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**DEBATES**

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**pages 986 to 1042**

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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Number III, Executive Authority, page five, part 11.

Executive Authority, Part 11

Part 11(a)(i), Agreed

CLERK OF THE HOUSE: Part 11. That the authority of the Executive branch of government in the Northwest Territories be reallocated and the components of the Executive be reshaped in two stages, as follows:  
(a) Immediately, following election of the ninth Assembly, (i) The membership of the Executive Committee consists exclusively of elected Members.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Part 11(a)(ii), Agreed

CLERK OF THE HOUSE: (ii) The elected Executive Members elect their chairman from amongst their number.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Part 11(a)(iii), Agreed

CLERK OF THE HOUSE: (iii) The Executive Committee decisions be referred to the Commissioner for ratification.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Part 11(a)(iv), Agreed

CLERK OF THE HOUSE: (iv) The Commissioner be bound to ratify the decisions of the Executive Committee unless he is instructed specifically to the contrary by the Minister or by the Governor in Council.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Part 11(a)(v), Agreed

CLERK OF THE HOUSE: (v) The position of Deputy Commissioner not be filled on a full time basis, but temporary appointments be made only to accommodate absences or any other inability of the Commissioner to act.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(a)(vi), Agreed

CLERK OF THE HOUSE: (vi) The position of Assistant Commissioner disappears when the present incumbent vacates the position.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(a)(vii), Agreed

CLERK OF THE HOUSE: (vii) The number of Executive Members be increased immediately following the election. The number of Members be not less than five nor more than seven; every department of the government be assigned to an Executive Member; and some reorganization of departments be required.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(a)(viii), Agreed

CLERK OF THE HOUSE: (viii) The Executive Committee be supported by a more comprehensive secretariat.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(a)(ix), Agreed

CLERK OF THE HOUSE: (ix) The Executive Members be provided with executive assistants.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(b)(i), Agreed

CLERK OF THE HOUSE: Part 11(b). Within the next four years, (i) The Commissioner be named Lieutenant Governor and be bound by all decisions of an Executive Council.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(b)(ii), Agreed

CLERK OF THE HOUSE: (ii) An administrator perform the functions of the Lieutenant Governor in his absence; this to be a pro tem assignment, probably of a supreme court judge.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

MR. PEARSON: After the Clerk has read the paragraph could we not pause to allow the interpreters to catch up with that clause so the thing can be translated?

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. Mr. Clerk, if you would slow down a little.

MR. PEARSON: There should be a pause at the end of each section.

Part 11(b)(iii), Agreed

CLERK OF THE HOUSE: (iii) Executive Council Members fully perform all ministerial functions in respect to all departments.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Part 11(c).

CLERK OF THE HOUSE: Part 11(c). Within the next ten years, an act be prepared to establish a province within the Northwest Territories.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

DEPUTY COMMISSIONER PARKER: What does it mean? I do not propose to debate, Mr. Chairman, but I just wonder rather than hurrying over that one, the use of the words "within the Northwest Territories". Would it be possible to have a further explanation of the committee's thinking? Does that mean a province of part of the territories?

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

HON. ARNOLD McCALLUM: Mr. Chairman, I just wanted to go back into the back-up material on it. I would simply say first, Mr. Chairman, that it has been the position of the Assembly in prior statements that we believe that we should move towards provincial status and whether that is a province for the entire Northwest Territories or should there be provinces, which would of course suggest and imply that there would be a division within the territories and that that division of the territories would be the subject of a referendum. We believe that in order to attain our particular goals of responsibility, we believe the only way that we would be able to get that, or move towards that now would be to have a unified front. It very well may be within a number of years that there will be a province, and we are saying hopefully within the next ten years an act would be prepared to establish a province, either of the Northwest Territories or a portion thereof.

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

Motion To Amend Part 11(c), Carried.

HON. TOM BUTTERS: Mr. Chairman, that is not contained in this reference. This reference suggests the establishment of a province within and I do not think that was the intent of the committee. I think the intent of the committee today was to put into words the phraseology just provided us by the Honourable Member. I do not think anyone wishes to presume on the eventual plebiscite regarding the division or not of the territories and this implies that the committee foresees that such a division would be approved by plebiscite. I would prefer to see the words "of, or within", the words "of or" be added after the word "province".

THE CHAIRMAN (Mr. Stewart): To the motion. As I understand it Part 11(c) would now read: "An act be prepared to establish a province of, or within, the Northwest Territories." To the motion.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Stewart): To the motion. Are you ready for the question? All in favour? Opposed? The motion is carried.

---Carried

Now, part 11(c) as amended. Is it agreed? Mr. Pudluk.

MR. PUDLUK: Mr. Chairman, I would like to see the amended part 11(c). We only have that in English and I wonder if we could see that as amended?

THE CHAIRMAN (Mr. Stewart): Would you get closer to your microphone? I was not able to understand your comment.

MR. PUDLUK: Under part 11(c) that Hon. Tom Butters just amended it is not translated in Inuktitut and I wonder if they could put that on some time, as amended?

THE CHAIRMAN (Mr. Stewart): You wish the amendment translated, is that your point, Mr. Pudluk?

MR. PUDLUK: In Inuktitut. Mr. Chairman, concerning this subject we are talking about under part 11(c), it has been amended and I would like to see it translated in Inuktitut. As it stands now it is not translated.

Part 11(c) Set Aside.

THE CHAIRMAN (Mr. Stewart): Thank you and inasmuch as this is a minor change could this not be looked after forthwith? Could we just do that one particular part 11(c) as it is very short? We will have a copy sent down to you which would include the statement in Inuktitut. In view of the translation difficulty I will set aside part 11(c) for the present time. Is that agreed?

---Agreed

Legislative Authority, Part 12, Agreed.

Page six, number IV, part 12, Legislative Authority. Mr. Clerk.

CLERK OF THE HOUSE: Part 12. That the Northwest Territories Act be completely revised before the election of the tenth Assembly to provide a constitutional framework like that found in sections 58 to 90 of the British North America Act for the provinces; and that the Assembly be authorized to amend its constitution except with respect to the office of Lieutenant Governor.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, part 13.

Part 13, Agreed.

CLERK OF THE HOUSE: Part 13. That the limitation on the exercise of legislative jurisdiction by the Assembly presently found in section 13 of the Northwest Territories Act be removed, and territorial legislation be subject only to acts of parliament that include a clause specifying the application of that act to the Northwest Territories.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, part 14.

Part 14, Agreed

CLERK OF THE HOUSE: Part 14. That Members of the Assembly be full and equal participants in the revision of the Northwest Territories Act from its commencement to its conclusion.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, number V, Economic Development and Resource Responsibilities, part 15.

Economic Development And Resource Responsibilities, Part 15, Agreed

CLERK OF THE HOUSE: Part 15. That as a first step in expanding economic development opportunities in the Northwest Territories the administration and management of resources, including land use, water, forests, minerals, oil and gas be transferred immediately from the federal to the territorial government.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, part 16.

Part 16, Agreed

CLERK OF THE HOUSE: That the Governor in Council issue an order transferring the administration of crown lands to the Government of the Northwest Territories for the beneficial use of the territories.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, part 17.

Part 17, Agreed

CLERK OF THE HOUSE: Part 17. That the ownership of crown land and resources in the territories be transferred when provincial status is granted.

THE CHAIRMAN (Mr. Stewart): Is it agreed? Hon. David Searle.

HON. DAVID SEARLE: I think it is important to point out what we mean here. The distinction that is being made between parts 16 and 17 is that in part 16 what we are talking about is that control, in terms of administration of crown lands, be turned over to the Government of the Northwest Territories. We are not talking about ownership at the point in time where we are now. We talk about ownership under part 17 at the time of provincial status, whenever that occurs. I think it is important to make that point because we have always in the past had difficulty with the federal government whenever we start talking about the ownership of land. By this paper we are not asking for ownership of land and I think that that has to be emphasized, that now or

within the next few years -- we are simply saying that we should really as an agent and on behalf of the federal government have control of the administration of lands with the ownership remaining in the federal government until we become a province, but we must also have, at this point in time, a clear acknowledgement that ownership does come at the time of provincial status, that you can not be working towards becoming a province and then have the means by which you would pay your own way denied you then. So, these two parts, if anything, I think understate what we mean, at least in the summary.

