

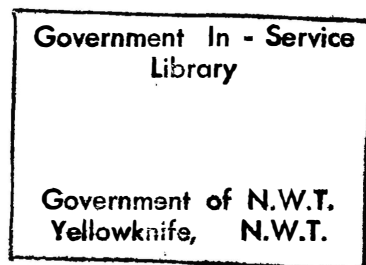


LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

66th. Session

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Official Report



MONDAY, OCTOBER 23, 1978

Pages 183 to 234

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, OCTOBER 23, 1978

MEMBERS PRESENT:

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

ITEM NO. 1: PRAYER

---Prayer

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

Item 3, questions and returns. Hon. Peter Ernerk.

ITEM NO. 3: QUESTIONS AND RETURNS

Return To Question W21-66: Sewing Centre, Broughton Island

HON. PETER ERNERK: Mr. Speaker, I have two returns. On October 18th, 1978, Mr. Kilabuk asked Question W21-66 concerning additional funds for construction of the Broughton Island sewing centre. I have been advised that construction is now in its final phase and that additional funds are required to furnish the centre. The regional director of the Baffin region will provide financial assistance to the users of the sewing centre to obtain the necessary furnishings.

Return To Question W30-66: Jean Marie Sawmill

On Thursday, October 19th, 1978, Mr. Nickerson asked Question W30-66 concerning unpaid creditors of the Jean Marie River sawmill. I am advised that the Department of Indian Affairs, the economic development division have approved a contribution of \$100,000 payable to the Jean Marie River sawmill. Chartered accountants Froment and Williamson of Yellowknife, have been contracted to act as trustee of the Jean Marie River co-operative in disbursing these funds to the co-operative's creditors.

MR. SPEAKER: Are there further returns? Hon. Arnold McCallum.

Return To Question W18-66: Broughton Island, Dock

HON. ARNOLD McCALLUM: Mr. Speaker, on October 18th, 1978, Mr. Kilabuk asked Question W18-66 concerning a dock at Broughton Island. I have the following reply: The construction of major marine facilities and docks in the Northwest Territories is basically a federal government responsibility and as such, we have not included projects of this nature in our five year capital construction plan. We will advise the federal government of the requirement in Broughton Island but due to the current financial restraint exercise, it is unlikely that any additional action will be taken in the foreseeable future.

Return To Question W19-66: Air Terminal, Broughton Island

Mr. Speaker, on October 18th, 1978, Mr. Kilabuk asked Question W19-66 concerning

the air terminal building at Broughton Island. I am pleased to give the following reply: An air terminal building is scheduled for construction in Broughton Island next fall, 1979.

Return To Question W20-66: Fire Alarm System, Spence Bay And Question W34-66: Construction, Fire Alarm System, Spence Bay

Mr. Speaker, on October 18th, 1978, Mr. Lyall asked Question W20-66 and later asked Question W34-66 concerning the fire alarm system at Spence Bay. I have the following reply: The fire alarm systems which have been installed in several northern communities in conjunction with Canadian National Telecommunications have proven to be too sophisticated for northern operations. A contractor was sent to Spence Bay recently but was weathered out. He will be in Spence Bay in November to simplify the fire alarm system and to make it operational. The problems and solutions are known and therefore the contractor's visit should remedy this situation.

Return To Question W22-66: Sewage Disposal, Spence Bay

On October 18th, 1978, Mr. Speaker, Mr. Lyall asked Question W22-66, concerning the sewage disposal at Spence Bay. I have the following reply: This summer the settlement council at Spence Bay approved in principle the construction of a sewage dumping station with outfall pipe to the ocean. Final site selection will be determined in consultation with the Spence Bay council before the end of December. The project will be tendered in January for construction between April and September of 1979.

Further Return To Question W39-66: Senior Citizens' Taxes, Fort Simpson

On October 19th, 1978, Mr. Speaker, Mr. Lafferty asked Question W39-66 concerning senior citizens' taxes in Fort Simpson. I have the following reply: This action on the part of the Fort Simpson village council would appear to be in keeping with the provisions of the Senior Citizens Land Tax Relief Ordinance which was passed at the May session of this Assembly. Upon the receipt of the Fort Simpson bylaw and providing it complies with the provisions of this ordinance the administration will provide the village of Fort Simpson with a matching grant to be applied against the remainder of the senior citizens' taxes.

MR. SPEAKER: Deputy Commissioner Parker.

Further Return To Question W28-66: Timing Of Replacement Of Highway Approach

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on October 19th, Mr. Stewart asked Question W28-66 concerning the replacement of highway approach at Enterprise. The concern by Mr. Petersen for the removal of direct access to the highway is intended to be met to his satisfaction by extension of the alternative service road westerly with an access to the highway east of the railway crossing. This construction is now under way.

Return To Question W36-66: Enterprise, Highway Construction

On October 19th, 1978, Mr. Stewart asked Question W36-66 concerning highway intersection of highway 1 and highway 2 at Enterprise. The former intersection of routes 1 and 2 at Enterprise while simple, was inefficient for traffic flow since the frequent direct access points to the highway from abutting commercial properties confused motorists and provided too many opportunities for conflicting traffic movements and accident possibilities. The intersection was reconstructed with the express purpose of providing a safer controlled access highway by virtue of a parallel service road allowing ready access to abutting commercial properties and with a minimum number of access points between the service road and the highway to reduce the accident possibilities between slow and fast traffic. Changes to the intersection were also designed to improve the movement of northbound traffic and also allow the movement of southbound traffic from route 2, a more direct exit to the local street system of Enterprise. We hold the view that the intersection has been made less hazardous than the former situation.

MR. SPEAKER: Mr. Commissioner.

COMMISSIONER HODGSON: Mr. Speaker, I would like to inform the House about the condition of Hon. C.M. Drury, the Prime Minister's special representative. On Saturday afternoon he was not feeling too well and as the evening approached it was decided that he should be taken over to the hospital to be checked up. Apparently he had had an operation earlier this year and there was some concern that the graft in regard to the operation, I think they call it something to do with an aneurysm, there was some concern that the body may be rejecting it, but they did not have the methods of checking it out here and after consultation with his doctor I decided to take him to Edmonton which we did on Saturday night. I arrived back on Monday morning and I understand that the University of Alberta, I guess you call it the University hospital which is attached to the University of Alberta, assembled a team of physicians who gave him a very, very thorough check-up and while tests are still continuing I understand that it has something to do with a blockage in the intestine, what you would call a bowel blockage. This is not considered to be too serious. They hope to be able to clear it up with the use of medicine. In the event that they are not able to then, of course, they will decide what to do but I gather that Hon. C.M. Drury is feeling much better and resting comfortably and is growly as hell at me for taking him to Edmonton, so I guess he must be recovering.

---Applause

MR. SPEAKER: Are there further returns? Written questions. Mr. Kilabuk.

Question W44-66: Baffin Island Road Repairs

MR. KILABUK: Mr. Speaker, these particular questions are not for me but are from my constituents. They indicated that the road on Broughton Island is too narrow and it is too low and the water is also too narrow and we do not have enough money to repair the road and the docks. They indicated that the whole cost of repairing the road would be \$7000 altogether. I would like to know what the possibilities are and I would like the administration to answer this question so I could refer it back to my constituents.

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, we will take the question as notice and provide an answer before the end of the session.

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

Question W45-66: Unemployment Insurance Commission, Panguitung.

MR. KILABUK: Mr. Speaker, I am kind of embarrassed now because I have so many questions to ask. This request is from Panguitung and I know the fact that the unemployment insurance -- we are always dealing with the Unemployment Insurance Commission in the Northwest Territories. They have indicated to us that there are some cases where the unemployed used to get only one unemployment cheque and they did not get the rest if they had worked for 12 months. I would appreciate it very much if the Unemployment Insurance Commission could be informed of this problem. They have indicated that since they moved to Edmonton that the problem has gotten worse. I wonder now if the administration could somehow indicate to the Unemployment Insurance Commission about this problem.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will look into the problem that the Member has raised and provide a reply during this session.

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

Question W46-66: Highway Approach, Enterprise Sewage Lagoon.

MR. STEWART: Mr. Speaker, can I be advised if the government is reviewing the reported present dangerous condition of the highway approach and the unloading dock servicing the Enterprise sewage lagoon?

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, it sounds like a smelly situation. I will take the question as notice and provide an answer.

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

Question W47-66: Applications For Lots, Rae-Edzo.

MR. NICKERSON: Mr. Speaker, a question for the Minister of Local Government. How many applications for the purchase of land at Rae-Edzo are presently outstanding?

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I will take the question as notice and provide an answer at a later date.

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

Question W48-66: Lights For Airstrip, Spence Bay.

MR. LYALL: Mr. Speaker, I would like to let this administration know that Spence Bay has received the generator to temporarily light the airstrip, but did not receive the lights. I would like to ask this administration when the lights are going to arrive in Spence Bay. At this time of year, we only get twilight for about four hours and lights for the airstrip are much needed.

MR. SPEAKER: Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I will take the question as notice and provide an answer before this session is finished.

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

Question W49-66: CBC Services, Fort Liard

MR. LAFFERTY: Mr. Speaker, several different times I have asked various government officers to do something about the lack of radio news at Fort Liard. Because of the lack of CBC radio service in Fort Liard, could I be advised by the administration what they are doing about it?

MR. SPEAKER: Deputy Commissioner Parker.

Partial Return To Question W49-66: CBC Services, Fort Liard

DEPUTY COMMISSIONER PARKER: Mr. Speaker, yes, the administration is looking into the problem and if there is any additional information available I will provide it as a reply to the Member before the session concludes.

MR. SPEAKER: Further written questions?

Item 4, oral questions.

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion. Hon. Arnold McCallum.

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

Bill 10-66: Council Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I give notice that on Tuesday, October 23rd, I shall move that Bill 10-66, An Ordinance to Amend the Council Ordinance, be read for the first time. I beg your pardon, Mr. Speaker, I guess it should be Tuesday, October 24th.

ITEM NO. 7: NOTICES OF MOTION

Notice Of Motion 16-66: Tabled Document 8-66

Mr. Speaker, I give notice that on Tuesday, October 24th, I shall move that the Tabled Document 8-66 be referred to committee of the whole for consideration by the committee.

MR. SPEAKER: Notices of motion. Mr. Lyall.

Notice Of Motion 17-66: Appointment To Workers' Compensation Board

MR. LYALL: Under notice of motions, Mr. Speaker, I give notice that tomorrow, on the 24th of October, I will be making a motion for appointments to the Workers' Compensation Board.

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

Item 9, motions.

ITEM NO. 9: MOTIONS

Motion 11-66, Mr. Lyall.

Motion 11-66: Discontinuance Of Funding Of Organized Hunts.

MR. LYALL: Mr. Speaker, Motion 11-66, discontinuance of funding for organized hunts:

WHEREAS organized hunts tend to result in the killing of about twice as many animals as are required;

AND WHEREAS most peoples of the North are considering moving back onto the land;

AND WHEREAS organized hunts are the main cause of the depletion of animals;

NOW THEREFORE, I move that this Assembly strongly request the administration to immediately discontinue funding organized hunts.

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

MR. LYALL: Mr. Speaker, I think that the motion really speaks for itself. I do believe very strongly that hunting with an organized bunch of people, that they are being organized getting ready to go out for maybe a week and I think that the people when they used to hunt traditionally for food did not go on a mass killing like they do nowadays, and I think that this administration has always practised trying to preserve wildlife so the motion, I think Mr. Speaker, really speaks for itself. I believe that this type of hunting causes more decline in caribou herds than any other type of death that occurs to the caribou herd. I think, Mr. Speaker, that I also made a very similar motion last session and, Mr. Speaker, I had to pull that motion because of the fact that it was changed, I think, contrary to the regulations in the Rule books of this Assembly.

I figured, Mr. Speaker, that I pulled the motion because of the fact that my intention of that motion was completely changed and, Mr. Speaker, at this time I would like to ask this Assembly to support this motion. As everyone knows, if we continue to have organized hunts the depletion of these animals is in great danger and at the present time as you all know there are a certain number of caribou herds that are endangered already. So I would strongly ask this Assembly for your support when it comes to voting on this motion. Thank you, Mr. Speaker.

MR. SPEAKER: Further discussion? Mr. Whitford.

MR. WHITFORD: Mr. Speaker, at the 65th session of this Assembly we discussed at that time the particular funding of organized caribou hunts. At that time, Mr. Speaker, I had tabled two letters from two chiefs, the one at Detah village as well as the chief of Fort Rae and in it we had illustrated, Mr. Speaker, that this would be looked at, funding for organized caribou hunts where it showed periods of decline of caribou.

Motion To Amend Motion 11-66.

Mr. Speaker, today I have not got my witnesses or whatever so therefore I would like to move a motion that would enable us to go into committee of the whole to discuss this in January.

MR. SPEAKER: Mr. Whitford, I think I am going to have to think about that motion for a moment because I think you can quite properly move that it be discussed in committee of the whole but what worries me is when you say "in January". The effect of that is to put off the discussion of Mr. Lyall's motion at this session. I think I would have to take a moment to consider whether or not you can properly do that. In any case, while the Clerk and the Legal Advisor apply their minds to that we will go on to the next one and come back, I think. Mr. Lyall.

MR. LYALL: Mr. Speaker, my motion has not the intention to have witnesses before us about this. I just made the motion so that this Assembly could discuss it and recommend to the administration. I do not think we need any witnesses before this Assembly re this motion.

MR. SPEAKER: Well, Mr. Lyall, if I find Mr. Whitford's amendment to be in order then of course you could put that argument then. The thing I have got to consider now is whether or not I can properly accept that amendment. I think maybe what we will do, gentlemen, I was thinking of going on to other motions but if I do that then the discussion is interrupted. So I think if we recess for five minutes it would be more appropriate while we consider this point. The House stands recessed for five minutes.

---SHORT RECESS

MR. SPEAKER: Gentlemen, if the House would come to order, please.

On the point of order which I raised, that is, whether or not Mr. Whitford could move a motion that this motion of Mr. Lyall's be discussed at the next session, I would draw Members' attention to Rule 46 which says that "When a question is under debate, no other motion is to be received unless to amend the question, to postpone it to a day certain, to adjourn the debate or for the adjournment of the Assembly." Mr. Whitford's amendment, therefore, would be in order if he were to say that his amendment would indicate a day certain, such as the first, second, third or fourth day or whatever of the next session. In other words, if you indicate a particular day of the next session then in our opinion, I should not say "our", in my opinion the amendment would be in order. So, Mr. Whitford, if you would like to in your motion indicate a day certain in the next session then your amendment would be in order.

Amendment Reworded

MR. WHITFORD: Mr. Speaker, then I move that the amendment be that this matter be discussed on the third day of the January session at which time the chiefs will be able to be brought in, because of the airstrips and the ice...

