over territorial legislation and any amendments to do that would be reflected in the Northwest Territories Act.

It is a fact, Mr. Chairman, I think I may go over the time usually allowed for making such presentations but I do believe it is very important that full and sufficient groundwork be laid for the bill and to bring Members up to date I would like the permission of the Assembly to continue over my ten minute time period, please.

THE CHAIRMAN (Mr. Stewart): Do I have unanimous consent to allow Hon. Tom Butters to continue over the ten minute time period?

MR. NICKERSON: Denied.

THE CHAIRMAN (Mr. Stewart): Unanimous consent is denied. I thought you were smarter than that, Hon. Tom Butters. Mr. Lyall, as chairman of our legislation committee, do you have any comments at this time?

Study Of Bill By Committee On Legislation

MR. LYALL: Yes, Mr. Chairman. I would just like to say that the brief presented so far by the Honourable Minister is a very good one and I would just like to state that the people he did not mention are the standing committee on legislation which has already gone over this at least four times, I have taken it into every community and I think that it has been worked over by a lot of very good people. I personally would like to hear the rest of this report because I think this legislation is one of the most important ones to the people of the Northwest Territories. I think, Mr. Chairman, that I for one would like to agree that we go clause by clause.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lyall. Comments of a general nature to the bill? Hon. Tom Butters.

HON. TOM BUTTERS: Thank you very much, Mr. Chairman. I have not yet mentioned in the outline but I would point out before I am cut off again which I am obviously going to be, that I was one of the Members who voted against bringing this bill forward in January. Since I have had the responsibility of seeing it brought back again to the Assembly I have attempted to ensure that it be discussed with all of the hunters' and trappers' associations in the communities. I have also asked or sent invitations to the leaders, the senior officials in the native organizations of the territories to appear with us at this time. The last I heard was that none of them would be appearing, but I have letters here from some of them and there is a possibility that COPE, Committee for Original Peoples Entitlement, may like to be present with us before the ordinance is passed to third reading. So, certainly I have attempted to do everything I could, to ensure that full and comprehensive discussion has been carried out and especially with native people who are the ones who are most affected by this ordinance.

Priority Is Subsistence

I will carry on now then with the remarks that I was making before I was denied the consent to continue or denied permission to continue. It is a fact that this ordinance does in fact serve the people who depend upon the resource for part or, in some cases, their complete livelihood. The need of the subsistence user must be met first before the remainder of the wildlife is allotted to non-subsistent users. This has been the position of this Assembly for as long as I have known it to be in existence and the new draft ordinance continues to reflect this very important priority which Members of this House have placed upon the utilization of wildlife resources in the Northwest Territories. The subsistence users in the Northwest Territories happen to be mainly native people so I guess that one may correctly say that this new ordinance discriminates in favour of native people. To say that the wildlife resource should be available equally to each Canadian citizen is to overlook completely the historical, cultural and human reality in evidence in the North.

I think you will find that when people have examined the contents of this bill in detail and have compared the bill to the laws now in effect, their opposition to the bill will be muted or reduced. I have found through many meetings held to discuss this ordinance that some opposition is due to misinterpretation of a particular section and when properly explained such opposition usually disappears. It is rather interesting to note that some people now believe that the new bill is now law. A person recently phoned a wildlife officer to report an aircraft and hunting party which had violated the 12 hour hunting prohibition clause. There are a number of other people who at recent meetings had expressed surprise that this bill has not yet been passed. I think it is fair to suggest that, putting political issues aside, the hunters and trappers of the Northwest Territories support this ordinance and view it as a great improvement over the existing Game Ordinance.

Two Categories Of Opposition

To end my remarks I wish to review some of the areas of seeming opposition which have been expressed in recent months concerning this bill. Those opposed to the passage of this bill may be separated into two categories, those who are opposed to certain areas within the ordinance and those who oppose it for political reasons. I found that those who oppose the contents and have been willing to sit down and discuss them came away with a better understanding of the bill and often have suggested many worthwhile alternatives to controversial clauses. Often many of the concerns expressed are dissipated, reduced, removed through a detailed explanation of a particular clause and a complementary regulation pertaining to it.

I know there are differences of opinion in many areas. I think however that we must not lose sight of our main goal and that is to bring into law comprehensive legislation applicable to the problems of today which will ensure that wildlife is not depleted through overuse and careless human activity. If I might ask the indulgence of the committee again, I would ask, Mr. Chairman, if we could extend to each of our witnesses an opportunity to make a brief introduction of their areas of expertise if they wish to or maybe even correct some misunderstandings I have put before you.

Only Provincial-type Responsibility

I have one other point I wish to make and that is that really the only provincial-type responsibility that we have as a Legislature is the management of our wildlife. I am quite sure that the federal government would take back that responsibility just like that. They would be willing to develop the regulations and the rules regarding the management of wildlife in the Northwest Territories tomorrow and they will do that if we refuse to accept this responsibility. The Honourable Member from Yellowknife North has mentioned in his opening address or his reply to the Commissioner's Opening Address how we in the North wish to accept more responsibility and more autonomy and he derided the colonial system so cleverly, with his colourful use of words. But this is exactly what we would be perpetuating, the colonial system, if we refuse to accept the responsibility to manage wildlife in the territories, and to make the rules and regulations and provide leadership and the necessary legislation. Thank you. So if you might accept my suggestion possibly the witnesses could speak.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Tom Butters. In view of the hour we will recess for 15 minutes for coffee.

---SHORT RECESS

MR. SINGER: Mr. Chairman, my name is Derek Singer. I am legislative counsel in the legal services division of the government. The only comment I would like to make is upon the bill system which you see before you and which is rather anomalous. On the left hand side pages you see the original bill as introduced into the 64th session of the Legislative Assembly. On the right hand side you see the changes which are now proposed to be made to the original bill presented at the 64th session of the Assembly. So, the left hand side the original bill already presented into the Assembly and on the right hand side pages the proposed changes. This is explained on page Ia of the bill for anyone who requires further clarification. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Singer. Comments of a general nature on Bill 3-66. Mr. Nickerson.

A More Concise Game Ordinance Preferred

MR. NICKERSON: I will try, Mr. Chairman, to confine my comments to within the ten minute allotted time period because I do not think I would stand much of a chance of getting more than ten minutes. My first comment, Mr. Chairman, is that in my humble opinion the proposed Wildlife Ordinance and the regulations made thereunder are just too long and too complicated. I would have liked to have seen a game ordinance that a person could have carried in his back pocket. Speaking personally I find it difficult and complicated to understand as I am sure a lot of other people in the Northwest Territories do and in my opinion it would have been much better had we been able to come up with a much more simplified system.

I dislike the view taken by the government, Mr. Chairman, which is inherent within this proposed legislation that everything should be disallowed and then we will allow certain things to happen. I would have much preferred it had we taken the view that everything is allowed except those things which it is very necessary to disallow. I think we have the emphasis wrong there. We have the concept the wrong way around.

Hon. Tom Butters in his opening remarks referred to the need for new legislation because the old Game Ordinance is some 18 years old. I do not necessarily agree with him that legislation should be changed just because it is old. If we look at the Criminal Code, for instance, that legislation is probably hundreds of years old, it is regularly kept up to date and I do not think that there is anything inherently wrong in a piece of legislation just because it is old. We have to be very careful before we change things. People get to know and get used to certain rules and regulations and laws. Laws should be a living thing and we should change it when necessary as we go along and not just throw out the old and put in the new for the sake of doing so. I would have much preferred had we made a series of amendments over the last four years to the Game Ordinance that was in effect at that time and by now we might have ended up with something like we have before us today but without all the unnecessary hassle that it has caused.

Too Much Authority Given To Hunters' And Trappers' Associations

Another point of principle involved within the bill, Mr. Chairman, is the amount of authority given to the hunters' and trappers' associations. I have got nothing against the hunters' and trappers' associations, but it strikes me as peculiar where you would want to give the people involved in the business so much authority in the administration of this ordinance. To me it is like giving the Canadian Petroleum Association the authority to administer acts of parliament and regulations covering the exploration of hydrocarbons. You should obviously take into account what the Canadian Petroleum Association or what the hunters' and trappers' associations say about their particular field because they are the most knowledgeable about that field but in my opinion it is much too important and everybody in Canada has an interest say in a hydrocarbon resource and you just do not leave it up to the people in the business. The government agencies of the Legislature has to take the ultimate responsibility and you do not turn it over to the people in that industry.

The Principle Of Inherited Privilege

Now, I come to what I consider to be the most important principle involved in the bill to which I personally take a good deal of exception and that is the principle of inherited privilege. I do not like to see inherited privilege. I find it most objectionable. Now, it might be true that in the territories it is necessary to give certain different types of hunting and trapping privileges to various people. I would much prefer this to be done taking into account the lifestyle adopted or lived by people, the means of livelihood. Do this on some privilege other than inheritance. What we stand a chance of doing here is to develop a caste system or a class system or call it what you will and I do not think that that is right. I would much prefer were we to give out different types of hunting privileges to people on the basis of something other than hereditary. I see no reason, no logic behind the idea that my children, for instance, might be eligible for certain types of licences where my colleague from Yellowknife South, his children would not be eligible for the licences and it just does not make sense to me at all. So those, Mr. Chairman, are the principles which I find objectionable in the bill, the last one by being the far most important and I would go further than just to describe it as objectionable. I would call it repugnant. Thank you very much, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Comments of a general nature on Bill 3-66? If there are no more comments are you prepared to go clause by clause? Hon. Tom Butters.

