

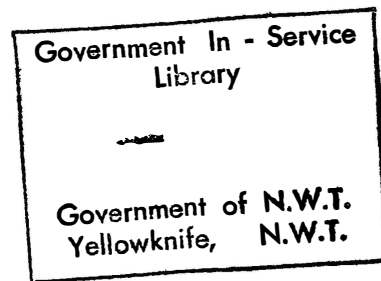


LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

67th. Session

8th Assembly

Official Report



FRIDAY, FEBRUARY 16, 1979

pages 932 to 985

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, FEBRUARY 16, 1979

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, questions and returns.

ITEM NO. 2: QUESTIONS AND RETURNS

Are there any returns? Hon. Tom Butters.

Further Return To Question 061-67: Report On Paying Creditors Of Jean Marie Sawmill

HON. TOM BUTTERS: Mr. Speaker, I have a supplementary return to Mr. Nickerson's question asked on February 8, 1979 relative to the report on paying of creditors of the Jean Marie sawmill.

The Department of Economic Development and Tourism has been advised by Indian Affairs, economic development, that the trustee, Froment and Williamson, have now confirmed with all creditors and final payout to all creditors will take place by February 28, 1979.

MR. SPEAKER: Further returns. Written questions. Mr. Steen.

Question W71-67: Vocational Training, Western Arctic

MR. STEEN: Mr. Speaker, when will this administration present to this House a paper similar to that developed for the Eastern Arctic with regard to vocational training in the Western Arctic?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W71-67: Vocational Training, Western Arctic

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the item in question is covered under Information Item 11-67, Vocational Training in the Western Arctic.

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

Question 072-67: Amount Paid To Creditors Of Jean Marie Sawmill

MR. STEWART: Mr. Speaker, a supplementary with regard to the Jean Marie sawmill. How much on the dollar is being repaid to the creditors on this particular deal?

MR. SPEAKER: Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, I regret I can not reply to the Member at this moment, I will have to take it out as notice and file a reply at the most convenient time.

MR. SPEAKER: Are there further written questions, gentlemen?

Item 3, oral questions. Mr. Pudluk.

ITEM NO. 3: ORAL QUESTIONS

Question 073-67: Payment Of Fuel Invoices In Settlements

MR. PUDLUK: Mr. Speaker, Question W16-67 regarding Motion 17-60, Preparation and Payment of Fuel Invoices, that has not been replied to and I do not know how many times I must ask this question.

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question 073-67: Payment Of Fuel Invoices In Settlements

DEPUTY COMMISSIONER PARKER: Information Item 3-67, Payment of Fuel Invoices in Settlements, deals with this subject.

MR. SPEAKER: Are there further oral questions?

Item 4, petitions.

Item 5, reports of standing and special committees.

Item 6, notices of motion.

Item 7, motions for the production of papers.

Item 8, motions.

ITEM NO. 8: MOTIONS

Motion 25-67. Hon. Arnold McCallum.

Motion 25-67: Firefighters Group

HON. ARNOLD McCALLUM: Mr. Speaker:

WHEREAS Trans North Fire Fighting Service Ltd. has been a successful pilot project for the past two years in fighting fires in the area around Great Slave Lake;

AND WHEREAS Trans North firefighters had the support of the Department of Indian Affairs and Northern Development for those years;

AND WHEREAS the actual firefighters are residents of northern communities;

AND WHEREAS it now appears that this group will go out of business because of the Department of Indian Affairs and Northern Development's decision to use smokejumpers and water bombers from outside the Northwest Territories;

AND WHEREAS such an event will cause a possible increase in social assistance to these residents and actually destroy a northern business;

NOW THEREFORE, I move that this Assembly register its full support of Trans North firefighters in their bid to continue as an integral part of fire-fighting in the North and that this motion be transmitted to the Minister of the Department of Indian Affairs and Northern Development, the Hon. Hugh J. Faulkner.

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

HON. ARNOLD McCALLUM: It has been the policy of this government, this House, and hopefully it would be of the federal government to support northern businesses. This particular business utilizes a large number of northern people for varying periods of time in the firefighting season. Over the past two years this business

was supported by the federal government through the Department of Indian Affairs and Northern Development as well as through the Department of Regional Economic Expansion and ARDA, agriculture and rural development agreement grants and small business loans. They were encouraged to start this business, they have been successful, not only in my opinion but in the opinion of other Members in fighting fires in and around Great Slave Lake and in other areas. They are successful in doing this and this is recognized as I say not only by myself and other Members but, of course, by the Department of Indian Affairs and Northern Development and has been encouraged.

Present Plans For Firefighting

This past fall the business was contacted out of Yellowknife, the northern headquarters of the Department of Indian Affairs and Northern Development and were told by correspondence that the department, or the government would not be putting out the tenders for contracting firefighting service, but instead the government or forestry department were going to utilize smokejumpers and water bombers. Now, there are no water bombers in the Northwest Territories so these bombers have to come in and cruise from outside the North. The smokejumpers are an elite group, there are no northern residents within that particular program.

The expenditures of moneys to fight fires is large in total and for the greater part this money then, if the present decision of the department and the federal government to utilize those two things -- this money of course will now leave the territories and there will be nothing done to encourage local northern business. There will be nothing done to encourage more economic money within the communities and this money turns itself around many times within the community, not only the community of Fort Smith from which the business of Trans North firefighters are located but of course within Rae-Edzo, within Fort Simpson, within Fort Liard, Fort Providence, Hay River to an extent, all over.

This House on past occasions has asked the federal government to enlarge to set new priorities for various firefighting zones because of the trapping that is going on in and around particular areas that are not on a high priority list of forestry division. I think, Mr. Speaker, that the decision obviously was made for economic reasons. I would hope that the decision would be reviewed by the department and I would hope that this House would support this particular bill, or this particular motion in terms of registering our particular concern, grave concern, over the idea of the federal government on the one hand encouraging economic growth and on the other hand taking away a viable, successful northern business composed of northern people, and I would ask Members to fully support this.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Any further discussion? Mr. Fraser.

Meeting With Trans North About Firefighting

MR. FRASER: Mr. Speaker, to the motion. As you recall when we had that meeting with Indian Affairs in Katimavik A the other day, we had the superintendent on the floor and he was the one who brought this up and mentioned that they were going to discontinue this Trans North firefighting group and I asked a question whether the smokejumpers were that effective and he said no. After working with forestry for quite a few years I found they were not very effective and we questioned them at a meeting we had with Trans North, Mr. Hornal was at the meeting. However, this whole set-up was funded by Economic Development I believe, funded by the territorial government to get these guys into business. Now they are sitting in Fort Smith set up as a business operation with \$90,000 to \$100,000 worth of equipment which if this motion is not considered they would probably have to go on welfare. What would they do with all of this equipment that was purchased through a loan from Economic Development? We talked pretty strongly to Mr. Hornal, he did not give us a negative answer but he did not give us any assurance that they would not be using these Trans North firefighters. I think maybe a little push from this Assembly might help these guys to carry on their business in the North when all the money they make stays in the North and they can bring in the smokejumpers and water bombers from outside, that money goes back south again. So, I would strongly consider supporting this motion, Mr. Speaker, and I do not think I have to say more. I think the Hon. Arnold McCallum has said just about everything else. Thank you.

MR. SPEAKER: Any further discussion?

SOME HON. MEMBERS: Question.

Motion 25-67, Carried

MR. SPEAKER: The question being called. All in favour? Down. Contrary? The motion is carried.

---Carried

Item 9, tabling of documents.

ITEM NO. 9: TABLING OF DOCUMENTS

Hon. Tom Butters, please.

HON. TOM BUTTERS: Mr. Speaker: I have a document to table.

Tabled Document 28-67: Letter from Hon. Hugh Faulkner addressed to the Commissioner dated February 15, 1979, and it deals with his views on the subject of the establishment of territorial parks. I believe it relates to the debate that was held in this House some three weeks ago on this subject.

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

Item 10, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 10: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Hon. Arnold McCallum, what is the recommendation for committee of the whole consideration? Do you want to go back in and finish...

HON. ARNOLD McCALLUM: Mr. Speaker, we would want to go back in to discuss Tabled Documents 13-67 and 20-67.

MR. SPEAKER: We had Tabled Document 10-67 in there as well but I understand that Mr. Pudluk no longer wishes to proceed with that, is that correct? Tabled Document 10-67, Proposed Ordinance Respecting Hamlets.

MR. PUDLUK: Mr. Speaker, that is right. I would like to delay it until next month with the witnesses.

MR. SPEAKER: Mr. Pudluk, did you say you wanted to withdraw it or proceed with it? Which, proceed with it? Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, Mr. Pudluk indicates to me that he does not wish to proceed with it at this time.

MR. SPEAKER: Thank you, Hon. Peter Ernerk. So, we will just put the two into committee, Hon. Arnold McCallum, as you have suggested. Now, I have forgotten who was in the chair when we had finished that. Hon. Tom Butters, were you in the chair?

HON. TOM BUTTERS: Yes, sir.

MR. SPEAKER: This House will therefore resolve into committee of the whole for continued consideration of Tabled Document 13-67 as well as the consideration of Tabled Document 20-67, with Hon. Tom Butters in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Tabled Document 13-67: Local Government, Direction for the 1980's Summary; and Tabled Document 20-67: Responsibility and Local Revenue, with Hon. Tom Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 13-67: LOCAL GOVERNMENT, DIRECTION FOR THE 1980'S SUMMARY: AND TABLED DOCUMENT 20-67: RESPONSIBILITY AND LOCAL REVENUE

Tabled Document 13-67: Local Government, Direction For The 1980's Summary.

THE CHAIRMAN (Hon. Tom Butters): The committee will come to order. When the debate was adjourned last night Members were discussing a motion that had been put on the floor by the Honourable Member from the Western Arctic and the motion read: I move that the committee delete recommendation 3(3) of this Tabled Document 13-67. I understand that speakers who had their name on the list yesterday no longer retain the entitlement to speak on the succeeding day, but I would ask the mover of the motion whether there is anything he wishes to add regarding the motion that is on the floor. Is he still satisfied with the motion as it was put yesterday?

MR. STEEN: Mr. Chairman, I think the motion was to delete recommendation 3(2) instead of 3(3).

THE CHAIRMAN (Hon. Tom Butters): Thank you.

MR. STEEN: I just wanted, at this time, Mr. Chairman, to retaliate a little bit for what the Hon. Arnold McCallum said last night. I am unable to find the reasons why he begins to think a show of hands is the proper way to vote. Do you feel, Mr. Chairman, we should continue to speak to the motion?

THE CHAIRMAN (Hon. Tom Butters): Yes, Mr. Steen, you have the floor if you wish to hold it.

Only One Democratic Way Of Voting

MR. STEEN: Yes. The main reason why I am against a show of hands is the undemocratic way of electing people, not in the process of doing business, but elections. If you leave this option, there are a number of ways you can vote, house to house, for instance, which is not working out to be a very good democratic way as we find. There is another way to vote and that is drop the ballot in a hat. I have seen people vote with that procedure before and they take it as a big joke to see which one has the most votes in the hat if you want to win. I think there should be only one way to vote, especially for elections. I do not think we are doing a disservice to the people as the Hon. Arnold McCallum says. We are not blocking the process of democracy. I think that we came out of what I referred to as the boondocks a long time ago and the people have got used already to voting and even nominating by the signing of the nomination papers. So, Mr. Chairman, that is really all I have to say for the time being.

Motion To Delete Recommendation 3(2) Restated

THE CHAIRMAN (Hon. Tom Butters): I would just then correct the motion as indicated to me by the last speaker. It reads I understand: I move that the committee delete recommendation 3(2). That is the correction you gave to me. I apologize for that. My speakers on the list are: Hon. Arnold McCallum, Mr. Stewart and Mr. Evaluarjuk. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, just briefly to refer -- hopefully to make a correction. Yesterday I did not say we were blocking democracy. I said that if we were really serious about bringing people together in the Northwest Territories, if we are serious about recognizing various parts of the Northwest Territories belonging to different cultures, having different ways of living, having

different means by which they conduct their business, I suggest that by blocking these kinds of things that are in here in the recommendations, that we would be doing a disservice to them. Mr. Chairman, the paper in total emphasizes option and flexibility to meet the needs of all people and all communities in the Northwest Territories. It gives each community a series of choices to meet their needs and allows them to operate exactly as they do now if they wish. We in this Assembly have always talked about providing greater flexibility and choice in programs and legislation to reflect particular needs of the territories. The communities represent a third level of government, a primary level of government and they should be given a degree of choice in how they run their communities, subject to basic democratic principles.

We have complained and complained and complained about the rigidity, the rigid approach of the federal government to changes in the Legislative Assembly and how it works. It would seem to me, therefore, that we should understand the wishes of communities to have more choice, more flexibility for their level of government.

Transitional Step Toward Use Of The Secret Ballot

As regards recommendation 3, the secret ballot issue, the show of hands. Election by secret ballot is, as I said yesterday, an accepted practice in Canada but it is not a right under the Canadian Constitution or any Canadian law. Nomination by show of hands and election by show of hands are proposals for an option, a choice. It is, in our opinion, a transitional step toward the use of a secret ballot. The show of hands has not been used to a great extent in Inuit communities, but it has been used by Indian communities. The recommendation applies to small communities only, hamlets and settlements. In my opinion to remove the option of a show of hands will alienate Indian communities.

MR. NICKERSON: Shame, shame!

HON. ARNOLD McCALLUM: This is a relatively, in my opinion, small issue which could, in my opinion, hamper constitutional development. When we discussed, that is the Department of Local Government, this proposal with the Executive, we were asked to pursue the question of whether or not the use of a show of hands in local elections and other local decisions was consistent with the Canadian Constitution. We went to the college of law at the University of Saskatchewan and asked Dr. Howard McConnell who Members know and I think respect, to take an extensive review of the Canadian Bill of Rights, the Canadian and British Hansard and relevant legal cases. The conclusion that we were given was that there was no constitutional rule, there are not any rules preventing a show of hands. There are in fact no precedent cases in relation to secret balloting or any alternative methods of voting. The only requirement is for a free and democratic election.

So the question of whether or not to provide alternatives to secret balloting becomes in the final analysis a political rather than a legal question. I would ask you, are identifiable groups more likely to interfere with free and democratic elections if there is a show of hands? What voting practice is suitable in special circumstances? We recommend that the communities should be allowed to choose by secret ballot and by majority whether or not the use of a show of hands could be an option in elections and in other areas of local decision making. Once the option has been chosen, decisions could then be made by the majority, whether it is a vote or a show of hands. I believe that any decision to reverse whatever procedure is opted for would be irreversible for a year.

Consultation With Communities On Methods Of Voting

When the Local Government people went around and talked to the communities we received very little criticism against the use of this option. There were certain other benefits to it obviously. You do not need an advance poll. There is no need of a proxy vote. There may not be a need for recounts. In actual fact, going around the regional group superintendents and in discussions with them on this whole process only one person questioned the use of a show of hands as an option. I do not have any other comments to make, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Hon. Arnold McCallum. Mr. Stewart, if I am to proceed in order according to the Rules each Member is entitled to speak before another Member gets a second chance. So I have Mr. Stewart, Mr. Evaluarjuk and Mr. Steen has also indicated he wishes to speak but if there are other Members I think they should precede Mr. Steen. I have Mr. Lafferty. Mr. Stewart.