MR. SPEAKER: Mr. Whitford, just a moment, just move your amendment and we will let you argue it in a moment. Is there a seconder for the amendment? Mr. Lafferty. On the amendment. Mr. Whitford.

MR. WHITFORD: Mr. Speaker, it is only because it is very difficult right now to bring the people concerned into the community of Yellowknife. The chief at Rae at the moment is very busy and tied up with other major problems and this is an awfully big concern to all of them and so this is why I am requesting this. I could quite well understand the urgency of Mr. Lyall, but I would hope that he would be considerate of this matter.

MR. SPEAKER: Further discussions of the amendment. Mr. Lyall.

MR. LYALL: Mr. Speaker, I would not recognize that this motion I made today -- I will not postpone it personally. When it comes to a vote, I will vote against the amendment. Mr. Speaker, as you know, the herd over in the Keewatin

is depleted so much now that even the native peoples are out so many caribou a year. Mr. Speaker, I think my intention of this motion, really I do not -- I am not really that against organized hunts if they are done properly but this kind of giveaway program has to stop. We are always giving away; not receiving anything, Mr. Speaker. I think that if the hunters and trappers were to do it, for instance and if they chartered airplanes to go out and the meat costs \$16 a pound when you bring it back, I think we should just go to the store and buy some steaks at \$5.25 a pound. If we are going to give away money like that then, Mr. Speaker, I would much rather go and buy beefsteak and give it to them at \$5.25 a pound instead, Mr. Speaker, of always giving, giving, giving and never receiving.

Opposition To The Amendment.

I think, Mr. Speaker, that hunters and trappers have done it very successfully. The big reason for the depletion of the caribou herd, as I say, is the fact that the government says it will give you money to organize this hunt and how many men do you need? They say they need ten so you are not going to get the best hunters, Mr. Speaker. You are going to get the trigger-happy ones. The hunters and trappers, Mr. Speaker, got one or two people to go out and gather as many as they could sell and they funded them themselves. Tuktoyaktuk, for instance, I know, Cambridge Bay for another one, the hunters and trappers formed their own organized hunts but they get two good hunters to do it and it does not cost that much more a pound. Maybe you could sell it for 70 cents or 80 cents a pound when you do it that way but when you start paying Twin Otters and helicopters and everything else to bring the meat out then we are giving away again and not receiving anything. So, this amendment to the motion, Mr. Speaker, I will not support it. I strongly urge that this Assembly get this over with so that we could help this government to preserve the animals and at the same time save some money for the rest of what we are trying to do in the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Gentlemen, before I call on any further speakers, I want to remind you that we are discussing the amendment to the motion and the amendment is whether you want to put the discussion of this motion over to the third sitting day of the next session. On the amendment then, Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, to the amendment, I supported this amendment in the delaying of this bill to contact people who are most greatly affected, other than the caribou. Mr. Speaker, I would like to find the opinions of those who are affected and who are only in the Mackenzie region and this area particularly are only sharing about half a caribou from an organized hunt. They too, in the legislation of the Northwest Territories do have a right under General Hunting Licences and there are as many aspects on the other side of the coin, Mr. Speaker, that I thought it is best, for those of us who are affected, if we discussed it and maybe have witnesses brought before us at the January session. That is my reason for supporting this amendment, Mr. Speaker. I urge my colleagues to give their concentrated thought because it is not affecting just the caribou herd, which unfortunately is concentrated in the High Arctic but nevertheless, they are migratory animals and we all have the right to utilize them provided that the responsibility is put upon us to do it. I think, Mr. Speaker, if certain segments of our northern society are not acting responsibly, then they should be cut off and not penalize the whole of the Northwest Territories because of the irresponsible actions of a few people. I would take this to the people and find out. I am forced in this instance to support the amendment that we delay it for further discussion later. Thank you, Mr. Speaker.

MR. SPEAKER: On the amendment. Mr. Stewart.

MR. STEWART: Mr. Speaker, I can not support the amendment. I believe that it is obvious enough that the position has not changed on behalf of the witnesses that Mr. Whitford would like to call and this information was provided to this body at our last session. So, bringing in witnesses to reiterate the same position in January I do not think does anything towards deciding the question. I am not saying that I would necessarily support the motion but I believe that the amendment is incorrect and that this is very serious as far as Mr. Lyall is concerned and he should have the opportunity to debate it at this session.

MR. SPEAKER: On the amendment. Hon. Arnold McCallum.

Discussion From Previous Session

HON. ARNOLD McCALLUM: Mr. Speaker, just to say that in our last session we talked about or we discussed two motions, one requesting or recommending that financial assistance for caribou or the organized hunts be more equitably distributed and that was done by the administration. The other, of course, was to discontinue funding all of the organized hunts in areas where the caribou population is on the decline. The motion and the amendment dealt with asking the administration, requesting the administration, to immediately discontinue it either at this session or at a later date and as far as I am concerned if that is the meaning or the feeling of the committee, that is fine. The administration could look into it again and we have prepared two papers, I think, maybe it was before Hon. Tom Butters took on the portfolio but on any kind of a motion to request the administration to do something and I can not very well vote for a motion to force me to do something.

MR. SPEAKER: Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, I recognize the sincerity of the mover of the motion and his very real concern as stated within his whereas clauses of the motion and in the words he addressed to us a few moments ago. I believe that if Members felt there was value in the amendment of Mr. Whitford that they could support that amendment at this time and really not change to any great extent the current situation with regard to the organized hunts. I believe that in the main most of the money has been -- not most of the money but a good portion of the money that is allocated for such hunts has already been spent and that while there may be some small assignments made between now and January, I think the bulk of the program has been carried out. So, I would suggest that if the House did feel that it would like to have the chiefs before us and especially those chiefs who depend annually on the organized hunts, then I think that this could be done without changing the current status of the program.

Consultation With Wildlife Service Suggested

There is just one other thing. I, as the Member responsible for the Department of Natural and Cultural Affairs recognize the concern voiced by Mr. Lyall with regard to the management of the program and the efficiency with which the program is carried on. I feel it would be advantageous to the debate and the discussion in the committee of the whole if Members of the wildlife service were present so they could describe to you the manner in which these hunts are carried out and they could answer questions relative to the cost per pound and the wastage which Members seem to feel is occurring or not occurring, whatever the case may be.

MR. SPEAKER: Further discussion to the amendment? Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, I fully recognize the seriousness with which the mover of the motion treats this question. In my own mind I would probably support him but we must at the same time recognize the importance of the organized hunts, especially to people in Mr. Whitford's constituency. An immediate discontinuance of organized hunts might mean a certain amount of economic hardship on these people and were we to discontinue these hunts I think that we would have to, at the same time, think of alternatives. We might want to phase them out over a period of time. It is my understanding from talking to various game officials that they are concerned with the wastage that goes on in conjunction with these hunts. They are rather concerned about the expense of them and they are looking at alternative methods of accomplishing the same ends maybe at less public expense.

I would like the opportunity of questioning the game department officials on what other proposals they think might be feasible. At the same time I would like to question them on some of the figures that they gave us when this matter was last up for discussion. I rather suspect that some of the figures they gave us just included the amount of money that came out of the Natural and Cultural Affairs vote for these programs but it is my understanding that considerable sums of money, public funds, came from other areas of the budget, so that the total amount spent was probably considerably higher than the figures which we had given to us so I would certainly like the opportunity of questioning the game department further on that.

For these reasons, Mr. Speaker, I feel advised to support the amendment, although really I do not see the necessity of putting it over until the next session. I think that it is something that we could quite easily and properly have dealt with at this session but as the motion is worded in such a way that would put it over to January, I would still support it, although if somebody were to move an amendment to the amendment that it be dealt with at this session I would prefer to support that.

MR. SPEAKER: Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, first I would want to declare myself that I seconded the former motion and I seconded it not because I want to support it. I seconded it because I want to discuss it. Myself, I know up in the High Arctic it is going to be rather difficult for us not to be supported by the government. There are three months of the year we can only hunt caribou by land and on the ice. Because of the ice movement and open waters we can not hunt more than that and I support the amendment at this time.

MR. SPEAKER: Further discussion of the amendment? Mr. Kilabuk.

MR. KILABUK: Mr. Speaker, I am quite undecided whether I should be supporting the motion but I am concerned about my constituents. They are hardly aware of this and they need the government aid for organized hunts. If we stop this without informing them first I do not think they will like that. If we discuss this in January I am more in favour of that because this would give us the time to discuss it with our people and I would fully support the amendment to the motion. I am in favour if caribou meat can be obtained all across the territories but in the Baffin region we can not get caribou meat, especially in some communities in Baffin. The only time they ever see caribou meat is when they see it from an airplane. If I could talk to my people I would have more to say to this motion in January. I am in favour if the caribou meat is distributed across the Northwest Territories but in Baffin we can not obtain it. Therefore, I can not support the motion but I fully support the idea of putting discussion of this matter over to the January session. Thank you.

Amendment To Motion 11-66, Carried

MR. SPEAKER: Further discussion on the amendment? Question. The amendment, gentlemen, and that is what we are voting on, which would be in effect the adjourned discussion of this motion now and to discuss it on the third day of the next sitting in January. Question being called. On the amendment to the motion. All in favour? Eight. Down. Contrary? Three. The amendment is carried.

---Carried

MR. LYALL: Mr. Speaker, on a point of privilege, I am beginning to believe what Mr. Amagoalik is saying about this Assembly -- very ineffective.

MR. SPEAKER: This motion, therefore, Mr. Remnant, can be put on the order paper for next session. Mr. Nickerson.

MR. NICKERSON: On a point of order, Mr. Speaker, is it not necessary to vote on the motion as amended?

MR. SPEAKER: No, because this motion precludes voting on it. It says that it is to be voted on and discussed at the next session. At least that is what I understand the amendment to say. Motion 12-66, Hon. Peter Ernerk.

Motion 12-66: Caribou Herds, Keewatin

HON. PETER ERNERK: Mr. Speaker:

WHEREAS there is a growing concern among the people of the Keewatin region over the caribou herd in Kaminuriak area of the Keewatin as a result of the caribou studies by the wildlife service;

AND WHEREAS a meeting of Indians from Manitoba and Inuit from the Keewatin region of the Northwest Territories was held during the week of October 11th to 13th in Thompson, Manitoba;

NOW THEREFORE, I move that this House resolve itself into committee of the whole at a time to be set by the Speaker to discuss that Kaminuriak herd and other herds in the Northwest Territories.

MR. SPEAKER: Is there a seconder? Mr. Lafferty. Was there a point of order? Mr. Lyall, is that what you wanted to speak on?

MR. LYALL: No. Mr. Speaker, I would like to make an amendment to the motion.

MR. SPEAKER: Well, you will just have to wait a moment. It is moved by Hon. Peter Ernerk, seconded by Mr. Lafferty. Now, you have the right to speak first, Hon. Peter Ernerk, but you may not wish to now that you know he

wants to move an amendment. That is entirely up to you.

HON. PETER ERNERK: Mr. Speaker, I have the right to speak, do I not?

MR. SPEAKER: Yes, you do. Speak then.

HON. PETER ERNERK: Thank you, Mr. Speaker. It seems to me there is war in Viet Nam and it seems to me there is war in the Middle East and nobody is living in peace these days. We can not even give the old caribou some peace to live in the Northwest Territories. Why I brought this before this Assembly, Mr. Speaker, is that my constituents in the Keewatin region have been getting very concerned over the caribou herds, especially in the Kaminuriak area, as a result of the studies that were done and completed by the Department of Natural and Cultural Affairs. As you know some months ago, not some months ago but some weeks ago, in Rankin Inlet during the economic development conference they made a resolution to cancel or to delay the meeting that took place in Thompson, Manitoba from the 11th to the 13th of October, so that they could be part of the plan to conduct studies, to take part in terms of the studies and everything else. So I think it would be appropriate for this Assembly to discuss that herd with some officials from Hon. Tom Butters' department to answer some questions, to give us some idea as to how much they have been declining, as to how much that herd in that area has been declining within the past three or four years. While we are at it we might wish to discuss some other areas, some other herds in the Northwest Territories.

MR. SPEAKER: Mr. Lyall.

Amendment To Motion 12-66

MR. LYALL: Mr. Speaker, this Motion 12-66 I think is very strongly related to Motion 11-66. I think for me to emphasize the strongness of my motion which is going to be discussed in January, I think I would like to make an amendment to this motion that this committee move into committee of the whole to discuss this on the third day of the sitting of this Assembly before discussing Motion 11-66. Mr. Speaker, I make this amendment because I think the seriousness of this would reflect very strongly to Motion 11-66.

MR. SPEAKER: So that there is no mistake, Mr. Lyall, I take it your amendment simply put is that this Motion 12-66 be discussed on the third day of the next session of this House just prior to the discussion of Motion 11-66, is that correct?

MR. LYALL: You confuse me now, Mr. Speaker. You are using those kinds of words that I am not quite sure if it is ahead or behind.

MR. SPEAKER: As I understood your discussion you said at the time you moved your amendment, you wanted Motion 12-66 discussed after Motion 11-66 but on the same day of the next session.

MR. LYALL: Mr. Speaker, no, I said I want this discussed first before discussing Motion 11-66 because, like I say, it will reflect very strongly to the motion that is going to be discussed right after, Mr. Speaker.

MR. SPEAKER: Thank you. Then the amendment is that Motion 12-66 be discussed first and by that I mean prior to Motion 11-66 at the next session, that is the third day of same; is that it?

MR. LYALL: Yes, Mr. Speaker.

MR. SPEAKER: Now that we know what the problem is, is there a seconder for Mr. Lyall's amendment? Mr. Whitford. Discussion on the amendment. Mr. Lyall.

MR. LYALL: Mr. Speaker, I think the amendment that I made and the argument that I already gave as to why I wanted to discuss it before we discussed Motion 11-66, I think, Mr. Speaker, really speaks for itself and I would like the support of this House for that motion to go through.

MR. SPEAKER: What you mean is I let you argue the amendment before I got a seconder.

---Laughter

Is there any further discussion about the amendment? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, to the amendment, I do not think that I would support the amendment for the following reasons, Mr. Speaker: I see a lot of very worthwhile things, I guess I could say the meat of this Motion 12-66 is the fact that it would initiate the kind of activity that may result in the community -- here we are faced, Mr. Speaker, with the studies that have been carried out on the caribou herd that we are concerned with and secondly, there was the meeting between the Indian and Eskimo people and we would like to see the transactions that have taken place here. What did they communicate to each other? What were their concerns? I would like to see this information brought before the House in committee of the whole so that we have something to bring back to our people on which they can act. Mr. Speaker, I think it is very important that Motion 12-66 be introduced and the amendment defeated for these reasons, Mr. Speaker.

MR. SPEAKER: Further discussion of the amendment? Hon. Peter Ernerk.

