

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
9TH ASSEMBLY, 2ND SESSION**

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REPORT ON
THE STANDING COMMITTEE ON LEGISLATION
CONCERNING BILLS TO BE INTRODUCED AT THE 2ND SESSION OF THE 9TH ASSEMBLY

MR. SPEAKER

The Standing Committee on Legislation met on January 31, February 12, February 19, February 26 and March 11, 1980 to select a Chairman, to consider its Terms of Reference and to examine legislation being introduced by the Administration at this Session.

As previously reported the Committee at its first meeting elected Mr. Dennis Patterson, the Member for Frobisher Bay, Chairman and made certain revisions to its Terms of Reference principally to eliminate conflict with more recent amendments to the Rules of the Assembly. The revised Terms of Reference were subsequently adopted by motion of this House.

The Committee did not examine Bills 1 - 5 inclusive and Bill 18 recognizing that these fell within the area of responsibility of the Standing Committee on Finance.

In regard to the remaining legislation to be considered at this Session the Committee wishes to make the following recommendations:-

- (a) That Bill 6 - 80(1) TOBACCO TAX ORDINANCE AMENDMENT which would increase the tax on cigarettes be recommended to Committee of the Whole for consideration.

In reviewing this Bill the Committee was advised that no increase in the tax on loose tobacco was contemplated because this would provide a negligible increase in revenue and might work hardship on lower income groups.

- (b) That Bill 7 - 80(1) INCOME TAX ORDINANCE AMENDMENT which would ensure that the tax base on which income tax is computed would not be reduced by Federal legislation providing for Federal tax credits for individuals and would provide a schedule containing commencement and transitional provisions and repeals be recommended to Committee of the Whole for consideration.

In reviewing this Bill the committee questioned the principle of enacting legislation in anticipation of a situation which may or may not arise.

- (c) That Bill 8 - 80(1) PETROLEUM PRODUCTS TAX ORDINANCE AMENDMENT which would provide for conversion of the rates set out in the Ordinance from Imperial to Metric measures and would increase the rates of taxation be recommended to Committee of the Whole for consideration.

- (d) That Bills 6 - 80(1), 7 - 80(1) and 8 - 80(1) be referred to the Standing Committee on Finance for consideration of the financial implications of these Bills and that the Chairman of that Committee be requested to comment in this regard when the Bills mentioned are considered in Committee of the Whole.
- (e) That Bill 9 - 80(1) TERRITORIAL HOSPITAL INSURANCE SERVICES ORDINANCE AMENDMENT which would classify health facility employees as public servants and would enable the Commissioner to make regulations with respect to Boards of Management of health facilities be recommended to Committee of the Whole for consideration.

In reviewing this Legislation the Committee was concerned about the degree of restriction and limitation of autonomy which might be imposed upon Boards of Management by Commissioner's regulations.

The Committee therefore agreed to recommend an amendment providing for input by Boards of Management in the development of regulations which will be advanced when the legislation is considered in Committee of the Whole.

- (f) That Bill 10 - 80(1) PHARMACY ORDINANCE AMENDMENT which would make it illegal without a licence to append to one's name or use the title "pharmacist" or "herbalist" or any similar title be recommended to Committee of the Whole for consideration.

In reviewing this Bill the Committee was concerned about the inclusion of the term "herbalist" but was advised that the amendment was introduced because the Department of Health became aware of the plans of two herbalists to come to the N.W.T. to practice as pharmacists. The Committee was therefore satisfied that the amendment was necessary.

- (g) That Bill 11 - 80(1) DEFAMATION ORDINANCE AMENDMENT which would overrule a recent Supreme Court of Canada decision that went far towards abolishing the defence of "fair comment" in defamation actions based on the publication of the opinions or comments of other persons thereby restricting free expression be recommended to the Committee of the Whole for consideration.

The Committee recognized that radio and T.V. stations hosting open line shows and newspapers publishing letters to the editor without the enactment of this amendment could leave themselves open to legal action.