Letter From Mr. Richard McNeely Of The Metis Association

HON. TOM BUTTERS: Thank you, sir. Just a brief comment. I promised the senior official of the Metis Association that while he could not attend I would read a letter I received from him today into the record on this occasion. It is over the signature of Mr. Richard McNeely: "My thanks and appreciation at this time for the invitation to appear before the Legislative Assembly in regards to the Game Ordinance. At this time I must respectfully decline the invitation. However, I would like this letter tabled in the House. Our view at this time after polling a number of members is that the passage of this ordinance is purely academic. Consequently, rather than oppose the inevitable we would like you to consider us in the same light as treaty Indians and the Inuit are in the ordinance, especially in regard to hunting for food."

Just by way of comment on that letter, I think that Mr. McNeely has probably touched on one of the greatest omissions and that is that under the Northwest Territories Act, Indian and Eskimo people are specifically named and are permitted to hunt for food. Metis who are also native people, native to these territories, are excluded from that privilege and it is one thing that possibly this House should do as we have done in the past, encourage the federal government that when they are contemplating amendments to the Northwest Territories Act, that that particular section be broadened to include Metis of the territories along with their brothers and sisters.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments of a general nature? Are you prepared to go clause by -- Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I appreciated that latter comment on the part of Hon. Tom Butters and the draft letter from the Metis Association. I had pointed this matter out last year and I recall that there was a motion passed in this House requesting the federal people to make amendments to include the Metis in the section where Indians and Eskimos are dealt with. I have in my possession, not in the House here, Mr. Chairman, but in my quarters, an old act of 1927 where it reads that for the purposes of the domestic use of wildlife any half-breed who is living the lifestyle of an Indian or Eskimo and then it goes on etc., etc., and perhaps we could bring this matter up to the House and table that document tomorrow because it would throw some light on the past regulations.

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

Caribou Hunting

MR. WHITFORD: Mr. Chairman, I am in support of the Game Ordinance basically because I think from the number of years that I have lived in the community of Rae that it is becoming more difficult in terms of getting caribou. It seems that the caribou to my knowledge are becoming either further away because of the industry that is around us and they can not travel through communities or by communities like they used to but the fact is that they are becoming further and further away. I honestly believe, Mr. Chairman, in my own mind that if we had the 12 hour waiting period, a period in which once the aircraft has landed they can kill the animal and then dress it and have time to be ready for the packing to be sent back to the community.

The other point is, Mr. Chairman, that we come continuously, either through the territorial Legislative Assembly or through the Commissioner for grants for outpost camps or we come for grants for the purpose of organized caribou hunts. Maybe I can expound on the organized caribou hunt. A lot of our people in our community of Rae, Rae Lakes, Lac La Martre, can not get out on the land any more because of the tougher years when you have to take boats and go up through portages and down through lakes up into the barren lands. Now, we are able to go out with aircraft and honestly and sincerely want to stay on the barren lands for a period of a week or two.

The other point that I think I want to bring out here is that even though, Mr. Chairman, when the Berger Report came to the Assembly I had stood alone to buy up time for the development, the massive development that the people in the communities were afraid of. Now I suppose what I am trying to do is to be able to express from that vote even though it was defeated that the people honestly and sincerely believe in living off the land for longer periods of time. I think through this new Wildlife Ordinance that they are going to be able to do just that. It is going to not only protect the interests of the people but the caribou as well. I think that by the 12 hour waiting period it would also stop the people who are flying into the areas where the caribou are and back to the communities early. That would mean we will leave in the morning at 9:00 o'clock and be back by 3:00 o'clock in the afternoon. I think that is going to help a lot. The caribou unfortunately have no one to speak for them.

Community Consultation

We go from community to community, Mr. Chairman, and talk to these different people. In my own area you can go to Rae Lakes or Lac La Martre or Snare Lake, or in fact you can go to Snowdrift and in these communities the people say "Well, where was the game officer? There was an airplane out in the area and it has left already and they killed three or four caribou. Where was the game officer?" I think it gives time for the game officer to be able to go and to search and to see what has happened or what is going to happen and I think he himself can judge from that. We have not got enough game officers now, Mr. Chairman, to be able to control game like we had back in 1920.

The North is changing and undoubtedly so in the Yellowknife area. We have got a population of 10,000 people and in a few years time it is going to increase to more than that including the settlements. I do not want to be one to sit back and say "Well, you know it is the responsibility of the game department" but I would like to be one who could sit back and say "Well, I tried to make a decision."

While I am on the topic, Mr. Chairman, I assured Snowdrift that I would tell you in this Assembly and I would say exactly what they told me, that they felt that they did not have enough input into it, into the construction of the Game Ordinance. But I think that when you are put on a board of directors, whether it be the Northwest Territories Housing Corporation or the Game Advisory Council or any other board you are put there because the Commissioner in Council has

thought that you would be a person of honest, capable credibility in advising his committees to carry out the function of those committees to the best of your ability.

I think the Game Advisory Council, Mr. Bob Douglas, for example, from Rae did his utmost best. Mr. Henry Beaver also. Therefore, Mr. Chairman, I support that kind of thing as well. You can have people sit back and say negative type things. The Metis Association could say "Well, no we do not want this" or "We do not want that" or the Indian Brotherhood or perhaps COPE but not always am I personally consulted about the decisions of the organization nor do I always disagree with what they are doing. Those people who have been put in those positions to represent the people I think they should be heard. I think it is our desire, as Members of this Legislature, to be able to accept their opinions.

A Recorded Vote Desirable

Mr. Chairman, really throughout the debate perhaps some of the clauses we will not agree with and some we will agree with but I would only hope that at the end of the debate when this ordinance is voted on I would like to see a recorded vote. The reason I would, Mr. Chairman, is that then it can go into history. Things that are happening within our communities, like we would like to have organized caribou hunts and we would like to have a new complex in Rae which the chief is working hard at as well as housing. There are things we need that we can not always take without giving something back, Mr. Chairman.

In conclusion I would like to thank Mr. Norm Simmons and his group for the excellent job and the way they have put these documents together and have tried to get into the communities. I have talked to Mr. Simmons on several occasions. The last point I have got is that I regret that Mr. Ivor Stewart had to leave the Department of Economic Development and at the same time I certainly welcome him in as a new director, to the position of director to the Natural and Cultural Affairs. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Whitford. Any other comments of a general nature on Bill 3-66? Ready for clause by clause?

---Agreed

Gentlemen, I presume that by going through this clause by clause -- Mr. Kilabuk.

MR. KILABUK: Mr. Chairman, for those of you who have an occasion to talk you should always have your earpiece on, because sometimes you have an occasion to talk too fast and the interpreters can not keep up with you. I think I am the only one who has an occasion to hear the interpreters say that you are talking too fast.

MR. LYALL: Mr. Chairman, the translation just went right off.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lyall, and yes, the reception prior to that was not very good. Are other Members having trouble hearing?

Reasons For Delaying Game Ordinance

MR. KILABUK: It is just the instruments that we are having problems with. We have been delaying the Game Ordinance for quite some time. The reasons why we are delaying it is because we want our constituents to be perfectly aware of the ordinance. I know for a fact that very many people do not really understand the contents of the ordinance. The ordinance has been improved from the last time. During the Baffin regional conference the delegates indicated to us that you would like to have the ordinance dealt with in this session. I spoke to the people I represent trying to get information as to how they feel about the ordinance. Two communities that I represent were in favour of the ordinance. I asked if the Game Ordinance would conflict with the land claims. I discussed the Game Ordinance with them, giving them a chance to voice their opinions. We heard that the Inuit Tapirisat of Canada does not want the Game Ordinance to be passed. I took it to the people that I represent and gave each and every one of them a chance to speak.

They were in favour of the Game Ordinance being dealt with at this time. One community that I represent was against the Game Ordinance being passed, perhaps they were thinking that they would like to have the land claims settled first before we deal with the ordinance. One of the communities that I represent was totally against the Game Ordinance being passed. I did not in any way try to force them. I was just trying to get some information from the people that I represent about their feelings on the Game Ordinance.

Once again, the contents of the Game Ordinance are much better than the last time. I have done a little bit of studying. I have not completed reading the whole ordinance. Perhaps I might find some part of the ordinance that I might not totally agree with. I would be against passing the ordinance if the people that we represent do not understand the contents of the ordinance. It would be better if we asked them whether if they understood the ordinance. I think it would be better to deal with this ordinance once it is effective. It will take a while for them to truly understand the ordinance. I am sure they would expect the final results of the ordinance once it is effective. I would expect improvements of the ordinance too.

There is a problem where in the Northwest Territories there are so many different kinds of big game. There is game in the areas where there are trees and there is also game on the barren lands and we have to deal with this with one ordinance. This has been a problem for a long time.

Involvement Of The People

We have indicated that we should involve the people that we are representing. The people up to now have indicated that they want to be informed as early as possible once we are going to deal with an ordinance. I believe that that is the only way to deal with an ordinance, by involving the people that we represent. In order to have a proper operation we must work together. When we are going to deal with an ordinance that would be affecting the people that we represent we must properly inform them of what actions we are going to take as a Legislative Assembly so that we will have a proper function and in this way we would involve the people as to what kind of directions they would like to go. If we are going to pass the ordinance, I am sure in a later date there will be some parts of the ordinance that we will not agree with. Yes, I would like to work with you. Thank you very much.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Kilabuk. I would request and remind the Honourable Members to try and speak a little slower so that the interpretation is getting across. I would also ask the Clerk of the Council to see to some of these receivers and I think probably the batteries are running down because they are just not working too efficiently. Are we ready now for clause by clause?