Importance Of Discussing Motion Now

HON. PETER ERNERK: Mr. Speaker, I would just indicate to this House that I will not support the amendment simply because I think if we could discuss this herd, this caribou herd in the Keewatin region and other herds in the Northwest Territories we might ask for some information from Hon. Tom Butters' department who could provide us with how many caribou there are now and how many caribou there were a year ago and two years ago and what difficulties have been encountered by the people of the Keewatin. I previously had an idea of what the difficulties were over there. I think it would be worth while to discuss this during the session and then during the session when we get the information from the officials of the wildlife service we could have a much better idea as to what we might want to discuss on the third sitting day of January.

MR. SPEAKER: Further discussion on the amendment? Mr. Nickerson.

MR. NICKERSON: I wonder if the Honourable Member for the Central Arctic would like to repeat what he is saying about Mr. John Amagoalik.

Motion To Amend Motion 12-66, Carried.

MR. SPEAKER: Any further discussion on the amendment? Does anybody need me to repeat the amendment? I will not attempt to if I am not asked to. On the amendment. The question being called. All in favour? Four. Contrary? Four.

MR. LYALL: Mr. Speaker, I just noticed that the seconder of my motion voted against it. Now I would repeat what I just said about Mr. Amagoalik.

MR. SPEAKER: There is no discussion permitted, gentlemen. We are still in the middle of a vote. It is four to four and I have got to vote yet and I am trying to decide. The Speaker votes in favour of the amendment.

---Carried

Motion 13-66. Mr. Pudluk.

Motion 13-66: Polar Bear Scaring Device.

MR. PUDLUK: Mr. Speaker, Motion 13-66:

WHEREAS the polar bear population in the Northwest Territories is increasing;

AND WHEREAS polar bears are becoming much bolder and are destroying food caches;

AND WHEREAS oil operators in the Arctic have equipped their camps with bear scaring devices;

NOW THEREFORE, I move that the administration consider providing such devices to the hunters' and trappers' association in those settlements where there is a need for them.

MR. SPEAKER: Is there a seconder? Mr. Evaluarjuk. On the motion, Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I will tell a brief story. Just this past fall it had become obvious that we noted the food caches have been disturbed by the polar bears and just this fall there was an indication where I had seen a polar bear eating out of a cache and I tried to frighten the polar bear with a skidoo but it was even impossible to scare the polar bear away from the food cache. Actually the person who was trying to scare the polar bear had to run away from the polar bear. At that time he can not shoot the polar bear because at that time the polar bear tags have not arrived in the community yet. If he had shot the polar bear he would end up going to court. Because of the incident, I would like to see that the scaring devices be available, not for sale but being looked after by the fish and wildlife service. In the fall, that is when the polar bear start getting closer to the communities. This polar bear is only about a mile from our community. For this very reason, I would like to see -- it does not necessarily have to be all of the communities and I would like to see the polar bears tagged. Thank you very much.

MR. SPEAKER: Mr. Lyall.

Scaring Devices Should Be Provided By Individual

MR. LYALL: Mr. Speaker, I will not support this motion because I guess I am one of the people in this House who always is trying to cut the budget down, and it is not really necessary. I think that if this administration is going to start providing such devices to all hunters' and trappers' associations that is going to be quite a big amount of money but the thing is that each hunter would need it. Each hunter and trapper would need that device. I think that people are willing to buy their own rifles, or are they going to be asking government to supply the rifles pretty soon? I think the scaring devices, if you are really concerned about your life and your property, you would get that scaring device for yourself. But, Mr. Speaker, I also feel very strongly that when this new Wildlife Ordinance comes out -- and I am not quite certain but I think that under clause 5 and also in clause 40 -- people who shoot such nuisance bears as the ones who get into caches and stuff will be protected in this new ordinance for that. I think that personally, as I say, I am not going to support this because if I personally wanted to get a scaring device if I was a hunter, I would get it myself. This giveaway program, like I said before, by this administration, I do not believe in, although I believe that the people who really do need help should get help from the government and they do through welfare. I do not think a hunter if he is going to call himself a hunter should be getting that kind of assistance from the government all the time.

I think just to let this Assembly know, there are a lot of good polar bear scaring devices or whatever kind of scaring device you like; there are known cases of hunters who tie a piece of meat to their sleeping bag in case the bear comes around at night -- they almost generally go for the smelly meat -- anyway, another good scaring device is to tie a piece of meat to your Primus stove. The trouble is sometimes you do not hear the Primus stove bounding out of your door, it does not wake you up and then you have a problem in the morning, you have to go and find the Primus stove.

MR. SPEAKER: Mr. Evaluarjuk.

Scaring Devices Are Protection For People

MR. EVALUARJUK: Mr. Speaker, I was seconder for the motion and also the two English Members, we are perfectly aware of what is required. I personally believe, that it would be necessary to have a scaring device. There are incidents in my community where some hunters have been attacked, a woman and a man and a little child, probably six or seven in which they had a polar bear who came into their outpost camp and the husband was away. In such communities it is necessary to have scaring devices. The polar bears are being looked after by the wildlife service and I am sure if polar bears are being looked after by wildlife, I think that they should see that safety precautions are given to the people in some cases where you have to be careful, especially in the spring and summer. They will not be able to get any money for the polar bear skin: You just have to hand it to the government. In other different seasons they would be able to sell the polar bear. In fact I support the motion asking for a scaring device.

MR. SPEAKER: Just a moment, Mr. Lyall.

MR. LYALL: On a point of privilege. As chairman of the legislation committee I strongly urge the people here to read that new Wildlife Ordinance because you have protection under the new Wildlife Ordinance under clauses 5 and 40 of the ordinance.

MR. SPEAKER: How was that a point of privilege, Mr. Lyall?

MR. LYALL: I do not know, Mr. Speaker, but I got it in.

MR. SPEAKER: That is what you call a rebuttal. On the motion. Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, before I could make up my mind on this motion there are several things I would like to know. First of all, what is a polar bear scaring device? Secondly, how much do they cost? Thirdly, is it the intention of the motion that these devices be provided free of charge or is it just that the government facilitate the acquiring of such devices by hunters' and trappers' associations or other people through normal commercial channels?

MR. SPEAKER: Further discussion. Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, just to point out that the motion as it is worded requires only that the administration consider providing such devices. Many motions have been made in that order and the administration is always happy to consider suggestions of Members and report back to them at another sitting. So I would say the motion can be accepted by all Members.

MR. SPEAKER: Further discussion? Do you wish to wind up the debate then, Mr. Pudluk? You may have the last word if you wish. On a formal motion the mover gets to speak first and then they can speak last. As there appears to be no further discussion from other members you are allowed to speak last.

MR. PUDLUK: I am for the motion, I have nothing else to say.

Motion 13-66, Carried

MR. SPEAKER: In that case, for the motion. All in favour? Eight. Contrary? One. The motion is carried.

---Carried

MR. LYALL: Could that be recorded, Mr. Speaker?

MR. SPEAKER: You have to ask for a recorded vote prior to the question being called, Mr. Lyall, not after.

MR. LYALL: Mr. Speaker, I am sorry, but I hope mine goes down on the record. I hope it is now.

MR. SPEAKER: For the record Mr. Lyall's vote is in the contrary. Motion 15-66, Mr. Evaluarjuk.

Motion 15-66: Invitation To Nordair Officials

MR. EVALUARJUK: Mr. Speaker:

WHEREAS Nordair Limited of Montreal is the carrier providing freight and passenger service on the main air routes in the Eastern Arctic;

AND WHEREAS the rates charged by this company appear to be extremely high;

NOW THEREFORE, I move that this Assembly invite senior executives of Nordair Limited to appear before it during the January, 1979 session to discuss the operations of that company with a view to obtaining fare reductions.

MR. SPEAKER: Is there a seconder to that? Discussion?

MR. EVALUARJUK: Mr. Speaker, is Nordair going to be handled by Air Canada now and also will it be Air Canada to take over the northern flights? As far as we know they are just going to increase the air fare even though they are being handled by Air Canada and the Assembly has tried to advise them to decrease the air fare but this never happens and also the rates are really high. Therefore I would like to speak to an official. I would like to bring up the problem in the Baffin region and try and rectify the problem, if we could speak to an official along with the territorial Assembly. If the government is the only one trying to negotiate with Nordair then we probably would not hear any results and also they would not rectify the problem. So therefore I would like to be directly dealing with Nordair. I remember one time Nordair came here and they were asking for support when they were trying to get routes and also they said they would rectify the problem but we did not get our wish and also they just increased their air fare without any more discussion. They are the only transportation from southern points to northern parts so in that case I would like to have a consultation with the officials from either Air Canada or Nordair.

MR. SPEAKER: Mr. Lyall.

Amendment To Motion 15-66

MR. LYALL: Mr. Speaker, I would like to make a slight amendment to this motion. Have we not heard on the radio there is another airline that operates in the Central Arctic and in the Mackenzie Valley and that is the Northward airline? They announced this morning they had increased their rates by five per cent. I just would like to make a slight amendment to that motion: whereas Nordair Limited of Montreal and Northward Airlines Limited of Edmonton are the carriers providing freight and passenger service on the main air routes in the Eastern, Central and Western Arctic. Then the rest, just keep it the same way, down to the now therefore, I move that this Assembly invite senior executives of Nordair Limited and Northward Airlines Limited to appear before it, keeping the rest the same.

MR. SPEAKER: Is there a seconder for that amendment? Mr. Kilabuk. The amendment as I see it would then cause the motion to read: whereas Nordair Limited of Montreal and Northward Airlines Limited are the carriers providing freight and passenger service on the main air routes in the Eastern, Central and Western Arctic. The next "whereas" clause stays the same except it should be, "these companies" appear to be extremely high; "now therefore, I move that this Assembly invite senior executives of Nordair Limited and Northward Airlines Limited to appear..." etc. Well, you would have to go further than that, Mr. Lyall; "to discuss the operations of their companies with a view to obtaining fare reductions."

Amendment To Motion 15-66, Carried

Now, there is a seconder. On the amendment is there any discussion? Question being called. All in favour? Down. Carried.

---Carried

On the motion as amended, is there any discussion? Mr. Nickerson.

MR. NICKERSON: I agree with the motion, Mr. Speaker, and will vote for it. There is a suggestion that I have addressed to the administration. It is that when we sit down with these people should they consent to come and talk to us it would be very useful if we could have one or two pieces of paper before us showing the route structure and maybe making comparisons in costs, costs per ton mile or costs per passenger mile over the various routes and information which gives the Members of the Legislature who are not resident in the areas in which Nordair and Northward operates some idea of what the problems are and some factual information. Otherwise, we find ourselves in the position where we are saying that the rates are too high and they say: "No, they are not too high and if anything they are too low" but you have not got anything to factually compare it with. Perhaps the administration could look into this and have something ready for us in January.

Motion 15-66, Carried As Amended_

MR. SPEAKER: Further discussion? Now, this is the motion as amended. All in favour? Contrary? The motion is carried.

---Carried

Gentlemen, we will recess for 15 minutes for coffee.

---SHORT RECESS

MR. SPEAKER: Gentlemen, the Chair recognizes a quorum.

Item 10, tabling of documents. Hon. Arnold McCallum.

ITEM NO. 10: TABLING OF DOCUMENTS

HON. ARNOLD McCALLUM: Mr. Speaker...

MR. SPEAKER: Just a moment, Hon. Arnold McCallum. Do you think, Mr. Sproule, do you think we could ask you to find the interpreters, please, the booth is empty. We will try it again. I see we have an interpreter.

Item 10, tabling of documents.

HON. ARNOLD McCALLUM: Mr. Speaker, I wish to table the following document:

Tabled Document 15-66, A Brief Presented by the Joint Committee of the House of Commons and the Senate on the Constitutional Amendment Bill by the Legislative Assembly of the Northwest Territories. The Honourable Arnold J. McCallum, August 22, 1978.

MR. SPEAKER: Thank you, Hon. Arnold McCallum. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I would like to table this document:

Tabled Document 16-66, Resolutions, Economic Development Conference, Rankin Inlet.

MR. SPEAKER: Further tabled documents, gentlemen?

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

Item 12, first reading of bills.

Item 13, second reading of bills. Hon. Tom Butters.

ITEM NO. 13: SECOND READING OF BILLS

Second Reading Of Bill 12-66: Financial Agreement Ordinance, 1978

HON. TOM BUTTERS: Mr. Speaker, I move that Bill 12-66, An Ordinance to Amend the Financial Agreement Ordinance, 1978, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the legislation passed in February, 1978, providing for an agreement with the federal government by reducing the operating and capital grants for the fiscal year 1978-79.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Discussion? The question being called. All in favour? Contrary? Second reading is carried.

---Carried

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

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

I understand, Hon. Peter Ernerk, that you wish to discuss the Report of the Electoral District Boundaries Commission.

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

MR. SPEAKER: This House will resolve into committee of the whole to discuss the Report of the Electoral District Boundaries Commission, with Mr. Fraser in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of the Report of the Electoral District Boundaries Commission, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER THE REPORT OF THE ELECTORAL DISTRICT BOUNDARIES COMMISSION

THE CHAIRMAN (Mr. Fraser): I call the House to order to discuss Tabled Document 5-66, tabled the 16th of October, 1978, Report of the Electoral District Boundaries Commission of the Northwest Territories. Comments of a general nature? Has everybody got their copies? Is there any particular way that the House wants to deal with this particular document? Shall we just call for comments of a general nature and go through the document?

---Agreed

Mr. Lyall.

MR. LYALL: Yes, Mr. Chairman, being on the committee of the Electoral District Boundaries Commission which was chaired by Hon. Tom Butters, I look at this report and it is very well done. Our committee recommended to the commission on 21 boundaries but Mr. Justice Tallis went to the communities where he was invited to go and he came out with one more which I guess we never realized before. I personally have high regard for Judge Tallis, so I personally am in agreement with the 22 districts that he recommends to this committee. Mr. Chairman, personally being a part of the dividing up of the 21 districts which we first recommended, I think looking at it maybe we did not see there was a need for another one which was over in the Eastern Arctic I believe, which made it the constituency of Sanikiluaq which is the 22nd constituency. Ending on that note, Mr. Chairman, I will give other people a chance to speak on this very important matter before us.

THE CHAIRMAN (Mr. Fraser): Thank you very much, Mr. Lyall. Comments from Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I would simply like to say to the Assembly this differs from a great number of other jurisdictions or most other jurisdictions in this country in that we have set up an Electoral District Boundaries Commission whereas in most jurisdictions an increase in the number of constituencies in a particular jurisdiction usually comes about because of an internal committee of a particular legislature. An instance in point of fact just recently, of course, has been within Nova Scotia where the legislature there set up a committee composed of representatives from various parties within that legislature and determined by themselves after holding regional meetings throughout the province to increase the size of its legislature by, I think it was, six seats.