MR. STEWART: Thank you, Mr. Chairman. I appreciate the position taken by the Honourable Minister and if he insists that this is not an inherent right, voting by way of secret ballot, but rather a political decision, certainly I would like him to try and take his theories south of the territorial borders and suggest to Canada that we will vote by a show of hands and I am sure he would be run out of the country for such a suggestion.

Reasons Why People Like Secret Ballot

Now, there are many questions, and I will keep the questions to the end, but actually if you are going to adopt a method of voting by way of a show of hands you are setting up by way of law for a strong-arm group in any of these settlements to take over, because this type of voting would suit their methods of operation and control the settlement forever. Now, people have the right to a secret ballot because for economic reasons or for fear from bodily harm, or for safety, they may not wish to oppose publicly a candidate, but they have that right by going in and having their vote by secret ballot.

Now, you speak of democratic right and it is a democratic right in my opinion to be able to voice your vote in a manner that is not likely or whereby it is impossible to put you in a position of retaliation. The only way you can do that is by secret ballot, you certainly can not do that by way of show of hands. You are exposing yourself to danger either on an economic basis or on a physical basis, and if you do not think there are groups in the Northwest Territories in areas which are ruled by pretty strong-arm situations then you do not know a lot about many of the settlements in the Northwest Territories.

We have, for instance, I think in Fort Franklin if the information I have is correct, by way of a show of hands one man was voted and we objected in this Assembly at that time to that and I believe the territorial government started then to carry on a vote by secret ballot and when another election was called and the vote was carried on by secret ballot, the man who had formerly won by a large majority lost by secret ballot by a large majority. Surely this must tell us something. Why open ourselves to a situation where you can actually have a settlement ruled by force and that is what you open yourself to if you are going to allow people to be elected by a show of hands.

I would like to ask one question relative to the option to nominate people as members of council orally at a nomination meeting or by written nomination and the question is what time span is there between nomination and the actual election?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

Time Span Between Nomination And Election

HON. ARNOLD McCALLUM: Mr. Chairman, I would think that in the provisions or under the regulations likely, under which we would draft or draw up a proposed ordinance that that would be provided for in there. It would be similar I suggest to what is in existence now within the Municipal Ordinance. I think that nominations under that ordinance are approximately one month, or somewhat within that time frame.

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

MR. STEWART: Thank you, Mr. Chairman. To get back to this voting by way of show of hands, that means that a person must be present at a meeting, at a specific time of the day to be able to vote. We have found it necessary in most jurisdictions to make sure that everybody has as much opportunity to vote, that we put into force an advance poll to give them more time. I believe it is three days or at least two days for advance poll time, plus a full eight or nine hours on election day to vote because we recognize that all people can not be all at the same place at the same time to cast their ballot. Now, you take this situation and you insist that he does not even have a day, he has to be there at a given time to put his hand up. So, you are taking a great deal of right away from people with regard to voting. On this type of basis gentlemen, there is no way I can accept recommendation 3(2) and will certainly support the motion to have it deleted. Thank you.

THE CHAIRMAN (Hon. Tom Butters): Thank you. Mr. Evaluarjuk. Excuse me but I see Deputy Commissioner Parker's hand.

DEPUTY COMMISSIONER PARKER: No, Mr. Chairman.

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

Show Of Hands Will Not Be Accepted In Baffin And Keewatin Regions.

MR. EVALUARJUK: Mr. Chairman, this has been debated for quite some time and I just want to say a few things. This business of voting by show of hands I do not support it either. I do not think that this can be used in the Baffin region or in the Keewatin region. Even if it is put in the paper I do not mind because I know it would not be used over in my constituency. We have said that the settlements should be able to have the final say to do things in their own way and this is not stopping them if they want to vote by way of secret ballot. Maybe in the Indian settlements they could have the option of using a show of hands to vote but perhaps we should take it out of the paper so that every settlement could have their own way of doing things. I am not satisfied with this, whether it is deleted or left in as written because I know it will not be used. If it was written this way, if it stated that you had to vote by a show of hands I would vote to have it deleted. I think this gives you all kinds of possibilities in there. Thank you.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Evaluarjuk. I just wondered if we could speed things up and the Chair could possibly recommend that if the motion were not on the floor we could go through each of the sections or recommendations 1(a), 1(b), 1(c), 1(d) and vote on each one and see what the committee feels as a whole and go through it simply. However, that is a suggestion only. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I would rather talk briefly to the motion whether it comes to a vote or not. I am in the position where I can not support the motion because for the following reasons. We have in the Mackenzie region, and the Mackenzie River area itself, from Fort Providence on down as far as Fort McPherson, ten Indian communities and it is the practice of these people that they live much by their customs and traditions.

Indian Communities Need Options

I do know that in the village of Trout Lake which is a totally Indian community, and there are quite a number of people there, that they use a show of hands for everything they do. Although I have no information regarding how this was developed I did hear questions that were raised at the community level at Fort Simpson where there were questions asked and I am certain that people have been told of this paper, at least generally told of it, but I do not know. Surely these are only recommendations and are not put into law yet and we are talking of options and we ourselves in this Legislature have continuously said we should involve

the people, we should improve conditions and if it so happened that the Indian people have not got the tools, nor the means by which they can participate in the evolution of government, then I would think that we would have to permit it, to give them the choice. I know that I have no fear, say in the communities of Fort Providence, Fort Norman or Simpson, that people will choose the secret ballot, but in those communities where Indian people are concentrated, and where they have not developed to this level, and if we wish to engage them so that they can live and understand then I think that that option should be open.

It is true listening to the arguments of the Honourable Member from Hay River that there are dangers but these are the risks that we ourselves must take because of the kind of society that we are in the North. There are risks, but surely we must have enough courage to give those people at the grass roots level of government their right to run or conduct themselves in a manner that they understand and see fit. Mr. Chairman, these are principles that we have stood for in this House for the four years that I have sat here. I have listened to you people argue and you tell me one thing one day and you do another in another day.

We are looking for people to trust and have confidence in us and surely to God we are big enough and honest enough to stand up for justice. All I am asking you is your fair judgment. If you see fit that these people be denied the right to express themselves in the way they see fit that is your business, but as long as I am sitting here I will defend their right to be wrong, your very words, the right to participate, your very words, and there are Indian people out there who still live by their traditions and customs. Thank you, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Lafferty. In keeping with the Rules of the committee I recognize the Deputy Commissioner.

Arguments Examined By Executive Committee

DEPUTY COMMISSIONER PARKER: Mr. Chairman, if I may say, I think that maybe this debate is entering a breadth that was never really intended with the production of this paper. This is a difficult subject, a very difficult subject, and it was one that was debated very carefully within the Executive Committee and there were many of the same arguments put forward that were put forward yesterday and today in this House. I think that perhaps Mr. Evaluarjuk has put it in the right context and that is that he knows that the people that he is dealing with in the Keewatin and Baffin, for instance, are satisfied with the secret ballot procedure and they understand it and they would not change from that. It was certainly never the intention of this proposal, as I understand it, that it would have any broad application. The application would be very narrow and, frankly, as has been stated it would be in the Indian communities. Now, I would see it as a temporary measure. I would see it as a measure that would enhance the learning process, that would enable a number of communities within the Northwest Territories, particularly along the Mackenzie River, basically small communities which have asked, this is their request, which have asked that this form of voting be permitted.

As I said, I see it as a transitional phase which would last for perhaps very few years before they would themselves clearly state their wishes to go to a secret ballot system. One of the problems that the people in these smaller Indian communities have is that there are a substantial number of the middle-aged and older people who do not read or write English and do not have a written language at all. Frankly, they have a great suspicion of the balloting system because they are not entirely sure as to what happens once those ballots are in the box. They get reassurances that the people who are counting them are reading them properly but put yourself in their position. They are not sure that perhaps this younger generation are reading all those ballots correctly and this is what goes through their minds. They are saying to us, and this is what I think they are saying, this is my interpretation, they are saying "We want to have a little while longer to follow one of our traditional methods, to hold a meeting and to choose members for our council, whatever form it may be. Maybe after we have done that a few times then we will be in a position where an element of trust has been established and we will be able to follow your system, but at the moment we want to try and incorporate some of our methods in with your methods as a step towards advancement."

THE CHAIRMAN (Hon. Tom Butters): Thank you, Deputy Commissioner Parker. Preceding Mr. Steen I have Mr. Fraser, Hon. David Searle and Mr. Pudluk to speak. Mr. Fraser.

Devolution For The Communities

MR. FRASER: Thank you, Mr. Chairman. For the past while now everybody has been told Local Government is talking about devolution. As I see recommendation 3(2), I can not see this as law. The first word in there 3(2)(b) says "Option of election". If some communities want to work by a show of hands, why not let them do it? If they want to work by secret ballot, let them do it. It is up to the people in the settlements. If they want to vote by a show of hands, they have an option. If they want to vote by secret ballot, they have an option. If the people want to do it this way, that is fine. If they want to pull sticks, let them pull sticks in an election or whatever, but I can not see the argument. It only refers to hamlets and settlements as far as I understand. It does not concern municipalities or towns I do not think. It is sort of good for the small communities where, as Mr. Lafferty said, in Trout Lake they do not have the facilities for a secret ballot. So, if they want to go ahead with a show of hands which the government right now does not recognize, the government will not recognize that at present and this was put in there as an option for some of the smaller settlements who want to vote by a show of hands and that is bringing local government into the communities so the people can do things their own way and it is not unlawful. Then let them do their own thing. Why bother them?

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

Everyone Must Be Considered, Not Just Constituents

HON. DAVID SEARLE: Mr. Chairman, I will be brief because most of what I was going to say has just been said either by Mr. Fraser or by the Deputy Commissioner. I think that in looking at this problem, Mr. Chairman, we should each try and not think necessarily of the areas that we represent. In other words, clearly it would be wrong for Yellowknife to vote for aldermen by a show of hands. Clearly here and in places like Hay River and Inuvik, Fort Smith and some others here the methods advocated by Mr. Stewart, Mr. Steen and I think Mr. Nickerson must there be employed. As indicated in many of the Inuit communities, they are content with secret ballots. After all, they have a written form of language, but I must say with respect, and this is what we are talking about, small Indian communities, and I have had a few in my riding over the years. I think back to when I represented Mackenzie North we had Rae, Rae Lakes and Lac la Martre in my riding and I remember the difficulty that the people had of trying to vote for the person of their choice, namely Mr. Peter Baker, and trying to find out whether he was first on the ballot or last on the ballot.

I will tell you a story and this happened. Very quickly, there were four of us in that election. Mr. Peter Baker was first, "B" being very much at the first end of the alphabet and "S", Searle was the last and the people of Rae clearly wanted, had decided they would go in and cast their ballot in favour of the incumbent then, Mr. Baker. When the ballots were counted he got about 450 votes at Rae and I got seven. In fact the seventh vote I got, the returning officer felt so sorry for me having only got six before, he gave me that one even though it was clear that the ballot paper had got upside down. The person who marked it, not being able to read English, the names or anything and there were no pictures on the ballot, had marked the ballot for what he or she thought was the first person because that would be, they were all told, Mr. Peter Baker, the first one. Not understanding the language and with the ballot upside down this person had voted for me and that is how I got that vote, seven votes.

Special Circumstances For Small Hamlets Or Settlements

I can remember that clearly as a very grave difficulty that we had in explaining where we were on the ballot. So it seems to me that in very special circumstances, that is what this says, in those special circumstances, what do you think that "option" means? In those very special circumstances where there are small hamlets or settlements and particularly in what you would call Indian country where there is no written language it seems to be entirely appropriate to permit them, if they wish, and as indicated here, as a transitional step, to permit them to continue. It is not something new. Permit them to continue to use a system which is tried and true as far as they are concerned. We are not forcing it on them. We are not forcing anything on anybody else but it seems to me that I think Mr. Lafferty said that, if you want to be credible with all segments of your native population you can not apply a rule to all of them when you know that their practices are different. So it is a question of whether you want to permit, in those isolated circumstances, something to continue which is and has been a practice in the tried and true method of doing things. I for one propose to support Mr. Lafferty, Mr. Fraser and the Minister and vote against the motion. Thank you.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Hon. David Searle. I have speakers on my list unless they withdraw their names. I have in the first round of speakers Mr. Pudluk, Hon. Peter Ernerk and Mr. Whitford and in the second round Mr. Steen and Mr. Stewart. Mr. Pudluk.

HON. ARNOLD McCALLUM: Mr. Chairman, on a point of privilege.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

Federal Bill To Enlarge Legislative Assembly Of N.W.T.

HON. ARNOLD McCALLUM: I have just been informed that the bill to enlarge the membership of this Assembly was given second reading with representatives of all parties speaking. The Minister introduced it and spoke for five or six minutes. The Member representing the Progressive Conservative party spoke very eloquently on our behalf for 20 minutes or more and the representative of the New Democratic party moved it into committee, so they are now into committee with our bill.

---Applause

THE CHAIRMAN (Hon. Tom Butters): I do not know whether I should thank you for that announcement, Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Thank Mr. Firth.

THE CHAIRMAN (Hon. Tom Butters): I interrupted Mr. Pudluk. Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I forgot the motion that was on the floor. I have in the past noticed in elections in each community, in some communities I should say, when I was a returning officer I was asked to look after the election. The raising of hands is a little bit dangerous in a way. For example, I have noticed in the past, especially in the smaller communities where they were trying to vote for councillors and if they vote by a show of hands some of the people who were not going to vote by a show of hands had a tendency to raise their arms, their hands when they were going to vote. They did not know for whom they were voting. If they do not raise their hands and the person who was trying to get elected asked the gentleman who raised his hand was, he would vote for him. This seems to be a little bit unfair and I think it is a lot better that you be cautious when you are voting by a show of hands. If the motion is going to be as it is I am not going to vote for it. Thank you.

THE CHAIRMAN (Hon. Tom Butters): The motion is: I move that this committee delete recommendation 3(2). That is on page seven of the document we are studying. Hon. Peter Ernerk is the next speaker.

Importance Of Options

HON. PETER ERNERK: Mr. Speaker, I will try and be very brief. I too have had the opportunity to discuss this paper with my colleagues at the Executive Committee and I too have had the opportunity of being able to voice my opinions at the Executive Committee but the thing about it or I think one thing that we are beginning to forget is the word "option". It has been mentioned this afternoon a number of times by various Members of this committee, "option". By that it is open to the community as to whether or not they wish to have a vote by a show of hands and I think that is a very important part of this paper.

You see, the problem we have had within the last number of years in the Northwest Territories, for instance, is that let us say that southern society, the modern society have asked the communities in the territories, especially the native communities to take on these responsibilities, they impose ideas on the people of the communities whether it is on education, whether it is on local government, or some other thing.

We will no doubt recall not too long ago that the people of Rankin Inlet, when they were informed of the fact that they had to have fishing licences for instance, they indicated to the public that they did not want them because they were fishing for their livelihood and yet again the problem was that unknown ideas, unknown to the native people came to that community, ideas which are so foreign to the native people who have hunted for years and years and fished for years and years.