---Agreed

Format Of Bill 3-66

I presume, gentlemen, with this agreement and the way this particular bill is set up that we have two page ones, page I and page Ia and that when we do have a consent to a clause that it is with the changes that are contained on page Ia or 2a etc., that the changes are the ones that we are voting on and is it agreed just for the matter of record so that we do not get confused? Mr. Nickerson.

MR. NICKERSON: As you say, Mr. Chairman, this is a very unusual format for a new bill to come before us. I wonder what the reason for this is and is there a copy of the bill in proper form? Is that available or would it be very difficult to get that? It is very difficult in referring from one page to another.

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

HON. TOM BUTTERS: Mr. Chairman, the reason the bill is in this form is to ensure that the Members do not become confused by the length of time which has occurred from the introduction of the first ordinance and the one with which they are familiar. The bill on the left hand side is the one that is being discussed fully and which Members know. The idea of separating out the amendments was to allow discussion of the amendments and then place them into the old bill. In this way, Members know what went before and they can see the new amendments I suggest, without any difficulty. As far as the suggested amendments in the bill; no, they do not have such a form. So when we come to that one I would just say that we agree to the proposal and move it into the bill as a whole.

THE CHAIRMAN (Mr. Stewart): Thank you. From the standpoint of the chairman, it would appear to me that it would have been a lot better to deal with this if the bill had been printed on page I as presented in final form and as usual on the other page having the piece that may have been amended, but we have reversed the normal procedure and I do not want any of the Members to be confused by the change. So as long as we understand what we are doing that is the main thing. Clause 2, interpretation. Hon. Tom Butters.

HON. TOM BUTTERS: Thank you, Mr. Chairman. Just one thing, I have asked that if our witnesses have any comments which they think are pertinent to the particular clause that the Members should have to assist them in making a decision that they might raise their hand so that you could see rather than I suggesting a question to them if that is satisfactory.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Minister. Clause 2, interpretation. Mr. Nickerson.

Hunting Or Trapping Camp

MR. NICKERSON: Would I be correct in assuming, Mr. Chairman, that in subparagraph 2(1)(b)(i) a definition of camp would include a hunting camp?

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

HON. TOM BUTTERS: I would ask Mr. Land to reply.

THE CHAIRMAN (Mr. Stewart): Mr. Land. Would you identify that section a little better, Mr. Nickerson?

MR. NICKERSON: It is clause 2, subclause (1) paragraph (b), subparagraph (i).

MR. LAND: Mr. Chairman, that is not meant to include a hunting camp.

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

MR. NICKERSON: Perhaps the Legal Advisor could advise us as to whether or not in her opinion that definition would indeed include a hunter's or a trapper's camp.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I do not think that it includes a hunter's or a trapper's cabin. The definition refers to persons engaged in construction, exploration and so on but does not include hunting or trapping.

MR. NICKERSON: What, Mr. Chairman, the definition does include is "or other undertaking" and trapping is very much the same as, say, commercial fishing. It is quite possible and indeed happens very often to somebody who is engaged in fishing that he is also engaged in trapping at the same time. They are very like operations and for that reason and because trapping is not specifically excluded from that definition I would assume that it could very well be held by a court of law to include a trapper's cabin.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Nickerson. Clause 2.

Ex Officio Officers

HON. ARNOLD McCALLUM: Mr. Chairman, I guess my comment would relate more to clause 4, but nevertheless, in the area dealing with interpretations under subclause (o) where it says: "officer" it refers to subclauses 4(1) and 4(3) and when we went into committee regarding this particular bill previously I indicated at that time, a concern that people in and around my constituency have regarding the ex officio officers, particularly national park wardens. I am wondering if I may ask of the Minister whether this can be handled by having the Commissioner appoint wildlife officers as it is suggested in the new subclause 4(1) and thereby deleting in effect subclause 4(3) if in fact the Commissioner can appoint officers, can he appoint ex officio officers?

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

HON. TOM BUTTERS: Mr. Land will answer.

MR. LAND: Mr. Chairman, the reason that this subclause (3) in there is to assist in the administration of these appointments. Presently we do appoint them

individually, which involves considerable administrative effort. We have no objection to continuing with that system for certain categories outlined there, a few or all of them, if it is the wish of this Assembly. It is merely to prevent the considerable time that is taken to make individual appointments under these various categories.

HON. ARNOLD McCALLUM: Mr. Chairman, I appreciate the comments of the witness and I fully understand getting around this time consuming action that it would obviously involve by appointing or setting out individual people. Nevertheless, I am concerned not only I think with Wood Buffalo Park and the area surrounding it and having park wardens take on responsibilities and duties, having powers and duties as are provided by the ordinance and the regulations and I have this concern not only for my area but of course with the increased number of national parks that are being contemplated for the North. I do not know the complement, the strength or the number of federal park wardens but it would seem to me that it is gradually building up. I do not want to belabour the point ad nauseam if you like but I suggest that there is a valid concern in granting ex officio status in a blanket way to all of the park wardens under the National Parks Act in terms of it.

THE CHAIRMAN (Mr. Stewart): Any further comments, Mr. Land? I believe on all of these copies that page 3 is not printed very well and for the record subparagraph 2(b)(o) the final figure there is "ex officio officers within the meaning of subsection 4(3)" and I know it is not very clear on my copy but I understand it is subsection 4(3) and you can put that in. Clause 2. Mr. Nickerson.

HON. ARNOLD McCALLUM: Mr. Chairman, I thought I would get a response and I am wondering what possibly can be done to take in the concern that I have expressed and I think has been expressed by others over this particular point and can we come to some kind of resolution on it?

THE CHAIRMAN (Mr. Stewart): Mr. Minister, Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Chairman, I wonder if the specific intent of the Minister's statement might be best directed to subclause 4(3) when we come to it and possibly an amendment moved within that section I think might cover it.

HON. ARNOLD McCALLUM: Fine.

THE CHAIRMAN (Mr. Stewart): You are satisfied now, Hon. Arnold McCallum, that we will look after that in subclause 4(3)?

HON. ARNOLD McCALLUM: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Clause 2. Mr. Nickerson.

MR. NICKERSON: In the definition of "hunt", Mr. Chairman, does that definition of "hunt" include hunting by means of a falcon, falconry?

THE CHAIRMAN (Mr. Stewart): Mr. Land, the question is does that cover hunting with a falcon?

MR. LAND: Mr. Chairman, the answer is yes.

THE CHAIRMAN (Mr. Stewart): Thank you. Strictly for the birds!

Clause 2, interpretation. Agreed?

---Agreed

We have agreement on clause 2. Clause 3 is on page 6, clause 3, administration. Hon. David Searle.

Sealed Firearms

HON. DAVID SEARLE: Mr. Chairman, with your indulgence I was searching through the ordinance and the regulations to see how a firearm must be sealed and of course a sealed firearm is defined in clause 2 of the ordinance and it is dealt with later on. It is also dealt with in the regulations and if I may be permitted this question, and I appreciate that it is not in clause 3, but because we are dealing with the regulations and the ordinance here together these things are found in various sections. In the ordinance it says: "Sealed firearm means a firearm sealed or secured in the prescribed manner." Then, when you look in clause 12 of the regulations you see: "The method of sealing and securing a firearm shall be as follows: (a) the firearm shall be sealed in accordance with the policy from time to time laid down by the superintendent and in such a manner that it can not be fired without breaking the seal, and (b) the firearm shall be sealed by an officer or a person authorized by an officer."

I am just as unenlightened now as I was before as to how you seal a firearm. I guess I have a legal question here for the law officers of this government. Can you get down to that level of delegation where you say in the ordinance that "sealed firearm" means a firearm sealed or secured in such a manner prescribed -- and then you go through the regulations and that is not prescribed at all. It says it may be an airy-fairy policy laid down from time to time. Can you base a prosecution you think realistically on that type of a definition?

Method Of Sealing A Firearm

MR. LAND: Mr. Chairman, we did have in one of the earlier drafts the method of sealing a firearm explicitly spelled out but we found that in considering safety and also the various types we have to deal with that we needed to do more research into the methods of sealing firearms. We consulted with the RCMP and with their expertise developed four or five different methods of sealing a firearm so that the firearm could not be fired without breaking the seal. We could have put those in the regulations and if it is the wish of the Assembly they still could be placed in the regulations because we are still in the draft form, but I guess it is a question of whether you want five different detailed explanations of sealing a firearm in the regulations or whether you want to leave it up to the government to use one that is expedient.

HON. DAVID SEARLE: I am not so concerned with that practical problem but I think more with the legal question. What you have really got is the superintendent then from time to time legislating by way of making out policies and my question, and I see our Legal Advisor at the end here on the right wants to answer that, but you really do not have the Legislature legislating or even set out in regulations. It is done from day to day over the superintendent's desk.

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

MR. SINGER: Mr. Chairman, I have not had the opportunity of going through this final draft or indeed any draft in sufficient detail of these regulations and I, as a legal matter entirely agree with what the Member says. I think it should be specifically set out and if you have to set out five different ways that is exactly the way it should be done. I agree entirely.

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

HON. DAVID SEARLE: Well, I would just leave it at that in the hope that before we are through this process that an appropriate regulation might come forward. I was just foreseeing, Mr. Chairman, all kinds of prosecutions falling under this section.

THE CHAIRMAN (Mr. Stewart): I thought that was the duty of a defence lawyer, Hon. David Searle.

HON. DAVID SEARLE: But not while I am in this House, Mr. Chairman.