THE CHAIRMAN (Mr. Stewart): Is part 17 agreed?

---Agreed

Page seven, part 18, Mr. Clerk.

Part 18, Agreed

CLERK OF THE HOUSE: Part 18. That steps be taken to reach an agreement with the Government of Canada on the transfer of the administrative responsibility for inland fisheries.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page seven, part 19. Mr. Clerk.

Part 19, Agreed

CLERK OF THE HOUSE: Part 19. That effective immediately no further lands be set aside as national parks without the consent of the Legislative Assembly, and that land be allocated for territorial parks.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page eight, part 20.

Part 20, Agreed

CLERK OF THE HOUSE: Part 20. That in the field of environmental protection, the parliament of Canada withdraw its legislation -- except with respect to offshore activities -- so that regulatory functions are carried out by territorial and local government employees implementing territorial legislation.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page eight, part 21.

Part 21, Agreed

CLERK OF THE HOUSE: Part 21. That the Northern Canada Power Commission be located in the Northwest Territories, and that power generation, transmission and distribution should be subject to the legislative control of the territorial Assemblies.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed



Number VI, Other Program Areas, part 22.

CLERK OF THE HOUSE: Part 22. That the Land Titles Act...

HON. DAVID SEARLE: Mr. Chairman, part 21, I think to make sense, one has to appreciate that NCPC currently, of course, provides power, generation, transmission and distribution for both territories, the Yukon and the Northwest Territories, and what we really want there is firstly for the Northern Canada Power Commission to continue its plans to decentralize its operations out of Edmonton in the short term and ultimately in the long term to, in effect, divide itself into two corporate entities; one responsible to the Yukon Assembly and the other one responsible to the Northwest Territories Assembly and hence the wording which in summary I think tends maybe to be a little bit confusing.

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

MR. PEARSON: I think that paragraph is a little misleading in that it starts off stating the Northwest Territories. I think it should remain in that sort of tenor through the paragraph and that it should not be plural, the Assemblies, but simply the territorial Assembly. Otherwise it will cause -- the Yukon is no concern of ours. This is a paper dealing with the development of the Northwest Territories surely. Let the Yukon do for themselves, but to take away the ambiguity or the confusion that that paragraph may cause I would suggest that it simply be "territorial Assembly." That is all.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. I think probably the point is well taken by Hon. David Searle and Mr. Pearson that this part 21 could be clarified. Would you like to set it aside and have it rewritten? What is the direction of the committee, please? Mr. Fraser.

MR. FRASER: Mr. Chairman, just briefly on part 21, if we are asking for a transfer of Northern Canada Power Commission to be located in the Northwest Territories, how come there was nothing mentioned about the Northern Transportation Company Limited or CNT.

THE CHAIRMAN (Mr. Stewart): Basically CNT has been moved to the Yukon and that is why it is our turn to get NCPC and it is my hope somebody gets after NTCL very quickly. What is the direction relative to rewriting this section or this item? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, as I understand it Mr. Pearson's concern is to change "Assemblies" from plural to make it singular, change the "ies" to "y". Why set it aside?

THE CHAIRMAN (Mr. Stewart): Basically the setting aside was to meet with Hon. David Searle's objection to it. There were two objections to the item.

HON. ARNOLD McCALLUM: I do not think...

Motion To Amend Part 21

THE CHAIRMAN (Mr. Stewart): You are moving "Assemblies" to now read "Assembly." Is that correct?

MR. PEARSON: I so move.

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

HON. DAVID SEARLE: I thought I should correct the interpretation of my comments. My comments, I think, were by way of explanation only of what we mean in part 21 because I do not think that the way it is written that it necessarily exactly expresses what we mean. As I understood our discussion in committee, we were concerned first of all with encouraging the relocation of NCPG offices in the short run to the territories. That was number one.

Secondly, that in the long run we were concerned with the division of the company between the two territorial jurisdictions that it serves, so that ultimately we would have a Northwest Territories power company or commission on the one hand in the Northwest Territories, and in the Yukon, a Yukon power commission serving the Yukon. I thought, as well, that we had rather hoped to leave open as an option the possibility that this government in the future might wish to have a power company that was not necessarily a crown corporation, but could be -- heaven forbid in this day and age -- could be from the private sector, would you believe? I thought we would even leave that option open of having a private power company. That is my recollection of the discussion which we had and I do admit that it is not all contained in that summary paragraph.

THE CHAIRMAN (Mr. Stewart): I had a motion on the floor to change the word "Assemblies" to "Assembly." In all due respect, Mr. Pearson, possibly without the introduction of a few more words, this does not clarify the matter but could possibly make it worse. Would you consider the second line from the bottom, "transmission and distribution in the Northwest Territories should be subject to the legislative control of the territorial Assembly"? The Legal Advisor thinks that may possibly clarify it. I think really we should send it back and rephrase it because I do not think it is doing what you want it to do.

MR. PEARSON: Question. I raised the point because I think it needs clarification for people who are going to read this. It is considered an important document.

MR. FRASER: I can not hear you.

MR. PEARSON: I raise it because I think it needs clarification. I think it could be taken as ambiguous and if the Legal Advisor advises that you simply set it aside until it meets the needs of the committee, I so move that it be amended. If you wish to remove it until it is done, that is fine with me.

Motion To Amend Part 21, Withdrawn

THE CHAIRMAN (Mr. Stewart): Mr. Pearson, would you for the record's sake withdraw your motion on changing the word to "Assembly" and ask it to be set aside for clarification?

MR. PEARSON: Yes.

THE CHAIRMAN (Mr. Stewart): Is that agreed?

---Agreed

Other Program Areas, Part 22, Agreed

Page eight, number VI, Other Program Areas, part 22. That the Land Titles Act, Canada, be repealed and a territorial land titles ordinance be enacted to replace it. Agreed?

---Agreed

Page eight, part 23, Mr. Clerk.

Part 23, Agreed

CLERK OF THE HOUSE: Part 23. That a Northwest Territories department of justice be established immediately; that the federal justice employees resident in the Northwest Territories be transferred to the public service of the territories and be appointed agents to the Attorney General of Canada for the prosecution of offences under federal acts.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page eight, part 24, Mr. Clerk.

Part 24, Agreed

CLERK OF THE HOUSE: Part 24. That the Canada Labour Code be amended to remove the impediment to the enactment of a territorial labour relations ordinance.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page eight, part 25.

Part 25, Agreed

CLERK OF THE HOUSE: Part 25. That the Canadian Human Rights Act be amended to exclude its application to the public service of the Northwest Territories so that it applies in the Northwest Territories only to the extent that it applies in any province.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page eight, part 26. The Clerk of the House.

Part 26, Agreed

CLERK OF THE HOUSE: Part 26. That the transfer of responsibility for the delivery of health care services to all residents of the Northwest Territories be expedited by the co-operation of the federal departments with the territorial Department of Health so that a transfer is fully effected by April 1, 1980.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page nine, part 27.

Part 27, Agreed

CLERK OF THE HOUSE: Part 27. That a long-range plan for highway construction and reconstruction under Government of the Northwest Territories control and management be agreed to by the Treasury Board.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed.

Page nine, number VII, Regionalism, Local Government and Devolution, part 28.

Regionalism, Local Government And Devolution, Part 28, Agreed

CLERK OF THE HOUSE: Part 28. That unity is essential if the Northwest Territories is to attain an equal standing in the Canadian confederation and that the only way to achieve unity is through one territorial government representing all peoples in the Northwest Territories.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Page nine, part 29.

Part 29

CLERK OF THE HOUSE: Part 29. That there are properly three levels of government in the Northwest Territories, federal, territorial and local, and that, therefore, there is no place for a regional level of government and its own law-making powers and administration.

THE CHAIRMAN (Mr. Stewart): Is it agreed? Mr. Pearson.

MR. PEARSON: I am surprised to hear some of those agrees, especially from Members who just recently attended the Baffin Regional Council in Cape Dorset and who in the next couple of days will present a paper to this Assembly on the development and formation of a constitution for that said organization, the Baffin Regional Council. I presume in the near future we will be hearing from the Keewatin Regional Council and various other regional councils. Obviously there is a conflict here between what it says in this paper and what the Members who attended that recent conference and who feel strongly about the development of regional councils as another form of government. So, I would like to ask them how they plan to proceed now.