Just like Deputy Commissioner Parker said maybe the older people will want to continue to live just the way they used to, maybe the younger people will understand the new system and I think that is a very important part of this whole discussion this afternoon. If the people in the Mackenzie Valley, the native people wish to follow their traditional rules of ruling their communities, if they wish to follow their old customs to a certain extent, there is nothing wrong with that. Mr. Fraser indicated that if they wished to vote by secret ballot, there is nothing wrong with that, that is fine. If they wish to vote by a show of hands, there is nothing wrong with that but again these are options that are open to the people in the Northwest Territories.

Opportunity For New Unique System

I know for a fact just like Mr. Evaluarjuk said this type of a system will not be used in his constituency and no doubt the people in my constituency would not get into it because after all they have not voted for anybody, for a leader, they have never voted by secret ballot, they have always recognized their leader quietly in their own minds. Mr. Chairman, this is a grand opportunity to get into a new, unique system for the people who live here in the Northwest Territories, very unique.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Hon. Peter Ernerk. Mr. Whitford.

SOME HON. MEMBERS: The question.

MR. WHITFORD: Mr. Chairman, only to say that in the Rae area the people have been for years voting by show of hands and the most recent idea of using a ballot for the purpose of electing a Member of Parliament or in fact a Member of the territorial Assembly is fairly new. It seems funny that the discussion comes around to this kind of thing now because years ago at the signing of the treaty the governor of the day used to come down and give the treaty to the people and the governor, in order not to get it confused and deal with individuals was the one who said "Select your leader", and therefore by a show of hands the leader was selected to become the chief.

In territorial Assembly elections, such as what is coming on now, people will in fact meet in the community hall and vote prior to the election as to who they are going to support when the actual ballot box comes to the community, that will be decided. Once the ballot box comes it becomes irrelevant, the choice of the people has already been made. It is no different than in Rae Lakes where they vote by a show of hands for a settlement chairman or in fact chief of that community. I think it makes it very difficult for Mr. Pudluk and of course Mr. Evaluarjuk to understand our side of the West, where these kind of things are happening and where they, the people, are perhaps living and trying to do their things that they see are important to them.

Advice For Future Elections

Perhaps some day maybe with the next Assembly we will be able to somehow go in and visit these communities and give them an insight into what these kinds of lifestyles are. I have had an opportunity to go to the East and be in many communities in the East, in fact all of them, where I for one learned a lot as to the understanding of these kinds of people. I think that perhaps this has now become in my own mind a warning perhaps to Local Government that what they should start doing now in terms of elections is to start putting up pictures of candidates alongside the names to illustrate who is who. Because as I say in our area they do not really take a chance in going to the ballot box and saying that you must vote for number one, two, or three or this kind of thing but the candidate is put and they know exactly where his name is and they will vote for him. So, like I say again, Mr. Chairman, I would support Mr. Lafferty and all the other Members in this.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): If the Member whose turn it is to speak calls the question then I will call the question and that is the only way I will accept the motion to call the question. Mr. Kilabuk has the floor.

MR. KILABUK: Mr. Chairman, my remarks were already made earlier so I do not have any specific points and I would just say that I am going to support the motion. Thank you.

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

MR. LYALL: Mr. Chairman, I was not going to speak on this subject but I guess I am forced into speaking to this motion. After this motion is dealt with I am going to make a motion to accept Tabled Document 13-67 as is because of the fact that every one of them states the same as this, the same as recommendation 3. It states in every case, in every recommendation, that they are options, so I would like this motion dealt with as soon as possible and I think that listening to all Members speak that we support recommendation 3 with the exception of three people of the House so I think, Mr. Chairman, that as soon as the three people you still have left speak, we should vote on it and call the question.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Lyall. Are there any other first-round speakers? If not, possibly I could ask Mr. Stewart to speak before Mr. Steen and then Mr. Steen will wrap up the debate because it is his motion. Mr. Stewart, would you speak before Mr. Steen and then allow Mr. Steen to close the debate, please.

Local Territorial And Federal Election Methods Should Be The Same

MR. STEWART: Well, Mr. Chairman, it is an interesting debate and certainly there are questions on both sides. However if the Members here are really serious in what they are saying then indeed you should make provisions in the territorial election act so we can by way of show of hands in these areas decide on your territorial Assembly. You should do the same for the Member of the House of Commons in Ottawa because these people must under the present rules and regulations which we know will not be changed, they have got to use the secret ballot. It is part of a way of life. You are not imposing anything new. They must do it in those two instances anyway. I suggest to you that the best way to get familiar with the process is to use it and as long as you are allowed to use other methods in your day-to-day living type of thing as far as local grass roots politics are concerned, then you reverse the training and so on that is required to meet your other responsibilities as far as territorial and federal elections are concerned. You surely are not going to suggest we do that by way of show of hands. One is no different than the other. You are electing people to an office and surely you must do it by the proper method.

I would not oppose this if it was not officially sanctioning people to set into motion a system that is so easily corruptible, and it is very easily corruptible. It opens the thing to many, many possible abuses and it does not follow through on the democratic right, and we should not be condoning or setting this up and allowing them to do it. That is enough, I guess I have said it over and over again and will start getting repetitious. Thank you, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): I will repeat Mr. Steen's motion and then allow him to close.

HON. ARNOLD McCALLUM: We know the motion.

THE CHAIRMAN (Hon. Tom Butters): You know the motion. Mr. Steen, do you wish to close debate?

Secret Ballot Is Part Of Traditional Culture

MR. STEEN: Mr. Chairman, I am surprised at some of the Members who have spoken against this motion. I note that every one of the Members here have been voted in by secret ballot and yet they support something else. I just can not get it. I have never heard of a culture before using a show of hands before the white man came into the community, so you can not call it part of a culture. It was only brought in with the white culture as the first step. The Indian agent, that is right, he is the one who brought in by show of hands and the people have voted before and are accustomed to voting by secret ballot, like voting for Members of this Assembly, or voting for their Member of Parliament, and yet the Minister has said that the people are not educated enough or perhaps Deputy Commissioner Parker said that. This is a step backward. They have already learned how to vote by secret ballot and now you want to allow them to step backward. Where does this stop now? You are opening up an avenue, as Mr. Stewart says, where you could have an option of going house to house. Well, it says "show of hands" in there and it says "option" and many Members were saying we are giving them an option and if we give them one option then where is the other option they are open to. The option is house to house and we know the trouble we have had in the Western Arctic where the Committee of Original Peoples Entitlement vote by that system and they do not leave the house until you bloody well vote in their favour. If you do not vote at one time they will come back and brainwash you a little more.

Western Arctic Will Support Secret Ballot Concept.

Well, many things have been said during this debate and I think a show of hands is the wrong thing to do since every one has already learned how to vote by secret ballot. The Deputy Commissioner said there were some old people in the communities who could not read, could not write, but there are so few of them I do not know how you justify doing that and still justify this Assembly doing it by secret ballot. If you agree to accept the system to get this Assembly elected by secret ballot, how can you recognize another one? Mr. Chairman, I am going to go back to my constituency and at least I will be proud because they vote there with secret ballots and in every municipal election for the settlement council and everything. I believe they would support me for supporting the secret ballot concept, but at the same time I can sympathize with some of the things that were said about some people who can not understand the new system, but I do not think it is necessary any more to go back to a show of hands. So, Mr. Chairman, I would ask every one of the Members, regardless of what they said earlier, to vote for the motion. Thank you, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): I said I recognized Mr. Steen as the last speaker to close the debate.

MR. LYALL: On a point of privilege I would like to make a motion that we vote by secret ballot on this one.

Motion To Delete Recommendation 3(2), Defeated.

THE CHAIRMAN (Hon. Tom Butters): Are you ready for the question? Question being called. All those in favour of the motion raise your hands. Down. Against? The motion is defeated. Mr. Stewart.

---Defeated

Motion To Set Aside Tabled Document 13-67.

MR. STEWART: Thank you, Mr. Chairman. I would like to make the following motion: I move that we set aside Tabled Document 13-67 for further consideration until March 30th, 1979.

THE CHAIRMAN (Hon. Tom Butters): The motion is: I move that we set aside Tabled Document 13-67 until March...

HON. ARNOLD McCALLUM: Is that debatable, Mr. Chairman?

THE CHAIRMAN (Hon. Tom Butters): Just give me time to check with the Legal Advisor. Mr. Lyall, I will rule on the question of whether it is debatable in a moment.

MR. LYALL: I would like to speak on a point of privilege. When I put up my hand to speak to the first motion I said I was not going to speak, but I said as soon as this motion is dealt with I was going to make a motion so I think you should have had my name first on your piece of paper. Yes, Mr. Chairman, I asked you very nicely that I be permitted to make a motion. If you look back on the Debates, sir, I think I am correct.

THE CHAIRMAN (Hon. Tom Butters): I know, Mr. Lyall, that you did ask me very nicely but your name was second on the list and the only reason I recognized you was that you asked for a point of privilege. Mr. Stewart's name preceded yours. My ruling is that the motion is debatable. Mr. Stewart.

MR. STEWART: Mr. Chairman, the reason I am making this motion is that the Association of Municipalities is meeting next week in Inuvik. This document has not been studied by the association and I think they should have an opportunity to study it and give us further information. After all, we are the group that is responsible for local government as far as the association is concerned and they have hamlets and even settlement councils which are represented on that association and I think we should hear from them before we go any further on this and see what their position is.

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

MR. FRASER: Mr. Chairman, I understood this Tabled Document 13-67 had nothing to do with municipalities. I thought it was for settlements and hamlets, Am I right on that?

HON. PETER ERNERK: Yes.

MR. FRASER: Mr. Chairman, I...

MR. STEWART: The hamlets and settlements are members of the Association of Municipalities.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum, would you respond to that? Document Primarily For Hamlets And Settlements.

HON. ARNOLD McCALLUM: In the total paper there are aspects that refer to municipalities involved with it, but in the main, of course, it does concern itself primarily with hamlets and settlements but it is a direction for local government of municipalities, cities, villages and towns. They are able to look after their own operation. We can only make recommendations. Here we are talking about settlements and hamlets where the department becomes more involved at that particular level of local government.

If I may, Mr. Chairman, I think this is a major policy. I think this House should set the tone as to what should be done and after we have the approval of the House for it, then I suggest then and only then would it be proper to go to the Association of Municipalities. It is a proposed policy. It is not legislation. We are not attempting to lay something on somebody that the municipalities, if they are so concerned, will not have some particular input into it, but I suggest, sir, that this input comes after we can draft a particular policy. Then we go to the municipalities or the association and get their input, then the drafting of legislation comes about. I think we are derelict in having spent yesterday, today and then say, "All right, set it aside until we come back in March."

THE CHAIRMAN (Hon. Tom Butters): I have three speakers if Mr. Fraser wishes to continue. Mr. Fraser, Mr. Lyall and Hon. David Searle. I am informed it is coffee time, Hon. Peter Ernerk. Should we recess for coffee?

---Agreed

---SHORT RECESS

THE CHAIRMAN (Hon. Tom Butters): The Chair recognizes a quorum in the House. The motion on the floor which we are discussing is: I move that we set aside Tabled Document 13-67 until March the 30th. The speaker who was speaking at the time of the recess was Mr. Fraser. He is not present. The next speaker on the list is Mr. Lyall.

MR. LYALL: Mr. Chairman, I would like your indulgence again to try and see if I could be the next speaker if this motion is defeated. If it is accepted, then I would not be the first speaker. If this motion is defeated, I would like to be the next speaker because I am going to make a motion also.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle.

HON. DAVID SEARLE: I hate to seem to differ once again from my esteemed and learned colleague and great friend from south of the lake, Mr. Stewart. However, with respect I suggest we quickly defeat this motion and get back on to the paper. The very last motion that I would propose after we have dealt with it is one that simply would say that on the conclusion of the paper we approve the paper in principle subject then to consultation with the Association of Municipalities. In other words, I would not support setting it aside for consultation first. I think we should deal with it and once we have dealt with it make sure that before the legislation comes back that there is complete consultation with the Association of Municipalities. In other words, though I agree with Mr. Stewart that that is essential, it is a question of when you do it.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Hon. David Searle. The next speaker I have on the list is Hon. Peter Ernerk. He is not in the House. Are Members ready for the question?

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): I am sorry. Mr. Nickerson,

A Thorough Discussion Necessary

MR. NICKERSON: Originally, Mr. Chairman, I was going to be opposed to this motion because I feel that we should go through this document and give the administration the advantage of our views on what is a very important subject. I would not like them to think that we thoroughly approve of this, although I am sure most Members approve of it in general terms. There are certain things that have to be discussed. It would not be right were the administration to proceed on the basis that this constitutes the wishes of the Assembly when there are obviously clauses in this that are going to require a fair amount of discussion before the views of the committee can be ascertained. So I would have liked to continue with the discussion but, however, if the alternative is, as Hon. David Searle suggests, just to approve it and say that we approve it subject to anything else, I do not think that is the right way of going about it at all. I could not bring myself to approve this without having thoroughly discussed it. Out of those two alternatives, I think that I would have to support Mr. Stewart.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Nickerson. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I am afraid that I can not support the motion. I feel that this paper should be finished. It is a very important document, perhaps the first paper that has come before us that ever had any options in it. Just on the word "options" alone I would prefer to have it brought right through the House. Thank you, Mr. Chairman.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): If there are no further speakers, I will allow Mr. Stewart to close.

The Time And Place For Input From The Association Of Municipalities

MR. STEWART: I think the House is rather reversing itself. I know when we have had documents with regard to the formation of various private entrepreneur groups and so on that we had their opinion of the paper. If you accept this paper I presume the government will proceed to make legislation based on the decisions made related to the paper and if not, I do not know what they have the paper here for. The Minister says no. Then what the hell is it doing here? It is giving direction to put legislation together and if that is not the case, Mr. Minister, you are wasting our time. So, once you approve something in principle and that is what we will wind up with on Tabled Document 13-67 during the course of today then I suggest to you that the legislation will be drawn and at that time we are going to ask the advice of the Association of Municipalities and quite possibly with their input you might want to start changing the legislation.

To my mind the time to get their arguments in is now when we are dealing with the principles involved and there are two basic principles which are hard to swallow, and that is the method of voting which is really a tough sort of thing, but if you agree to it in principle then I am sure the legislation will be drawn up and then you will have to change the legislation. If that makes sense to you it does not to me, this is the place and time to get the input from the association. We have always granted that privilege to other people when dealing with papers of this nature and if we can not recognize the body that is largely representative of the people of the Northwest Territories, the Association of Municipalities, then we are derelict in our duty.

Motion To Set Aside Tabled Document 13-67, Defeated

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Stewart. Are you ready for the question? The motion is: I move we set aside Tabled Document 13-67 until March 30th. All those in favour of the motion raise their hands. Down. Contrary? The motion is defeated.

---Defeated

Mr. Nickerson, please.

MR. NICKERSON: Mr. Chairman...

THE CHAIRMAN (Hon. Tom Butters): I did say to Mr. Lyall I would recognize him after the vote is called so I will accept his prior request to be heard. Mr. Lyall.

MR. LYALL: Thank you, Mr. Chairman. I would like to make a motion, Mr. Chairman. I move that Tabled Document 13-67 be approved by this House so that the Association of Municipalities and other interested groups may have some input to Tabled Document 13-67 before this Legislature again discusses it in this House.