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

HON. TOM BUTTERS: Mr. Chairman, the point is well made and we will take that and incorporate the Member's suggestion into the record.

THE CHAIRMAN (Mr. Stewart): Clause 3. Agreed? Mr. Lyall.

Proposal To Amend Clause 3.

MR. LYALL: Mr. Chairman, I think looking back at the Education Ordinance and looking at this one I think we also had in the superintendent there, I think it was the principal or something else in the Education Ordinance but I think we added the words "the Commissioner shall" before that. "The Commissioner or the Executive Member responsible for that department..." the quotes are in there also, "...shall appoint a public officer...". Is there any problem for us to put "Executive Member"? "The Commissioner or an Executive Member..."

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

HON. TOM BUTTERS: Mr. Chairman, I just do not recollect how the Education Ordinance reads at this point now. I will get a copy and see what the Member is referring to and possibly we could come back to this one when we have looked at it. I remember the point he is raising but I do not recollect the wording of the suggested amendment.

THE CHAIRMAN (Mr. Stewart): Madam Legal Advisor will check that out for you and you will be answered immediately, Mr. Lyall.

MR. LYALL: Mr. Chairman, is there any problem with it if we do add that in, with the people responsible to put this together?

THE CHAIRMAN (Mr. Stewart): Mr. Singer, would you like to comment on this?

MR. SINGER: Mr. Chairman, I feel that if we are going to have reference to the Executive Member there will probably have to be a provision delegating certain authorities of the Commissioner to the Executive Member. I believe also that that was a provision that was specifically written into the Education Ordinance. I believe that this should be an exercise of the delegation of power if it is written in.

THE CHAIRMAN (Mr. Stewart): Did Madam Legal Advisor really give you an interpretation of the clause as to this particular interpretation?

Powers Of Executive Member

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, you may recall when the Education Ordinance was dealt with, that a definition of "Executive Member" was inserted in the interpretations section. A great many of the powers which were given to the Commissioner in the original bill were then given to the Executive Member and a section was inserted which says: "The Commissioner is responsible for the administration of this ordinance and may exercise any or all of the powers herein given to the Executive Member", which was then intended to indicate that the Commissioner's over-all responsibility for administration had not been delegated away entirely.

THE CHAIRMAN (Mr. Stewart): Mr. Lyall, have you any further comments?

MR. LYALL: Yes, I still did not really get this. Could there be anything wrong with inserting "the Executive Member" into this clause?

THE CHAIRMAN (Mr. Stewart): Well, Mr. Lyall, based on the education officer

it was perceived by the terminology that the Legal Advisor has just given us, then I presume that the words could be added as they were in the Education Ordinance but we have to go back a step and put that provision in the interpretation clause, is that correct, Madam Legal Advisor? The Legal Advisor has another point on this for you, Mr. Lyall.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think in each section where an amendment of that kind is contemplated it is important to consider whether it should be done in that case. For example, in clause 3 we would have to consider the question whether it is appropriate for the Executive Member or the Commissioner to make this kind of appointment of the superintendent of wildlife. It may be in conflict with a section of the Northwest Territories Act to insert "the Executive Member" in clause 3, I think. We would have to look at it.

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

HON. DAVID SEARLE: Mr. Chairman, I think it would be entirely appropriate, however, to put "the Executive Member" in clause 4 under subclause (3) and after (d) have an (e) so it would make him at least an ex officio game officer.

THE CHAIRMAN (Mr. Stewart): Clause 3, superintendent. Agreed?

---Agreed

Clause 4, fish and wildlife officers. Mr. Nickerson.

Inspectors As Ex Officio Officers

MR. NICKERSON: As the Minister of Natural and Cultural Affairs and the superintendent of wildlife will undoubtedly remember -- it was at the January meeting of the Game Advisory Council -- when at the same time as they were discussing the raven study in Yellowknife, the matter of land use inspectors as ex officio wildlife officers was brought up. I wonder if perhaps, Mr. Chairman, the chairman of the Game Advisory Council could tell us what was the conclusion of the deliberations of that meeting with respect to land use inspectors as ex officio wildlife officers?

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

MR. V. STEEN: Mr. Chairman, we approached the federal people, lands and forests, they said they could foresee no problem as being ex officio officers. Does that answer your question?

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

MR. NICKERSON: I wondered whether the Game Advisory Council itself had recommended that this be so or this not be so.

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

MR. V. STEEN: Yes, the Game Advisory Council did recommend it.

THE CHAIRMAN (Mr. Stewart): Clause 4.

HON. ARNOLD McCALLUM: Mr. Chairman, this is the area that I was not satisfied with. Again I raise the question, is there any solution or can we resolve the issue of having all park wardens, including officers within the meaning of the National Parks Act -- I am not against our own where we have parks and officials but I have a concern over giving federal park wardens ex officio status under this piece of legislation. Mr. Chairman, would the Minister be amenable to deleting the words "other park officers within the meaning of the National Parks Act"?

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

HON. TOM BUTTERS: Mr. Chairman, I am aware of the concern raised by the Member as I heard this first hand when I visited Fort Smith and discussed the matter with hunters and trappers in that community. I recognize that there is a feeling that the native hunters and trappers would prefer to deal with, I think, the officers of this service rather than officers of a service that they really have no influence over such as the federal parks people and this might even apply to the federal land use inspectors, I do not know, but we would be willing to make that amendment.

Proposal To Amend Clause 4

HON. ARNOLD McCALLUM: Mr. Chairman, does it then require a motion to amend or to delete or will it just be done as a matter of course and if it would so require I would move it?

THE CHAIRMAN (Mr. Stewart): I would think again probably on the changes of legislation in clause 4 that we could bypass clause 4 at this time and come back again with legal advice on the changes and have a look at it at that time. Is that agreeable? Hon. Tom Butters.

HON. TOM BUTTERS: You are asking us to redraft this in line with my expression to bring it back, bring clause 4 back?

THE CHAIRMAN (Mr. Stewart): Yes, set aside clause 4 for the moment.

HON. TOM BUTTERS: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): I presume, Hon. Arnold McCallum, this would also affect paragraph 4(3)(b). They are also federal people.

HON. ARNOLD McCALLUM: I am sorry, you mean paragraph 3(b) of clause 4 and you are talking of ex officio officers?

THE CHAIRMAN (Mr. Stewart): Yes.

HON. ARNOLD McCALLUM: The concern would be that I understood the Minister meant other federal people and there may be a concern I would suggest to you and it would be that you would be more conversant as to whether this is a concern within your area but I think in redrafting it and after looking at the clause in total they may take into consideration all federal employees if there is some kind of apprehension on the part of individuals within a particular area. The Minister mentioned that himself and I think he would take it all into consideration and I would not want to talk for him.

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

HON. TOM BUTTERS: Yes, Mr. Chairman, we will look at it and you may find that certain things here are returned to you.

THE CHAIRMAN (Mr. Stewart): Fine, with that we will set aside clause 4 and with clause 4 we shall now recess for coffee for 15 minutes.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order. We are studying Bill 3-66 and we have set aside clause 4 and I turn your attention to clause 5 on page 7, the top of page 7, clause 5, fish and wildlife guardians. Hon. David Searle.

HON. DAVID SEARLE: I assume that the wildlife guardian is not a wildlife officer but has some responsibility with respect to game in the area in which he lives. Maybe we could just be told the difference between a wildlife officer and a wildlife guardian and what the powers of a guardian would be.

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

Difference Between A Wildlife Officer And A Wildlife Guardian

MR. LAND: Mr. Chairman, a wildlife guardian would be a local individual who is interested in becoming involved in the management of game for his area. This person might be the president of a hunters' and trappers' association or someone of this nature. It is a means whereby local people can get involved. His duties would be laid out by the superintendent and they might include some enforcement duties but only if the individual wished so. That is why they are not specifically laid out. It would vary from person to person as to just what those duties would be and he would be distinctly different from a wildlife officer in his duties.

THE CHAIRMAN (Mr. Stewart): I wonder if you might permit me a question from the chair? That is quite different from a fisheries guardian and generally an interpretation of a fisheries guardian has the same authority as a fishery officer with the exception that he is a part time employee and not filling a permanent position and is just in on a seasonal basis.

MR. LAND: As the section states, his term of office would be set and his duties would be as instructed by the superintendent so this is quite a difference.

THE CHAIRMAN (Mr. Stewart): I think probably my point is that the use of the term "guardian" as it applies to the Fisheries Act has been enforced in the territories for some time and if you are going to vary the interpretation of what a guardian is it probably should be in the interpretation section so that you know really what creatures you are dealing with, because as you describe it it is entirely different from that in the fisheries situation. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, did I understand the reply to Hon. David Searle's question to be that guardians would have certain police-type authority?

MR. LAND: Mr. Chairman, I did not use the word police, I said enforcement of the regulations, if it is so wished by the individual and so laid down by the superintendent.

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

Authority Of Wildlife Guardian

MR. NICKERSON: I wonder if we could be given an example of the type of enforcement authority that such a guardian might have?

MR. LAND: Mr. Chairman, particularly related to trapping and the other related activities in trapping. This is where this individual could have some authority.

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

MR. NICKERSON: That is not really the type of answer that I was looking for. Now, say if someone were appointed guardian and he came across somebody setting a trap outside of the proper trapping season for the species of animal that that trap was set for, what type of authority would he have to deal with that case? Could he confiscate the trap? Would he have to report to a wildlife officer who would then come to confiscate the trap? Would he be able to lay charges? What is the extent of the police-type powers that a guardian would have?