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

HON. DAVID SEARLE: I direct Mr. Pearson's attention to page 76 where the matter is more fully discussed. I would also like to suggest that my learned colleague is in error in suggesting that we are against regional councils. What the document says is that we do not see the need for a fourth distinct level of government. Indeed we support regional councils as bodies which meet within a region on a conference-like basis to discuss problems in common and to make recommendations to a body such as territorial Legislature for changes in legislation which may be implemented on a local regional or other basis. So, while we support regional councils for those limited purposes, what we are saying here is that we do not support a distinct level, or fourth level of regional government with legislative powers. So, I hope that my colleague understands the distinction we are making in the paper. While supporting regional councils for conference purposes we do not support a fourth level of government.

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

Position Of Baffin Regional Council

MR. PEARSON: Well, Mr. Chairman, I understand what the Honourable Member has just said. However, I can not agree with the approach. It is the ambition of the people from the Eastern Arctic, particularly the people who are in the process of developing the concept of the Baffin Regional Council to, in fact, become a legislative body and to make laws and to deal with issues that affect the lives of the people who live in the Eastern Arctic. Now, I can not say the same for other regional councils, should they be developing, but there certainly is the view of those people who are working with the Baffin Regional Council, and that it become a law-making body, that they have powers, legislative, that it be given some kind of authority and autonomy.

The area of education I believe will be the first target of its approach and developing some kind of regional approach to education, this is in the works. I support it, I feel that it is because of the tremendous distance, and the tremendous differences in opinion and views to resolving solutions that have developed in the Northwest Territories over the past four years, that things or organizations such as the Baffin Regional Council, are absolutely essential institutions and a necessary form of government, a necessary approach to it, anyway for the time being, until perhaps another solution is resolved, and be it that division or whatever it be, but I therefore can not in any possible way support this part 29. There is a place for the regional level of government and there is a place for its own law-making powers and its own administration and I think one of the first people to agree is the Commissioner, the present Commissioner of the Northwest Territories, Mr. Stuart Hodgson. Time out.

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

SOME HON. MEMBERS: Question.

Part 29, Agreed

THE CHAIRMAN (Mr. Stewart): Part 29, is it agreed?

MR. PEARSON: Nay.

---Agreed

THE CHAIRMAN (Mr. Stewart): The Chair recognizes one nay and the rest are agreed. Is that correct?

MR. PEARSON: Two nays. One nay it is, Mr. Chairman.

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

MR. PEARSON: Is it too late to ask for a recorded vote on that?

THE CHAIRMAN (Mr. Stewart): Page nine, part 30. Mr. Clerk.

Part 30, Agreed

CLERK OF THE HOUSE: Part 30. That in order to meet the diversity of interests and concerns throughout the Northwest Territories, the Assembly favours strengthening the local level of government, encouraging a more active role for Members of the Legislative Assembly and improving the administrative interface between the local and territorial levels of government.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page nine, part 31.

Part 31, Agreed

CLERK OF THE HOUSE: That the process of devolution be speeded up by the transfer of more powers from the federal to the territorial level of government and by more action by the Government of the Northwest Territories in determining powers sought at the local level of government.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Page ten, part 32.

Part 32

CLERK OF THE HOUSE: Part 32. That it be accepted by the Government of Canada, that the only vehicle for effecting devolution to the territorial or local levels of government in the Northwest Territories is the Assembly of the Northwest Territories.

THE CHAIRMAN (Mr. Stewart): Is it agreed? Mr. Lyall.

MR. LYALL: Mr. Chairman, I have one question that has been kind of bothering me for a while. Is it only I who was thinking this way, that we should have in this paper also, that immediately there be a House for the Assembly? Have we thought of that or am I the only one thinking this way?

THE CHAIRMAN (Mr. Stewart): You are suggesting a legislative building. Is that what you are suggesting, Mr. Lyall?

MR. LYALL: Yes, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): This particular paper is not on housing...

---Laughter

...it is on pretty well everything else. Does anyone wish to make any comments in committee relative to Mr. Lyall's suggestion? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I do not think Mr. Lyall is the only person who would be of a mind that we should have our own legislative building. If he is looking for someone to go along with him, I will.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson, and it can not be in Frobisher Bay.

MR. PEARSON: Why not?

---Laughter

I think it should be in Baker Lake, the dead centre of the Northwest Territories.

---Laughter

HON. ARNOLD McCALLUM: We have been through that one before.

MR. PEARSON: The Legislative Assembly item has been the subject of debate here before and I think that Air Marshal Hugh Campbell moved a motion to that effect at one time and I came along several years later and made the same motion. I gather that land is, in fact, reserved in Yellowknife for such a facility if they can ever find enough money to build one.

HON. ARNOLD McCALLUM: Top priority.

MR. PEARSON: I think possibly the Commissioner could enlighten Members on that issue.

HON. ARNOLD McCALLUM: The Member is absolutely correct, it is there.

Part 32, Agreed

THE CHAIRMAN (Mr. Stewart): Any further comments on this matter? I have indicated here page ten that part 32 has your approval. Is that correct? Is it agreed?

---Agreed

The other two items to complete this document are not ready at this time and is it your wish that I report progress?

HON. ARNOLD McCALLUM: Mr. Chairman, would you indicate to me so that I am aware of the two items, is that part 11(c) and part 21? Is that correct?

THE CHAIRMAN (Mr. Stewart): I understand that we now have the translations available and if you are prepared we will proceed with page six, part 11(c). Does that satisfy your requirements, Mr. Pudluk?

MR. PUDLUK: Yes.

Part 11(c), Agreed As Amended

THE CHAIRMAN (Mr. Stewart): Then part 11(c) on page six: Within the next ten years, an act be prepared to establish a province of, or within, the Northwest Territories. Are we agreed?

---Agreed

That only leaves, Hon. Arnold McCallum, part 21, I believe it is. Part 21 is the one we set aside.

Motion To Amend Part 21, Carried

HON. ARNOLD McCALLUM: Mr. Chairman, may I suggest that part 21 could read: That the Northern Canada Power Commission be located in the Northwest Territories, and that power generation, transmission and distribution in the Northwest Territories should be subject to the legislative control of the territorial Assembly.

THE CHAIRMAN (Mr. Stewart): Would you like to so move?

HON. ARNOLD McCALLUM: I would, sir.

THE CHAIRMAN (Mr. Stewart): To the motion on part 21. Is it agreed?

---Carried

Part 21, as amended. Agreed?

---Agreed

Then, the paper as a whole. Agreed?

---Agreed

Shall I report that this committee has completed its study on this paper?

HON. ARNOLD McCALLUM: Mr. Chairman...

THE CHAIRMAN (Mr. Stewart): Since it is important I think we should go by way of motion.

Motion Of Concurrence That Report Be Adopted As Position Of Assembly, Carried

HON. ARNOLD McCALLUM: I move that the report of the special committee on constitutional development be adopted as the position of the Northwest Territories Legislative Assembly on constitutional development in the Northwest Territories, and I further move that the paper be presented to the Prime Minister's special representative on constitutional development in the Northwest Territories and to the Minister of Indian Affairs and Northern Development.

THE CHAIRMAN (Mr. Stewart): To the motion.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Stewart): The question being called. All those in favour? Opposed? The motion is carried.

---Carried

Hon. Peter Ernerk, did you have your hand up or down?

HON. PETER ERNERK: I had my hand up in agreement.

THE CHAIRMAN (Mr. Stewart): Then, it is carried unanimously.

HON. DAVID SEARLE: Mr. Chairman, just one last question. I assume in reporting this out you will report the motion and yet leave the matter open for the attendance before the committee, then, of Hon. C.M. Drury, pursuant to the first suggestion.

THE CHAIRMAN (Mr. Stewart): I suppose you are probably absolutely correct, Hon. David Searle, and I suppose at this time I should just report progress.

SOME HON. MEMBERS: Agreed.

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

MR. SPEAKER: Mr. Stewart.



Report Of The Committee Of The Whole Of Position Of The Legislative Assembly On  
Constitutional Development In The Northwest Territories

MR. STEWART: Mr. Speaker, your committee has been studying the paper on the Position of the Legislative Assembly on Constitutional Development and wishes to report progress at this time.