MR. STEWART: That is exactly what I moved, Mr. Lyall. Let us go again.

---Laughter

THE CHAIRMAN (Hon. Tom Butters): I regret, Mr. Lyall, that I can not accept your motion in view of the fact that although the wording is different it has the identical effect to that of the previous motion which was defeated. Mr. Nickerson.

Motion To Amend Recommendation 3(2)

MR. NICKERSON: Now, I would imagine, Mr. Chairman, we get back to our discussion of recommendation 3. I would move, Mr. Chairman, that in recommendation 3(2) that the words "and hamlets" be deleted.

THE CHAIRMAN (Hon. Tom Butters): The motion put before the House by Mr. Nickerson reads thusly: I move that in recommendation 3(2) the words "and hamlets" be deleted. To the motion. Mr. Nickerson and then Hon. David Searle.

MR. NICKERSON: Mr. Chairman, I have been listening very carefully to the debate on the motion put forward by Mr. Steen which was lost and I was swayed somewhat by the eloquence of Hon. David Searle, Mr. Fraser, Deputy Commissioner Parker, Mr. Whitford and others who spoke against that motion, and of course the Minister. I think that there is some substance to the arguments in that as Mr. Whitford points out it may be that it would be to public advantage to allow the taking of votes for Members by a show of hands. Mr. Whitford has pointed out that in his opinion this is a traditional manner of doing it in some of the communities which he represents and they would like to continue for some time to do so. So, certainly the House, or this committee, is of the opinion that for small isolated remote communities which have traditionally used this manner of balloting that they should be allowed to do so. I think that this feeling coincides with that of the administration but it would seem to be that there is a certain error in drafting here with the inclusion of the words "and hamlets". This provision is supposedly only to be applicable in the types of settlements that Mr. Whitford and Mr. Fraser referred to.

Now, hamlets as we were told yesterday by the director of Local Government, frequently have very large budgets, they are responsible for the expenditure of large sums of public funds. So, in those cases where you have -- and a hamlet is a fairly sophisticated style of government, you must be conversant with the use of auditors and plebiscites and everything else, so at the hamlet level I think we can all be certain that we would want people to be elected secretly. So, what we are talking about here is with respect to settlements as we know them now and with respect to the new form of local government of municipalities, the incorporated settlements, which we were told about yesterday by Mr. Elkin and I think that this option would make sense in the case of incorporated settlements, this new form that will be brought about if the recommendations herein are carried out.

So, that is my reasoning, Mr. Chairman, and I think that it makes sense for the small places such as those Mr. Whitford referred to, but when you get into a bigger municipality dealing on a sophisticated basis with large amounts of public funds then I think that we should insist that the normal traditional Canadian method be followed.

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

Names Of Hamlets In Existence

HON. DAVID SEARLE: I am amused at how my colleague on my left allowed that there was some merit in the arguments advanced by the people who won the vote. That is quite a concession. The question I have, Mr. Chairman, should be directed to the Minister and that is, if he could kindly provide us with the names of the hamlets that are already in existence, and then I would propose to comment after I have heard the list.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that the Honourable Member will correct me but do I understand he wants a list of the hamlets that are in existence now?

THE CHAIRMAN (Hon. Tom Butters): Yes, Hon. Arnold McCallum, I understand that that is the question.

HON. ARNOLD McCALLUM: I can start on some of them but I think the list extends to about 19 or 20 and I do not know them all but I can start you a list and then provide you with the list later if you like.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle.

HON. DAVID SEARLE: I am particularly interested in the names of hamlets in the Mackenzie Valley, that is what we are talking about. For instance is Rae a hamlet?

HON. ARNOLD McCALLUM: It is a hamlet.

HON. DAVID SEARLE: And Fort Franklin?

HON. ARNOLD McCALLUM: Tuktoyaktuk, Fort Franklin, Aklavik.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Rae-Edzo and Fort Franklin, in the Mackenzie Valley. On the coast, as I said, Tuktoyaktuk and Aklavik but I think just Rae-Edzo and Fort Franklin, they are the only two communities in the Mackenzie Valley that are hamlets. I said Tuktoyaktuk and Aklavik but the Member asked in the Mackenzie Valley. I would consider Tuktoyaktuk and Aklavik on the coast, but maybe that is wrong.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle.

The Option To Be Less Formal Should Be Extended

HON. DAVID SEARLE: Mr. Chairman, I read the mood of the motion that was defeated and the discussion that preceded Mr. Steen's motion to indicate that the Members by a majority felt that the option to be less formal should generally speaking extend to the Indian communities in the Mackenzie Valley where there were not written languages. It seems therefore to me to do what Mr. Nickerson's motion suggests is to limit these less formal options only to settlements and then at least Fort Franklin and Rae, which certainly in the case of Rae is a large native community, they would be forced to use the written ballot, etc. At the same time I have some sympathy with the suggestion that more sophisticated forms of municipal government should have these other protections. However, I think I am going to have to vote against the motion because it seems to me that it would substantially defeat, and in effect reverse the vote we just had.

THE CHAIRMAN (Hon. Tom Butters): I have Mr. Steen and then Mr. Fraser. Mr. Steen. Tuktoyaktuk, The First Hamlet.

MR. STEEN: Mr. Chairman, I have to support the motion, first because I was very active in forming the first hamlet in the Northwest Territories on which I spent a total of almost 12 years trying to get the people to have a little bit of say in their own community. The process we went through to become a hamlet, it was very, very tough. Prior to that the community was an advisory committee, a committee to the federal government and I saw that we were not getting anywhere with the previous system or the system we had as an advisory committee which was set up and operated similarly to the show of hands thing. The government, when we were set up as a hamlet, proclaimed that Tuktoyaktuk was the first step, or the people of Tuk took the first step towards constitutional development at the community level. They said that they would like to set up hamlets all over the North and use Tuk as a symbol, or blueprint for other hamlets. This hamlet was elected by secret ballot with a picture of the candidates on the side of the ballot, alongside the names on the ballot. There was no need for such a thing as a show of hands.

So, it seems, like I said before, it seems like a step backward when you put the words "and hamlets" in that particular section there, election procedures for settlements and hamlets. It seems to be a backward step. Where is the proclamation? Where is the department's proclamation? It is an absolute step backwards. I hope they fall backwards some day. Mr. Chairman, I would like to say that the settlements and hamlets are educated enough to vote their people in to office without a show of hands.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Steen. Mr. Fraser and then Mr. Lafferty.

A State Of Regression

MR. FRASER: It seems to me like we are going around in circles. We are back to the show of hands. I thought there was a motion here to delete "hamlet" out of that section. I will not support the motion but the Honourable Member from Tuktoyaktuk is back to a show of hands. If the people of Tuk want to vote by a show of hands, that is their business. If they want to vote by secret ballot, that is up to them. Nothing is stopping them or anybody else from voting by a secret ballot. This is not to stop anybody. As I said before it is an option, whichever way they want to do it, but we are getting off the subject. We are getting back to...

THE CHAIRMAN (Hon. Tom Butters): Mr. Fraser, just slow down, please.

HON. ARNOLD McCALLUM: If we slow down any further, we are going to crawl.

MR. FRASER: Getting back to the last motion, the motion on the floor now is to delete "hamlets" from recommendation 3(2) and I will not support the motion. Let us talk on the motion and vote and get it over with. Let us get on with the rest of the business.

THE CHAIRMAN (Hon. Tom Butters): I have one speaker left and if he calls a question, I will call the question. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, it seems like we just defeated that previous motion dealing with this matter. Speaking to the motion, I am afraid it will cut off Rae and Fort Franklin where there are large bodies of Indian people and these are Indian communities. Mr. Chairman, I am thinking of the Dogrib Indian people in that part of the country and I can not support this motion.

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

MR. STEWART: Mr. Chairman, I will support the motion because it cuts down on the evil of this section.

A New Type Of Municipality

THE CHAIRMAN (Hon. Tom Butters): Mr. Nickerson will close the debate.

MR. NICKERSON: Thank you, Mr. Chairman. It would appear that certain Members, I am afraid the honourable colleague to my right is included amongst them, were not really listening to what was being said by the director of the Department of Local Government yesterday. There he referred to this new type of municipality which is intermediate between a settlement and a hamlet, the incorporated settlement. I think that this particular institution will take care of the instances where communities are not prepared to go the full way to hamlet status and accept the responsibilities of administering large amounts of public funds, the responsibility of seeing that officials are elected in the democratic and secret manner.

This new form which I have been convinced is needed in the Northwest Territories as an intermediate step will take care of the cases which have been brought to light in this discussion. The only two places that appear to be likely to be affected by this are Fort Franklin and Rae. Rae is a large community, fairly sophisticated community and one that handles lots and lots of public moneys.

I think that Rae, if they want to retain the hamlet status and have a proper system of municipal government there, should have to abide by the normally accepted rules. However, there is an option open to them and that is if they do not want to take upon themselves that responsibility, they can become an incorporated settlement and it is very simple for them to do that. You know, that is where it stands, Mr. Chairman. If you want to become a proper municipality, then you should abide by the democratic rules and if you are not prepared to go all that way at once, then we ought to set up a system that will accommodate that also.

Now, with respect to the comments by Hon. David Searle that in having a secret vote it means you have to have a written ballot and people might not be able to read it, that is not really necessary. We could have a pictorial ballot. Other Members have brought this to light. They said pictorial ballots have been used very successfully in elections in hamlets and other municipalities. I know they have met with success for Indian band council elections. I think that is how you get over that problem, the problem of people not being able to read and write properly. You use a pictorial ballot and there is nothing in the use of a pictorial ballot which would destroy the concept of secret elections which we hold so dear. Thank you, Mr. Chairman.

Motion To Amend Recommendation 3(2), Defeated

THE CHAIRMAN (Hon. Tom Butters): I saw a hand from Mr. Stewart but I recognized that Mr. Nickerson closes the debate so I am going to call the question at this time. The motion is: I move in recommendation 3(2) the words "and hamlets" be deleted. All those in favour of the motion please raise their hands. Down. Contrary? The motion is defeated.

---Defeated

Mr. Stewart, please.

Motion To Amend Recommendation 3(2)(b)

MR. STEWART: Thank you, Mr. Chairman. I would like to make a motion. Recommendation 3(2)(b) and the motion is this: Option of election by a show of hands at an election meeting, put in the words "if unanimous consent is obtained" as a traditional step toward voting by secret ballot.

THE CHAIRMAN (Hon. Tom Butters): If the committee would just pause for a moment, I would like to determine whether we have been over this same ground two or three times and I am just wondering if this motion is acceptable. The motion is in order and the motion is in recommendation 3(2)(b), the second line in the English version after the word "meeting" the following words be added "if unanimous consent is obtained." To the motion. Mr. Stewart.

MR. STEWART: Mr. Chairman, I believe it is my duty to predict that any band that wishes to vote -- I believe they have a right to vote by secret ballot. If everybody in an area agrees that they wish to run their election by a show of hands I have no objection but I stand to protect one man if he wants the right and I believe it is his right to vote by secret ballot and then I stand to protect this man.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): Question being called. Mr. Steen.

MR. STEEN: Mr. Chairman, I will have to support the motion.

HON. ARNOLD McCALLUM: That is a big surprise!

MR. STEEN: Because if that is the way we have to go in order to get what we want, then we will have to go that way. I do not think that we should be able to interfere with the style of voting in the communities, I mean interfere with the constitutional voting procedures that we have already learned. If we have to go this way, then perhaps that is the only way to go.

THE CHAIRMAN (Hon. Tom Butters): Are Members ready for the question? The motion is that recommendation 3(2)(b) be amended so we have "unanimous consent be obtained" added after the word "meeting". Mr. Steen.

Individual Rights

MR. STEEN: I would like to say this, that if we do not believe in the individual rights of the voter as outlined by Mr. Stewart, then if you vote against the motion it will show you do not believe in the individual rights.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I would take exception to that particular line of thought because in Mr. Stewart's view it is a constitutional right. In my view and in the view of learned people from the school of constitutional law it is not a constitutional right, the right to a secret ballot. I sit here and we have been going around in circles and we condemn what is going on in the federal government about blocking things. To call the kettle black, look at yourselves in the mirror.

THE CHAIRMAN (Hon. Tom Butters): Question being called.

MR. STEWART: I wish to wind up the debate.

THE CHAIRMAN (Hon. Tom Butters): I have two speakers before that. I recognize Mr. Lafferty first.

MR. LAFFERTY: Mr. Chairman, again we are forgetting a very important principle that we have always expressed and that is the democratic processes where the majority rules. This motion is blocking the democratic right that the majority rules.

THE CHAIRMAN (Hon. Tom Butters): To the motion, Mr. Nickerson.

The Right To A Secret Ballot

MR. NICKERSON: In my spare time I have been doing some political scientific research into the subject of secret ballots. As Hon. Arnold McCallum rightly points out, this may not be included as a constitutional right and my studies show me that there are certain places in this world where the right to a secret ballot is not in its entirety respected. My research shows me that such types of activity go on in the Soviet Union, in China, in Uganda and the central African empire. Perhaps we would like to follow their lead, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Mr. Stewart, to wrap up.

MR. STEWART: I resent the position of the Honourable Minister in that it is a matter of blocking, it is not, it is a matter of principle, it is a principle that our forefathers and everyone fought for and there was blood spilt over it for centuries, the right of an individual to have a secret ballot and it is a key to democracy. Once you remove that key you have stepped back into the Dark Ages and everybody has a right and if the Minister does not think you have the Canadian right of secret ballot, go outside and make that statement some place and see what they will do to you. It is a Canadian right. It may not be constitutional but it sure as hell is a Canadian right and I am here to defend that right.

Motion To Amend Recommendation 3(2)(b), Defeated

THE CHAIRMAN (Hon. Tom Butters): The question being called. All those in favour of the motion? Down. Against? The motion is defeated.

---Defeated

Recommendation 3, Mr. Steen.

MR. STEEN: I would like to make a motion too now.

---Laughter

Motion To Amend Recommendation 3(1)

The motion is to insert "except those hamlets, the coastal communities including Aklavik." It reads in recommendation 3(1) "That greater flexibility and choice be provided in the nomination and election procedures of settlements and hamlets except those hamlets which are on the coast including Aklavik."

THE CHAIRMAN (Hon. Tom Butters): A Member has called for the motion to be circulated. We will recess for five minutes and then I will recognize Mr. Evaluarjuk.

---SHORT RECESS

THE CHAIRMAN (Hon. Tom Butters): A quorum being present, I will read the motion that was made by the Member, and it comes in the first section of recommendation 3(1) and it follows the words "settlements and hamlets" to add "except Aklavik and those hamlets that are on the coast." To the motion, Mr. Steen.

MR. STEEN: Mr. Chairman, I just want to speak briefly to the motion and that is to say that so much time and effort went into developing these hamlets, and the hamlets there have become accustomed to the procedures of elections and the fear of infiltration of support groups, Moonies and the rest from the South to instigate their ideas -- I am afraid they could impose people or begin twisting the minds of people during open meetings and the like. So, I would like to include the hamlets in the above paragraph but if Rae and the other place there on Great Bear Lake want to retain the show of hands, it is up to them, but I would prefer that you consider my area and the other areas on the coast that have gone through so much learning in the past on how to become accustomed to the present system. Mr. Chairman, that is pretty well what I have to say on that.