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

MR. LAND: Mr. Chairman, as I understand this section, it would be as specifically laid out by the superintendent and that would be the limit of his jurisdiction.

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

MR. NICKERSON: Perhaps in that case, Mr. Chairman, the superintendent might give us an example of what kind of powers he would specify for a guardian.

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

MR. SIMMONS: Excuse me, Mr. Land has consulted briefly with Mr. Singer and might be able to shed more light at this moment than I could.

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

MR. LAND: Mr. Chairman, I should correct the statement that I made regarding the enforcement aspect of these guardians. I have been advised that this would be going beyond the terms of reference for a guardian and his would be a reporting relationship to an officer who would have to take any enforcement action necessary.

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

MR. NICKERSON: That, Mr. Chairman, is a much more satisfactory answer.

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

Wildlife Officer Trainees

HON. PETER ERNERK: Mr. Chairman, I think my question would have been more appropriate before but I am going to ask it anyway. The wildlife officer trainees, game management trainees, do they fit under this clause 4 or clause 5? In other words, can the Commissioner appoint wildlife officer trainees?

MR. SIMMONS: It is not our intention to have wildlife officer trainees take on enforcement duties unless they are at such a stage in their evolution that they could handle same. I doubt that this would happen. It is possible, although not likely, that they could be appointed guardians.

HON. PETER ERNERK: Mr. Chairman, exactly what does that mean? When does the wildlife officer become a fully trained wildlife officer? I am particularly thinking of, let us say, a position for a fellow in Baker Lake, for instance. He has been a wildlife officer trainee for one or two years now and does he become eligible to become a wildlife guardian or public officer?

MR. SIMMONS: Mr. Chairman, we could consider a trainee qualified to accept an appointment under this ordinance as a wildlife officer at a time when he had received specialized wildlife law enforcement training which we give to all officers, particularly trainees. But it would come under this ordinance as a specific appointment as a wildlife officer. This is an option that we have.

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

MR. LAFFERTY: Mr. Chairman, this paragraph is rather disturbing and confusing. May I ask the administration to indicate the precise intent of this wildlife guardian? It is rather misleading in its terminology. It has a connotation of an authorized person where really there is no authority, as I understand it.

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

MR. LAND: Mr. Chairman, I tried to outline what these wildlife guardians would be doing, what their terms of reference would be and I corrected myself in that they would not be engaged in enforcement activities as a guardian; they would be reporting to a wildlife officer appointed under this ordinance with the powers that are given to him by this ordinance, so it would be a reporting relationship. It is a means whereby local individuals can get more closely involved with the administration of wildlife and the application of this ordinance. This was the intent of this section.

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

Involvement Of Local People

MR. LAFFERTY: Mr. Chairman, I understand now the intention behind this clause. It is more or less to involve the local persons in the administration of wildlife management. Then, if that is the purpose, Mr. Chairman, why does not the administration come out with a similar structure to the RCMP special constable program whereby a would-be trainee on game management can learn the application of game regulations and so forth, working directly under the management of the wildlife branch rather than creating a conflict by getting a person appointed from the hunters' and trappers' association, they can make the recommendation to involve such a person? Has that area been explored, Mr. Chairman? That is what I am getting at.

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

MR. SIMMONS: I believe this is what we now have in progress through our trainee program where the trainee receives special training as a special constable would, through our assistant fish and wildlife officers who train with a full time wildlife officer, and through the guardian program. Were we to see a need for enforcement powers for the guardian we would train the individual and then the superintendent would delegate these powers to him. So in three areas we are involving different types of individuals in our Wildlife Ordinance administration.

Temporary Powers

THE CHAIRMAN (Mr. Stewart): Thank you. I wonder if the Chair could be allowed another question? What provision do you have for having on staff people who can enforce your act on a temporary basis for the length of gaming seasons? This is where the Department of Fisheries and the Environment use guardians and they are fully qualified and normally travel with a qualified inspector but not necessarily. They have the same powers but they are brought in at peak periods on a temporary basis. Do you have anything in your legislation there for that type of a person? Mr. Land.

MR. LAND: Mr. Chairman, we can accommodate that type of situation simply by making an appointment for a given period but the appointment would be as a wildlife officer with all the powers of a wildlife officer but that appointment could be for a specific period of time.

THE CHAIRMAN (Mr. Stewart): Thank you very much. I am much more convinced in my own mind than that the word "guardian" should come under your interpretation section so that people know the difference between the various types of guardians we have in the Northwest Territories. Clause 5. Mr. Nickerson.

MR. NICKERSON: With respect to subclause (3), Mr. Chairman, and this is a question properly addressed to the legal representative on the panel, is there any other example within legislation enacted by the Legislature of the Northwest Territories of similar powers to pay out public funds that have been delegated to similar type organizations?

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

MR. LAND: Mr. Chairman, could you just state the clause and subclause again, please?

THE CHAIRMAN (Mr. Stewart): Clause 5, subclause (3) on page 7a. Mr. Singer.

MR. SINGER: Mr. Chairman, since the question was addressed to me the answer to the question is never, I do not know any other.

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

Authority To Deal With Public Moneys

MR. NICKERSON: It worries me a certain amount, particularly since there appears to be no precedent for this type of thing. I wonder if we might be getting ourselves into any kind of legal difficulties in delegating this type of authority to deal with public moneys to an organization that is not properly part of the public service.

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

MR. LAND: Mr. Chairman, we did discuss this within government with the Department of Finance and there was no indication that we would be conflicting with any existing financial regulation in this delegation of authority to hunters' and trappers' associations.

MR. NICKERSON: Is that also the opinion of the Legal Advisor, Mr. Chairman?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I would have to consider an answer to that question. I am not certain that I would agree.

MR. SINGER: Yes, Mr. Chairman.

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

MR. SINGER: Mr. Chairman, on page 52, paragraph (n) and on page 53 ...

THE CHAIRMAN (Mr. Stewart): Are we in the act or the regulations?

MR. SINGER: The act, paragraph (o).

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

Protection To The Hunting Public.

MR. NICKERSON: Mr. Chairman, it would appear to me that those sections to which we have just been directed, all it says is that it allows the Commissioner blanket authority to make regulations pertaining to all manner of big game hunting and small game hunting and everything else. There is absolutely nothing else really in the body of the ordinance dealing with this. There is no protection to the hunting public as to what rights they might enjoy, as to what the obligations might be and there is absolutely nothing in the body of the ordinance about it and it is left completely out of the regulations. I have serious doubts as to whether or not that is the proper way to go about things.

MR. SINGER: Mr. Chairman, in addition, the licensing system is also dealt with in Schedule B to the ordinance, page 59, Mr. Chairman. Mr. Chairman, this sets out the basic entitlement under the various licences and permits.

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

MR. NICKERSON: That being the case, Mr. Chairman, would it not then be correct to reword subclause 8(1), "The licences, permits and certificates" as set out in the first column of Schedule B.

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

MR. SINGER: Mr. Chairman, in my view not, because a certificate is part of a licence.

MR. NICKERSON: Why then, Mr. Chairman, in Schedule B it mentions such things as general hunting licence, outfitters' licence, fur dealers' licence and all of the other 25 or so different kinds of licences or permits specifically referred to as licences or permits with the exception of wildlife certificates which deal with big game and small game hunting.

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

MR. SINGER: In my view, that really is not in the nomenclature. The totality of the licence is the wildlife certificate which is in effect a piece of paper until there is affixed to it a stamp and once the stamp is affixed to it, that creates a licence.

THE CHAIRMAN (Mr. Stewart): Is there any particular reason why you call it a certificate rather than a licence?

MR. LAND: Mr. Chairman, it is a certificate and it is not a licence as Mr. Singer has pointed out until the stamps are affixed to it and further I might add if wildlife tags are required for specific species the wildlife tags are given out also and this altogether is the licence that entitles that person to hunt, kill and possess game.

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

Licence Or Permit

MR. NICKERSON: I would like the advice of the Legal Advisor to the Legislature on this matter. Is, Mr. Chairman, in the Legal Advisor's opinion a wildlife certificate with stamp as referred to in column one of Schedule B or I will rephrase this -- does that certificate with stamp constitute a licence or permit under subclause 8(1)?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think as Mr. Singer says it becomes a question, just a question of the use of words or nomenclature. I believe that everything listed in column one under the heading "licence or permit" would have the same effect as a licence and clearly clause 8, subclause (1) gives a wildlife certificate with a stamp the effect of a licence or permit. I am not certain but I understand why the word "licence" is not used. I do not know that I see what is accomplished by calling it a certificate other than until it is filled out and in someone's pocket, it is not a licence, but then I do not suppose any licence that is not completed is a licence. It does not allow anyone to do anything.

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

MR. LAND: Mr. Chairman, the certificate comes in because before the stamps are required and affixed to the certificate the individual, the licensee does fill it out and he does put certain information on the certificate and by his signature he is certifying that information is correct. I understand it that is a certificate at that point. When he purchases the stamps and they are affixed to the certificate the totality of the thing becomes a licence at that point.

THE CHAIRMAN (Mr. Stewart): Is that not also true with regard to form seven in your regulation that until such time as that is filled in it is not a licence either?

MR. LAND: Mr. Chairman, as I understand form seven, it requires the authorized signature of an officer to make it valid. I guess there is some question as to whether or not the signature of the officer or the lack of it on the certificate would invalidate the licence if he had properly purchased the stamps and had them affixed to his certificate. It is a difficult comparison to make and I am not really qualified to make that type of comparison.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 8? Is it agreed? Is there agreement on clause 8? The Chair can not recognize one agreed. Gentlemen, are you agreed with clause 8, licences and permits. Agreed?