Consultations With The People

We took the advice that was given to us about setting up an Electoral District Boundaries Commission to go against any kind of gerrymandering on our part and I think it is very noteworthy to note that although this Assembly's committee recommended 21, the Tallis commission, in their

consultations and discussions around the North, brought forth an increased number to 22. I think as has been noted previously in the remarks of Hon. C.M. Drury on Friday that this government and this House does consult with people. We have had consultations on many different things and I think that is one of the unique things about it. I do not think and again, in my opinion, I do not think there is another government that takes into consideration the views of various peoples within its jurisdiction in the manner in which this government does.

I would as did Mr. Lyall, indicate my acceptance of this because I think this is the key to what this particular House has done during its lifetime, that is, to get an increase in representation for the people of the Northwest Territories in this Assembly. I think it goes beyond that and that there is an issue even more at stake, that we should have the right to determine, we, of the North, should have the right to determine what would be best for northerners and not have the decision made in the South. Nevertheless, I think this is the one thing or one great step forward by this particular House to increase the representation for peoples of the Northwest Territories. I think and the reasons or the rationale for the recommendations of the Tallis commission, have as Mr. Justice Tallis has indicated, been guided by the section 13 of the Electoral District Boundaries Commission Ordinance which provides that they will take into consideration many different factors, geographic, demographic, community diversity of interests, communications and any other and all relevant factors and I think that they have been able to apply these particular considerations in coming up with the recommendation to increase the numbers of this House.

Motion To Accept Tabled Document 5-66

I know that there may be others who will speak on it, towards this, but, Mr. Chairman, I would like to move that this committee accepts the Tallis commission report to increase the number of constituencies for the Legislative Assembly of the Northwest Territories to a number of 22.

MR. LYALL: Mr. Chairman, I would like to second...

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. I do not think we need a seconder for a motion in committee of the whole, Mr. Lyall. Discussion on the motion. We have a motion on the floor that we accept this report or Tabled Document 5-66 as presented. To the motion. Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Chairman, I recommend that this committee -- I believe we suggested that we were to be consulted to see if we were in favour of those boundaries that were recommended or not. I understood the ideas I had were endorsed by Igloolik and Repulse Bay. If this can not be changed at the present time the Igloolik people would like to have one representative and also Cape Dorset and Lake Harbour would like to be one district. Frobisher Bay, I think Frobisher Bay wants to be one district if there is no other alternative. It might not be worth while to mention it, the Igloolik and Repulse Bay district. There are communications between Igloolik and Repulse Bay at present. Repulse Bay and Igloolik have a similar dialect and they would like to have more conversation with each other. They would like to have this one district if this can be changed, Cape Dorset and Lake Harbour to be one district as they wish and Igloolik and Repulse Bay, they still want to be in the same district and have the same representative. I am in favour of the rest of what is stated but in my constituency I am speaking on behalf of my constituents' wishes. Thank you.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Evaluarjuk. Any other comments on the motion? Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, just by way of explanation. Mr. Evaluarjuk, if I heard him correctly, spoke in favour of Cape Dorset and Lake Harbour being in one constituency. I would hope that Members realize that that is in fact what is recommended here. It is recommended by Mr. Justice Tallis to be one constituency. The other point which he raised would have put Igloolik and Repulse Bay together and it would seem that that is the one difference in opinion to what he has expressed, that the commission has recommended that there is a community of interest between Pond Inlet, Igloolik and Hall Beach, bearing in mind that they were trying to find a reasonable population allocation if at all possible.

Motion To Accept Tabled Document 5-66, Carried

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Any further comments on the motion? The question being called. The motion reads that we accept this tabled document. I move that this committee accept the report of the Electoral District Boundaries Commission. Question is being called. All in favour? Contrary? The motion is carried.

---Carried

Comments of a general nature. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, my comment is not really in the form of a comment but mostly a question. We have 22 constituencies. The suggestion that I might wish to make to the committee is about the names of each constituency. I am not about to think about renaming each constituency but would it be appropriate to think about naming, for instance, Keewatin North, Keewatin South some other names? It goes back to some comments that were made by some people years ago that we have here today in the Assembly nine native people and when we first started talking about setting up these constituencies we thought to ourselves at that time that we wanted to see more native people in the territorial Assembly and yet we failed to suggest names of each constituency that are historical, perhaps, for the Eastern Arctic or other parts of the Northwest Territories. I am not sure how to go about this. If we are responsible for naming each constituency perhaps we should set up some kind of a committee who would suggest to us some names that we might wish to think about. I just sort of open that for discussion at this time, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Peter Ernerk. I think the only way you could change that now once the bill is accepted is when it comes up again and we have the discussion to change the names but I think as far as the Chair is concerned the motion was passed to accept this unanimously and I can not see any more debate but to report progress. Mr. Stewart.

Motion To Send Letter Of Appreciation To Mr. Justice Tallis And Committee

MR. STEWART: Mr. Chairman, I would like to make a motion that a proper letter of appreciation be written to Mr. Justice Tallis and his committee for the manner in which they have prepared and presented this report.

THE CHAIRMAN (Mr. Fraser): Anybody opposed to that? To that motion? Mr. Lyall.

MR. LYALL: I move we report progress, Mr. Chairman.

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

MR. WHITFORD: Mr. Chairman, I am totally in agreement with this other than on district 11 where they state the areas it says like Rae Lakes, Lac la Martre...

THE CHAIRMAN (Mr. Fraser): Mr. Whitford, we have a motion on the floor.

MR. WHITFORD: I thought we had agreed on that.

Motion To Send Letter Of Appreciation To Mr. Justice Tallis And Committee,
Carried

THE CHAIRMAN (Mr. Fraser): We have a motion on the floor, that a letter of appreciation be sent to Mr. Justice Tallis and his committee. Any discussion on the motion? Question being called. All in favour? The motion is carried.

---Carried

MR. LYALL: I move that we report progress.

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

MR. WHITFORD: Mr. Chairman, I just wanted to refer to comments of a general nature.

THE CHAIRMAN (Mr. Fraser): You will have to get unanimous consent to go back to that, Mr. Whitford. Any further discussion you would have to discuss it when the bill comes up again because it has been accepted.

MR. WHITFORD: Mr. Chairman, I was under the impression at the time of the vote that we were voting on this as to what Mr. Justice Tallis had done, but also the letter of appreciation but I thought also that we would be able to continue the discussion.

THE CHAIRMAN (Mr. Fraser): The motion was approved, Mr. Whitford. You voted on it and you had a chance to discuss it. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I did not have a point but as far as I am concerned in making the motion I wanted to accept it. I thought there would have been more discussion on it in terms of it. I am not opposed to Mr. Whitford raising the point. There may be others who are but I certainly am not.

THE CHAIRMAN (Mr. Fraser): Is it agreed then by the committee that we discuss this report, Tabled Document 5-66? Is it agreed?

---Agreed

MR. LYALL: Mr. Chairman, I personally believe the motion Hon. Arnold McCallum made that we accept this means that there is no further discussion. I think you should report progress at this time.

THE CHAIRMAN (Mr. Fraser): That was the feeling I had. What is the wish of the committee? Shall we report progress?

HON. ARNOLD McCALLUM: Mr. Chairman, I would just say that the way we got into the problem was the motion was carried but I think my colleague, Hon. Peter Ernerk, did speak after the motion was passed. I do not want to put you in a difficult position or delay things, but Hon. Peter Ernerk did speak after the motion was passed as well on general comments.

HON. PETER ERNERK: Mr. Chairman, you asked for any further general comments at that time. That is why I spoke.

THE CHAIRMAN (Mr. Fraser): Okay, maybe it was my fault. Comments of a general nature. Go ahead and bust yourselves.

Naming Electoral District Number 11

MR. WHITFORD: Thank you, Mr. Chairman. The only concern that I have got, Mr. Chairman, is that on the electoral district number 11 where it says "Rae Lakes Lac la Martre." I am sort of in support of what Hon. Peter Ernerk has just said, but if they would just drop "Rae Lakes" and leave it "Rae Lac la Martre" because Rae Lakes is the largest community. The others are just satellites to it. I would appreciate that very much.

THE CHAIRMAN (Mr. Fraser): Thank you very much, Mr. Whitford. Any further comments? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Just to one question. I raised the question earlier before we had this consultation with the commission itself, in this case the commission's secretary. I wondered about the name of that particular constituency and I was told then that the names of the constituencies reflect, usually reflect areas rather than names of particular communities within that area. That was the response and I only offer that to Mr. Whitford as being the response I received from the commission's secretary as to the rationale behind it.

The constituencies deal with areas rather than the particular communities within them. I understand Mr. Whitford is not saying that it should be simply Rae-Edzo but Rae Lac la Martre rather than Rae Lakes. I think that was the comment that was given to me because I asked specifically about that particular constituency, why it was called Rae Lakes Lac la Martre and I thought it would have been called similarly to, in the past we had a Slave River, we had I think Great Slave Lake, Slave Lake East or something and that was the comment that was made so I only offer that as a comment that I received upon asking the same question.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. Any further comments? Mr. Whitford.

MR. WHITFORD: Yes, am I led to believe then that Hon. Arnold McCallum will be able to change it and just leave it as Rae and just delete "Lakes"?

HON. ARNOLD McCALLUM: Mr. Chairman, I will not be able to do anything about it. I am not in the position to do anything about it. The report that I made the motion on and I made it on the comment that I had received at that time and I asked that we move that we accept the report, that obviously included the names as well.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Arnold McCallum. I think this document, we can make any changes when it comes up again, when the bill is presented, Mr. Whitford. I think maybe we can change it then. Deputy Commissioner Parker, did you want to talk?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, only to say that I understand the explanation that Hon. Arnold McCallum has given, that ordinarily the desire would be to use a name for a constituency that indeed describes the area. Clearly the problem that is presented in this particular one is that Rae Lakes is both the name of a major lake chain in the constituency and it is also the name of a place. I would tend to agree with Mr. Whitford that it is a bit misleading to use the term "Rae Lakes" since it refers to both of those things and you have larger settlements within the constituency. Members might consider the possibility of calling it "Lac la Martre Snare River" or something like that, that the major topographic feature of that constituency really is the Snare River and it is the one thing that flows all through it, together with a very major lake which is Lac la Martre. Perhaps as you yourself have suggested, some thought could be given to that particular name which does not change Mr. Justice Tallis' report substantially and an amendment made when the actual bill is brought forward.

THE CHAIRMAN (Mr. Fraser): Thank you, Deputy Commissioner Parker. Hon. David Searle.

HON. DAVID SEARLE: Well, I think we are past the comment that I was going to make, Mr. Chairman, which simply was that I would see nothing wrong in accepting the motion that Hon. Arnold McCallum made which essentially says that we accept the report, accept the recommendations and principle of 22 seats in these boundaries but surely when it comes to names we can go on and make further motions with respect to particular names. I mean that is not even a substantial change to a report. It does not change the boundaries any but it does at this point give essential guidance to the legislative drafting people and the printers whose job I assume will be made a lot easier if they knew now what names we wanted to call them, if there are any to be changed. I certainly agree with Mr. Whitford that to call that Rae Lakes Lac la Martre would almost be insulting the people of Rae-Edzo by leaving them out when they must be 80 per cent of the population in the riding. I would think that Rae Lac la Martre might be a better name for it because Rae Lakes is really a satellite of Rae, or at least that is how it is referred to. So, if Mr. Whitford wanted to make a motion suggesting a change in name only for constituency number 11, I would think this would be a good time for it.

SOME HON. MEMBERS: Agreed.

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

Motion To Name Electoral District Number 11 Rae Lac La Martre

MR. WHITFORD: Thank you very much, Mr. Chairman. Then I make the motion that constituency number 11 read "Rae Lac la Martre" constituency.

THE CHAIRMAN (Mr. Fraser): That would be excluding Rae Lakes?

MR. WHITFORD: That is right, because Rae Lakes is just a small satellite of it. Rae is the normal headquarters but it is just a name, Mr. Chairman.

THE CHAIRMAN (Mr. Fraser): Just one moment while we get that motion down, Mr. Whitford. We have a motion on the floor by Mr. Whitford: "I move that the the name of constituency number 11 read Rae Lac la Martre constituency." Is that your motion, Mr. Whitford?

Motion Carried

To the motion. The question being called. All in favour? Opposed? The motion is carried.

---Carried

Any further comments? Is it your wish then that we report progress?

---Agreed

MR. SPEAKER: Mr. Fraser.

Report Of The Committee Of The Whole Of The Report Of The Electoral District Boundaries Commission

MR. FRASER: Mr. Speaker, your committee has concluded consideration of the Report of the Electoral District Boundaries Commission and the following motions were adopted: One, "I move that this committee accept the Report of the Electoral District Boundaries Commission." Two, "I move that a letter of appreciation be sent to Mr. Justice Tallis and his commission for the way in which he prepared this report." Three, "I move that the name of constituency number 11 read Rae Lac la Martre constituency."

MR. SPEAKER: Thank you very much, Mr. Fraser. Bill 3-66, is that the one you wish to discuss now, Hon. Peter Ernerk?

HON. PETER ERNERK: Yes, Mr. Speaker.

MR. SPEAKER: This House will resolve into committee of the whole for continued discussion of Bill 3-66, Wildlife Ordinance, 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): This committee will come to order to continue the study of Bill 3-66. Is it your wish that we call the witnesses, Mr. Land, Mr. Steen, Mr. Simmons and Mr. Singer?

---Agreed

Will the witnesses please attend the table? While the witnesses are coming in, gentlemen, we have a choice today of continuing with the study clause by clause or picking up this copy which we have just received today of the amendments that you asked for and go back and pick these up, so if there are any other changes you might be able to advise the administration so that they could make any other changes that you may wish. Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Chairman, as you rightly described, the booklets have been presented to Members to show the wording that has been developed for those sections that were stood down in earlier discussions. Our intention would be that Members could study these and then deal with them when we have got through the bill. The intent here was just so that Members could see them and if the suggestions were not to their liking that we would look to make further changes. We will try and keep any other amendments that have been stood down or will be stood down in these books so Members know what suggestions we are putting forward to correct what they feel is an improper wording as is found in the draft.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Minister. I understand that the administration prefers that we go back.

HON. TOM BUTTERS: Yes.

THE CHAIRMAN (Mr. Stewart): According to my records, we are on page 17 of Bill 3-66 dealing with clause 19, licence to institutions. Hon. Tom Butters.

HON. TOM BUTTERS: I believe, sir, there was a question asked by the Member from Yellowknife North as to whether this section might apply to an individual and the answer I believe is yes, where the individual is responsible for a course or an institution or a school which is providing such a course as is indicated in the clause.