THE CHAIRMAN (Hon. Tom Butters): Are you ready for the question? Mr. Nickerson.
Amendment To The Motion To Amend Recommendation 3(1)

MR. NICKERSON: I wish to move an amendment to the amendment which would add thereto the words "and other hamlets with an annual budget in excess of \$250,000."

THE CHAIRMAN (Hon. Tom Butters): The amendment would be added to the motion of Mr. Steen which would now read as amended "except Aklavik and those hamlets which are on the coast and other hamlets with an annual budget in excess of \$250,000". To the amendment. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I would like you to make a ruling on that particular motion because in my judgment that includes all hamlets. It seems we just defeated a motion along that line.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum, can you confirm that all hamlet budgets are in excess of \$250,000?

HON. ARNOLD McCALLUM: Mr. Chairman, you have got that right.

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

MR. NICKERSON: The object of this amendment...

HON. ARNOLD McCALLUM: On a point of privilege. I asked you to rule on that.

Amendment Ruled Out Of Order

THE CHAIRMAN (Hon. Tom Butters): The ruling is that as existing hamlets all have budgets in excess of \$250,000 it is contrary to what was originally moved and therefore the amendment is not acceptable. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Before we get into proof, I will get that information for you, for the committee because I suspect that is what the next step is to get a recess to get that kind of information but I know that the hamlets have budgets over that particular amount.

THE CHAIRMAN (Hon. Tom Butters): To the motion. On the amendment. I have ruled that the amendment is a duplication of a motion previously made which was to exclude the words "and hamlets" from recommendation 3(2).

HON. ARNOLD McCALLUM: Go back to the original motion.

THE CHAIRMAN (Hon. Tom Butters): If the committee will just be patient I am getting advice from my adviser. The decision was made that the amendment was not acceptable. The amendment is not in order for the reason that it has changed entirely the original thrust of the motion itself. The motion as originally made by the Member from the Western Arctic excepted a number of settlements and the amendment in effect excepts all hamlets because as the Minister has indicated, all hamlets have a budget of over \$250,000 as outlined in the amendment to the motion. Mr. Nickerson.

MR. NICKERSON: I am quite prepared to withdraw that amendment, Mr. Chairman, and substitute another figure for the figure of \$250,000. Perhaps the Honourable Minister would be kind enough to present us with a list of the budgets of the various hamlets so we can then see where this line should be drawn.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum, did you hear the question?

HON. ARNOLD McCALLUM: Mr. Chairman, yes.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I see no need to recess. I do not see anyone but one particular Member who wants such a list for his own purposes. I suggest that you either proceed on Mr. Steen's motion or not. My friend can not withdraw it and then suspend it in air until his time is suited. I suggest he is withdrawing his amendment, so proceed on Mr. Steen's motion.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Hon. Tom Butters): There has been no amendment accepted by the Chair because no amendment has been made. The request was that a certain figure be provided by the Minister and as the figure is not available the object of our discussion is the motion. To the motion. Mr. Nickerson.

Further Amendment To The Motion To Amend Recommendation 3(1)

MR. NICKERSON: I wish to move an amendment to the motion, the addition of the words "and hamlets with an annual budget in excess of \$500,000."

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum. Do all hamlets have a budget in excess of \$500,000?

HON. ARNOLD McCALLUM: Mr. Chairman, budgets are set annually. Therefore they fluctuate. I do not have that. I would have to get that information, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Would the committee accept the recommendation from the Chair that we stand down the motion or the motion as amended, or stand down recommendation 3 until we have the information required?

SOME HON. MEMBERS: No.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Hon. Tom Butters): If the committee does not accept the section being stood down then the amendment is accepted. To the amendment.

HON. ARNOLD McCALLUM: I would appeal that ruling to the Speaker.

THE CHAIRMAN (Hon. Tom Butters): I will recess if the committee permits and appeal the decision to the Speaker.

HON. DAVID SEARLE: Just before you do I want to be sure what decision it is that is being appealed.

HON. ARNOLD McCALLUM: That the amendment is accepted.

Appeal Of Chairman's Ruling To Speaker

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle, I understand that the appeal is on whether my acceptance of the amendment as made by the Honourable Member from Yellowknife North is a valid one. Is the amendment in order? The Chair has ruled that the amendment is in order and the Honourable Minister has suggested it is not in order and he has appealed to the Speaker to make a decision on its validity. I will recess the committee and report to the Speaker for a decision.

---SHORT RECESS

Speaker's Ruling

MR. SPEAKER: This House will come to order. In reviewing the motion put by Mr. Steen to exclude certain communities Mr. Nickerson has moved an amendment to that motion which would indicate that hamlets with budgets of \$500,000, in excess of that would be excluded as well. The difficulty is not knowing whether or not the settlements or communities referred to by Mr. Steen have budgets lower or higher than that, and hence whether Mr. Nickerson's amendment rather defeats the motion and that is the difficulty the chairman had.

Now, since I do not have an indication of what the budgets of those hamlets would be it seems to me that the only direction I can give the chairman is that he should simply call the question on the amendment to the motion, in other words I would sustain the motion and hold that the amendment is in order and that he should call the question on it.

THE CHAIRMAN (Hon. Tom Butters): I wish to call the question on the amendment. Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, the first motion that was put forward I think I will be able to support this motion but I will not be supporting the motion with the amendment. I know in the High Arctic where I am from for their budgets they need more than \$500,000 for the hamlets and I just wanted to clarify that. Thank you.

THE CHAIRMAN (Hon. Tom Butters): On the amendment. The question on the amendment. Mr. Nickerson.

Canadian Traditional Method Of Secret Ballot

MR. NICKERSON: Thank you, Mr. Chairman. The committee has decided that it would be all right to have voting not in accordance with the Canadian traditional method of a secret ballot in certain hamlets. I think my earlier point was that there has to be a cut-off somewhere when you are dealing with large sums of public funds, it might be okay to have such a system in smaller hamlets where the opportunity for the waste of public funds is limited.

That might be okay, but when we are dealing with large sums of money, surely the people there should have the right to elect the people who will be charged with the responsibility of spending this money and accounting for it. Surely they should in this circumstance have the right to elect those people by secret ballot. The figure of \$500,000 in itself is not that important. It is the concept that is important, the concept that below a certain level, below a certain sophistication then we would allow people to vote by show of hands, but above this level -- I do not know really if \$500,000 is the right figure. It might be some other figure, but above that level then we should maintain the traditional, Canadian traditional system of secret ballots which is so ingrained in this country.

Further Amendment To The Motion To Amend Recommendation 3(1), Defeated

THE CHAIRMAN (Hon. Tom Butters): To the amendment. Question being called. All those in favour of the amendment? Contrary? Just a minute. The amendment is: "And other hamlets with annual budgets in excess of \$500,000." That is the amendment, Mr. Steen. All those in favour of the amendment? Down. Contrary? The amendment is defeated.

---Defeated

Motion To Amend Recommendation 3(1), Defeated

To the motion. Question being called. The motion is: "Except Aklavik and those hamlets which are on the coast." Question being called. All those Members in favour of the motion raise their hands. Down. Contrary? The motion is defeated.

---Defeated

Hon. Arnold McCallum, please.

Motion To Accept Recommendation 3

HON. ARNOLD McCALLUM: Mr. Chairman, I move that the committee accept recommendation 3 as is.

MR. NICKERSON: I move that we report progress.

THE CHAIRMAN (Hon. Tom Butters): Question being called. I will put the question to the committee as to whether we should report progress. All those in favour that we report progress? Down. Contrary? The motion to report progress is defeated.

---Defeated

On the motion that Hon. Arnold McCallum made that recommendation 3 be accepted.

SOME HON. MEMBERS: Question.

MR. STEEN: What is that?

THE CHAIRMAN (Hon. Tom Butters): The motion is: I move that recommendation 3 be accepted as is.

MR. NICKERSON: A recorded vote.

THE CHAIRMAN (Hon. Tom Butters): A recorded vote has been called. To the question. All those in favour that the vote be put?

HON. ARNOLD McCALLUM: Hold the phone! That is not the motion I made.

HON. PETER ERNERK: Read the motion.

THE CHAIRMAN (Hon. Tom Butters): The motion is that recommendation 3 on page seven be accepted as it stands.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): A recorded vote has been called. All those in favour of the motion, please rise.

CLERK ASSISTANT OF THE HOUSE (Mr. de Vos): Mr. Lafferty, Mr. Lyall, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Kilabuk, Mr. Pudluk and Hon. David Searle.

THE CHAIRMAN (Hon. Tom Butters): Contrary?

SOME HON. MEMBERS: Shame!

CLERK ASSISTANT OF THE HOUSE: Mr. Steen, Mr. Stewart, Mr. Nickerson.

Motion To Accept Recommendation 3, Carried

THE CHAIRMAN (Hon. Tom Butters): Thank you. The motion is carried.

---Carried

Recommendation 4. Mr. Fraser.

MR. FRASER: Coffee time.

HON. DAVID SEARLE: Coffee time.

THE CHAIRMAN (Hon. Butters): Coffee time. We will recess for coffee for 15 minutes.

---SHORT RECESS

THE CHAIRMAN (Hon. Tom Butters): I recognize a quorum and call the committee back to order. Mr. Lyall, on recommendation 4.

HON. ARNOLD McCALLUM: We have no sound system.

THE CHAIRMAN (Hon. Tom Butters): Mr. Lyall, would you proceed, please?

Motion To Accept Recommendations 4, 5 And 6.

MR. LYALL: Thank you, Mr. Chairman. Mr. Chairman, I would like to make a motion to accept all of the rest of the recommendations 4, 5 and 6 and the other ones, recommendations 7, 8, 9 and 10 were stood down by this committee yesterday.

THE CHAIRMAN (Hon. Tom Butters): The motion is that the committee accept the remainder of the recommendations, that is, recommendations 4, 5 and 6, those that were not stood down yesterday. Mr. Lyall, do you wish to speak to the motion?

MR. LYALL: Yes, Mr. Chairman, as I indicated earlier on when I tried to accept the rest of these recommendations, I stated that because of the fact that they are recommendations with options, that is my reason, Mr. Chairman, to move that we accept the rest of these recommendations.

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

A Form Of Closure

MR. STEWART: Mr. Chairman, this is a form of closure. It is an undemocratic procedure I have not seen used in this House before, to disallow debate completely on a full section of this paper. We are doing it recommendation by recommendation and I believe basically that this motion is out of order.

THE CHAIRMAN (Hon. Tom Butters): To the motion. The motion is not out of order, Mr. Stewart. To the motion. Mr. Steen.

MR. STEEN: Mr. Chairman, yesterday I heard the Honourable Member who made that motion screaming and hollering that he did not agree with band members on the local governing council to be selected by band councils. If he makes this motion, he accepts what he fought so hard for yesterday. I think we should have a full debate on that particular subject and we have not come to it yet.

THE CHAIRMAN (Hon. Tom Butters): To the motion.

MR. STEEN: Are you cutting me off, sir? I believe, you know, that we should go through everything that goes through this House piece by piece especially a new piece of paper like this. To accept it blindly is irresponsible. I think we were elected to take a look at what was put before us by the people of the North, to examine everything. They did not put us out here to rubber stamp everything, so I am going to have to vote against the motion, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): To the motion.

SOME HON. MEMBERS: Question.

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

MR. STEWART: Before we get to recommendation 6, I presume inasmuch as he has grouped all these recommendations together we are entitled to speak to any one of the three of them. Is that correct, Mr. Chairman?

THE CHAIRMAN (Hon. Tom Butters): The motion that was put related to recommendations 4 to 6, that recommendations 4 to 6 be accepted. That is the motion that is presently before the committee, not the discussion of each individual recommendation. Members are required to decide whether they are accepted, recommendations 4, 5 and 6.

MR. STEWART: Mr. Chairman, then it is a form of closure. I can not debate recommendation 6. It that your ruling?

THE CHAIRMAN (Hon. Tom Butters): Mr. Stewart, you may speak to recommendation 6 if you wish.

Racial Discrimination In Powers Of Voting

MR. STEWART: Thank you, Mr. Chairman. If the original trouble we have had with regard to this particular paper, the taking away of the right of secret ballot is bad, recommendation 6 has got to be twice as bad. This recommendation 6, in effect gives band council members two votes in an election. A band council is allowed to appoint, on the co-operation of their members, a number of people to the council. Then they have voted once and are able to do this. Then they turn around and have another vote to elect the remaining vacancies to be filled. Surely this House is not prepared to accept racial discrimination to the point where by race you can have two votes. That is exactly what this piece of paper says. Are you prepared to accept it? Surely there has got to be some common sense yet, that we are not going to allow these types of things to happen.

To couple this particular section with the right to vote by a show of hands you have, in effect, put the power completely in any power group's grasp in any place that this type of thing is allowed to exist. Two votes if you are an Indian. Everybody else gets one and then throw in, just for fun, that you can do this by show of hands. My God, what a mess! You call this democracy and you ask the people who are elected to this Assembly to approve such a particular section? It is absolutely ridiculous. There are areas that this applies in recommendation 6, that have an Indian band, Inuit people, they have Metis and they have others; but the Indian band is going to be allowed to appoint members to that local council. This could happen in Aklavik, it could happen in Fort Smith, it could happen in Hay River. And yet other peoples' position is not protected at all. If any section is ridiculous, recommendation 6 -- to approve that, somebody has got to be really out in left field. I suppose again -- what really is "a band member"? What kind of definition would the Honourable Member put on what is a band member? God knows there is enough variation, but the whole section, and they have the unmitigated gall on page one to say "is consistent with democratic principles under the Canadian Constitution" and then bring in a recommendation such as recommendation 6. It is shameful! Absolutely shameful! Thank you, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): To the motion, Hon. David Searle.

Representatives From Remainder Of Citizens

HON. DAVID SEARLE: Mr. Chairman, I appreciate how strongly my friend Mr. Stewart feels about this, but I think there are some questions I would like answered first before I spoke against recommendation 6. I see the key words contained in part (1)(a) of recommendation 6 where it says "Council to consist of a combination of band council members and representatives of the remainder of citizens in the community in proportion to their percentage of the community population". That to me is the key. If that can be done, taking Rae for example, you would have a fairer situation than, I think, likely does exist. In other words you must remember that the current system, one man, one vote, all this allows the most hideous discrimination against minorities. In other words, this guarantees in a situation like that, representation by others where the present system sure does not.

The difficulty that I have with it, however, and it is really a question if I may, Mr. Chairman, of the Minister is, how do you from a mechanical or operational point of view make sure that you have on the one hand, band council members, and I can see that, but how do you make sure that you get representatives of the remainder of the citizens elected because part (1)(c) says "Other council members to be chosen through election". Now, how do you make sure that those persons from the remainder of the citizens in the community in proportion to their percentage of the community population, how do you make sure they are elected?

MR. STEWART: Bring an election.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, we know who would be on the band lists and then we would simply list the other eligible voters within a particular community then go through the processes that lead to an election as is now done, in a similar way, under the Municipal Ordinance.

Communities Want To Have One Body Of Representation

Mr. Chairman, I think that what we have been attempting to do in this particular section or recommendation, would be to respond to communities in the Western Arctic where there is both a band council and a settlement council. These communities want to have one body representing the community and there are communities now which have established that one body; Arctic Red River, Fort Liard, Wrigley and there are others who are attempting to find a solution.