---Agreed

Clause 9, application. Mr. Nickerson.

Applications For Various Types Of Licences

MR. NICKERSON: I have seen, Mr. Chairman, applications for various types of licences where the applicant is required to give his social insurance number and his territorial hospital insurance number. What would happen if he refused to give either one of these numbers?

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

MR. LAND: I must clarify the fact that this Draft 8 of the regulation has not undergone the scrutiny of the legal services department. It is still a product of the wildlife service so there may be corrections needed in various places. The purpose of the numbers is merely to, in the case of many similar names in the community, to positively identify a particular individual. That is the intent and whether there is some legal interpretation needed if the person refused to give the number, I do not think there would be a problem as it is

not necessary to complete the application. It is of assistance to us if we have those numbers. The legal point I can not address.

THE CHAIRMAN (Mr. Stewart): Clause 9. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, could the witnesses confirm that that is their standard procedure -- to ask for these identifying numbers. I am specifically referring to the social insurance number and the territorial hospital insurance number and is it their standard procedure to ask for those numbers or require that they be given?

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

MR. SIMMONS: It has been our policy to ask for these numbers and it would be so in the future.

THE CHAIRMAN (Mr. Stewart): Clause 9.

MR. NICKERSON: Mr. Chairman, I am rather worried about this practice of asking for the territorial hospital insurance number. It might be held that there is some degree of confidentiality about this type of thing and I notice that not only is this number being asked for by the game department but it is being asked for by a number of other government departments. Now, if anybody knows how to decode those THIS numbers -- I would not imagine it is too difficult to find out how to decode them and you can get a lot of personal information about the individual concerned from that number. Maybe I should address a question to the Legal Advisor, questioning in her opinion the propriety of asking for this easily obtained personal information.

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, paragraph (b) of subclause (1) states that the information required is, it is described as information as the Commissioner may reasonably require. Now, I do not know what reasonable basis there is for requiring those numbers for a hunting licence but no doubt there would be some reason that the department could explain.

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

MR. SIMMONS: Our intent was merely to simplify our administrative procedure of identifying the individual and if there is any objection by this Assembly we could easily drop it from the regulations. We have no strong feelings in that matter.

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

Motion To Refrain From Requesting THIS Numbers

MR. NICKERSON: Then I would move, Mr. Chairman, that it be a recommendation of this committee that the wildlife service refrain in the future from requesting the territorial hospital insurance number of applicants for licences.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. To the motion? Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I do not agree with this motion at the moment because I do not have it in syllabics.

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

MR. LYALL: Could Mr. Pudluk repeat his comments please? I did not hear them.

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

MR. PUDLUK: Mr. Chairman, I could not go along with this motion at the moment because I do not have clause 9 in syllabics.

THE CHAIRMAN (Mr. Stewart): Thank you. He does not have a copy in syllabics, I believe is the context of his remarks. He does not know whether to go along with it or not. He would like to see it written.

THE CHAIRMAN (Mr. Stewart): While we are sorting it out, to the motion, Hon. David Searle.

HON. DAVID SEARLE: Are we still discussing clause 7?

THE CHAIRMAN (Mr. Stewart): No, we are on clause 9. Clause 7 has been approved, clause 8 has been approved and we are on clause 9 at the present time.

HON. DAVID SEARLE: Would you permit me to ask a question on clause 7?

THE CHAIRMAN (Mr. Stewart): Do we have consent to go back to clause 7?

---Agreed

With the mighty power you hold we condescend to go back.

HON. DAVID SEARLE: I just could not help but notice, Mr. Chairman, any officer may issue any licence or permit except that only the superintendent may issue a general hunting licence. I wonder from the practice point of view does this really mean what it appears to mean, that the superintendent himself must sign every general hunting licence because although that hunting licence is unobtainable for a lot of people, in other words that particular licence is issued probably more than any other licence.

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

Centralize The Granting Of General Hunting Licences.

MR. SINGER: Mr. Chairman, the purpose of this provision is to centralize the granting of general hunting licences to provide in effect that officers in the field can not grant general hunting licences. In my opinion the superintendent could in effect delegate the actual signing of the general hunting licences to someone in his department.

HON. DAVID SEARLE: I guess the question is when is a licence issued?

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

MR. SIMMONS: The licences, which are to be on a plastic card more permanent than the old ones, are printed up here in Yellowknife and the files are kept here in Yellowknife. As was mentioned by Mr. Singer I could delegate the authority to sign these licences out to the field officer. That is an option.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you, Hon. David Searle?

HON. DAVID SEARLE: I just hope that Mr. Singer is right for the sake of our superintendent.

THE CHAIRMAN (Mr. Stewart): The problem that we have at the present moment, Mr. Pudluk does not have translation in syllabics of clauses 9 and 10. Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I am sorry, I think I have found it. It was clause 10 in syllabics and it should have been clause 9.

THE CHAIRMAN (Mr. Stewart): You have clause 9?

MR. PUDLUK: I think we have clause 9. We have two pages of clause 10.

THE CHAIRMAN (Mr. Stewart): You are all right, then. All right, we will proceed then with the motion on the floor. Sorry for the interruption on this matter, Mr. Nickerson, but we had to clarify it. To the motion, Mr. Lafferty.

MR. LAFFERTY: Can you read back the motion, please?

THE CHAIRMAN (Mr. Stewart): Yes, Mr. Lafferty. "I recommend to this committee that the wildlife service refrain in future from requesting the territorial hospital insurance number on application for licences."

Motion To Refrain From Requesting THIS Numbers, Carried

To the motion. Are you ready for the question? All those in favour? Opposed? The motion is carried.

---Carried

Clause 9, agreed, as the regulation section? There actually is no amendment to clause 9. Clause 9, application. Agreed?

---Agreed

Clause 10, issue of licence or permit. Agreed?

Gentlemen, I might as well go home unless I get some "agrees". I can not hear you. I have got two. Speak a little louder on your "agrees" if you please. Clause 10 is agreed then?

---Agreed

Clause 11, blank licence forms. Mr. Nickerson.

MR. NICKERSON: Clause 11 is quite interesting, Mr. Chairman, in that it creates the difference between a valid licence and a non-valid licence. Earlier in testimony given by some of the witnesses in reference to the certificate and the certificate with stamp they were saying that such a document might or might not under various circumstances constitute a licence. I was wondering whether the certificate, the wildlife certificate with stamp or the wildlife certificate by itself would constitute a non-valid licence as referred to in subclause 11(2). Would that be correct?

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

MR. LAND: I assume that form 6, the wildlife certificate requires the signature of the licensee as required under subclause 11(2) before it becomes valid.

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

Difference Between A Certificate And A Licence

MR. NICKERSON: Mr. Chairman, I am still very worried about this certificate and why it is called a certificate and why it is given this difference of name. We were told earlier that they did not call it a wildlife licence because it did not really constitute a licence until such time as the stamp had been issued and then under subclause 11(2) we see this difference created in the law between a valid and a non-valid licence. Now, until signed a general hunting licence would be a non-valid licence but that is still listed in column one of Schedule B. Why can we not adopt the same procedure with respect to wildlife certificates and until such time as a stamp was issued it would constitute a non-valid licence?

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

MR. SINGER: Mr. Chairman, I just do not see what is to be gained by that. I still go back to my original statement to the effect that we are dealing here with mere terminology. A wildlife certificate is part of a licence. It becomes a licence when the stamp is attached and until then it is not a licence. I really do not see what the great problem is. As a result of subclause 8(1) as the Legal Advisor previously said, the wildlife certificate and stamp is for the purposes of the ordinance and the regulations and as a result of the definition and framework of the definition a licence. I do not know if that answers the question.

MR. NICKERSON: So, Mr. Chairman, if somebody goes and gets a certificate because the certificate by itself does not constitute a licence, and we have been told that it does not constitute a licence until such time as a stamp is issued in conjunction with it, he would not be obliged pursuant to subclause 11(2) to sign that particular certificate. Is that a correct assumption?

MR. SINGER: Mr. Chairman, I understand that the certificate would not be granted unless and until the stamps were attached. So from the time of issue it would in effect be a licence.

THE CHAIRMAN (Mr. Stewart): Clause 11, blank licence forms. Agreed?

---Agreed

Clause 12, validity of licence. Agreed? Mr. Pudluk.

Validity of Licence

MR. PUDLUK: Mr. Chairman, I would like to ask the witness could this clause 12 be affecting the hunters at the date of the licence expiry each year or is it life?

MR. LAND: Mr. Chairman, in regard to general hunting licences even though they are now issued on a permanent plastic card there is a requirement to validate them June 30th yearly. An adhesive validation sticker is put on the licence. The licence will expire June 30th and will be validated at that time for the next licence year.

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

MR. PUDLUK: Mr. Chairman, are we going to obtain the same number every year? The reason I am asking this is the services in the settlements would have to wait for the new one from the superintendent of the region. If they do not come on time I do not know what is going to happen.

THE CHAIRMAN (Mr. Stewart): You are concerned that the requirement of a yearly stamp means that they may not be available in some of the far settlements. What would happen?

MR. LAND: Mr. Chairman, I might just clarify the reason for validation is mainly to keep in contact with the hunter and obtain information on kill that we require in wildlife management. We feel that we will make every effort to see that the validation stickers are available in the offices where the wildlife officers are stationed or to make a special trip into the settlement to validate the general hunting licence on a yearly basis.