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

MR. NICKERSON: What I was trying to get at, Mr. Chairman, was the possibility of, say, that the Honourable Member Mr. Evaluarjuk wanted to maybe as a part of the tourist operation give instruction to somebody in polar bear hunting, surely the legislation which we pass should allow him to do that. As is presently written, it probably would not and I just looked through the proposed amendments in the violet binder and it appears that that still might not allow him to engage in such activity. I wonder if you could advise me first of all, whether it is the intent of the Government of the Northwest Territories to disallow Mr. Evaluarjuk or anyone else from giving instruction in hunting techniques for money or money's worth.

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

Conducting Courses In Hunting And Trapping

MR. LAND: Mr. Chairman, speaking to the intent, it is to allow individuals to conduct courses for hunting and trapping. We hope that the amendments that are in the book will cover that, allowing a permit to be issued to a person who would operate a school. That is our intent, to allow such activities to go on.

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

MR. NICKERSON: By that, Mr. Chairman, I imagine we can leave that until such time as we do deal with the proposed amendments in the violet folder and maybe by that time I will ask the Legal Advisor again as to whether that would be allowed under the proposed amendment.

THE CHAIRMAN (Mr. Stewart): Thank you. I should have noted that in my book. Actually clause 19 had been set aside for amendments so we will turn our attention now to page 18, to clause 20, wildlife management units.
Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, I was going to ask a legal question with regard to clause 19 where it says "The Commissioner may..." May I?

THE CHAIRMAN (Mr. Stewart): Proceed.

HON. PETER ERNERK: Thank you. There was a discussion the other day about an Executive Member as well as the Commissioner and the Commissioner's role and the Executive Members' role. We go back to the Education Ordinance where an Executive Member has a certain amount of responsibility in the Education Ordinance. In this particular ordinance, is there anyone, I mean the Legal Advisor, looking into the duties of an Executive Member responsible for the Wildlife Ordinance where his name at some point in the future before we pass this particular ordinance may appear?

THE CHAIRMAN (Mr. Stewart): I wonder, Mr. Land, could you advise us whether or not you are taking this into consideration?

MR. LAND: Mr. Chairman, the answer is no, we have not considered these questions.

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

Proposal To Include Executive Member In Definitions And Appropriate Places.

HON. PETER ERNERK: Mr. Chairman, then I would request that appropriate authorities look into putting, first of all, into the definitions "the Executive Member" and then as we go along where we might fix the words "Executive Member". You know, we have just approved about 22 new boundaries, electoral boundaries and we are continually asking for additional responsibilities and I think it appropriate at this point to think about placing additional Executive Members and their responsibilities.

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

MR. NICKERSON: I think most of us would tend to agree with Hon. Peter Ernerk. I would like to point out that since he is a Member of the Executive Committee he is probably a Member of the appropriate authority to which that question should be addressed. I certainly would have hoped that the legislation as posed before us would incorporate those changes which we have made to the Education Ordinance and other ordinances to state therein the responsibilities of the Executive Member. I am sure that at some point in the discussions this will be brought out again with respect to this bill. I would only hope that the Executive Committee would keep it under advisement. Mr. Land is, of course, quite correct when he says that the game department has not really looked into this. There is a political matter and not one really relating to game management so that one can quite understand the position of the game management people, that they are concerned with the regulations per se and not in the manner in which they are made. I would hope, Mr. Chairman, this matter will not be dropped and that we will pick it up at the appropriate time which is probably not at present because we are not dealing now with specific sections of the bill.

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

HON. PETER ERNERK: I had better not say anything more other than that. I think Mr. Nickerson has explained it very well.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 20 on page 18. Mr. Nickerson.
Management And Management Regions.

MR. NICKERSON: Clause 20 concerns itself, Mr. Chairman, with all the various types of zoning that can go on in the Northwest Territories. On my way out a little while ago I saw some very interesting looking maps at the side of the room. I would imagine that the game people have anticipated the question of what exactly is to be a wildlife preserve, a wildlife management area, a critical wildlife area, a special management area and all the other different types of zones which they are seeking authority to set up. I wonder if they could go into this in some detail to tell us exactly what it is about?

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

MR. LAND: Mr. Chairman, I would be glad to do that. I have the maps available here and just before I go up to the box I would like just to give a broad explanation of the divisions that are shown there in clause 20.

When we are referring in paragraph (b) to wildlife sanctuaries and in paragraph (c) to wildlife preserves we are not talking about any sanctuary or preserve that is not now in existence. So what we will be referring to is the Thelon Game Sanctuary and also the Twin Islands Wildlife Sanctuary in James Bay which is now in effect. The wildlife preserve which is being referred to in paragraph (c) is the Peel preserve which is already outlined. So if I may with your permission go to the maps and explain first the wildlife management unit zones and areas.

THE CHAIRMAN (Mr. Stewart): I do not know about other Members but I can not see that map from here.

MR. LAND: Mr. Chairman, the first division that we would make in the territories for the more efficient management of wildlife is what is called wildlife management units. Those are the red lines you see there. They are laid out in order that the major caribou herds that are known within the Northwest Territories will fall within one of these units. That is the basis for laying out the units. It is in reference to the caribou herds that are in existence in the Northwest Territories. That is the largest division. Where smaller divisions are required those units are subdivided further into wildlife management zones and this allows us to set regulations etc. on a smaller geographic scale.

Wildlife Management Areas And Special Management Areas

The last designation is wildlife management areas and they may fall within the units or zones, they may cut across units or zones. Some examples of the various areas, for example, would be in the Mackenzie Mountains. In unit E-1 we have outfitter areas which would be known as wildlife management areas. Speaking now about critical wildlife areas, we have outlined here known calving areas for caribou throughout the Northwest Territories. These would be considered critical wildlife areas and special management regulations could be assigned to them as required.

What is not shown are special management areas which could be additional areas laid out to protect small geographical areas, such as along a new highway, where special regulations are required. We would develop a special management area and assign whatever regulations would be required to that special management area, without affecting the hunting activities in the rest of the zone or unit. Are there any further questions on this?

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Land. Any further questions? Mr. Nickerson.

MR. NICKERSON: I wonder if we could be told, Mr. Chairman, pursuant to what legislation the existing wildlife sanctuaries and wildlife preserves were established?

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

MR. LAND: The wildlife sanctuaries that are now in existence have their being as a result of the existing Game Ordinance. The same is true for the preserves that are now in effect; the Peel preserve. They have their existence and so on in the existing ordinance.

MR. NICKERSON: Is the legal description of the Thelon Game Sanctuaries for instance covered in regulations to be made under this ordinance?

THE CHAIRMAN (Mr. Stewart): At the present time, Mr. Nickerson?

MR. NICKERSON: What I am trying to get at, Mr. Chairman, is that if the Thelon Game Sanctuary or some other sanctuary or preserve is established pursuant to legislation which will be annulled on the coming into force of this legislation then we would have to re-establish those preserves or sanctuaries in these regulations, in this ordinance or regulations made thereunder.

MR. LAND: Mr. Chairman, that is correct and what we are looking at here in clause 20 is the enabling legislation which would allow these sanctuaries and preserves to continue to exist in the regulations. That is where they are described. Their legal descriptions are in Draft 8 of the regulations.

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

Differences In Wildlife Management Units

HON. DAVID SEARLE: Mr. Chairman, what I can not quite put my finger on is the legal description of a wildlife management zone as opposed to a wildlife sanctuary and then we have a wildlife preserve, a wildlife management area, a critical wildlife area, a special management area. Now I assume those are all going to be described and distinguished one from the other in the regulations but I have looked in the regulations under my concordance here which tells me that that is supposed to be in regulation 22 here but I do not see it there. Maybe therefore you could just tell the Legislature what the differences between those various wildlife and management areas are. I assume in some there is hunting of certain things permitted and in others hunting is totally prohibited but there are so many of them there I was wondering what the differences between them are.

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

MR. LAND: Mr. Chairman, the descriptions are found in Appendix B of the regulations of the various categories that were spoken to. However, I will try and give an explanation. As I mentioned before I got up here, the sanctuaries as they now exist come under the Game Ordinance and are allowed to continue as described in Draft 8 of the regulations. The same holds true for a wildlife preserve, that is, the Peel preserve. Now, as I mentioned in speaking to the other divisions, wildlife management areas such as outfitter areas are outlined here and they would have in effect special regulations dealing with their operations and it is correct to assume that each of these categories in some cases would have separate regulations. They are separate entities unto themselves. Another example would be the critical wildlife areas. I have outlined and they would have corresponding regulations dealing with calving areas that require special protection. This would be done by regulation so that each are separate tools by which we would be able to manage the resource efficiently.

Regulations On Management Units

HON. DAVID SEARLE: So, Mr. Chairman, am I correct then in assuming that although the various zones may have been described from a geographical point of view we do not yet have before us the regulations with respect to each of those particular types of management area that would tell us what you may or may not do within a particular one but instead they will be regulated not as part of these regulations but specific? In other words, can we expect a specific regulation later with regard to a wildlife zone?

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

MR. LAND: Mr. Chairman, the unit and zones are basically to deal with the regulating of hunting activities. That is their primary purpose, to set seasons, quotas where needed and so on. When you get into areas you are dealing with something that requires further regulations. For example, the outfitter areas, there is a section in the regulations dealing with the operation of outfitters. There are other particular regulations that would apply to critical wildlife areas, calving areas. Some are not developed and this is enabling legislation, for example, to develop a special management area wherein an area, say, along the Dempster highway could be set aside as a special management area and certain regulations could be brought in pertaining to, say, caribou and so on along this small geographic area. This is the intent of this type of a division.

THE CHAIRMAN (Mr. Stewart): Clause 20, Mr. Nickerson.

MR. NICKERSON: I have a question of a legal nature, Mr. Chairman, and maybe I could wait five minutes or so until the Legal Advisor is available.

THE CHAIRMAN (Mr. Stewart): In view of the hour we will declare a recess for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order for the study of Bill 3-66. We are on page 18, clause 20, management and management regions. Mr. Nickerson.

Management And Management Regions

MR. NICKERSON: The question that I was about to pose prior to the intermission, Mr. Chairman, was that I would imagine that under, for instance, critical wildlife areas regulations would be made that might even go as far as not to permit somebody to go into that particular area and I can see all kinds of physical activity in that area being banned under regulations. Now, under the Territorial Lands Act which is an act of the federal parliament, certain dispositions of land are made, especially mineral lands, where part of the agreement of tenure is that certain amounts of physical work be done on land which is alienated. Now, if we have a regulation made pursuant to a federal act which tells you that you have to do something and at the same time you have a regulation made pursuant to a territorial ordinance which forbids you to do that, which regulation would take preference? That is a question undoubtedly that should be addressed to the Legal Advisor.

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, the question is a general one and the answer will be a general one. Under the Northwest Territories Act all legislation made by the Legislative Assembly is subject to any other act of parliament and, therefore, a regulation made under the Wildlife Ordinance would, generally speaking, be subordinate to federal legislation that conflicted.

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

MR. NICKERSON: So, in that case, say, if we said that a certain area was a critical wildlife area and did not want anyone going in there and drilling oil wells and at the same time the federal government issued an oil and gas lease and as part of a covenant between the exploration company and the government was that a well had to be drilled, which is a common covenant, I believe, in these various oil and gas leases, then the company would quite properly be able to go ahead and drill its oil well and there would be nothing that we could do about it. Is that the correct assumption?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, without seeing the two pieces of legislation which are supposed to conflict, I think it would be impossible to give a definitive answer to the question.

THE CHAIRMAN (Mr. Stewart): Clause 20, Mr. Nickerson.

An Inordinate Amount Of Power

MR. NICKERSON: In reading through clause 20, Mr. Chairman, it seems to give the game management people an inordinate amount of power. They would pursuant to this be able, and I am not assuming that they will do this but they will have the legal authority to practically close down the whole Northwest Territories. I would assume that they would use a great deal of common sense in promulgating these various regulations but in reading this it is not difficult to understand the opposition put forward to the Wildlife Ordinance by organizations such as COPE, Committee for Original Peoples Entitlement, and we have just had made available to us a telex from Mr. Sam Raddi of the COPE organization in which they strongly made known their view that they are not in favour of this particular piece of legislation.

I do not necessarily agree with COPE or the Metis Association that has come out with very similar statements but it is not at all difficult to understand their point of view. If this legislation is to go through then the Government of the Northwest Territories, not by legislation but just by regulation, would be able to prohibit people who have traditionally held hunting, trapping privileges which they considered more or less inviolate over vast areas. The government would now be able to turn around and say "No, you can not go into that particular area and you can only go into a certain area at particular points in time." So, the more you study this bill, the more power you realize that you are delegating to the game department which can be exercised through making all kinds of regulations. It is getting awfully close to the point where we might be jeopardizing some legitimate interest on the part of organizations such as COPE and the Metis Association. I have a little bit of trouble with this idea of allowing the game department such blanket powers. I would prefer to see it restricted a little bit. I do not know how we would go about that, but it is getting close to the mark where we might be treading on somebody's ground.

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

MR. SIMMONS: Mr. Chairman, I do not believe that clause 20 gives us any more authority than is now contained in the current Wildlife or Game Ordinance. The intent in clause 20 is to give us the flexibility of management that does not now exist in the Game Ordinance. For example, in paragraphs 20(2)(c)(d)(e) and (f) this allows us to take an area, say, around Baker Lake where we have a particular concern and make legislation that would pertain only to a small area or a relatively small area. Right now, what we have to do if we are going to zone a problem is deal with an enormous zone that not only contains the problem but a much greater area than the problem area which we find is too inflexible and does not give us a real opportunity to address a problem specifically.

THE CHAIRMAN (Mr. Stewart): Clause 20, wildlife management units. Agreed?

---Agreed

Fur Management Regions.

Clause 21 on page 19, fur management regions. Mr. Nickerson.

MR. NICKERSON: I believe the witnesses have brought with them some information regarding fur management units and I wonder if we could be permitted to see this, Mr. Chairman?

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

MR. LAND: Mr. Chairman, the fur management units are set up to distinguish them from the wildlife management units which deal with the regulation of hunting activity. These divisions deal with trapping and the management of fur bearers. The units are laid out in accordance basically to the treeline and the barrens or the Arctic regions because of the considerable difference in conditions and trapping activities that take place in those two major divisions.

The criteria that we used are basically similar to the wildlife management units and zones in that the zones are just a further subdivision of the units to give us greater flexibility in setting seasons and so forth for fur bearers. The final division would be fur management areas and we have some now in existence. There are group trapping areas on Banks Island and in the Delta. This would allow us, for example, to set seasons for fur bearers in relation to a group trapping area without affecting other zones, if this is required. This system basically gives us greater flexibility in responding to specific problems relating to fur bearers.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Land. Clause 21, fur management regions. Agreed?

---Agreed

Hunting For Management Or Research Purposes

Clause 22, hunting for management or research purposes. Mr. Nickerson.