HON. DAVID SEARLE: A point of order if I may.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle, on a point of order.

HON. DAVID SEARLE: I do not mean to cut the Minister off. I understand all of that. But my question specifically was, if I may, how do you, from an organizational point of view, make sure that you get representatives of the remainder of the citizens of the community in fact elected in proportion to their percentage of the community population? If you have say five seats for example and let us assume that four of them are filled, or even two of them by the band council then how do you make sure that the remainder of the citizens of the community are represented at all because there could be six candidates to fill the remaining three seats. How do you guarantee that one or two of those people represent the so-called remainder?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, as I indicated we would know who are band members, and we would then carry out an enumeration of other eligible voters. We would then check the list to ensure that it contains other people and we would then go through a process, the regular route by which an election is called, nominations, set an election date and check as individuals come in. That is what occurs now. People are nominated or stand for election, then people who would come in to vote for them, have their names checked off the voters list as they exercised their vote. So, there would not be a double vote by anybody; that is, the other people who stand for election other than band council members -- you would not have a band councillor or a band member standing for election for two seats or any particular band member have two particular votes.

THE CHAIRMAN (Hon. Tom Butters): Hon. David Searle, has your question been answered?

Two Lists Of Voters

HON. DAVID SEARLE: No. Mr. Chairman, as I see it there would be, to my mind, only one way you could accomplish what is set out in part (1)(a). That is, if the band council and its members appointed, in effect, several representatives of the band to be on the hamlet council, then obviously it seems to me that the members of the band council could then not vote for the balance of the seats that were agreed to be set aside for representatives of the remainder of the citizens of the community and in effect you would have two lists. There would be the band council list, people who would appoint the band council representatives and the others, the remainder of the population then presumably would vote in the normal course but for only those one or two seats that were to be filled from their group. Is that how it is going to work? That is the only way to my mind it can work. Is that how it will work?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: That is right, that is exactly what I was trying to say. We have the experience or know that there has been the experience that band councillors elect their members to serve, they elect themselves within the council itself, they select the people, they are not appointed and a case in point recently in Wrigley they elected band councillors. They did not appoint them. They carried out an election there. So, there would be two particular lists so that one would not get two votes. In other words, you can not vote twice.

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

Choice Of Vote Denied

MR. NICKERSON: We seem to be debating certain technicalities now and I would like the opportunity later to speak on the principles involved but it would seem from the evidence, or from the words just said by the Honourable Member that if I were a resident of a community, a non-band member, that I would not be able to vote for a band member who ran for election. You would be effectively denying me the choice of voting for a person who was a band member and I do not think that this would be a good idea at all, Mr. Chairman. I think that if I am a resident in the community and voting in a municipal election I should be able to vote for the person who I think will do the best job, regardless of whether according to the federal Indian Act he is a registered band member. I would most certainly like the opportunity to vote for anybody who chose to run for election and I should be able to do so freely, whether he was a member of an Indian band or whether he was not.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum, any comment?

HON. ARNOLD McCALLUM: Mr. Chairman, the only comment that I would make in relation to that is, that is not necessarily the practice in Canada where you vote, in a municipal election one votes for the person that they would want from a large list. There are ward systems within Canadian cities, for example if I lived in a particular part of a municipality that was designated as a ward I would have a vote only in that ward and I would not have a vote in another ward. Not all communities have this, not all municipalities have a ward system, but there certainly are ward systems in the municipalities in various other provinces.

THE CHAIRMAN (Hon. Tom Butters): To the motion. Hon. Arnold McCallum.

Option To Form One Local Government

HON. ARNOLD McCALLUM: Mr. Chairman, I was simply trying to indicate that there are communities that have established one body because they want only one body, local government body and there are other communities that are attempting to reconcile that situation. The approach that we propose it as an option again for Indian communities only, because they have the problem of two forms of local government, and we say that this option must receive the support of the majority of eligible voters, if that is the form or option they want to take. It ensures that one local government represents the interests of all peoples in a community. Every one participates in the election of a council, the band members elect their band council, they elect the representatives for a local government council and other community residents elect the remaining members. Anyone can stand to run for council but we are talking about an option and again an option means that you do not have to follow that particular route, it is there, to form one local government in a community because the community wants to have it. We have these requests from communities and we are talking about Indian communities in the Western Arctic. That is all, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): To the motion. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I do know the concerns expressed here, I have on several occasions mentioned I have been very concerned about. The difficulty in the kinds of situations we have found ourselves in, in some larger towns, is something that should be used; the experience of these difficulties regarding Indian band councils and settlement councils. I think Mr. Stewart is correct in saying that Indian band members will have two votes.

HON. ARNOLD McCALLUM: I just corrected that.

Situation Becomes Complicated

MR. LAFFERTY: We have found that to be true. What I support is the idea of giving people the option. For instance, in Fort Liard that option is being used presently as the Hon. Arnold McCallum points out and that option is also being exercised at Wrigley. But then in larger towns such as Fort Simpson which is a community comprised mainly of Metis and a white population, if you like to use that word -- I could not think of any other word -- with a band council elected in the community we could not see where the band members in a community have a right to participate in the election of town council members, when they already have had their elections. What happens then would be an Indian person, a band member running for election or is elected in his band council, who will run for settlement council or town council. He is not really a representative of the band but, rather, he ran on the ballot of the municipal election. It becomes very complicated. What we are seeing here is that all the Indian people in a community can participate in the election of town council and at the same time they also could appoint one of their band council members to the town seat. I think that this is quite wrong because there is a danger there. What could happen from our experience, and we have had this experience in Fort Simpson, is that in the event that a band council member, band councillor in this case, gets defeated in the democratic process exercise at the community level, he can go back in and be appointed. He really has, in a way, two votes.

HON. ARNOLD McCALLUM: No.

MR. LAFFERTY: What I would say to that, again listening to the Hon. David Searle, maybe we should delete the subparagraphs in this recommendation and give people the option, as in the community of Fort Liard or even Fort Norman, of either accepting the band council as their government or a body which is organized at the community level specifically for governing that town, so there is an option of using the band system or the Canadian norms. I think that will accommodate what we are trying to do.

Option Should Be There

On the other hand, I see this subparagraph (b) "Band members on the local governing council to be selected by the band council". Supposing the Indian people all across Canada have a right to participate in the general elections and they can not be denied that right, so an Indian man has the right as I interpret this, has a right to vote for a candidate who is not a band member, but I as a non-band member have not got the right to select a band member or band council member. It makes a big difference. So I think, Mr. Chairman, I would move -- is there a motion on the floor, Mr. Chairman? That is right. I am sorry. I think that I would be in favour of removing from recommendation 6, subparagraphs (1)(a), (1)(b) and (1)(c) and let the other portions stand because I think that is what the Indian people want, the option to govern themselves under their band system or to participate fully in the other system. I think that option should be there. That is all I have to say, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): I wonder if the Honourable Member could either provide that amendment in writing -- did you make an amendment or make a recommendation or what did you do?

HON. ARNOLD McCALLUM: On a point of order, he just made a comment, did he not?

THE CHAIRMAN (Hon. Tom Butters): He nods indicating that he made a comment. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I would just like to point out to the Member that within recommendation 6 there is nothing there, nothing that suggests two votes for anybody. This particular recommendation, as do the others, has nothing to do with villages. It has to do with settlements and hamlets. It provides an option so that voters in Indian settlements can come together to form a single form of local government in that community. It very specifically says no two votes and very specifically refers to hamlets and settlements. The comments the Member was making are not reflected here.

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

Should Be No Differences On Basis Of Race

MR. STEWART: Well, maybe the Honourable Minister can see something in this document that I can not see but certainly nowhere in this document is the description that has been presented by the Minister indicated. Nowhere does it say a member can not have two votes. It says in part (1)(c) "Other council members to be chosen through election". I can tell you that band members are on the electoral list within the municipality or settlement. It does not say in this paper that you are going to separate it. There is nowhere in here that it says it all. The explanation is a little more palatable than what the paper says.

But even at that it is still fooling around with a system of government that has stood the test of time for some 300,000 years in developing it and all of a sudden say "That is not good enough for the people of the Northwest Territories. We have to change it and get something different." This continual business of giving away certain things on the basis of race is wrong and that is what we are doing. We are treating people differently because of race. The reason we are in such a hell of a mess with regard to the native situation is because of the fooling around by the Department of Indian Affairs and Northern Development setting up special things for everybody so everybody is different and to promote and continue this type of thing through this Legislature is a disservice to the people of the Northwest Territories. We have got to stop being different on a racial plane and when you carry it right into the democratic procedure then you have gone beyond all bounds. Surely everybody is the same. Surely there should not be differences on a racial basis on the matter of elections and this type of thing.

I would like to make an amendment to the motion. The amendment is that we accept recommendations 4 and 5 and put in the words "delete recommendation 6".

THE CHAIRMAN (Hon. Tom Butters): Mr. Stewart, the original motion was that the committee accept all the rest of the recommendations, 4, 5 and 6. On the basis of the use of the word "all" in the motion the Chair could not accept an amendment to delete recommendation 6, as it substantively changes the thrust of the original motion. But the Chair would consider accepting an amendment to recommendation 6.

SOME HON. MEMBERS: Question.

Motion Amended

HON. ARNOLD McCALLUM: Mr. Chairman, recommendation 6(1)(c) perhaps would be more palatable if (c) were to read "Other council members to be chosen through election by voters who are not band members" or words to that effect.

THE CHAIRMAN (Hon. Tom Butters): Thank you.

HON. ARNOLD McCALLUM: I would move that amendment.

THE CHAIRMAN (Hon. Tom Butters): To the amendment. Mr. Steen.

MR. STEEN: Mr. Chairman, I just do not agree with the amendment. I can not see anything wrong with the electorate at large having their own community council, but I do not like where band councillors can be appointed to a council with the same powers as those who were elected by everyone. I want a free choice. I see nothing wrong with the present system where a band council can run a candidate in the local community to get their members on council. Why this other stuff you are trying here?

THE CHAIRMAN (Hon. Tom Butters): Mr. Steen, with respect, would you speak to the amendment which is "by voters who are not band members"?

MR. STEEN: There is such a close relationship that I can not see the difference. To my way of thinking I am speaking of other electors in the community and it is so closely related that it is hard to distinguish them apart. I do not know where the Minister gets his new ideas from but he defended his department so gallantly that I am unable to accept any part of the motion, the original motion plus the amendment. There is nothing wrong with the present system so I will vote against the amendment.

THE CHAIRMAN (Hon. Tom Butters): To the amendment. Mr. Lafferty.

Legal Implications

MR. LAFFERTY: Mr. Chairman, I think we are getting more complicated and I am not a legal person and I wonder if Madam Legal Advisor could advise us, Mr. Chairman, what would happen in the case of an Indian voter. He has a right to vote as of 1962 I believe or 1960, he has a right to vote in democratic elections. Now, if we put in here "Other council members to be chosen through election by voters who are not band members", I wonder what the legal interpretation would be. Supposing an Indian voter in a community contested that in court.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, if the new system of choosing councillors were put into effect the words that would be in question in court would not be these words, I think, and since we do not have the words that would be in the legislation before us I would hesitate to venture a guess on what the outcome would be. I really can not answer Mr. Lafferty's question.

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

MR. LAFFERTY: Mr. Chairman, I appreciate those comments but it leaves me further in doubt. We are trying to defend an individual's right to participate in the democratic process and I believe that this right should be equally applied in elections to a legislative body of any kind, be it at the municipal, provincial or federal level, and this is primarily what we are doing here. As I have indicated there are some places it would happen, where we will have Indian people with two votes. I am not saying it is presently happening now but we are talking about settlements and hamlets here, but in the event of a fellow, a white guy or a Chinaman, whatever he is, if he lives in a community, say Fort Liard, then I think that the people should have the option of either adopting the band people with their own local agreement that they will participate, or adopt the Canadian norms of election. I think that is the only principle I would support. However, as far as treating a person simply because he is a treaty Indian or an Indian, is concerned, I think it would be demeaning to that proud person, because most Indians are proud people, they want equal participation and that is all they have ever asked me for, to have an opportunity to participate. I can see that that recommendation 6 does do that if you delete parts (a), (b) and (c) and that is all I am saying.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Hon. Tom Butters): Mr. Whitford. Mr. Whitford, I thought your name was on the list. No? The question is being called.

SOME HON. MEMBERS: Recorded vote.

Recorded Vote Called On Amendment.

THE CHAIRMAN (Hon. Tom Butters): A recorded vote has been requested. The motion reads, with an amendment, that we accept all the recommendations from numbers 4 to 6 and recommendation 6 (1)(c) was amended to read "Other council members to be chosen through election by voters who are not band members". All those in favour of the motion, would you please stand?

HON. ARNOLD McCALLUM: Are we talking about the amendment?

THE CHAIRMAN (Hon. Tom Butters): I beg your pardon. Yes, I was going a bit too fast. Let us go back one.

HON. ARNOLD McCALLUM: You want a recorded vote on the amendment.

THE CHAIRMAN (Hon. Tom Butters): We will vote on the amendment first and I heard a call for a recorded vote so I assumed that the call was for a recorded vote on the amendment. Now the vote in question is on the amendment and that is recommendation 6(1)(c) with the words added "by voters who are not band members". All of those in favour of the amendment please stand. I will not recognize anything except a point of order. A recorded vote being called on the amendment.

MR. STEEN: What is the amendment?

Amendment Carried.

THE CHAIRMAN (Hon. Tom Butters): The amendment is to recommendation 6(1)(c). The words added to part (c) are "by voters who are not band members" and that is the amendment. All in favour?

CLERK ASSISTANT OF THE HOUSE: Mr. Lyall, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Hon. David Searle, Mr. Nickerson.

THE CHAIRMAN (Hon. Tom Butters): Contrary?

CLERK ASSISTANT OF THE HOUSE: Mr. Steen and Mr. Stewart.

THE CHAIRMAN (Hon. Tom Butters): Those who abstain.

CLERK ASSISTANT OF THE HOUSE: Mr. Lafferty, Mr. Kilabuk and Mr. Pudluk.

---Carried

THE CHAIRMAN (Hon. Tom Butters): We have...

MR. NICKERSON: On a point of privilege. I am asking the Members for the privilege of speaking on that. It is very unusual that a recorded vote is taken under such circumstances because anything might happen to the motion in the meantime. Usually a recorded vote is taken when a matter of principle is at stake, and in this case we are acting procedurally, jockeying for position, so to speak. I think I would like the record to show an explanation of why I voted for that amendment. On a matter of principle I would be opposed to recommendation 6 but if for some reason or other, which I feel is unlikely, it is passed then I would rather have it in this amended form. Thank you, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): To the motion as amended, a recorded vote being called. All those in favour of the motion as amended? The motion is that the committee accept all the rest of the recommendations, recommendations 4, 5 and 6 and you know the amendment. The recorded vote being called. All those in favour of the motion as amended.

MR. NICKERSON: I have not had the opportunity of speaking to the motion yet. I have not spoken once on it, sir.

THE CHAIRMAN (Hon. Tom Butters): I recognize what the Honourable Member has said is correct. He has not had an opportunity to speak to the motion. Would the Members take their places and give Mr. Nickerson the opportunity to speak?