THE CHAIRMAN (Mr. Stewart): But is there an onus on the holder of the licence in some of these more remote settlements to get this stamp? Supposing you just can not get to every place by the date that you have to and normally the onus is on the permit holder but in this case is this going to be made available at the places where the people need them?

MR. LAND: Mr. Chairman, this is correct. We must have these validation stickers in the settlement and the onus would be on the individual to get the licence, to come in and get it validated. We do not see a real problem here because now we have the licences becoming invalid and sometimes a hunter takes quite a long time to come in and get his new licence under the present system. We do not see a tightening up of this practise. We realize the problems involved with some people who are out on the land for long periods of time and we will make every effort to validate any licence that comes into our office.

THE CHAIRMAN (Mr. Stewart): Sometimes it does not make too much sense to travel 250 miles to get a little sticker on a plastic case, does it?

MR. LAND: That is correct, Mr. Chairman, and we do not anticipate being this sticky about it.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Pudluk, does that satisfy your question?

MR. PUDLUK: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Clause 12, validity of licence. Agreed?

---Agreed

Clause 13, transfer. Agreed?

---Agreed

Examination Of Licence Or Permit.

Clause 14, examination of licence or permit. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, clause 14 sort of bugs me. The first paragraph when you get down to the fourth line it says: "Upon being requested by an officer so to do, a licence or permit holder shall forthwith produce his licence or permit to the officer for examination or, if it is not then available, produce it within forty-eight hours..." I think this is where some difference between a week end hunter and a traditional hunter comes in. For instance, if you are talking about Baker Lake where people often hunt for a week and sometimes more than a week, and then the hunter happens to see a game officer or a wildlife officer and is asked to produce his licence within 48 hours, in some cases this is not always possible in some of the communities among the traditional hunters to produce your licence within 48 hours. That is two days and if that is a week end that is over the week end.

Proposal To Amend Clause 14.

I would like to make an amendment to that to say "within a reasonable time". For instance, when I was out ice fishing last year at one of the lakes over the week end I was asked to produce my fishing licence, for instance, within 48 hours on Monday, this was on Saturday because I am a working man. I go to the office five days a week and I go out hunting or go fishing over the week end so I have some difficulty in producing my licence on Monday morning but for other people who are not wage earners living in a community, the traditional hunters, this will cause you some difficulty.

MR. LAND: Mr. Chairman, I would just like to say that under the current law you are required to have your licence on your person. We feel that this is an improvement and that we are being more reasonable, and are taking into consideration the points that Hon. Peter Ernerk has raised. In order not to make this section a complete farce we have to have some limits, I think. The interpretation of a reasonable time to some individuals might be a period of time that is not acceptable to us, like five or ten years.

HON. PETER ERNERK: Mr. Chairman, this is not what I am saying. Maybe I did not make myself quite clear on the matter. I agree with you and I agree with Mr. Land to a certain extent, but again if I happen to live in Baker Lake and I am Joe Blow and I am unemployed and I make my living off of hunting and trapping and I mean on the land caribou hunting and about 150 miles away from Baker Lake and I see a game officer who asks me to produce my licence. I do not have it and he tells me to produce it within 48 hours. I may have another three or four days to hunt and I am going to find it quite impossible to produce it within 48 hours if that may be the case.

THE CHAIRMAN (Mr. Stewart): I wonder, Mr. Land, I know the problem with regulations, that you have to stipulate time or else as you say you lose all intent of the regulation, but would it be reasonable to say to produce it within 48 hours or within a reasonable time at the discretion of the officer, so that you have a time element but if it is not possible the officer can set the time. Maybe that would satisfy my colleague.

MR. LAND: Mr. Chairman, that sounds very reasonable and in the case of a general hunting licence holder he would have the means of verifying that the individual did have a licence. This really is not going to affect that individual too much. Where it becomes a very apparent problem is in checking big game licences and especially where there are a lot of hunters in an area that an officer is working. I think the suggestion is very reasonable.

MR. LYALL: Mr. Chairman, I would just like to state that in small communities like Baker Lake or Spence Bay or anywhere else that when you have a game officer they generally know who has licences anyway. So, I think in that way the biggest problem would be as Mr. Land says, it is the people around here where you can not know everybody but in the small settlements I do not think there would be problems.

THE CHAIRMAN (Mr. Stewart): Does that satisfy everybody? Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, did I hear you to say that you took my advice that within 48 hours or a reasonable time?

THE CHAIRMAN (Mr. Stewart): No, I was seeing if you were satisfied with the argument presented by Mr. Lyall. Mr. Simmons.

MR. SIMMONS: It would be satisfactory for us to insert wording something like this: "or proved to the satisfaction of that officer that he holds a licence or permit". This would address the situation that Mr. Lyall was speaking to. In small communities this could very easily be done and in effect we have been doing this kind of thing in the Eastern Arctic already with polar bear tags.

THE CHAIRMAN (Mr. Stewart): Thank you. Would that type of wording satisfy you, Hon. Peter Ernerk?

HON. PETER ERNERK: Yes, Mr. Chairman.

Clause 14 Set Aside For Rewording

THE CHAIRMAN (Mr. Stewart): I will set aside clause 14 for rewording and it can be brought back.

Clause 15 on page 13, cancellation, suspension, and prohibition of renewal.

MR. NICKERSON: What happened to clause 14?

THE CHAIRMAN (Mr. Stewart): Clause 14 has been set aside for rewording.

MR. NICKERSON: Is it possible for me to ask a question pertaining to clause 14?

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

MR. NICKERSON: What type of identification is it customary for the game office or the department to furnish to its various officers?

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

MR. LAND: The licence is the first thing that is asked for by the officer in the field, to establish the identity of a hunter.

MR. NICKERSON: I am sorry, Mr. Chairman, what type of identification do game officers or wildlife officers carry or what do you anticipate giving to them so that somebody who is stopped will know that they are properly authorized game officers, the uniform I would imagine is the biggest thing but do they also carry some kind of badge?

MR. LAND: Yes, they do, they have an I.D. card which has their photograph and a statement that they are appointed as a wildlife officer and their signature and the Commissioner's signature.

THE CHAIRMAN (Mr. Stewart): Clause 15 at the top of page 13.

Proposal To Amend Clause 15

MR. NICKERSON: This is a technical question addressed to the Legal Advisor but in subclause 15(2) where a person who wants to appeal to the judge of the supreme court to lift a cancellation or a suspension, exactly how would somebody go about doing this? What kind of legal procedure would you adopt? Would you have to, for instance, come to Yellowknife and pay a personal visit to the judge's office or could it be done easily through the mail from Igloolik?

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, I think that the rules for appeals or some rules for appeal would have to apply. This would not be like an appeal to the appeal court. I do not know whether Mr. Singer has looked at this question in setting out the section and if he has perhaps he has an immediate answer.

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

MR. SINGER: No, Mr. Chairman, I agree that it would come within the rules of court dealing with appeal matters.

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, it may be that we will have to look at the power to make regulations to cover that. Can we look at that and report back?

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

MR. NICKERSON: Would it be therefore possible, Mr. Chairman, to pass by clause 15 until such time as the Legal Advisor has had time to look at this?

THE CHAIRMAN (Mr. Stewart): Is it agreed to set aside clause 15, Hon. Tom Butters?

Proposal To Further Amend Clause 15

HON. TOM BUTTERS: Mr. Chairman, on this point there is a concern that I have had relative to suspension. It would appear to me that the appeal judge has no power to limit or reduce the time the suspension may take effect and I am wondering whether or not we might foresee the case where a person's licence is suspended for a number of years and while the person may be guilty of such an infraction they may feel that the suspension is rather harsh and heavy and would wish to appeal to reduce the time of the suspension. I wonder if that might be included within the consideration when it is brought back.

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

HON. DAVID SEARLE: Mr. Chairman, I think Hon. Tom Butters' comment is particularly valid. I think in looking back at that section a power to vary the order made as well as a power to reverse it is extremely critical because I can imagine any number of instances where the superintendent may have exercised his judgment correctly in suspending or cancelling the licence but the court might be of the view that the suspension is unduly long or cancellation for a period of time that would be excessive. So I would think that would be very important.

Appeal Procedures

The other thing is I would assume that you might want to make reference here to a particular appeal provision, procedure rather, such as trial de novo which is a fairly common one in this jurisdiction and by way of new trial and make specific reference to a part of the Criminal Code. Those are my thoughts. It seems to me those two things have to be done really before you would know first of all how you would appeal, the time limits within which you would do it, the procedure that you would use to get before the courts and, secondly, to enlarge the powers of the court.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. David Searle, Madam Legal Advisor.

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, in clause 91 which is the power to make regulations, paragraph (v) there is the power to set out regulations describing the proceedings under an appeal so that the matters mentioned by Hon. David Searle could be covered in a regulation. What is not covered there is the power to vary the superintendent's decision.

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

HON. DAVID SEARLE: Mr. Chairman, that being so then is the power then continued through into the regulations and in fact exercised; in other words, we do have then by regulation the power to set out those procedures but then has it in fact been done in Draft 8 of the regulations, because there is nothing worse than seeing the power to regulate and then finding yourself in an appeal position and then not having had the power exercised.

Draft Regulations

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, I understand that the regulations that you see before you are just a draft. They have not yet been studied by our legal division.

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

MR. NICKERSON: Mr. Chairman, did I understand the Legal Advisor to say that the material that has been presented to the Legislature has not been studied first of all by its legal counsel?