MR. SPEAKER: Thank you, Mr. Stewart. That being so, when we complete the discussion I assume you will then report the motions out. Hon. Arnold McCallum, is there anything else you feel we could properly deal with this afternoon?

HON. ARNOLD McCALLUM: Mr. Speaker, I would like then to move into Bill 4-67, Legal Services Ordinance.

MR. SPEAKER: Thank you. This House will resolve into committee of the whole for consideration of Bill 4-67, Legal Services Ordinance, and Mr. Stewart, do you want to take the chair or should I try it on Mr. Fraser?

MR. STEWART: It is Mr. Fraser's turn, Mr. Speaker.

MR. SPEAKER: Mr. Fraser, are you prepared to take the chair?

MR. FRASER: Yes, Mr. Speaker.

MR. SPEAKER: In that case with Mr. Fraser in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 4-67, Legal Services Ordinance with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 4-67, LEGAL SERVICES  
ORDINANCE

THE CHAIRMAN (Mr. Fraser): Seeing as I have got the chair, I guess we will break for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum and I call the meeting to order. We are dealing with Bill 4-67, An Ordinance Respecting the Provision of Legal Services to Certain Persons. Hon. Tom Butters, would you wish to call in any witnesses?

HON. TOM BUTTERS: Yes, I would. I wish to call a witness when we go to the matter of the bill clause by clause. However, if the committee would agree, I would like to provide a bit of background to the reasons for presenting this legislation at this time, if I may, sir.

THE CHAIRMAN (Mr. Fraser): Any objections to the Honourable Member giving this background?

Background To The Legal Aid Program.

HON. TOM BUTTERS: In August of 1971, the federal and territorial governments signed an agreement to cost share a legal aid program hiring lawyers for both criminal and civil matters. This agreement has served as the basis for the legal aid program in the territories and was amended once in 1975 to increase the amount borne by the federal government to 50 per cent of the costs to a maximum of \$70,000.

Subsequent to 1971, two other programs related to legal aid were funded by cost sharing arrangements with the federal government. The Northwest Territories Native Court Workers' program and the Frobisher Bay legal services clinic, Maliiganik Tukisiiniakvik. In 1975, the two governments agreed that there should be a comprehensive examination of the legal aid program in the territories. The four man federal-territorial committee completed their review and reported to the territorial and federal governments in 1977. Following consideration of their report the Executive Committee of the Government of the Northwest Territories endorsed the recommendations of the legal aid review committee as follows:

That a territorial ordinance should be enacted to provide one constitutional base for all present and future legal services programs including the present Northwest Territories legal aid program, Maliiganik Tukisiiniakvik and the Northwest Territories Native Court Workers' program.

That there should be created through the ordinance a legal services board which should operate independently of government. This board would have responsibility for the legal aid program in the Northwest Territories as described in the report and would be composed of representatives of the Northwest Territories Bar Association, of government, native groups and representatives from the different regions.

Three, that the legal aid and legal services programs should provide some form of financial support to encourage members of the Northwest Territories Bar Association to locate in centres in the Northwest Territories and to build a viable private law practice. The legal services board would enter into a contract with a lawyer to locate and provide legal services in Frobisher Bay and Inuvik.

Four, that committees representing identified regions should be created to provide advisory services to the central legal services board.

Five, that paralegal services should be available throughout each of the Northwest Territories programs, the Native Court Workers' program, Maliiganik Tukisiiniakvik or successor programs and whatever is developed elsewhere. Paralegal services will have to be clearly defined so that comparable levels of service can be provided throughout the Northwest Territories. Because the role of the paralegal is a developing one, proper definitions will have to be the result of experience and much consultation with the Northwest Territories Bar Association, with the bench and interested agencies or groups.

### Legal Aid Rate Structure

Six, that the legal aid rate structure should be modified and the tariff levels adjusted to levels more closely reflecting current costs. In the sixty-fifth session of the Assembly, Recommendation to the Legislature 2-65, Policy Respecting Legal Aid, setting out the above recommendations was approved on May 16, 1978. With respect to those adopted recommendations the Legal Services Ordinance has been prepared. This ordinance provides a constitutional base for all legal service programs and creates an independent board which has the responsibility for the legal aid program and the administration of the ordinance.

Mr. Chairman, that completes my introductory remarks to the legislation. I would be most grateful, sir, if the committee would permit Mr. Al Brien of the legal services division to attend the committee and provide them with professional advice on either general or specific matters arising out of this ordinance.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Tom Butters. Thank you, for your brief introduction. Hon. David Searle. Is it the wish we go into comments before we call the witness in, comments of a general nature so everybody has a chance?

HON. DAVID SEARLE: Mr. Chairman, I think that I should indicate the obvious, that is, that as a licensed barrister and solicitor in this jurisdiction in private practice I will likely have to declare an interest in this legislation and indicate that I will not be taking part in the debate nor voting on the legislation.

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. David Searle. Any further comments of a general nature? If there are not further -- Mr. Nickerson.

MR. NICKERSON: Thank you. Mr. Chairman, I have some comments of a general nature but I think it would be advantageous to have the witness here when I bring up these comments.

THE CHAIRMAN (Mr. Fraser): Is it the wish of the House we call the witness in? Is it Mr. Brien?

---Agreed

We have Mr. Brien in the witness chair. Mr. Nickerson, any comments of a general nature?

### Particular Interest Groups

MR. NICKERSON: Certain interest groups would indeed have a particular interest in this particular legislation. Two that immediately come to mind are the Law Society of the Northwest Territories and the Native Court Workers' Association. I wonder if the organizations have been contacted regarding this legislation and what their views are regarding it?

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

MR. BRIEN: Yes, Mr. Chairman. Both the organizations that were mentioned were contacted. The ordinance was discussed in quite some detail with the representatives from both organizations. Many of their comments are reflected in the bill as it is in its current state, that is, from the initial drafts, depending on their comments they were incorporated into the bill as it is presented now.

THE CHAIRMAN (Mr. Fraser): Mr. Brien, thank you. Mr. Nickerson.

MR. NICKERSON: How much money, Mr. Chairman, do we spend on legal aid and related matters at the present time and how much more is it likely we would have to spend if this ordinance was enacted?

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

A Cost Sharing Agreement

MR. BRIEN: The budget for 1978-79 year for legal aid was \$376,000. It is on a cost sharing agreement with the federal government of which the current ceiling of that cost sharing from the federal government's point of view is \$70,000 which means that the balance of that total, if that total is expended, is the share of the territorial government. With the new ordinance which is proposed there would also be a new cost sharing agreement with the federal government of which the ceiling for the federal government would be substantially increased to a 50 per cent cost sharing basis and this in effect will in the first year reduce the territorial government cost sharing portion.

The budget for 1979-80, and it is just a tentative budget, would put the total cost of legal aid, including the cost of the two other programs to a total of \$460,000. The territorial portion of that would be 50 per cent and the federal portion of that would be 50 per cent.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Brien. Are there any further comments? Does the committee wish that we go clause by clause on Bill 4-67? Is that agreed?

---Agreed

Clause 2, interpretation. Is it agreed?

---Agreed

Clause 3, administration, legal services board. Is it agreed?

---Agreed

Clause 4, on page three, objects of the board. Is it agreed?

---Agreed

Clause 5, duties of the board. Is it agreed?

---Agreed

Clause 6, powers of the board. Is it agreed?

---Agreed

Clause 7, proceedings of the board. Is it agreed?

---Agreed

Clause 8, executive director. Is it agreed?

---Agreed

Clause 9, board's staff. I only hear one agreed. Is it agreed?

---Agreed

Clause 10, application to become regional legal services committee. Is it agreed?

---Agreed

Clause 11, appointment of regional committee. Is it agreed?

---Agreed

Clause 12, revocation of appointment. Is it agreed?

---Agreed

Clause 13, Executive Member's representatives. Is it agreed?

---Agreed

Clause 14, vacancy in appointment. Is it agreed?

---Agreed

Clause 15, regional and other contracts. Is it agreed?

---Agreed

Clause 16, duties of regional committee. Is it agreed?

---Agreed

Clause 17, powers of regional committee. Is it agreed?