Library Dues

MR. NICKERSON: Going back to recommendation 5, Mr. Chairman, I would see under recommendation 5 that there is a continuing thrust with respect to devolution, decentralization of decision-making. I wonder if we could be advised by the Honourable Minister whether or not this process also extends to the decision as to whether or not a library will be allowed to impose its own library dues.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, let me get this straight. We are talking about local governments and the Honourable Member wants me to answer a question about libraries. Is that correct?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum, I understand that that is correct.

HON. ARNOLD McCALLUM: Mr. Chairman, with all due respect what in the hell has that got to do with local government and the question here? Libraries? I have not been in a library in a long time, at least four years. I had to go into the library because we had one in the school.

THE CHAIRMAN (Hon. Tom Butters): Mr. Nickerson, can you determine where your question is pertinent to the motion?

MR. NICKERSON: Of course, Mr. Chairman.

---Laughter

Recommendation 5 talks about responsibilities in the social field, the health field, the economic field, renewable resource management and educational areas and councils, and what I get from reading through these recommendations -- and I must say that I agree with them, I thoroughly agree with recommendation 5 and I would have hoped that we could have dealt with these recommendations individually instead of collectively -- but it seems to me that there is a difference in opinion between the Department of Local Government and other departments. Surely what we are trying to get at with this paper is that the local council, the local municipal council is to be the supreme body in that municipality and we are not to have these separate boards.

HON. ARNOLD McCALLUM: Tell him to quit and I will answer it.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

Transfer Of Further Responsibility

HON. ARNOLD McCALLUM: Mr. Chairman, the Member will note that recommendation 5 indicates that as a continuation of its major thrust, the government will encourage and support the transfer of further responsibilities to local governments, to councils. Within that, in my judgment, that means that policies that are now in

existence can change. We will continue to work towards devolvement of responsibility and authority, and that includes libraries.

MR. NICKERSON: Thank you.

THE CHAIRMAN (Hon. Tom Butters): To the motion as amended. Mr. Nickerson.

MR. NICKERSON: That was my comment with respect to recommendation 5. Now, to the much more important one, recommendation 6. I do not think that I can support this recommendation because of the principles involved. If we study what has happened in the past in the Northwest Territories and elsewhere in Canada we will find that there are two approaches to the subject. The band council, the chief and band council serves a very useful purpose in southern Canada and the Indian reservations. They have a real reason for being, in southern Canada. They act as the municipal council dealing with matters that affect the reservation. There are many restrictions put on their operation, they have to continually go back to the Department of Indian Affairs and Northern Development, they are tethered so to speak and it is not the type of thing we would like to see in the Northwest Territories.

Approach In N.W.T. Has Been Good

However, I guess it does make sense on the southern reservations and the fact that nobody living on those reservations is not a member of the band who has any constitutional rights while they are resident there, so the exclusive features do not really matter to that extent. Our approach in the Northwest Territories, which has been in my opinion a good approach, has been to get going a proper system of local government, the same type of system that you would have in any municipalities in the South, a municipal government which would have all the authorities and be saddled with the responsibilities that they have elsewhere. In my opinion this is far superior to the situation on Indian reservations in the South of Canada. We have seen in the Northwest Territories that our approach has been very successful in the eastern parts of the country where fortunately the band council system does not exist. We have been favoured that that system was not extended to the Inuit people, although, of course, they are classified as Indians for certain purposes.

What I would like to see happen, and I am sure that all of us here would like to see happen, is that we do have this proper style of local government in the Northwest Territories. I would hope that over a period of time you would see the function of the chief and band council become different to what it is today. I think that these organizations could still serve a very useful purpose in the Northwest Territories and I would hope that they develop into both fraternal organizations and into organizations concerned with the special interests of their members, as organizations concerned with economic development and that type of thing. I think they could serve a very useful function, but I would hope that our municipal system would develop along the traditional Canadian lines and not differentiate between peoples.

What I see in this recommendation is some kind of compromise that is being made. Generally we favour compromises but in this particular instance I think it is a fatal compromise. We have been talking of an area where we have to decide which way we want to go and then follow that road and not come up with hodgepodge systems that do not make sense to anyone. Therefore, not wishing to be part of this fatal compromise, I would be opposed to the motion.

THE CHAIRMAN (Hon. Tom Butters): To the motion as amended. Mr. Steen.

Present System Is Working

MR. STEEN: I just want to say that I disagree with recommendation 6 totally and I will not support the motion because I think the present system is working. If local government figures band councils should get on there, let them run a candidate during the local elections. That will achieve the same thing with no fuss. We will remove the concept of racism, separatism, socialism. There seem to be a lot of socialists behind the one Honourable Member there.

THE CHAIRMAN (Hon. Tom Butters): Shame. Order.

SOME HON. MEMBERS: Shame! Retraction.

HON. ARNOLD McCALLUM: Retraction.

MR. STEEN: We went through a lot of trouble during the Berger Inquiry and I can see more of the same happening where you have intrusion in the constitutional system of this country; undermining the things that we have already done, have already got used to, the same as the show of hands. That is exactly what I am talking about. I, as a native of the North, am not going to vote for the acceptance of this particular section.

THE CHAIRMAN (Hon. Tom Butters): Ready for the question?

MR. STEWART: Recorded vote.

THE CHAIRMAN (Hon. Tom Butters): Recorded vote being called. The motion as amended...

HON. ARNOLD McCALLUM: Mr. Chairman, I think that the remarks of the Member are uncalled for and it casts aspersions against the staff of Local Government.

HON. PETER ERNERK: Yes.

HON. ARNOLD McCALLUM: I want it made perfectly clear that the Department of Local Government is not undermining in any way, shape or form what is going on in local councils throughout the North. I think the remarks were totally uncalled for and I stand prepared here to back the staff within the Department of Local Government. I would have been of a mind, Mr. Chairman, to call the Member to order but I will forego that. I want it known that those remarks were uncalled for, name-calling in terms of the Department of Local Government, because they are not undermining what is going on.

Recorded Vote Called On Motion As Amended

THE CHAIRMAN (Hon. Tom Butters): Thank you, Hon. Arnold McCallum. The record will show I called the Member to order when he uttered the remarks a few moments ago. The question has been called. A recorded vote has been requested and I wish all those in favour of the motion as amended to please rise.

CLERK ASSISTANT OF THE HOUSE: Mr. Lyall, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Kilabuk, Mr. Pudluk and Hon. David Searle.

THE CHAIRMAN (Hon. Tom Butters): Contrary? Members please rise.

CLERK ASSISTANT OF THE HOUSE: Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Nickerson.

Motion To Accept Recommendations 4, 5 And 6, Carried As Amended

THE CHAIRMAN (Hon. Tom Butters): Abstentions? The motion is carried.

---Carried

We have still remaining in Tabled Document 13-67, recommendations 7, 8, 9 and 10. Those will be considered following our examination of Tabled Document 20-67 so if the committee agrees we will move to an examination of Tabled Document 20-67 entitled "Responsibility and Local Revenue."

MR. STEWART: On a point of order. Mr. Chairman, I was wondering what happens to recommendations 11, 12 and 13 which are still on this paper. It was just recommendations 7 to 10 inclusive set aside, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Mr. Stewart, I stand corrected. I was watching the recommendations that I mentioned only and overlooked those. Let the committee move to recommendation 11. Discussion on recommendation 11. Mr. Steen.

MR. STEEN: Mr. Chairman, before I go on I want to make a motion here. Before I go on, I will retract what has been said a little earlier pertaining to the staff of Local Government, but I would just like to say that a paper produced like this is bound to raise some tempers. Anyway, I would like to entertain a motion now, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): Proceed.

Motion To Stand Down Paper Until Inquiry On Constitutional Development Complete

MR. STEEN: I move that we stand down this paper until the Hon. C.M. Drury has completed his constitutional development inquiry.

SOME HON. MEMBERS: Oh!

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD MCCALLUM: I appreciate the comment of the Honourable Member from the Western Arctic. I appreciate that these things do provoke people. I very much appreciate his retraction.

---Applause

THE CHAIRMAN (Hon. Tom Butters): Thank you very much, sir. We have a motion which I was not able to copy down in its entirety but it is: I move that we stand down this paper until the Hon. C.M. Drury has completed his recommendations, or words to that effect. To the motion. Mr. Steen.

MR. STEEN: Mr. Chairman, just to speak to the motion, the motion is a little bit different than what you have there. It is as follows: I move that we stand down this paper until the Hon. C.M. Drury has completed his constitutional development inquiry, in the Northwest Territories.

THE CHAIRMAN (Hon. Tom Butters): To the motion. Are you still speaking, Mr. Steen? Go ahead.

MR. STEEN: The reason for the motion, Mr. Chairman, is that we are dealing with a number of things in relation to community development as far as local government is concerned and he is doing this at this very moment, carrying out his constitutional inquiry. I, for one, would like to see what his report might be. For us to carry out this, we would not be able to come to, probably, a meaningful local government development until we have heard what he has to say. Maybe some of the things that we are talking about today are the same things. Maybe he has some different recommendations and we would like to see some of his recommendations. So, Mr. Chairman, that was the main reason for the motion.

THE CHAIRMAN (Hon. Tom Butters): Thank you, Mr. Steen. Mr. Nickerson.

Position Of House Should Be Made Known

MR. NICKERSON: I am strongly opposed to some of the recommendations in this paper, not all of them, and by and large I would support it but I am as strongly opposed to some of them as is my colleague, Mr. Steen. However, I think that we have put up a good battle and we have lost, that is all there is to it, we have been defeated by the majority. I think we have to accept the fact that in an institution such as this, it is the majority view that ought to prevail. Therefore, Mr. Chairman, I will have to vote against Mr. Steen's motion, I would like to see this matter completed. I would like the Department of Local Government and the Minister of Local Government to know finally what is the position of this House with respect to their policy paper. Although I might be opposed to it myself I feel that they should get that direction and I am prepared to concede defeat, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): To the motion. Mr. Fraser.

MR. FRASER: Mr. Chairman, the Honourable Member had lots of time to look at this paper and we have been working a day and a half on it now. If a motion like that should have come to the floor yesterday and we could have perhaps come back to it but I am against the motion. I want to see this finished up and over with and not come back again. Hon. C.M. Drury will not change anything in here; I do not think he was up to changing anything in local government, that is just an excuse. So, if we get on with this business -- I will not support the motion I would like to see this over with after working a day and a half on it. Surely we could come to some kind of conclusion and finish it up, Mr. Chairman.

SOME HON. MEMBERS: Agreed.

Motion Defeated

THE CHAIRMAN (Hon. Tom Butters): The question being called. All those in favour of the motion raise their hands. Down. Contrary? The motion is lost.

---Defeated

Recommendations 11, 12 And 13 Approved

We are considering recommendation 11. Do Members agree with recommendation 11?

---Agreed

Recommendation 12. Are all Members agreed?

---Agreed

Recommendation 13. Is it agreed?

---Agreed

Consideration Of Tabled Document 20-67: Responsibility And Local Revenue

Now, may we go into the tabled document I made reference to earlier, Tabled Document 20-67, Responsibility and Local Revenue?

---Agreed

Hon. Arnold McCallum, would you wish to provide some introductory remarks on this document?

HON. ARNOLD McCALLUM: Mr. Chairman, I guess I have a concern about the time element involved here. I have no remarks to make.

THE CHAIRMAN (Hon. Tom Butters): Comments of a general nature on Tabled Document 20-67. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman...

MR. FRASER: Mr. Chairman...

THE CHAIRMAN (Hon. Tom Butters): I will recognize Mr. Nickerson and you can speak after Mr. Nickerson.

MR. NICKERSON: I will have a number of questions to ask on this of a more detailed nature, but I would like to say that I strongly support the recommendations in principle that are contained in this report. On numerous occasions we have said that we support the idea of the responsibility of local councils raising a certain, albeit small proportion of their revenues and until such time as they do take upon themselves that responsibility we will not be able to develop a true system of local government. So, I would like to strongly support in principle the paper we have before us.

THE CHAIRMAN (Hon. Tom Butters): To the motion.

SOME HON. MEMBERS: What motion?

THE CHAIRMAN (Hon. Tom Butters): General comments. Mr. Fraser.

Motion To Accept Tabled Document 20-67 As Presented

MR. FRASER: Mr. Chairman, I would like to move a motion that we accept Tabled Document 20-67.

THE CHAIRMAN (Hon. Tom Butters): Mr. Fraser has moved that we accept Tabled Document 20-67 as presented. To the motion. Mr. Nickerson. To the motion.

MR. NICKERSON: Let us not try and rush things, Mr. Chairman. The department has obviously done a lot of work in putting this together and they have done it on our behalf because we requested it. I think that we should have an opportunity to discuss it in a reasonable amount of detail. I understand at the present time, Mr. Chairman, the tax rate in settlements and hamlets...

MR. FRASER: A point of order. There is a motion on the floor. A point of order, there is a motion on the floor, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): I am sorry. Yes, on the motion, Mr. Nickerson.

MR. NICKERSON: Are we not going to have the opportunity of asking the Minister how he sees some of these recommendations being implemented?

THE CHAIRMAN (Hon. Tom Butters): Mr. Nickerson, proceed with your questions.

MR. NICKERSON: Thank you, Mr. Chairman. I understand that the present property tax is set at 25 mills. Now, under the recommendations we are going to have a property tax of 15 mills and a property users' tax of 20 mills. Would I be correct in thinking that somebody who is resident on their own property would then have to pay 35 mills?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, that is correct.

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

MR. NICKERSON: Thank you very much. That is a substantial increase all at one time and I wondered whether there was any possibility of this not all being put into effect at one time. You might want to spread it out over a period of a year or two. I just wondered whether that possibility might have occurred to the department? It is a very substantial increase to be levied at one shot.

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, it was 25 and we are indicating 35. We had hoped to be able to bring it on in one -- an increase of ten mills. I recognize and appreciate the comments of the Member and I guess I would have to think about it again in consultation with the department, when it comes into force. I would not rule out the possibility.

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

Property Users' Tax

MR. NICKERSON: Mr. Chairman, as long as that matter is under consideration by the department. Probably the most important question is how this property users' tax is to be collected. I know the difficulty with which the Northwest Territories Housing Corporation collects its rents in some settlements where they are only able to collect a very small proportion of the rents payable. With normal property taxes if somebody does not pay, the property is put up for tax sale and with that process it puts a lot of incentive on people to pay their taxes on time. With respect to this property users' tax, how do you intend to collect the tax and what do you do to people who do not pay it?

THE CHAIRMAN (Hon. Tom Butters): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, we recognize that there will be a difficulty, that there will be problems involved. We are suggesting, of course, that the whole concept of the collection of property users' taxes would be done in two stages, as I am sure the Member recognizes. We would hope, obviously, that we would be able to reconcile this problem. I do not intend to minimize it, I have no magic idea, where the difficulty exists, to realize the kind of taxes that we are looking for. We think it would give an incentive, obviously, to the settlements and communities, when they take on this particular task that they would then be able -- because there is an incentive to retain portions of it -- that they would make a concerted concentrated effort to bring that about, the realization of the actual taxes. I recognize full well, though, that there will be a difficulty. We would hope that the principle of having local councils take on that responsibility will, to a greater extent than maybe now, see that these taxes would actually be collected. That may be naive but we would hopefully look forward to that.