MR. NICKERSON: If you will recall, Mr. Chairman, it was a few years ago when altercations took place within the Government of the Northwest Territories regarding special licences or permits that may or may not have been issued for visiting dignitaries to go out and shoot walruses and other protected species. Would I be correct in assuming under clause 22 or any other clause of the Wildlife Ordinance this would now be prohibited, that we could not have various cabinet ministers and other dignitaries going out and shooting all kinds of animals that would be forbidden to other people?

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

MR. LAND: Mr. Chairman, under this ordinance any hunting activity or capture or whatever would be under the authority of a licence or permit. The one that we are speaking to here in clause 22 is to enable the biologists within the wildlife service or any other biologists who are engaged in legitimate studies for wildlife management purposes, to conduct their research. An example of this would be to legalize the use of an aircraft or helicopter to tag wildlife such as is now required for polar bear studies and to use drugs for immobilizing polar bears or the use of foot snares. This is the intent of clause 22, to conduct studies related to wildlife management.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 22. Agreed? Mr. Nickerson.

MR. NICKERSON: I believe, Mr. Chairman, that one of our witnesses wishes to speak on this particular matter.

THE CHAIRMAN (Mr. Stewart): I am sorry. Mr. Vince Steen.

MR. V. STEEN: To add to the answer it is a common practice and the policy of the territorial government right now that all scientific licences be approved by the Game Advisory Council before they are issued and I assume that they will keep following this practice.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 22. Agreed?

---Agreed

Clause 23, nuisance wildlife. Mr. Nickerson.

Nuisance Wildlife

MR. NICKERSON: Well, if you really insist that I say something about this particular clause, Mr. Chairman...

THE CHAIRMAN (Mr. Stewart): I thought the heading was appropriate, Mr. Nickerson.

MR. NICKERSON: I presume, Mr. Chairman, this is just to allow wolves to be shot by helicopter.

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

MR. LAND: Mr. Chairman, the intent of this clause is to allow a particular animal to be declared a nuisance in a given area and allow certain things to take place that would otherwise be prohibited by the ordinance. To try and give you an example, if a black bear got to the point where it was causing an intolerable situation in the recreational area around Yellowknife it could be declared a nuisance animal. For example hunting could be allowed during the spring and summer months in order to cut back the numbers of black bears. This is the intent of this section.

THE CHAIRMAN (Mr. Stewart): Thank you. Is clause 23, nuisance wildlife, agreed?

---Agreed

Clause 24, surveys and census. Mr. Nickerson.

Surveys And Census

MR. NICKERSON: I understand, Mr. Chairman, that the Canadian Wildlife Service considers themselves to be exempt from regulations which we might make or legislation which we might make. I wonder if we could be told what is indeed the relationship between the Canadian Wildlife Service and our game department?

HON. ARNOLD McCALLUM: Strained.

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

MR. SIMMONS: The Canadian Wildlife Service has agreed to accept our advice and our permit system for conducting research North of 60 on all species other than migratory birds. Migratory birds are out of our jurisdiction and this has worked well over the past few years.

HON. ARNOLD McCALLUM: I take it back.

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

MR. NICKERSON: I assume from what we have been told that the relation between the Canadian Wildlife Service and our government is good but is there any admission on the part of the Canadian Wildlife Service that they are subject to our legislation or is it just a matter of courtesy that they condescend to talk to our game department?

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

MR. SIMMONS: I may need advice here from the Legal Advisor but I believe that they still need our scientific permit to operate North of 60 on species outside their jurisdiction. Nevertheless they certainly have made it a matter of policy to deal with us in research North of 60 and they have honoured our permits and our permit system.

THE CHAIRMAN (Mr. Stewart): Clause 24, is it agreed?

HON. ARNOLD McCALLUM: Mr. Chairman, I just would like to ask one question. What about private interest groups and whether the study is something that they want to take up themselves as an individual or as an interested group? Do they require authority to go through this process of scientific research as they would say it would be -- and it very well may be -- relating to any particular kind of wildlife? Do they have to go through this? This is in fact what we are saying, that they must get a permit.

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

MR. LAND: Mr. Chairman, I think in the clause it outlines the reasons under which these wildlife research permits would be issued. If someone wishes to conduct an aerial survey or ground or water survey or study wildlife behaviour or collect specimens these then are the considerations that would be taken into account in issuing one of these permits. Anything that falls outside of this is non-scientific and if it did not affect wildlife in a direct way, as I understand it, the activity would not require a permit.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Land. Clause 24, surveys and census. Agreed?

---Agreed

Clause 25, dangerous wildlife. Mr. Lyall.

Dangerous Wildlife

MR. LYALL: Agreed.

THE CHAIRMAN (Mr. Stewart): Mr. Steen, on this corner.

MR. STEEN: Mr. Chairman, I wonder what happens to a person if he has wildlife running at large which may be dangerous to himself and anything, property? According to this section you must have something in writing from an officer before you can destroy it. Now what happens if you have a rabid fox nipping at you? Do we have to run to you to get something in writing before we can protect ourselves?

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

MR. LAND: Mr. Chairman, that is not the case. We have another clause that allows you to kill wildlife to protect yourself or another person's life or property. This would be a case where a particular animal was reported as being a danger to people or carrying a disease dangerous to the community. In such a case the officer or someone authorized by him could go out and investigate the matter and take appropriate action.

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

MR. STEEN: Mr. Chairman, really that does not satisfy my question because this particular section is in here and it states the same thing as the other. Maybe it has another clause and if it does have another clause then which one will overrule the other?

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

MR. LAND: Mr. Chairman, the clause I am referring to is clause 40 which says that nothing in this ordinance will prevent you from killing or wounding wildlife if it is necessary to do so to preserve your life or someone else's life or protect your property if the loss of that property would endanger your health or livelihood. So we have another clause which addresses, I think, the problem that is being referred to.

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

Trouble With Bears

MR. FRASER: Mr. Chairman, I was a little concerned about that but if it is covered under clause 40 that is all right. We have had a lot of trouble in the valley with bears this summer. There were two instances where there were two people killed. I think one was a grizzly and one might have been a black bear. However, the bears are commonly let into people's houses. There are two instances where the bears came right into the house, one in the hotel and one in a private house and most of these people did not have instructions from an officer to kill the animal. However, the game officer happened to be in town and he got the bright idea that rather than shoot the bear which he should have done they made a live trap and put it on wheels and it had a trap door on it and they hung a piece of meat in there and they caught the bear alive in the trap, put it behind a truck, took him out to the airport and slung him out in a helicopter about 15 miles. However, before they let him go they put a

dab of red paint on his head and took him across the river. Next morning the bear was right back at the same place. He pretty near beat the helicopter back across the river.

I can not see the reason why the officer did not destroy the bear in the first instance rather than go through all the expense of taking him across the river with a helicopter and finding out the bear just about beat him back. So if this is covered in clause 40 -- clause 25 is what I am concerned about -- but as Mr. Land said it is covered in clause 40 so it does not matter, but I know lots of instances where bears should have been shot rather than trying to send them away.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 25, dangerous wildlife. Agreed?

---Agreed

Clause 26, meat of game. Agreed?

---Agreed

Clause 27, agreements. Agreed? Mr. Evaluarjuk.

Authority To Kill A Dangerous Animal

MR. EVALUARJUK: I had a question on clause 25. In paragraph 25(b) the game officer or anyone would be given the power to kill the animal if the animal is a danger to the person. What type of authorization would I be given if there was some dangerous animal around the house or do we have to go to the game officer to ask him to give the authority to shoot a dangerous animal so that I would be able to kill the dangerous animal? How would I go about it? Would I have to get the authority from the game officer or just how does this work?

THE CHAIRMAN (Mr. Stewart): Mr. Evaluarjuk, if you look at page 28 and clause 40, this matter is covered extensively in this particular section.

MR. EVALUARJUK: Thank you.

THE CHAIRMAN (Mr. Stewart): Does that satisfy you?

MR. EVALUARJUK: Yes.

THE CHAIRMAN (Mr. Stewart): Clause 27, agreements, on page 20. Agreed?

---Agreed

Clause 28, evidence of age, sex and species. Agreed?

---Agreed

On page 21, clause 29, sanctuaries. Agreed?

---Agreed

On page 22, clause 30, hunting in preserve. Agreed?

---Agreed

On page 23, clause 31, prohibited hunting. Mr. Nickerson.

Issuing Of Wildlife Stamps

MR. NICKERSON: Mr. Chairman, I guess what I am going to say fits in with what type of licence the game department would be willing to hand out and that depends, I guess, on the stamp which would be attached to your wildlife certificate. I wonder if we could be told what the various stamps are to be? Is that outlined anywhere?

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

MR. LAND: Mr. Chairman, it is outlined in the wildlife regulations, Draft 8, and I will get the form number for you in a second, it is form No. 6. The species of wildlife that would be allowed to be hunted under the certificate would be small game, black bear, grizzly bear, polar bear, mountain goat, moose, mountain sheep, barren and woodland caribou, wolf, musk-ox and wolverine.

MR. NICKERSON: Therefore, I understand there is no intention of issuing wildlife stamps with respect to those species of animals which are classified in Schedule A as non-game animals.

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

MR. LAND: Mr. Chairman, that is correct.

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

MR. NICKERSON: Why would you want to make it completely illegal for somebody not to hunt bats or chipmunks? Why should somebody who wants to hunt either bats or chipmunks not be allowed to do so?

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

MR. LAND: Mr. Chairman, the non-game animals that are listed in item eight of Schedule A are the animals that the wildlife service feels require protection. Anything that is not on that list may be hunted without a licence and without restriction, but the particular species of animals that have been outlined by the wildlife service in item eight are those which we feel require protection and no licence will be issued for the animals listed.

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

Animals In Need Of Protection

MR. NICKERSON: Might I be permitted to ask why they consider bats and chipmunks, flying squirrels and wood rats to be animals in need of this protection?

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

MR. LAND: I can not address that specifically but I think Mr. Simmons would like to comment.

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

MR. SIMMONS: The three species, wood rats, bats and flying squirrels to the best of my knowledge are in fringe habitats in the Northwest Territories, that is, they are at the limit of their range and are in small numbers, relatively small numbers. You go north of a certain line and you do not find these species any longer. On chipmunks, I can not sitting here answer that. Our regulations committee has considered each one of these species in some detail and has given you the recommendation that these are the species to be included in non-game animals.

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

HON. DAVID SEARLE: Mr. Nickerson has got my curiosity aroused. What possible good are bats? I mean why would you not kill every bat in your belfry. Why would you want to protect them even in their infringed areas?

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

MR. SIMMONS: Oh boy! I guess that our attitude as the wildlife service has been to protect a representative body of every component of our ecosystem rather than allowing any component to be destroyed. Our knowledge about the role of each component of the ecosystem has been a little bit shaky in some areas. So to go beyond that I could not answer your question.

THE CHAIRMAN (Mr. Stewart): They are required for the territorial Halloween party.

HON. DAVID SEARLE: No further questions.

THE CHAIRMAN (Mr. Stewart): Clause 31, prohibited hunting. Agreed?

---Agreed

Clause 32, activities not treated as hunting. Mr. Nickerson.

Activities Not Treated As Hunting

MR. NICKERSON: If someone is in the Mackenzie Mountains, which I understand is infested with grizzly bears, and wants to go and take wildlife pictures of chipmunks which we have just protected to the utmost it might make sense for the person who is engaged in photographing chipmunks, bats or flying squirrels to want to have a rifle at his side to protect himself from grizzly bears and if he was luring the chipmunk into range of his camera and at the same time had a rifle at his side to protect himself from grizzly bears, he would, therefore, be considered as being hunting, hunting chipmunks probably. I wonder whether the people who drafted this particular section were aware of that possibility?

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

MR. LAND: Mr. Chairman, it may have crossed our minds but I guess we were hoping that these cases would be very few in number.

---Laughter

The purpose of this clause is such that the naturalist in pursuing his art is protected and at the same time we are allowed the proper enforcement of the ordinance. I think you know what I mean. If we allowed loopholes to creep in, when an officer checks a hunter in the field who has a good story, the officer is incapable, even though he may suspect a violation, he is incapable of carrying out the intent of the ordinance. That is what we have tried to prevent and whereas you may have a point that there may be a few people whose interests are being jeopardized by this, I think in the interest of the whole ordinance and the proper enforcement of it that we just could not come to grips with it effectively.

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

Proposal To Amend Clause 32

MR. NICKERSON: Mr. Chairman, if I was such a person engaged in the photography of chipmunks would it not be better to allow him to have a sealed firearm at his side for protection purposes and we could change the wording here slightly so that it would allow him to have a sealed firearm?

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

MR. LAND: Mr. Chairman, yes, I can see that as being a solution.

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

MR. NICKERSON: This is not a point of a great deal of importance. Perhaps if such a suggestion meets with the approval of the game people they might like to take that one back and take another look at it and bring it back to us.

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

MR. LAND: Yes, Mr. Chairman, we would have to look into whether or not the person carrying an unsealed firearm would be considered unarmed and we would just like to check into that.

THE CHAIRMAN (Mr. Stewart): Thank you. Is it agreed then that we set aside clause 32? Mr. Lafferty.

People Who Engage In Scientific Research And Studies

MR. LAFFERTY: Mr. Chairman, to further elaborate on what has transpired here as a result of this sort of mysterious type of happenings. Perhaps here is an avenue through which people are going out in the country in zones where there are a lot of grizzly bears and so on and black bears, especially during the height of the summer months when the black bears and all bears have cubs. With the large numbers of people who are looking at the future in the North and coming into the North in the future and engaging in various scientific studies and so on, perhaps now is the time to be looking at the possibility of allowing these studies not only to have rifles and so on but allowing them to carry firearms and side arms, in this case such as hand guns, that can be sealed. It is rather awkward for people to be getting out in the country with a great big sealed rifle on his back. So, these are the possibilities that arise and the inconveniences for people who engage in scientific research and studies. I suggest that maybe while the administration is reviewing this clause they could also go to the extent of looking at the possibility of allowing people to use side arms in the case where they are required to carry a .22 or a rifle. If you carry a .22 you can carry a larger calibre side arm, or if you are carrying a larger calibre of side arm then you could carry a .22 and these are possibilities, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. We will set aside clause 32 to be brought back with the suitable amendments.

Clause 33 on page 24, prohibited equipment. Mr. Nickerson.

Prohibited Equipment

MR. NICKERSON: The question of the representative of the Game Advisory Council, Mr. Chairman. I remember at one point in time that organization was of the opinion that set guns should be allowed under certain circumstances and I am wondering if they have now changed their mind on that particular point.