---Agreed

Clause 18, advisory committee. Is it agreed?

---Agreed

Clause 19, territorial-federal agreement. Is it agreed?

---Agreed

Clause 20, territorial-provincial agreement. Is it agreed?

---Agreed

Clause 21, eligibility for legal services. Is it agreed?

#### Eligibility Requirements For Legal Aid

MR. NICKERSON: I wonder if we could be advised what these eligibility requirements will be? I presume there will be regulations governing eligibility. Will it be necessary to show that you are absolutely destitute or what are the types of regulations that will apply here?

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

MR. BRIEN: Each applicant who applies for legal aid will have to go through a means test but it is by no means a matter of being destitute before receiving legal aid. There are three types of incomes which legal aid is most often confronted with. The type of income of which the individual has no means to pay now or even pay on a regular basis for the costs of legal services, there is the income which at the time legal aid is needed is not sufficient to pay or retain a solicitor but over a period of time the individual could repay or contribute back to the scheme on either a monthly or otherwise regular basis and those persons are also eligible for legal aid and the third income is those who are of means at the time.

THE CHAIRMAN (Mr. Fraser): Could you slow down please, for the benefit of the interpreters?

MR. BRIEN: I will. The third income is that of sufficient nature to allow the individual to retain a solicitor without the use of legal aid. In the first two cases legal aid would be granted and made subject to repayment in the second. In the third case legal aid would be denied.

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

Capital Assets Of The Applicants

MR. NICKERSON: I was not really just thinking in terms of the applicant's income. What about an applicant with sizeable capital assets who you would expect might be able to sell his Cadillac and to hire a couple of hours of a lawyer's time, but at the present time has no real income? Do you take into account the capital assets of the applicant?

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

MR. BRIEN: Yes, the individual officer who would be reviewing the application would definitely take assets into consideration. The normal test which is applied is that no one is required to liquidate on modest capital assets and I think that each time under the general guidelines an officer would have to determine the extent of the capital asset in considering the extent of the legal services that are needed. Definitely the assets, the liabilities, the income and the regular disbursements or expenses of the person are all taken into consideration. Other factors which may be considered are the individual's spouse or children if in fact he is a dependant of the children, their income and assets are also considered in determining whether or not the individual is able to pay his own legal costs.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Brien. Clause 21, eligibility for legal services. Is it agreed?

---Agreed

Clause 22, panels of lawyers. Is it agreed?

---Agreed

Clause 23, assignment of panel members for legal aid. Is it agreed?

---Agreed

Clause 24, criminal matters covered. Is it agreed?

---Agreed

Clause 25, coverage in civil matters. Is it agreed?

---Agreed

Clause 26, provision for court circuits. Is it agreed?

---Agreed

Clause 27, costs. Is it agreed? Mr. Nickerson.

Fees Paid By Legal Services People To Legal Aid Lawyers

MR. NICKERSON: This might be the correct place to inquire what types of fees are paid by our legal services people to legal aid lawyers. I wonder if we have that information available.

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

MR. BRIEN: The tariff which is currently in effect is broken down on the basis of the experience of the counsel provided and very roughly it is now, for those counsel who have two years experience or more at the bar, they are paid an hourly rate of \$45 and when on circuit they get a per diem rate of \$275 irrespective of the number of hours they spend during the day on legal aid work. For those who have less than two years experience the current tariff is \$40 per hour and the circuit per diem rate, \$250.

THE CHAIRMAN (Mr. Fraser): Thank you, Mr. Brien. Does that answer your question, Mr. Nickerson?

Clause 27, costs. Is it agreed?

---Agreed

Clause 28, contributions. Is it agreed?

---Agreed

Clause 29, costs and other moneys. Is it agreed?

---Agreed

Clause 30, manner of payments. Is it agreed?

---Agreed

Clause 31, students-at-law. Is it agreed?

---Agreed

Clause 32, non-professionals. Is it agreed? Hon. Tom Butters.

Providing Of Paralegal Services

HON. TOM BUTTERS: I wonder if we could on clause 32 -- this is an interesting clause and I imagine this is where the paralegal service comes in. I just wonder how the witness sees this functioning, how the service would be provided?

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

MR. BRIEN: The Member is correct, this particular clause is the one which takes into account those people who, not being solicitors, nevertheless would be providing some legal services and in particular the two we could identify now in the territories would be paralegals and court workers. Under the Legal Services Ordinance for court matters there is still an amount of work that is done before the solicitor in fact takes the case and is appearing in court. In this regard, people who are trained for it are able to assist in the function. If it is a court work and if it is a court worker function the court worker is advising the individual of rights that each individual has in the justice system and in that way is providing a definite service. The court worker would not advise perhaps on an individual's legal rights in the particular case but would indicate, if it

was a criminal matter, to the accused what everyone's rights are with respect to the administration of justice. Depending upon the extent of the training an individual may be able to provide assistance to clients in the nature of preparing cases, it may well be to prepare for a small claims case in which much of the legwork and some of the initial advice is given by someone so trained.

Now, without going into definitions at this point in time the clause leaves it with the board to address the issue as to the extent of the training and the delivery of the service that those who have received that training can give, be it on the educational side as well as on the actual administration of justice side.

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

#### A Criticism Of The Circuit System Of Justice

HON. TOM BUTTERS: Mr. Chairman, one of the criticisms of the circuit system of justice is that the professional, the lawyer travelling with the court party arrives in the community at the same time as the court and frequently he does not have the time to prepare himself and his client for the case that may occur that afternoon. Is this clause developed here to provide a greater opportunity for groundwork to be laid, say for a defence, so that when the lawyer comes in much of the legwork has been done, much of the superficial investigation has been carried out so that the lawyer will not be required to do as much questioning and research himself; in other words, the case is partially prepared when he arrives in the community?

THE CHAIRMAN (Mr. Fraser): Thank you, Hon. Tom Butters. Mr. Brien, would you like to reply to that?

MR. BRIEN: Yes. This would recognize, this clause would recognize that in the delivery of legal services and legal aid such people will be available and provided, that they have received the training to do the type of work. That clause together with the previous one under clause 26, recognizes that in some cases a lawyer should precede the court circuit himself, depending upon the extent of the case, and then the executive director would arrange in certain cases as well as having the paralegals, in certain cases having a lawyer precede this court circuit so he is better prepared for the case.

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

#### Protection For Clients

MR. NICKERSON: Dealing with the matter of non-professionals or paralegals, I wonder if there has been consideration given to either incorporating in this ordinance or another ordinance some form of protection to these people. I am thinking of the Legal Profession Ordinance and other legislation which protects lawyers. I was thinking of the case where a client, for instance, of a court worker might confess having committed some crime to that court worker. What kind of position is he or she put in? Can a court require that court worker then to give evidence to the effect that somebody has confessed to a crime? Is this an area that should be looked at? Perhaps the person best capable of answering that question, Mr. Chairman, is our Legal Advisor.

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

MR. BRIEN: I might just point out that clauses 35 and 36 address the point the Member has raised. Clause 35 will protect specifically the board I guess and the regional committees with respect to the work that is done. It also affords protection to the non-professional who is carrying out his duties and in particular the privilege question which was raised, a very valid point, clause 36 would



protect the applicant for legal aid from the use of information which he gives to a non-professional or someone who is administering the ordinance from disclosure.

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

MR. NICKERSON: Thank you very much, Mr. Chairman. I wonder if the non-professional, the court worker, if he is covered under clause 36 to the same extent that an employee of the board, etc., might be? I wonder if there is the necessity of including in there the paralegal worker?

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

MR. BRIEN: I think the intent of clause 36 together with the other aspects of the ordinance should protect the paralegal. It would be assumed that the non-professional would be employed by a regional committee or by a board and that the paralegal or the court worker would then be covered under the terminology under clause 36 that he is an employee of either the regional committee or the board.

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

MR. NICKERSON: Thank you very much. That seems to clear up the matter that these people are to be adequately protected.

THE CHAIRMAN (Mr. Fraser): Clause 32, non-professionals. Agreed?

---Agreed

Clause 33, appeals. Agreed?

---Agreed

Clause 34, regulations. Agreed?

---Agreed

Clause 35, absence of liability. Agreed?

---Agreed

Clause 36, privilege. Agreed?

---Agreed

Clause 37, audit. Agreed?