THE CHAIRMAN (Hon. Tom Butters): Mr. Nickerson. To the motion. The question being called. All those in favour of the motion that we accept Tabled Document 20-67? Mr. Steen, to the motion.

MR. STEEN: Mr. Chairman, to the motion. I am not too clear as to accepting it, which means that we are actually closing debate or we can not debate it. There are some things in the paper in relation to property taxes and home ownership taxes, or taxes against the home owner, and also taxes against any land which is inside the hamlet boundary, and I do not know whether or not I would be speaking to the motion though, Mr. Chairman.

THE CHAIRMAN (Hon. Tom Butters): If you have questions regarding this document or comments please make them at this time.

Taxes Within Hamlet Boundaries

MR. STEEN: Mr. Chairman, there were some things that I was going to bring up, if this motion had not been on the floor, and that was in relation to community boundaries and also to taxes. I will ask one specific question here pertaining to the DEWline which is inside Tuktoyaktuk's hamlet boundaries. Who are these people paying? Who is the DEWline paying? Are they paying this government or are they paying the Government of Canada for the use of land? Are they paying property taxes? I see a tax saving under that category for a number of years.

HON. ARNOLD McCALLUM: Mr. Chairman, anything that would be in the boundaries of present communities that are taxed would continue to be. The DEWline being a federal piece of property or installation -- no? That is what I was going to say because they are federal that they are exempt from taxation. Anything that is taxable, what normally happens with this government is that we pay grants in lieu of taxes for our particular areas or improvements or what have you, but with federal, anything that is federal is exempt.

THE CHAIRMAN (Hon. Tom Butters): I want to remind Members of the committee that unless there is a motion made to continue within this hour that our sitting hours are terminated at 6:00 o'clock. Mr. Steen.

Government Corporations Using Facilities

MR. STEEN: Mr. Chairman, there are a number of government corporations in the community, Northern Transportation Company Limited, the DEWline, they all use the water system, the fresh water lakes, they use our roads, they use our post offices, they use everything that is in the community, especially in relation to the DEWline and are yet exempt from paying taxes to this government or to the hamlet. I think there should be communications between this government to establish tax because they are using our facilities.

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

MR. FRASER: On a point of order, Mr. Chairman. This tabled document is an information item that the Members have asked for at previous sessions and Local Government has provided this information document to them. If they can not read it, if they can not understand what it says -- I can understand what it says. I think if Members have any further questions to be asked, they could sit here tomorrow and the next day and ask all the questions they want but I have a motion on the floor and I would like it to be recognized, Mr. Chairman.

A Motion Of Closure

THE CHAIRMAN (Hon. Tom Butters): Mr. Fraser, your motion is recognized, but if it is accepted that we vote on it immediately, we close discussion. It becomes a motion of closure. I think Members are entitled to ask questions and carry out debate on this important subject and that is what has been occurring.

HON. DAVID SEARLE: Question.

THE CHAIRMAN (Hon. Tom Butters): On the motion, Mr. Steen.

MR. STEEN: Mr. Chairman, in reply to Mr. Fraser, the reason I am asking this question is because it is not provided in this paper and the answers are not provided. They have not necessarily filled the full request, in my opinion, of this House to provide the answers. They mentioned some things about Tuktoyaktuk here on the last page and this is the reason I am asking the question. With all due respect, Mr. Fraser, I still think that we should not -- before it is passed we will never get an opportunity to know what the government is doing in the communities and that is the reason for the questions. I believe if we vote on it now it will close the debate if it passes.

THE CHAIRMAN (Hon. Tom Butters): I would point out that if we do not report progress now and get back to formal session so we can conclude the other items of our business we will not be able to do that today. What the Chair would suggest is that we report progress on this item, go back and clean up the business that is outstanding and then we can go back into committee of the whole before 6:00 o'clock and move to extend this session on this particular agenda item and sit until Members feel it has been discussed to their satisfaction. To the motion.

SOME HON. MEMBERS: Question.

Motion Carried

THE CHAIRMAN (Hon. Tom Butters): Question being called. All in favour, raise your hands. Down. Contrary? The motion is carried.

---Carried

Consideration Of Tabled Document 13-67

We must return then to recommendations 7, 8, 9 and 10 in Tabled Document 13-67. Recommendation 7. Agreed?

---Agreed

Recommendation 8. Agreed?

---Agreed

Recommendation 9. Agreed?

---Agreed

Recommendation 10. Agreed?

---Agreed

May I report the item as the discussion having been completed and accepted?

---Agreed

MR. SPEAKER: Hon. Tom Butters.

Report Of The Committee Of The Whole Of Tabled Document 13-67: Local Government, Direction For The 1980's Summary; And Tabled Document 20-67: Responsibility And Local Revenue

HON. TOM BUTTERS: Mr. Speaker, your committee has been discussing Tabled Documents 20-67 and 13-67. Tabled Document 20-67 was accepted by the committee. Tabled Document 13-67 was accepted except for an amendment to recommendation 6(1)(c) and the words that were included on that section are "by voters who are not band members".

MR. SPEAKER: Thank you, Hon. Tom Butters.

Item 11, third reading of bills.

ITEM NO. 11: THIRD READING OF BILLS

Bill 1-67, Hon. Peter Ernerk.

Third Reading Of Bill 1-67

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-67, An Ordinance Respecting All-terrain Vehicles, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 1-67 is carried.

---Carried

Bill 2-67, Hon. Arnold McCallum.

Third Reading Of Bill 2-67.

HON. ARNOLD McCALLUM: I move that Bill 2-67, An Ordinance to Amend the Council (Amendment) Ordinance, 1978, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 2-67 is carried.

---Carried

Bill 3-67, Hon. Peter Ernerk.

Third Reading Of Bill 3-67.

HON. PETER ERNERK: Mr. Speaker, I move that Bill 3-67, An Ordinance to Authorize the Commissioner to Enter into Agreements Respecting Firearms Control, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 3-67 is carried.

---Carried

Bill 6-67, Hon. Arnold McCallum.

Third Reading Of Bill 6-67.

HON. ARNOLD McCALLUM: I move that Bill 6-67, An Ordinance to Provide Grants and Bursaries to Certain Post-secondary School Students, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 6-67 is carried.

---Carried

Bill 7-67, Hon. Arnold McCallum.

Third Reading Of Bill 7-67

HON. ARNOLD McCALLUM: I move that Bill 7-67, An Ordinance Respecting Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st day of March, 1980, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 7-67 is carried.

---Carried

Bill 8-67, Hon. Arnold McCallum.

Third Reading Of Bill 8-67

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 8-67, An Ordinance Respecting Additional Expenditures for the Public Service for the Current Financial Year, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 8-67 is carried.

---Carried

Bill 9-67, Hon. Tom Butters.

Third Reading Of Bill 9-67

HON. TOM BUTTERS: I move that Bill 9-67, An Ordinance Respecting a Financial Agreement Between the Northwest Territories and the Government of Canada, be read for the third time.

MR. SPEAKER: Seconder? Hon. Peter Ernerk. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 9-67 is carried.

---Carried

Bill 10-67, Hon. Tom Butters.

Third Reading Of Bill 10-67

HON. TOM BUTTERS: I move that Bill 10-67, An Ordinance to Authorize the Commissioner to Borrow Funds from the Government of Canada and Make Loans to Persons in the Northwest Territories During the Fiscal Year 1979-80, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 10-67 is carried.

---Carried

Bill 11-67, Hon. Peter Ernerk.

Third Reading Of Bill 11-67

HON. PETER ERNERK: I move that Bill 11-67, An Ordinance to Authorize the Northwest Territories Housing Corporation to Borrow Money, be read for the third time.

MR. SPEAKER: Seconder? Mr. Lafferty. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 11-67 is carried.

---Carried

Bill 13-67, Hon. Peter Ernerk.

Third Reading Of Bill 13-67

HON. PETER ERNERK: Mr. Speaker, I move that Bill 13-67, An Ordinance to Authorize Participation in the Western Canada Lottery, to be read for the third time.

MR. SPEAKER: Seconder? Mr. Evaluarjuk. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 13-67 is carried.

---Carried

Bill 14-67, Hon. Arnold McCallum.

Third Reading Of Bill 14-67

HON. ARNOLD McCALLUM: I move that Bill 14-67, An Ordinance to Amend the Municipal Ordinance, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill 14-67 is carried.

---Carried

Bill 16-67, Hon. Arnold McCallum.

Third Reading Of Bill 16-67

HON. ARNOLD McCALLUM: I move that Bill 16-67, An Ordinance to Amend the Interpretation and Certain Other Ordinances, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Discussion? All in favour? Down. Contrary? Third reading of Bill 16-67 is carried.

---Carried

Bill PM 1-67, Mr. Nickerson.

Third Reading Of Bill PM 1-67: Area Development Ordinance

MR. NICKERSON: I move that Private Member's Bill PM 1-67, An Ordinance to Amend the Area Development Ordinance, be read for the third time.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All in favour? Down. Contrary? Third reading of Bill PM 1-67 is carried.

---Carried

Item 12, assent to bills.

ITEM NO. 12: ASSENT TO BILLS

Mr. Clerk and Mr. Sergeant-at-Arms, would you see if the Commissioner is prepared to assent to bills?

DEPUTY COMMISSIONER PARKER: Please be seated. As Deputy Commissioner of the Northwest Territories acting in the absence of the Commissioner I assent to the following bills: Bill 1-67, Bill 2-67, Bill 3-67, Bill 6-67, Bill 7-67, Bill 8-67, Bill 9-67, Bill 10-67, Bill 11-67, Bill 13-67, Bill 14-67, Bill 16-67 and Private Member's Bill PM 1-67.

MR. SPEAKER: Thank you, please be seated. I should let you gentlemen in on a little joke that the soon-to-be Commissioner and I just had. He commented that that was short and sweet and I said that that was an excellent precedent.

---Laughter

Hon. Arnold McCallum, please.

HON. ARNOLD McCALLUM: Mr. Speaker, I wonder if I might have unanimous consent to go back to notices of motion.

MR. SPEAKER: Is it agreed?

---Agreed

ITEM NO. 6: NOTICES OF MOTION

Notice Of Motion 26-67: Adjournment Until March 28, 1979

HON. ARNOLD McCALLUM: I would like to give notice and would want to move a motion if I could have unanimous consent, to have this session adjourned.

MR. SPEAKER: Mr. Lyall, you have a notice of motion?

Notice Of Motion 27-67: Motion Of Appreciation, Legal Advisor

MR. LYALL: Mr. Speaker, I would like to give notice that as soon as Hon. Arnold McCallum makes his motion I would like to make a motion concerning appreciation of our Legal Advisor.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Hon. Arnold McCallum, motions.

REVERT TO ITEM NO. 8: MOTIONS

Motion 26-67: Adjournment Until March 28, 1979

HON. ARNOLD McCALLUM: Mr. Speaker:

WHEREAS a number of items have not yet been considered at this session;

AND WHEREAS other commitments prevent extending this session into next week;

NOW THEREFORE, I move that this session be adjourned at the close of today's business until 1:00 o'clock p.m., Wednesday, March 28, 1979.

Motion 26-67, Carried

MR. SPEAKER: Is there a seconder? Mr. Whitford. Duly moved and seconded. The question. The question being called. All in favour? Down. Contrary? The motion is carried.

---Carried

While we are on motions, Mr. Lyall.

Motion 27-67: Motion Of Appreciation, Legal Advisor

MR. LYALL: Mr. Speaker:

WHEREAS Ms. Patricia Flieger was appointed Legal Advisor to this Assembly on October 18, 1976;

AND WHEREAS it is understood that Ms. Flieger may not be available to serve in that capacity in the future;

NOW THEREFORE, I move that this Legislative Assembly express to Ms. Flieger its most sincere appreciation for the dedicated and conscientious manner in which she has most willingly assisted Members while carrying out the responsibilities of Legal Advisor to this Legislature.

---Applause

Motion 27-67, Carried

MR. SPEAKER: Seconded by Mr. Stewart. The question. All in favour? Contrary?
None.

---Carried

Ms. Patricia Flieger, if I may present you with a little memento which we will take back immediately because there is one signature we have not yet added but the motion that you just heard read and passed is repeated here for you. This is a memento to hang on your wall as a token of our appreciation.

---Applause

SOME HON. MEMBERS: Speech.

HON. ARNOLD McCALLUM: Mr. Speaker, I wonder if I may on a point of privilege, Members will recall that I rose in the House to, I guess, condemn the Parks Canada officials about a particular CBC item that related to the way we handled our discussions with Parks Canada. Today I received from Mr. John A. Carruthers, chief of parks systems, planning division, a letter that clarifies the situation and if I might have your permission this should be read into the record of the Debates.

Letter From Mr. Carruthers, Parks Canada

"On February 6, when the CBC unexpectedly contacted me at a hotel in Whitehorse I was not fully aware of the concerns Council had raised with Mr. Davidson the previous week. I was however, aware that a resolution had been passed by Council. Further it did not occur to me that Council was approaching an election. The way my comments were introduced by CBC was unfortunate in that it could imply I thought Councillors were seeking public attention whereas I had in mind drawing Parks Canada's attention to Council's concerns. I did not mean to imply these concerns were not real and valid. In fact I said certainly the territorial Council, they have got a view to express and we welcome any comments.

"Parks Canada is in fact now examining the basic concerns of Council. We are hopeful that, as a result, the legitimate needs and interests of the people of the Northwest Territories will be, ultimately, better met. I trust this explanation will help assure you that no public question of territorial Council's integrity was intended. Yours sincerely, John A. Carruthers."

MR. SPEAKER: Thank you, Hon. Arnold McCallum. Just two announcements; one is the constitutional development committee begins to meet in room 202 in this hotel, 10:30 a.m., Monday, February 19, this coming Monday. The Members, of course, are Hon. Arnold McCallum, Hon. Tom Butters, Hon. Peter Ernerk, Mr. Lafferty, Mr. Lyall, Hon. David Searle, Mr. Stewart and Mr. Whitford. The second announcement is in keeping with the usual tradition, gentlemen, the members of the staff of the House and the ladies and gentlemen who have put up with us so long at this time, are cordially invited to attend next door as the guest of the Speaker.

Mr. Clerk, orders of the day.

ITEM NO. 13: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, March 28, 1979, 1:00 o'clock p.m., at the Explorer Hotel.

1. Prayer
2. Questions and Returns
3. Oral Questions

4. Petitions
5. Reports of Standing and Special Committees
6. Notices of Motion
7. Motions for the Production of Papers
8. Motions
9. Tabling of Documents
10. Notices of Motion to Introduce Bills for First Reading
11. Introduction of Bills for First Reading
12. Second Reading of Bills
13. Consideration of Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bills 5-67, 4-67, 12-67 and 15-67, Proposed Amendments to the Federal Indian Act, Tabled Document 10-67, Proposed Amendments to the Rules of the Legislative Assembly, Report of the Special Committee on Constitutional Development
14. Third Reading of Bills
15. Assent to Bills
16. Orders of the Day

MR. SPEAKER: This House stands adjourned until 1:00 o'clock p.m., March 28, 1979, at the Explorer Hotel.

---ADJOURNMENT

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