- (h) That Bill 12 - 80(1) LEGAL QUESTIONS ORDINANCE which would provide a means of obtaining legal opinions from the Supreme Court of the Northwest Territories that would have the force of judgements be recommended to Committee of the Whole for consideration.

In approving this legislation the Committee recognized that its enactment would authorize the Territorial Government to refer a wide range of matters such as pollution questions, land claims, validity of legislation, allocation of jurisdiction over particular matters, interpretation of legislation and disputes with the Federal Government in relation to Federal - Territorial agreements to the Supreme Court of the Northwest Territories for opinions.

The Committee agreed to a minor amendment of clause 4 which will be advanced by the Chairman when the Bill is being considered in Committee of the Whole.

The Committee was also appraised of a recommendation from the Department of Indian Affairs and Northern Development that the Bill be revised to provide for reference to the N.W.T. Court of Appeal instead of the Supreme Court.

The Committee does not agree with this recommendation because the N.W.T. Court of Appeal is composed of a majority of "foreign judges".

- (i) That Bill 13 - 80(1) ARBITRATION ORDINANCE AMENDMENT which would remove fee schedules from the legislation and permit the establishment of fees for arbitrators or umpires to be established within the Arbitration Rules so that the tariffs could be amended from time to time in a more flexible manner be recommended to Committee of the Whole for consideration.

In examining this Bill the Committee agreed to move an amendment when the Bill is considered in Committee of the Whole which would add Certified General Accountants to the professions listed in the amendment to section 2.

- (j) That Bill 14 - 80(1) CREDITORS RELIEF ORDINANCE AMENDMENT which would extend the life of a writ of execution be referred to Committee of the Whole for consideration.

In reviewing this legislation the Committee was advised that a judgement under this ordinance has a life span of ten years whereas a writ of execution now extends for one year only and that the proposed amendment would extend that period for the life of the judgement.

The Committee was unable to reach agreement on this Bill and therefore agreed to refer it to Committee of the Whole without comment.

- (k) That Bill 15 - 80(1) EXEMPTIONS ORDINANCE AMENDMENT which would exempt the earnings or a portion of the earnings of an employee from attachment by garnishment be recommended to Committee of the Whole for consideration.

In considering this Bill it was recommended to the Committee that these provisions be incorporated in legislation rather than merely contained in the Rules of Court where they are now found.

- (l) That Bill 16 - 80(1) AMENDMENT TO CERTAIN ORDINANCES WITH RESPECT TO PROFESSIONAL FEES which would facilitate the process of increasing annual registration and license fees by establishing them by regulation be recommended to Committee of the Whole for consideration.

In reviewing this Ordinance the Committee agreed to recommend that the Business Licence Ordinance be amended to define resident corporations as those whose principal shareholders are resident in the Territories.

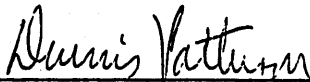
- (m) That Bill 19 - 80(1) LABOUR STANDARDS ORDINANCE AMENDMENT which would increase the Territorial minimum wage as proposed by a motion adopted earlier in this session be recommended to the Committee of the Whole for consideration.

- (n) That the existing distinction between residents and non-residents in the level of business licence fees be maintained and that the principle of distinguishing between residents and non-residents be extended into those areas of business where it does not now apply by the establishment of significantly higher fees for non-residents.

- (o) That the Tax Collection Agreement be amended to substitute reference to the N.W.T. Supreme Court for the existing references to the N.W.T. Court of Appeal.
- (p) That this Assembly recommend to the Executive Committee that appropriate measures be taken to offset the unfair advantage now enjoyed by public servants engaged in business in small communities.

The Committee considered that one approach by which this might be done would be to establish a separate and higher business licence fee to apply to public servants only.

- (q) That future meetings of the Standing Committee on Legislation be held whenever possible outside Yellowknife beginning in the Eastern Arctic but recognizing that from time to time the requirement for advisors to the Committee might render this practice unnecessarily cumbersome and inconvenient.



D. Patterson, M.L.A.
Chairman.