---Agreed

Clause 38, fiscal matters. Agreed?

---Agreed

Clause 39, reporting. Agreed?

---Agreed

Clause 40, temporary and transitional provisions. Agreed?

---Agreed

Clause 41, Mr. Nickerson.

When This Ordinance Will Be In Effect

MR. NICKERSON: When is it intended or when is it planned that this ordinance will come into effect?

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

MR. BRIEN: The original intent was that on passage of the legislation to commence work immediately to formulate names for a board and bring into force the clauses setting up the board and most of the clauses dealing with the responsibilities of the board so that the board would be able to commence operations and determine the delivery system within this year.

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

MR. NICKERSON: Within this calendar year?

MR. BRIEN: Yes.

MR. NICKERSON: It might seem a good date for it to come into force would be at the beginning of the fiscal year. I just wondered whether that might be the first of April this year or the first of April next year. Maybe that is not necessary at all.

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

MR. BRIEN: The intent is definitely to bring it in this year, this calendar year. I would hope that we would be able to move quickly to set the board up and bring those clauses into force.

THE CHAIRMAN (Mr. Fraser): Thank you. Clause 41, commencement. Agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

Should I now report the bill ready for third reading?

---Agreed

Thank you very much, Mr. Brien.

MR. SPEAKER: Mr. Fraser.

Report Of The Committee Of The Whole Of Bill 4-67, Legal Services Ordinance

MR. FRASER: Mr. Speaker, your committee has been studying Bill 4-67 and wishes to report the bill ready for third reading.

MR. SPEAKER: Thank you, Mr. Fraser. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I propose now to move into committee of the whole to discuss Bill 12-67, An Ordinance Respecting the Institute of Chartered Accountants of the Northwest Territories and Bill 15-67, An Ordinance Respecting the Certified General Accountants' Association of the Northwest Territories. Mr. Speaker, I would like to move both of those bills in at the same time and deal in the order that I gave, Bill 12-67 and then Bill 15-67.

MR. SPEAKER: Gentlemen, that would seem to make sense. Is there any objection to that approach to life?

---Agreed

That being so, then this House will resolve into committee of the whole for consideration of Bills 12-67 and 15-67 respectively in that order, with Mr. Stewart in the chair.

MR. STEWART: Yes, Mr. Speaker.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 12-67, Institute of Chartered Accountants Ordinance and Bill 15-67, Certified General Accountants' Association Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 12-67, INSTITUTE OF CHARTERED ACCOUNTANTS' ORDINANCE AND BILL 15-67, CERTIFIED GENERAL ACCOUNTANTS' ASSOCIATION ORDINANCE

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 12-67, An Ordinance Respecting the Institute of Chartered Accountants of the Northwest Territories. Hon. Tom Butters, is this yours?

HON. TOM BUTTERS: No.

HON. ARNOLD McCALLUM: Mr. Chairman, I wonder if we may have the consent of the committee to call in Mr. Michael Hartley as a witness for Bill 12-67 and I would propose to ask Mr. Grant Hinchey then to be a witness for Bill 15-67.

THE CHAIRMAN (Mr. Stewart): For permission to call Mr. Hartley and Mr. Hinchey, agreed?

---Agreed

HON. ARNOLD McCALLUM: Instead of the 4-H club it is the 2-H club.

THE CHAIRMAN (Mr. Stewart): If I understand you you want Mr. Hinchey to act as technical adviser on this bill?

HON. ARNOLD McCALLUM: No. Mr. Hartley on Bill 12-67 and Mr. Hinchey for Bill 15-67. I do not have any comments, Mr. Chairman, on this. It may be that the chairman of the standing committee on legislation may have a report on Bill 12-67 if there is anything to come from the review of that, or on both bills. Both bills have gone to the standing committee.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Arnold McCallum. Mr. Lyall, have you any reports from your committee on Bill 12-67?

MR. LYALL: Very, very briefly, Mr. Chairman, both bills were more or less what I would call very well put together in that after a very, very short look through the bills and with some changes the committee decided then to put it forward to the committee of the whole, for discussion so I think personally I would just ask the witness to say a few words just on the background of both of them and maybe just deal with them clause by clause.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lyall. Mr. Hartley, would you like to give us a preliminary introduction to Bill 12-67?

Institute Of Chartered Accountants Of The N.W.T.

MR. HARTLEY: Thank you, Mr. Chairman. The Institute of Chartered Accountants of the Northwest Territories has been seeking legislation for several years now in order to incorporate the designation chartered accountant for our profession acting within the Northwest Territories. We have had several discussions with the government and with Members of the Assembly for several years and we are pleased now that this legislation has come to some fruition and is now before you for consideration. I would be pleased to answer any specific questions regarding the development of this legislation if there are any.

THE CHAIRMAN (Mr. Stewart): Thank you. I presume then you are indicating that the accountants themselves had input into this bill and are fully aware of its contents.

MR. HARTLEY: Yes, sir, we are.

THE CHAIRMAN (Mr. Stewart): Any comments of a general nature on Bill 12-67? Mr. Nickerson.

MR. NICKERSON: I am very pleased, Mr. Chairman, that we are able to deal with these two pieces of important professional legislation at this time. I am sure that the gentlemen at the witness stand were wondering and quite worried that these things might be delayed. We generally assign a fairly low order of priorities to professional legislation unfortunately and I am very pleased to see that their affairs will be dealt with. The opinion that I had four years ago when these matters first were brought to our attention, that in my opinion I would have considered it better for the Northwest Territories had the various accounting bodies been able to get together and have one ordinance to deal with the three bodies we have in the territories, I still maintain that opinion but it appears that there is very little likelihood of them getting together in the near future. So, I guess we just have to live with this slight disagreement or professional jealousy between them and at this present point in time I am quite prepared to change my mind and deal with the various ordinances individually.

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

---Agreed

Clause 2, interpretaion. Is it agreed?

---Agreed

Clause 3, establishment. Is it agreed?

---Agreed

Clause 4, powers. Is it agreed?

---Agreed

Clause 5, head office. Is it agreed?

---Agreed

Clause 6, objects. Is it agreed?

---Agreed

Clause 7, the council. Is it agreed?

---Agreed

Clause 8, powers of the council. Is it agreed?

---Agreed

Clause 9, bylaws. Is it agreed?

---Agreed

I can not find clause 10. Did somebody lose clause 10 in this thing?

HON. ARNOLD McCALLUM: If you look at the page opposite, there is just a bit of...

THE CHAIRMAN (Mr. Stewart): Clause 10, general meetings. Is it agreed?

---Agreed

Clause 11, membership. Is it agreed?

---Agreed

Clause 12, designation of members. Is it agreed?

---Agreed

Clause 13, accountancy practice. Is it agreed?

---Agreed

Clause 14, interpretation. Is it agreed?

---Agreed

Clause 15, unbecoming conduct. Is it agreed?

---Agreed

Clause 16, discipline committee. Is it agreed?

---Agreed

Clause 17, rules. Is it agreed?

---Agreed

Clause 18, initial review. Is it agreed?

---Agreed

Clause 19, powers in preliminary investigations. Is it agreed?

---Agreed

Clause 20, result of preliminary investigation. Is it agreed?

---Agreed

Mr. Evaluarjuk, please.

Translation Problems With The Ordinance

MR. EVALUARJUK: Mr. Chairman, the copy I have here has no numbers at all and I am mixed up as to where we are, I do not know where we are because there are no numbers at all.

THE CHAIRMAN (Mr. Stewart): Mr. Clerk, could you check Mr. Evaluarjuk's copy? I think perhaps Mr. Pudluk is having the same problem. Mr. Evaluarjuk and Mr. Pudluk, I understand this particular bill because of the nature of it was translated without the benefit of the numbers and so on and a summary has been made for you rather than trying to put it into a numbered system inasmuch as it is a technical paper and they thought the best way of doing it for you to understand it was just a summary. Is this not satisfactory to you? There appears to be some sort of difficulty here. I will call a recess for five minutes to get it straightened out because we can not proceed if all Members do not understand the document.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): I call this committee back to order. Is it agreeable if we have a summary made of each of the clauses and go back to clause 2 and start from there with a summary from our witnesses? Would that be agreeable to you, Mr. Evaluarjuk? Mr. Kilabuk -- Mr. Pudluk, would that be satisfactory to you, that we go back to clause 2 with a summary from the expert witness on each clause? Is that agreeable?