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

LEGAL ADVISOR (Ms. Fliieger): The regulations are still in draft form, Mr. Chairman, and have not been studied so far as I know by anyone in the legal division.

MR. NICKERSON: Mr. Chairman, does the same apply to the ordinance, the ordinance we have before us at the present time? Has that not been studied properly by the legal department?

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

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, the same is not true of the ordinance.

THE CHAIRMAN (Mr. Stewart): Good try, Mr. Nickerson. Clause 15, is it the wish to set this aside then? Is it actually the other section that we should have a look at when we get to it, clause 91 or whatever it is?

HON. DAVID SEARLE: As I understood the debate, the clause needs only a minor change which is to give the court the power to vary but subject to that the rest of it as to appeal procedures can be covered in the regulations.

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

MR. SINGER: Mr. Chairman, the points made by Hon. David Searle are noted and are considered by the administration to be extremely valid points. The appeal procedures would be dealt with by regulation and clause 15 would be amended to deal with variation of the order.

Clause 15 Set Aside For Amendment

THE CHAIRMAN (Mr. Stewart): Do we have agreement then to set aside clause 15 for amendment?

---Agreed

Clause 16, transmittal and statement, at the top of page 15. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, I would like to ask a question of the witnesses. When a guy has to produce his statements of the number and species of wildlife killed, are these forms usually the ones that you use in general hunting licences and at the back you usually have so many caribou you kill and wolves and things of that nature -- right? Are these usually translated into some of the native languages such as Inuktitut and other languages?

MR. LAND: Mr. Chairman, to date they have not been but it is a very valid suggestion.

HON. PETER ERNERK: Mr. Chairman, I take it then that they will be translated.

MR. LAND: Yes.

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

Power To Suspend Or Cancel A Licence

HON. DAVID SEARLE: Mr. Chairman, there is one thing that bothers me and that is reading now the whole of that clause 15 that we have just set aside and that deals with this. It appears that the superintendent under subclause 15(1) has the powers to suspend or cancel a licence and that is subject to the appeal that we have discussed. Then, later on in subclause (4) a justice, having been convicted for an offence against the ordinance regulations as well, has the power to cancel a licence. What bothers me is what if a person is prosecuted, take this fact situation: is prosecuted, convicted, fined and an appropriate penalty is determined by the court after hearing direct evidence and knowing all of the circumstances but the court decides in its wisdom not to cancel the general hunting licence; in other words, feels that in these set of circumstances an appropriate punishment would be a fine and maybe if this person ever appears before the court again it might then take away his hunting privileges. Now, here is where I see the authorities getting into the act having been on both sides of the fence as a prosecutor and the defence lawyer. I can see the prosecutor's encouraging the court to cancel or suspend the hunting licence, the court deciding in its wisdom that it will not do that and then the prosecutor's appealing directly to the superintendent who does not know all the circumstances of the case certainly as well as the court would and persuading him to exercise that same power of suspension or cancellation which the court refused to exercise.

Now you can say all right, there is an appeal to the judge and back through the system again, but my concern would be to somehow constrain the superintendent from retrying in effect administratively the case and not exercising powers of cancellation or suspension where the courts have decided that that is not appropriate in the circumstances. Now, therefore I am wondering if the legal people might just give consideration to that type of constraint.

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

Reasonable Cause For Contravention

MR. SINGER: Mr. Chairman, under clause 15 before taking any action the superintendent has to have reasonable cause to believe in the contravention. In my opinion if the court has adjudicated upon the issue then the court has determined in effect whether or not first of all the person is guilty. If the person is innocent, is found innocent, then presumably the superintendent will not find the person guilty where the court has found him innocent and if the person is guilty and if the judge has decided not to make the cancellation then I would think that it probably would not be reasonable to cancel it in the circumstances.

HON. DAVID SEARLE: Well, that is exactly my point, of course. It would not be reasonable. What I am saying is that notwithstanding our unanimous agreement on that point here today that power to cancel would still remain in the superintendent. Saying that once a breach of the ordinance has been properly proved and had been found to be proven by a court then I suspect unless you somehow provide that, there will be all kinds of appeals for such administrative action by the Crown once they have failed in court.

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

MR. SINGER: Mr. Chairman, if sufficient safeguards are not felt to be inherent in the legislation as it stands at the moment, then I think the administration is willing to write in a provision preventing the superintendent from cancelling where a justice has decided not to cancel under subclause (4).

HON. DAVID SEARLE: That is what I was after.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you, Hon. David Searle?

HON. DAVID SEARLE: Yes.

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

Definition Of Justice

HON. TOM BUTTERS: Mr. Chairman, I wonder if under that same clause does the designation of "justice" here include a justice of the peace and if it does, does that mean that a justice of the peace can remove, say, a general hunting licence, a licence which people depend on for their livelihood?

THE CHAIRMAN (Mr. Stewart): I believe, Hon. Tom Butters, the answer will be yes, a justice of the peace has that authority. He has it for drivers' licences and several others. Madam Legal Advisor, would you give us your opinion on that?

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, the word "justice" is defined in the Interpretation Ordinance to mean a justice of the peace.

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

HON. TOM BUTTERS: I know it seems strange making these representations with regard to the ordinance, but I did this too when we went through the draft and pointed out that this had been a concern of mine last January and it still remains a concern of mine. I would not move that it be removed but I would bring to the attention of the committee that this does give the justice of the peace in our community the power to withdraw the licence and the general hunting licence.

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

General Hunting Licences

MR. V. STEEN: Mr. Chairman, the Game Advisory Council was opposed to the fur cancellation of a general hunting licence and they were hoping that something could be worked out whereby only the section that was for instance if the guy broke the law only for polar bear he does not lose his general hunting licence to hunt caribou. However, under clause 15 it says the Commissioner can cancel all licences dealing with endangered species and since a general hunting licence holder can not hunt an endangered species his general hunting licence is then cancelled and if you cancelled the whole general hunting licence for a person, for instance, a Dene person, he would still be able to hunt moose for food but for a guy up in the High Arctic where there is nothing but caribou to hunt for food he is in a different position. I just wanted to point it out to the concerned Members.

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

MR. NICKERSON: I have a number of queries. One, I will let Hon. David Searle speak to and that is the matter of appeals from the justice to an appeal court of some form or another. The second point is in line with comments just made by Mr. Steen. He was correct in subclause (3) that the Commissioner can cancel in effect general hunting licences, any kind of licences when he feels that a particular species of animal is becoming extinct, but if you read that subclause carefully you can find that not only can he do it when a species is becoming extinct or he thinks that a species is becoming extinct, but he can do it for all other purposes that he feels to be necessary for wildlife management. That is very very broad and sweeping power and I would imagine that those people who have general hunting licences and are very jealous of the privileges granted to them by the hunting licence, that is a question that they might like to address themselves to.

It might be that they would only want that power granted to the Commissioner with respect to a species that is endangered. In paragraph 15(3)(a) the wording there is rather difficult to understand in a way. There is no real definition of an endangered species and then it refers to affected species and there is no definition as to what is really meant by affected species and certainly if I was one of those people who was very jealous of the privileges granted by the general hunting licence I would have a lot to say about that particular clause. As, however, I do not have a general hunting licence and am not eligible for one, I will not say anything.

THE CHAIRMAN (Mr. Stewart): Mr. Lyall. I have your name on the list for wishing to speak some time ago.

MR. LYALL: I do not wish to speak.

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

MR. LAFFERTY: Mr. Chairman, I would like to make a brief comment on this subclause 15(3).

THE CHAIRMAN (Mr. Stewart): Please try and speak into your mike, Mr. Lafferty.

Powers Are Too Broad

MR. LAFFERTY: I believe that this clause dealing with general hunting licences, at least it is not dealing with general hunting licences but the powers given to the Commissioner, consequently down to the game superintendent is too broad and too general since it affects general hunting licence holders. The clause as I understand it reads quite broadly that the Commissioner can cancel all licences or any licences or permit. I think in this clause or in any other clause where it may be applicable that we should be allowing provisions whereby

general hunting licence holders are protected to some degree. I am not saying that they should be given any special privileges or simply because of inheritance. Nonetheless, obviously the majority of the people in the North still are to a large degree dependent on wildlife for their supplementary food.

Secondly, in the event that a general hunting licence holder's licence is cancelled and as we very well know that many general hunting licence holders do not get the subsistence necessary even when they are in the employment of governments or in the various companies that are operating up here, they do not receive the same benefits as non-native people, subsequently, these people must have some kind of guarantee that their natural food supplies are not endangered in any way by, for instance, the cancellation of a general hunting licence. I suppose in that respect I am jealously guarding probably the only privilege that I have in the Northwest Territories.

I would move, Mr. Chairman, that this section be set aside for the present time in the debate in the draft and I make that draft amendment.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lafferty. This section has been set aside for perusal and amendments and I trust that your proposal will be taken into consideration. Due to the hour do I have your permission to report progress?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 3-66, Wildlife Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 3-66 and wishes to report progress at this time.

MR. SPEAKER: Mr. Clerk, orders of the day.

ITEM NO. 14: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, October 19, 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
8. Motions for the Production of Papers
9. Motions
10. Tabling of Documents
11. Notices of Motion for the Introduction of Bills
12. First Reading of Bills

13. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bill 3-66, Report of the Electoral District Boundaries Commission, N.W.T. Native Women's Association and COPE Land Claims Settlement

14. Third Reading of Bills

15. Orders of the Day

MR. SPEAKER: This House stands adjourned until 1:00 o'clock p.m., October 19, 1978, at the Explorer Hotel.

---ADJOURNMENT

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