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

MR. V. STEEN: This Game Advisory Council particular member has not changed his mind on this clause. However, another clause in the ordinance states that prohibited uses of weapon may be allowed by the superintendent. In other words, if the superintendent feels that a certain hunter or trapper will use a set gun properly he may in fact be licensed to do so. That is my understanding.

THE CHAIRMAN (Mr. Stewart): Well that particular section would not indicate that this would be the prerogative of the superintendent. Mr. Lard.

MR. LAND: Mr. Chairman, it is my understanding that it is subject to the regulations and, secondly, on the point of prohibiting set guns the main opposition is from the standpoint of set guns being non-selective thereby killing females with young.

THE CHAIRMAN (Mr. Stewart): Is clause 33, prohibited equipment, agreed?

---Agreed

Clause 34, on page 25, firearms in camps. Mr. Lafferty.

Firearms In Camps

MR. LAFFERTY: Mr. Chairman, this clause as I understand it deals with people who are also holders of general hunting licences.

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

MR. LAND: Mr. Chairman, it does not apply to anyone who holds a valid hunting licence. If they are in a camp and hold a valid hunting licence this clause would not pertain to them.

THE CHAIRMAN (Mr. Stewart): Clause 34, Hon. David Searle.

HON. DAVID SEARLE: I am bothered a bit by this one because this seems to say that you can not be in possession of a firearm, say, in a cabin. I am thinking in my own case I have a cabin at a lake some distance from here and I know that "camp" is defined in paragraph 2(b) but it would seem to catch people who have cabins as well, because it says "cabin means a tent, cabin, mobile unit or other accommodation outside the limits of a settlement or municipality used to house any person who is engaged in construction, exploration, scientific research, logging, mining, surveying, commercial or sports fishing, and educational or other undertaking." So I guess I should put this by way of a question. It seems to me clear that the game authorities plan to require in those situations that in a summer recreational cabin, if you have any firearms, you are to have it sealed, you can not have it unsealed. Is that correct?

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

MR. LAND: Mr. Chairman, that is correct. This point was raised before at the previous discussion of the bill and we went back and considered it again. It seems that there will be a number of people who will not want to hold a hunting licence but will still want to have a firearm in their cabins. We felt that to try to solve the problem would be creating a loophole in the enforcement of this ordinance and the situation, I guess, is that a person who falls into this category would have the option of obtaining a hunting licence or getting his rifle sealed if he wished to keep it in his cabin. We were not able to go beyond that or to change it.

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

HON. DAVID SEARLE: Mr. Chairman, I guess the advice which appears to be good is to get a hunting licence, at least to permit you to hunt bear. I hate to do it because I am not a hunter. That is the thing that bothers me. It is a purely intellectual thing. I am not a hunter, I do not care to hunt, I have never killed a living thing in my life unless I had to and once I had to but I am afraid if I had a sealed gun it might get me before I got it.

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

Sealing Of Rifles

MR. FRASER: Mr. Chairman, on firearms in camps, I am just a little bit leery as to how the rifles are sealed. I wonder if the witnesses could explain how they seal these rifles?

THE CHAIRMAN (Mr. Stewart): Mr. Land

MR. LAND: Mr. Chairman, there are a number of ways, as I mentioned before, that were suggested to us by the RCMP. Depending on the type of rifle it is not an extensive or detailed procedure. It mainly has to do with passing a string or a wire seal into the mechanism in such a way that the mechanism can not be operated without breaking the seal. One method we did use before was to put a line or a string through the barrel and seal it with a small lead seal. We are discontinuing this practice because of the wear that is involved in putting a string down the barrel of a prize rifle.

The methods suggested by the RCMP are now being studied by us and we feel they are quite easy to put into effect without any great problem. They do effectively prevent the firearm from being fired without breaking the seal and yet if the firearm is needed in an emergency, in a second the firearms can be unsealed and placed into action.

THE CHAIRMAN (Mr. Stewart): Thank you. Is clause 34, firearms in camps, agreed?

---Agreed

Clause 35, at the bottom of page 25, hunting from vehicle. Hon. Peter Ernerk.

Hunting From Vehicle

HON. PETER ERNERK: Mr. Chairman, I have a very simple question. I take it that snowmobiles do not come under this vehicle designation. A snowmobile is defined as something else other than a motor vehicle.

MR. LAND: Yes, Mr. Chairman, that is correct. Snowmobiles are excluded from the definition of "vehicle" as are watercraft.

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

HON. PETER ERNERK: And three wheeled Hondas?

MR. LAND: Not three wheeled Hondas. They would come under the meaning of "vehicle".

HON. PETER ERNERK: Mr. Chairman, I might be correct in saying that many -- at least in the small communities in the Eastern Arctic, Baker Lake, Eskimo Point, Rankin Inlet -- use three wheeled Hondas for hunting purposes today and if the three wheeled Hondas are included in this clause 35, then what we are basically doing is disallowing people from using three wheeled Hondas for hunting purposes.

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

Motion To Include Three Wheeled Hondas In Clause 19

MR. LAND: Mr. Chairman, the definition of "vehicle" relates to any prescribed equipment and under the regulation Draft 8 in clause 19 we have listed the motor toboggan and a boat other than a barge of less than 15 meters as being excluded from the definition of vehicles. Because this is in the regulations it can be adjusted either by adding or deleting particular vehicles if there is good reason to do so. So if we want to put three wheeled Hondas in we do not have to put it in this section necessarily, but we could include it in clause 19 of the regulations. Hon. Peter Ernerk, would you like to move that this be done in clause 19?

HON. PETER ERNERK: Yes, I would, Mr. Chairman.

Motion Carried

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor to include three wheeled Hondas by way of regulation in clause 19 of the regulations. To the motion. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. Nickerson please.

MR. NICKERSON: I remember several months ago discussing this Wildlife Ordinance and we were told at that time that it was particularly essential to stop the chasing of animals with snowmobiles. The evidence given at that time by game officials was that this frequently caused a lot of damage to the animals by chasing them all over the country by means of vehicles especially at calving time and that was the reason at that time that they wanted to stop hunting with vehicles. I wonder what has led them to change their minds in the meantime.

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

MR. LAND: Mr. Chairman, it is correct that we are concerned about the use of snowmobiles but we recognize some very real facts of life, especially in the Arctic, that it is impossible to hunt without using a snowmobile. From my experience in the Arctic the one thing you do not do is to get separated from your equipment. So, what we are faced with is an unenforceable law which is now on the books and we recognize it. We are concerned about it and we are going to try through our conservation education clause to point out the dangers of harassing particularly caribou in the open country with skidoos. We do have a harassment clause in this ordinance also to deal with this problem. So, although we are a little nervous about it, recognizing the situation as it now exists we are prepared to accept it.

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

Hunting With An Aircraft

HON. DAVID SEARLE: Mr. Chairman, what is the difference in the use of an aircraft between searching for wildlife and hunting wildlife?

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

MR. LAND: Mr. Chairman, searching for wildlife does not come under the meaning of "hunting with an aircraft". You can search for wildlife without being considered to be hunting.

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

HON. DAVID SEARLE: Well, I guess just to use a specific example, if I have a licence to hunt a moose and I am flying and see a moose in the water and I am out hunting for moose, if I land on the water and kill that moose was I hunting that moose with an aircraft or was I just engaged in searching for wildlife? In other words, if you read the other clause above with it it seems that hunting might contemplate working in concert with someone on the ground. Do you have to be working in concert with someone on the ground to be hunting from an aircraft or do you do it by yourself by flying around and spotting game and then killing it?

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

MR. LAND: Mr. Chairman, it is quite a long question and I hope I have got the gist of it. First, if the case in example involved shooting from an aircraft there is a clause that deals with that because aircraft is included in the meaning of vehicle. If there was harassment involved in locating the moose and landing in the vicinity and so on, there is a clause that deals with that. If it is a matter of flying over, seeing a moose, landing, departing from your aircraft to stalk the moose and kill it then I can see no violation in this case. The fact that you saw the moose from an aircraft is not a violation. Paragraph 5(b) says that the use of an aircraft merely to search for wildlife in the manner that does not contravene subclauses (3) and (4) is not considered a violation of the law.

Mr. Chairman, I might also add that the 12 hour waiting period that has been referred into the regulations is a case where if there was a particular problem area it could be addressed by applying that section. The 12 hour waiting period is now in the regulations and is not in the ordinance.

THE CHAIRMAN (Mr. Stewart): Clause 35. Mr. Nickerson.

MR. NICKERSON: In clause 35 what does "hunt with a vehicle" mean?

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

MR. LAND: Mr. Chairman, I do not wish to get into a legal interpretation, but it is my understanding that hunting with a vehicle is to do any of the things that are listed under the definition of hunt, involving a vehicle; pursuing and so on.

THE CHAIRMAN (Mr. Stewart): Clause 36 at the bottom of page 26.

MR. NICKERSON: I have another question on clause 35.

THE CHAIRMAN (Mr. Stewart): I am sorry, Mr. Nickerson, I thought we had sufficient agreements but go ahead.

Air To Ground Communication

MR. NICKERSON: With reference to subclause (3) why would you want to prohibit somebody in an aircraft from communicating with somebody on the ground as to where the location of game might be? Why is it necessary to do this?

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

MR. LAND: Mr. Chairman, the dropping of notes from an aircraft to ground parties or using radios or this type of thing is commonly prohibited right across Canada. It does give somewhat of an unfair advantage to the hunter and if it were conducted on a large scale we feel that there would be management concern. We do have management concerns in relation to this and for this reason we are asking that it be prohibited.

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

MR. NICKERSON: Mr. Chairman, this does not really seem to make much sense. The example where there is communication between air and ground forces is most likely to occur in organized hunts, hunts organized by the government itself where surely the objective there is to give the caribou as little chance as possible. If you want to minimize the amount of public expenditure on your organized hunts and why would you want to prohibit it in that particular circumstance. It is not sports hunting. It is trying to get as many animals as cheaply as possible.

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

MR. LAND: Mr. Chairman, the purpose here is to prevent the direction of ground parties to particular game by means of dropping notes, as I said, or two-way radios and so on. In the case of an organized hunt if they do spot wildlife from the aircraft and as you can see from subclause (5) this would not be a violation, they would merely complete a flight and advise the hunter of the general location or specific location of the game. The hunters then would go out on their own to hunt the animals. I am not sure that I understand the question that is being asked, but I see some difference between these two types of situations.

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

Use Of Two-way Radios

MR. NICKERSON: What earthly difference does it make to the caribou, Mr. Chairman, whether the information regarding his location is given by means of radio from an aircraft to a ground party or whether the aircraft lands and then you radio in as to where the caribou are located?

THE CHAIRMAN (Mr. Stewart): Imperial Oil gets a lot more gas and oil sold that way. Mr. Land.

MR. LAND: Mr. Chairman, an aircraft flying over caribou herds could quite effectively direct ground parties on a continuous basis to surround the herd and wipe it out completely. I see this as a different situation from merely telling a group of hunters that there are caribou in such and such an area. They have to go out and take their chances with the animals running away, moving, or whatever, without a continuous blow by blow reporting of where the animals are. So, I still feel it is a different situation.

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

MR. NICKERSON: Surely, Mr. Chairman, the idea of an organized hunt is that you go out with the idea of getting a certain number of animals. Surely, it is to the public's advantage to get those animals as cheaply as possible because it is large amounts of public money that are involved. Why would you want to go the circuitous route of telling the hunters where the animals are? Certainly it would be to the taxpayers' advantage to have that set number of animals taken as soon as possible with minimum public expense.

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

MR. SIMMONS: Our organized hunt program is intended to deal with the caribou. In my limited experience in accompanying organized caribou hunts, I would see no particular advantage in communicating with an aircraft about the location of the herd. The return of the aircraft or the spotting aircraft to the community or to the camp is quite adequate. The intent of this clause is to address the sport hunting public and their use of aircraft and their communication with people on the ground, etc., rather than the organized hunt, but we could still apply to the organized hunt and we would intend to obey that law and still efficiently conduct organized caribou hunts.

THE CHAIRMAN (Mr. Stewart): Clause 35. Mr. Nickerson.

The 12 Hour Wait

MR. NICKERSON: Perhaps we could be directed to where in the regulations we might be able to find this provision relating to the 12 hour wait after the termination of the flight that hunting could take place.

THE CHAIRMAN (Mr. Stewart): Regulation 19.

MR. NICKERSON: Which page is that, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Page 11.

MR. NICKERSON: Where is J/1 and zone B/5?

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

MR. LAND: Mr. Chairman, J/1 is in the Keewatin area and the Kaminuriak herd and B/5 is the South Baffin Island area. The status of the herd there is also in question and believed to be declining.

MR. NICKERSON: Thank you.

THE CHAIRMAN (Mr. Stewart): Clause 35, hunting from vehicle. Agreed?

---Agreed

Clause 36, dogs. Mr. Evaluarjuk.

Use Of Dogs For Hunting

MR. EVALUARJUK: Mr. Chairman, I would like to find out if it prohibits the dogs for the use of the hunt of polar bear or only if we are going to hunt wolverine. Does this mean that there are communities in our area where they are prohibited from using the dog teams to hunt caribou? That is what I mean.

THE CHAIRMAN (Mr. Stewart): Mr. Evaluarjuk, in subclause (1) it does not prohibit the use of dogs solely for transportation. In other words, if you are using dogs you are using your dogs for transportation only and this is not prohibited. However, the use of the dogs not related to transportation, in the actual hunt, is illegal as I understand it. Mr. Land.

MR. LAND: Mr. Chairman, subclause 36(1) does allow the use of dogs to hunt polar bear and wolverine or any other big game that may be decided by regulation to allow, so that he could hunt polar bear or wolverine using his dogs without breaking the law.

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

MR. FRASER: Mr. Chairman, I wonder if the game officers took into consideration and I just mentioned an instance where the bears are getting pretty bad. They do not seem to be scared of anything and I would not go out hunting moose or sheep or anything unless I had my dog with me. You have a bit of a chance if you have a dog if a bear comes around, not necessarily from the bear but the dog will warn you and I think this may be the same with a lot of the guys who are hunting polar bear, they would like to have a dog that would warn them if the polar bear is coming at night or whatever. This clause 36 rules out that. You are breaking the law if your dog is at large, but like I said, I would not go hunting unless I had my dog and without keeping him tied and behind all the time. I wondered if you took into consideration that it is protection for a hunter although he is not necessarily hunting bear.

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

MR. LAND: The subsections there would allow you to keep the dog in your camp but what it does not permit is to allow it to run free and pursue big game. In other words, if you kept it under control and in your camp there is no problem.

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

No Advantage To Having A Dog Tied Up

MR. FRASER: I still disagree with that clause, Mr. Chairman. I do not think a dog, at least the one I have got, is going to kill a moose or a caribou and he is not going to chase him to me, he is going to chase him away from me if anything. I can not see any advantage in having him tied up. This regulation apparently only is concerned with hunting big game and while I have never seen one, maybe there are some dogs that are trained to bring the big game in to you, but I have not seen one yet.