MR. PUDLUK: Yes.

THE CHAIRMAN (Mr. Stewart): Fine. Mr. Hartley, we will then return to clause 2 which is basically the interpretation clause and I do not know how you will interpret that but have a go at it.

MR. HARTLEY: Mr. Chairman, clause 2 I believe is strictly setting out the definitions of some of the technical terms in the act. I think the ones of interest would be bylaws, and these are bylaws passed by the institute and will act as rules of conduct and some of the other governing rules of the institute. Are there any questions maybe on that?

THE CHAIRMAN (Mr. Stewart): Are we agreed to clause 2, interpretation? Is it agreed?

---Agreed

Clause 3, establishment. Mr. Hartley.

MR. HARTLEY: Clause 3 is the establishment of the institute, Mr. Chairman, the Institute of Chartered Accountants and that is what we will be called.

THE CHAIRMAN (Mr. Stewart): Possibly an explanation as to what this bill does and what people are involved in. Perhaps that might be of assistance.

MR. HARTLEY: The Institute of Chartered Accountants is a self-governing organization which is designed to control the practice of public accounting within that practice carried out by chartered accountants. The institute will act as that self-governing organization.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 3, establishment. Is it agreed?

---Agreed

Clause 4, powers. Mr. Hartley.

General Powers Held By The Institute

MR. HARTLEY: Mr. Chairman, this clause refers to the Interpretation Ordinance and I do not know how you would wish me to summarize that document, as I am not that versed with it quite frankly. It refers to that ordinance and also sets out some of the general powers that will be held by the institute, allowing it to do certain specific things such as acquire property, borrow money to run its affairs, invest its funds, enter into any association with any other provincial institutes, make any agreements with the other provincial institutes regarding its administration, distribute publications and a general clause to do such things as are incidental and necessary to the exercise of the powers set out.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 4, powers. Is it agreed?

---Agreed

Clause 5, head office. Is it agreed?

---Agreed

Clause 6, objects. Mr. Hartley.

MR. HARTLEY: The objects of the institute are to promote and increase the knowledge, skill and proficiency of its members and students in relation to accountancy, to regulate and discipline the professional conduct of its members and to promote and protect the welfare and interests of the institute and its members. This clause sets out the powers, or the objects in which we wish to control the affairs regarding the practice of public accountancy as it relates to chartered accountants.

THE CHAIRMAN (Mr. Stewart): Clause 6, objects. Is it agreed?

---Agreed

Clause 7, the council. Mr. Hartley.

MR. HARTLEY: The institute shall be governed by a council and this council will be elected under rules and bylaws which will be approved subsequent to the passing of the ordinance. We will have a layperson sitting on the council and this is designed to allow the government to sit in on our proceedings, to ensure that we are in fact carrying out the letter and the substance of this ordinance.

THE CHAIRMAN (Mr. Stewart): Is it agreed?

---Agreed

Clause 8, powers of the council. Mr. Pudluk.

Powers Of The Council

MR. PUDLUK: Mr. Chairman, the council. The person who is appointed by the Commissioner, what will he be, a chairman or what will his title be?

THE CHAIRMAN (Mr. Stewart): It is just a regular member, not the chairman, just a regular member of this organization. We do not want to confuse this council with the territorial Assembly or a hamlet council. This is a group of people, chartered accountants who run their own business.

Clause 8, powers of the council. Is it agreed?

---Agreed

Clause 9, bylaws. Mr. Hartley.

MR. HARTLEY: As was mentioned earlier the council will make bylaws which effectively expand on the specific clauses mentioned herein and which would further run or set out the rules under which the institute would run. These bylaws are subject to approval of the Commissioner. These bylaws will determine fees for membership, the nomination and election and appointment and removal of officers or of councillors and the time and place of meetings. Do you wish me to enumerate all...



THE CHAIRMAN (Mr. Stewart): I think, Mr. Hartley, a summary would be fine. If there are any questions, they can be asked by the Members. Clause 9, bylaws. Is it agreed?

---Agreed

Clause 10, general meetings. Mr. Hartley.

MR. HARTLEY: This provides for the annual general meeting at which we elect the new council and provides for the procedures for election and refers to the bylaws which will govern the meetings.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 10. Is it agreed?

---Agreed

Clause 11, membership. Is it agreed?

---Agreed

Clause 12, designation of members. Mr. Hartley.

Designation Of Members

MR. HARTLEY: Mr. Chairman, it sets out what we mean by "chartered accountant". Essentially those who use the designation "chartered accountant" and those who have qualified through the various provincial institutes or the institute of the Northwest Territories to use the words "chartered accountant".

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 12. Agreed?

---Agreed

Clause 13, accountancy practice. Mr. Hartley.

MR. HARTLEY: Clause 13 is essentially one which does not restrict the practice of public accounting to chartered accountants.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 13. Agreed?

---Agreed

Clause 14, discipline, interpretation. Agreed?

---Agreed

Clause 15, unbecoming conduct. Mr. Hartley.

Disciplinary Procedures

MR. HARTLEY: Mr. Chairman, this is the beginning of what we call the disciplinary procedures. If someone has a complaint against the professional conduct of a chartered accountant, this is the setting in motion as to how that individual would file a complaint with the institute to review the events or the actions of that chartered accountant.

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

---Agreed

Clause 16, discipline committee. Mr. Hartley.

MR. HARTLEY: Any action that someone brings to the institute will be passed to a discipline committee and this sets up the status or the nature of this discipline committee which will look at any complaint.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 16. Agreed?

---Agreed

Clause 17, rules. Mr. Hartley.

MR. HARTLEY: These are the rules which will prevail upon the discipline committee setting out what matters and who will be sitting on that committee.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 17. Agreed?

---Agreed

Clause 18, initial review. Mr. Hartley.

MR. HARTLEY: This is further in the disciplinary proceedings. This sets out that the chairman of the disciplinary committee will review the complaint and determine whether or not it should go on to further review by the committee and other clauses of this ordinance. Clause 18 also refers to the committee having three choices. It can either decide there is no action to be taken, it can pass it on to an investigating committee or it can set up a preliminary investigation to dig further for facts and determine what exactly the events involved are.

THE CHAIRMAN (Mr. Stewart): Clause 18, initial review. Agreed?

---Agreed

Clause 19, powers in preliminary investigations. Mr. Hartley.

MR. HARTLEY: This sets out the powers or the structure of the preliminary investigation.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 19. Agreed?

---Agreed

Clause 20, result of preliminary investigation. Mr. Hartley.

MR. HARTLEY: The conclusions of any preliminary investigation will be passed on to the chairman who in turn will report to council.

THE CHAIRMAN (Mr. Stewart): Clause 20. Agreed?

---Agreed

Clause 21, appeal to council. Mr. Hartley.

MR. HARTLEY: Do you wish me to go on?

---Agreed

THE CHAIRMAN (Mr. Stewart): Thank you.

MR. HARTLEY: This allows the appeal to council regarding any previous findings.

THE CHAIRMAN (Mr. Stewart): Clause 22, recommendation for investigating committee. Mr. Hartley.

Investigating Committee.

MR. HARTLEY: Again, sir, this sets out the actions to be taken by council based upon findings of the preliminary investigation in any appeal. If the council determines that there should be an investigation, then the complaint should be passed on to an investigating committee. The investigating committee will be talked about in clause 23.

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

---Agreed

Clause 23, investigating committee. Mr. Hartley.

MR. HARTLEY: Clause 23 sets out the investigating committee. It shall consist of three members. The investigating committee shall investigate the facts or any other matters which arise through their investigation of the allegations.

THE CHAIRMAN (Mr. Stewart): Thank you. Clause 23. Agreed?

---Agreed

Clause 24, proceedings. Mr. Hartley.

MR. HARTLEY: This is concerning the proceedings for any investigating committee regarding evidence to be tabled, the right of any complainant to be present and state his case and for the member being investigated to state his case as well.

THE CHAIRMAN (Mr. Stewart): Clause 24. Agreed?

---Agreed

Clause 25, publicity. Agreed?