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

MR. LAND: Mr. Chairman, I understand there are dogs that can be trained and are trained to pursue game, to drive game or if left uncontrolled to chase game on their own and this is what we are trying to avoid in this clause. We are not trying to prevent an individual from having a dog under his control while he is in the bush hunting or having it in his camp.

MR. FRASER: Mr. Chairman, if I might just make a comment, there are dogs trained, like Mr. Land says. Well, mine is not trained but the old saying is in order to be able to train a dog you have got to be smarter than the dog. Maybe this is the case.

THE CHAIRMAN (Mr. Stewart): No comment, Mr. Fraser. Clause 36, dogs. Agreed?

---Agreed

Clause 37 on page 27, discharge of firearm. Mr. Nickerson.

Discharge Of Firearm

MR. NICKERSON: A question of a legal nature, Mr. Chairman. Would it not be better to use the definition of a highway or road -- I forget exactly what it is -- as defined in the Public Highways Ordinance rather than the description given here?

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

MR. LAND: Mr. Chairman, where a winter road is opened up such as has happened here north of Yellowknife, this for all intent and purposes is a road but not a road for which public funds are being expended. We wanted to distinguish between the two and that is what we are trying to do in this clause. The public has right of access but the taxpayer is not really maintaining the winter road.

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

HON. TOM BUTTERS: Mr. Chairman, when meeting with the Inuvik Hunters' and Trappers' Association about ten days ago I promised I would ask the question

through you, sir, and the Legal Advisor, how this clause might apply to any Indian or Eskimo person taking game under subsection 14(3) of the Northwest Territories Act.

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I think I would have to take some time to consider my answer to that question.

THE CHAIRMAN (Mr. Stewart): Clause 37, discharge of firearm. Agreed?

---Agreed

Clause 38, dangerous hunting. Agreed?

---Agreed

Clause 39, harassment of wildlife. Mr. Nickerson.

Harassment Of Wildlife

MR. NICKERSON: For the purposes of this clause Mr. Chairman, what is the definition of a settlement?

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

MR. LAND: Mr. Chairman, I think that we are using the dictionary definition of "settlement" in this case.

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

MR. NICKERSON: That would cause a great deal of difficulty, Mr. Chairman. We have come across this question on a number of occasions before when it has been necessary to define what is the area taken in by a settlement. I could see if there is not some kind of definition here if somebody was charged under this particular clause it would be very difficult for a court to determine whether or not he was guilty. Just a little while ago when dealing with another ordinance we had to make special provision in there for the definition of what area of land is actually taken in by a settlement and I wonder if the Legal Advisor could give us some advice on this matter?

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

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I see the difficulty raised by Mr. Nickerson and I think it might be possible to define more carefully exactly the extent to which that provision is meant to have effect. It seems as if most areas in the territories could be described as being outside a municipality or settlement and perhaps they have a geographic limit that they are considering.

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

Clause 39 Set Aside

MR. NICKERSON: Might it be advisable to set this particular clause aside while the legal people take a closer look at this, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Request to set aside clause 39. Agreed?

---Agreed

Mr. Evaluarjuk, please.

MR. EVALUARJUK: Mr. Chairman, are we on clause 39?

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

Ducks And Duck Eggs

MR. EVALUARJUK: In paragraph 39(d) it says: "(d) destroy, disturb or take the eggs or nests of birds of a genus mentioned in Schedule A." Schedule A does not mention ducks. I am particularly interested in ducks and duck eggs. Would this apply to those birds?

THE CHAIRMAN (Mr. Stewart): On page 56, Schedule A would indicate eagles, falcons, hawks, harriers and ospreys, including owls. This classification of eggs probably refers to those that are not being gathered, is that correct, Mr. Evaluarjuk? Mr. Simmons.

MR. SIMMONS: Also on page 58 it speaks to "other birds" and I believe Mr. Evaluarjuk's concern deals with birds covered under the Migratory Birds Convention Act. These are the species from which eggs are traditionally gathered by Inuit in this area.

MR. EVALUARJUK: For example, ducks and animals and birds, and particularly I speak of the hawk. I do not recall ever eating such eggs or those of the owl so I am not going to be concerned about those. I think this particular clause should include all birds.

THE CHAIRMAN (Mr. Stewart): It appears from Mr. Simmons' reply that yes, it does to a great amount of your traditional egg-taking. No?

HON. ARNOLD McCALLUM: No.

MR. SIMMONS: Our proposed Wildlife Ordinance does not refer to the species that Mr. Evaluarjuk is concerned about.

THE CHAIRMAN (Mr. Stewart): Are you satisfied, Mr. Evaluarjuk? He is saying that this ordinance does not apply to eggs of the species that you normally collect.

MR. EVALUARJUK: Yes.

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

MR. NICKERSON: But surely, Mr. Chairman, on page 58 where it says, "birds that are not other than game birds but in their natural habitat are found wild in nature and are naturally occurring in the territories." Surely that would include those species of birds to which Mr. Evaluarjuk refers.

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

MR. SIMMONS: We only address birds in here that are under our jurisdiction and the birds which are of concern to Mr. Evaluarjuk are not covered by our ordinance.

THE CHAIRMAN (Mr. Stewart): Clause 39, agreed?

---Agreed

Hon. David Searle please.

Endangering Your Health, Life Or Livelihood

HON. DAVID SEARLE: Mr. Chairman, I notice specific reference, to being able to chase bears away from a municipality, camp or settlement where such action is necessary to defend life or property and to obviate any need to kill the bear, a vehicle may be used. Then if you carry that through to clause 40, in other words you can chase a bear away if he will go and stay away. That is, if you want to defend life or property. Under clause 40 which deals with wildlife generally and certainly would include a bear you could kill him to preserve your or another's life or to protect your property if loss or damage would endanger your health, life or livelihood. In other words, if your health, life or livelihood or the life of another person were not involved, if you just had a bear that was coming back time and time again and doing hundreds and hundreds of dollars worth of damage to your camp or cabin then it seems to me you could not kill him. You would just have to content yourself with running out and chasing him off temporarily, to simply come back three or four days later to find that he had done the same thing again at the expense of hundreds of dollars.

I can not find the clause in the ordinance as it currently exists, but I am wondering if there is not a substantial change in the law there because I have been under the impression that you could protect your person, of course, and then this permits that, and your property; in other words, you did not have to have a loss of property that would endanger your health or life or livelihood, you did not have to go that far but just protect your property. My question, therefore, is reading this proposed clause 39 and 40 together if that is not going a little further than the law currently does?

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

Concern Over Number Of Animals Killed In Self-defense

MR. LAND: Mr. Chairman, the intent of that subclause (3) is to allow a bear to be chased away from a settlement or municipality. This has been done in the past quite effectively and in some cases the bear does not return in which case there is no need to kill it. In some cases it does return and does continue to be a nuisance and is subsequently shot.

From a management standpoint we are very concerned with the number of, for example, polar bears that are being required to be killed every year around a camp or municipality in defence of life or property. What we are asking for in this subclause is a way that where no danger to life or property really exists that hunters could use a vehicle and chase the bear away and by so doing eliminate the problem. However, if it is considered that the animal is endangering someone's life or causing some damage to property the bear could be killed either by the person who was being affected or he could report it to the officer and he could destroy it as a nuisance animal under the previous subclause. Now, this is my understanding of it and maybe legal interpretation is required.

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

HON. DAVID SEARLE: Mr. Chairman, again I am just reading clause 40 there which next follows that says: "Notwithstanding anything in this ordinance, a person may wound or kill wildlife if it is necessary to (a) preserve his life or another, or (b) protect his property." I believe that is as far as the current law goes but this says "If loss or damage would endanger his life, health or livelihood." In other words, those last words mean you have to have something more than just property damage. You have to have your livelihood or health being endangered.

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

MR. LAND: Mr. Chairman, this was asked for and to give a good example, if a bear was found to be destroying a trapper's cache of food which he depended on for his whole season on the land, he could be shot. Or another example if the bear was attacking an aircraft which a person owned and which he used as a livelihood, he would not have to stand by and watch the bear destroying his aircraft. He could take action and kill it without it being a threat to his personal safety. Now, this is the intent of this subclause.

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

Being Caught With An Unsealed Weapon

MR. FRASER: Mr. Chairman, I just have a question for the witnesses. In a case where a bear is molesting a camp and the hunting party had a sealed weapon in there and then shot the bear, how soon would they have to report that the seal was gone on their gun. Maybe the bear is gone and maybe if it wounded him it could disappear. However, the seal is gone on this guy's gun and if he is caught with an unsealed weapon he is liable and I wonder if the witnesses could explain that.

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

MR. LAND: Mr. Chairman, we do address the sealing of firearms and I believe there is a clause here that deals with the sealing of firearms. In this case, of the example that has been given, the onus would be on the individual breaking the seal to explain the circumstances to an officer and show cause for breaking the seal on the firearm. If he can do this, then there is no violation occurring. I will try and find other references to the sealing of firearms which you can look at.

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

HON. DAVID SEARLE: Mr. Chairman, are you still on clause 39 or have you gone on to 40?

THE CHAIRMAN (Mr. Stewart): Actually clause 39 I had concluded but there is a relationship between the two so they are both under discussion at the present time.

HON. DAVID SEARLE: I do not think, Mr. Chairman, my question has yet to be answered with respect to: How does the law currently read? I can not seem to put my hand on it as to the section that would be similar to clause 40. How does that currently read?

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

MR. SIMMONS: I am sorry, Mr. Chairman, I missed part of that question but I believe you were asking where in the current ordinance is there a similar provision to clause 40.

Endangering Life Or Property

HON. DAVID SEARLE: In fact, I could not find it in the current ordinance. I assume it might be in the regulations, but wherever it is my question is: how does it read currently? That is the clause dealing with the killing of wildlife where it is necessary to preserve your life or protect your property of the life of someone else. In other words, the reason I ask that is because I think you are going much further here than the law currently reads.

MR. SIMMONS: Without Mr. Land finding the clause, I believe that you are correct, that it does go further here than it does in the current ordinance. However, I believe that in the examples that you give may I assume that there is a certain amount of time involved here dealing with this animal. You are dealing with an animal that is returning and damaging property and then you are unsuccessful in coping with it by chasing it away and there have been quite a

few examples of that around the communities of Hay River and the way that is dealt with would be through the notification of an officer who then has licence to deal with a bear or the nuisance animal any way that he sees fit. This gives you the protection, I believe, that you are requiring. If, however, there is life or property involved, that is property that if taken away would it endanger your livelihood, you can deal with it immediately and Mr. Land has found the clause of the current ordinance.

MR. LAND: Mr. Chairman, reference to Schedule B of the current ordinance which states that any person under column II can kill a bear which is endangering life or property. It goes on to say that he has to take care of the hide and head and send the information and so on to the game officer but the exact words are "kill a bear that is endangering life or property". It ends there.

HON. DAVID SEARLE: Mr. Chairman, I am concerned with the situation that you can get yourself into. I do not like to be too personal in these examples, but where you are not in the municipality and you are not where you can get in touch with a game officer and you find a bear outside your camp eating your food, you do not have radio communication and your airplane is scheduled to come back three or four days hence and he is indirectly endangering your life because you can eat pork and beans. But he has been in your camp three or four times before and he is out there and you know he is going to come back. He is costing you \$500 worth of damage every month by being in your cabin and it does not make any sense to deal with him other than to shoot him. It seems to me that unless you can say he is endangering your health, your life or your livelihood which in that circumstance he might not be doing at all, but just causing a terrible nuisance and an ongoing inconvenience, you have to let him continue.

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

Protection Against Big Companies

MR. V. STEEN: The Game Advisory Council has considered situations like Hon. David Searle described but we have also considered situations where an oil company worth two or three million dollars may shoot the polar bear because he is smashing up one of their small huts or something and, therefore, we were in favour of this clause just so that polar bears or other wildlife do not get shot by big companies for no apparent reason other than to protect that property.

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

MR. SIMMONS: Mr. Chairman, as Hon. David Searle elaborates on his example, I believe that he has adequately covered thereby clause 40 and it is not the intent to tie his hands in the case that he describes. This is fast developing into a serious situation and I think that this would be covered by clause 40, but this is a legal thing that beyond the intent I can not speak to.

THE CHAIRMAN (Mr. Stewart): Mr. Simmons, if there was a bear that was continually coming around the campsite and it appears to me that he is endangering life because a bear, you do not know from one day to the next what he is able to do, I would shoot the son of a gun and to heck with it. There is no darn way I am going to put up with him two or three nights a week visiting me. Is that protecting your life? As far as I am concerned he is dangerous. Mr. Simmons.

A Question Of Judgment

MR. SIMMONS: This is a question of judgment on the part of the officer and in this case I believe, at least if I were the officer I certainly would not lay charges in this case. I think that is a good argument. Again, what we are addressing are situations like Mr. Steen spoke to, as well as the abuse of the privilege to kill bears and then claim it to be in defence of life or property.

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

HON. DAVID SEARLE: I can understand the need for this legislation, particularly with respect to polar bears. I guess I wonder where, say, a normal black bear fits into the scale of things. He does not seem to be much of a scavenger but makes more of a mess than he cleans up and he does not seem to live on anything or anything in particular but roots and berries and things like that. Just ask ourselves the abstract question: what if you shot every brown bear or black bear in the bush what damage would you be doing with the ecostructure, I think was the word Mr. Simmons used? I mean there are certain species that you can see clearly do something or provide food to other forms of life, but for the life of me I wonder what the purpose of protecting bears is, apart from polar bears and grizzly bears?

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

MR. SIMMONS: Mr. Chairman, the same question is asked of wolves and other species. I believe by a large number of people the black bear is considered a valuable animal from a variety of viewpoints, for example, by a sports hunter. I know in some parts of North America the black bear is a sought-after animal and the hide is valuable.

THE CHAIRMAN (Mr. Stewart): In view of the hour is it agreed that I should 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 wish at this time to report progress.

MR. SPEAKER: Are there any announcements for tomorrow? I think tomorrow night, gentlemen, is the evening that we have the working supper with the Science Advisory Board and the special committee of deputy ministers and we have several speakers designated on three or four areas. I thought I would just remind Members of that. Any other announcements as to committee meetings? Mr. Clerk, orders of the day.

ITEM NO. 16: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, October 24, 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. First Reading of Bills
12. Second Reading of Bills
13. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bill 3-66, N.W.T. Native Women's Association, Bill 1-66, Bill 12-66, and Bill 13-66.
14. Third Reading of Bills
15. Orders of the Day

MR. SPEAKER: This House stands adjourned until 1:00 o'clock p.m., October 24, 1978, at the Explorer Hotel.

---ADJOURNMENT

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