---Agreed

MR. HARTLEY: A member being investigated may request to have his request made public but in most cases I am sure he would rather have it in private.

THE CHAIRMAN (Mr. Stewart): Agreed?

---Agreed

Clause 26, evidence.

A Compellable Witness.

MR. HARTLEY: A witness is a compellable witness. He shall be giving his evidence under oath and shall not be excused from answering any questions on the grounds that his answers might incriminate him, subject him to penalties under this ordinance or to establish his liability in civil or criminal proceedings but any answer shall not be used against him.

THE CHAIRMAN (Mr. Stewart): Clause 26. Agreed?

---Agreed

Clause 27, notices to attend and produce documents. Mr. Hartley.

MR. HARTLEY: The attendance and producing of documents can be compelled.

THE CHAIRMAN (Mr. Stewart): Clause 28, witness fees. Mr. Hartley.

MR. HARTLEY: The witnesses may be paid fees on the same basis as a court of law.

THE CHAIRMAN (Mr. Stewart): Clause 28. Agreed?

---Agreed

Clause 29, disobedience to notices. Mr. Hartley.

MR. HARTLEY: Any witness who fails to attend or produce in any way documentation which has been requested is subject to these penalties.

THE CHAIRMAN (Mr. Stewart): Clause 29. Agreed?

--- Agreed

Clause 30, representation. Mr. Hartley.

MR. HARTLEY: Any member or complainant is allowed to be represented by counsel, a lawyer.

THE CHAIRMAN (Mr. Stewart): Clause 30. Agreed?

---Agreed

Clause 31, findings and penalties. Mr. Hartley.

Findings And Penalties.

MR. HARTLEY: This, sir, sets out the various penalties arising from different findings of a committee. The committee can determine that there should be no further proceedings. It can determine that the party is guilty or they can determine that it should be passed on to the council for further review.

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

---Agreed

Clause 32, conclusion of investigating committee proceedings. Mr. Hartley.

MR. HARTLEY: All the documentation shall be forwarded to council regarding the results of the investigating committee.

THE CHAIRMAN (Mr. Stewart): Clause 32. Agreed?

---Agreed

Clause 33, action by secretary. Mr. Hartley.

MR. HARTLEY: This sets out the procedures for an appeal.

THE CHAIRMAN (Mr. Stewart): Clause 33. Agreed?

---Agreed

Clause 34, consideration by council of investigating committee proceedings. Mr. Hartley.

MR. HARTLEY: These are the actions to be taken by the council, the elected council we referred to earlier. Now they will have all the facts before them and they would proceed on any cases where a member has been found to be practising the profession of accountancy in a manner unbecoming a chartered accountant.

THE CHAIRMAN (Mr. Stewart): Clause 34. Is it agreed?

---Agreed

Clause 35, result of council finding, members.

Powers Available To Council

MR. HARTLEY: This sets out the various powers available or actions available to council. It can strike off a member from its register, that is kick him out, he can be suspended, or he can be reprimanded. It also sets out fines.

THE CHAIRMAN (Mr. Stewart): Clause 35. Is it agreed?

---Agreed

Clause 36, result of council finding, students.

MR. HARTLEY: This clause deals with actions against students working for a chartered accountant and sets out what will happen to them depending upon findings.

THE CHAIRMAN (Mr. Stewart): Clause 36. Is it agreed?

---Agreed

Clause 37, appeal to supreme court. Mr. Hartley.

MR. HARTLEY. Anyone found guilty under this ordinance can appeal to the courts.

THE CHAIRMAN (Mr. Stewart): Clause 37. Is it agreed?

---Agreed

Clause 38, court's decision to appeal. Mr. Hartley.

MR. HARTLEY: The court can quash the decision or it can refer the decision to council for another review or of course, unstated...

THE CHAIRMAN (Mr. Stewart): Clause 38. Is it agreed?

---Agreed

Clause 39, conviction for indictable offence.

MR. HARTLEY: If a member is found guilty of an indictable offence he can be suspended prior to the results of any appeal hearings.

THE CHAIRMAN (Mr. Stewart): Is clause 39 agreed?

---Agreed

Clause 40, publication of suspension or striking off. Mr. Hartley.

MR. HARTLEY: Any member found to be carrying on accountancy in a manner unbecoming a chartered accountant can be struck off the record and all members of the institute shall be notified of this action.

THE CHAIRMAN (Mr. Stewart): Clause 40. Is it agreed?

---Agreed

Clause 41, reinstatement.

MR. HARTLEY: The member will not be readmitted until council allows him to be readmitted, if ever.

THE CHAIRMAN (Mr. Stewart): Clause 41. Is it agreed?

---Agreed

Clause 42, protection for members.

MR. HARTLEY: No councillor can be subject to action regarding his sitting on a disciplinary matter.

THE CHAIRMAN (Mr. Stewart): Clause 42. Is it agreed?

---Agreed

Clause 43, protection from defamation action.

MR. HARTLEY: Again, councillors can not be sued for defamation for any publication of the hearing's findings.

THE CHAIRMAN (Mr. Stewart): Clause 43. Is it agreed?

---Agreed

Financial Affairs

Clause 44, inspection of books and records. Mr. Hartley.

MR. HARTLEY: The books of the institute will be open to review.

THE CHAIRMAN (Mr. Stewart): Clause 44. Is it agreed?

---Agreed

Clause 45, auditors. Mr. Hartley.

MR. HARTLEY: Our accounts will be audited on an annual basis.

THE CHAIRMAN (Mr. Stewart): Clause 45. Is it agreed?

---Agreed

Clause 46, transitional. Mr. Hartley.

MR. HARTLEY: Any member in good standing with the institute as currently registered under the Societies Ordinance will automatically become a member under this ordinance.

THE CHAIRMAN (Mr. Stewart): Is clause 46 agreed?

---Agreed

Clause 47, commencement. Is it agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

The bill as a whole. Agreed?

---Agreed

Shall I report the bill ready for third reading. Agreed?

---Agreed

What is the wish of the committee? Do you wish to proceed with Bill 15-67 or do you wish me to report that Bill 12-67 is ready for third reading at this time?

MR. NICKERSON: Deal with Bill 15-67.

MR. LYALL: We only have five more minutes.

MR. FRASER: Recognize the clock.

THE CHAIRMAN (Mr. Stewart): I will report Bill 12-67 ready for third reading.

MR. SPEAKER: Mr. Stewart -- by the way, thank you, Mr. Hartley and it is too bad about the certified general accountants.

Report Of The Committee Of The Whole Of Bill 12-67, Institute Of Chartered Accountants Ordinance And Bill 15-67, Certified General Accountants' Association Ordinance

MR. STEWART: Mr. Speaker, your committee has been studying Bill 12-67 and Bill 15-67. We have concluded our study on Bill 12-67 and I wish to report progress on Bill 15-67 at this time and I will report Bill 12-67 ready for third reading when I report both bills out.

MR. SPEAKER: Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I would like unanimous consent to go back to Item 9, tabling of documents.

MR. SPEAKER: Unanimous consent requested to go back to tabling of documents, Item 9. Is that agreeable?

---Agreed

Proceed, please.

REVERT TO ITEM NO. 9: TABLING OF DOCUMENTS

MR. PUDLUK: Mr. Speaker, I would wish to table the following document. Tabled Document 30-67: Constitution of the Baffin Regional Council, As Amended at the Fourth Session, Cape Dorset, Northwest Territories, March 20 to 23, 1979.

MR. SPEAKER: Thank you. Are there any further documents to be tabled? Are there any announcements of committee or other meetings for tomorrow morning? Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I would just like to introduce two people and they arrived yesterday, Mr. Lucasi Ivalu from Hall Beach, speaker of the Baffin Regional Council and also Mr. Titus Alloofoo of Pond Inlet and they will be witnesses when we are discussing the hamlet ordinance.

---Applause

MR. SPEAKER: If there are no announcements then Mr. Clerk, orders of the day.

ITEM NO. 16: ORDERS OF THE DAY

CLERK OF THE HOUSE: Orders of the day, March 29, 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 in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bills 5-67 and 15-67, Proposed Amendments to the Federal Indian Act, Tabled Document 10-67, Proposed Amendments to the Rules of the Legislative Assembly and 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 29, 1979, at the Explorer Hotel.

---ADJOURNMENT



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