NORTHWEST TERRITORIES

COUNCIL OF THE NORTHWEST TERRITORIES

INDEX OF DEBATES

FORTY - THIRD SESSION

Yellowknife, Northwest Territories

July 21st to July 24th, 1970, INCLUSIVE

Published under the Authority of the
Commissioner of the Northwest Territories, Yellowknife
1970

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Northwest Territories,
Yellowknife, N.W.T.

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COUNCIL OF THE NORTHWEST TERRITORIES

DEBATES

FORTY-THIRD SESSION

Yellowknife, Northwest Territories

TUESDAY, JULY 21, 1970

Published under the authority of the
Commissioner of the Northwest Territories, Yellowknife
1970

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, JULY 21, 1970

The Council of the Northwest Territories was convened in Yellowknife, Northwest Territories at two-thirty o'clock p.m., on Tuesday, July 21, 1970, for the Third Session, 1970, this being the Forty-third Session.

--- PRAYERS

COMMISSIONER'S OPENING REMARKS

Members of Council, at this Session you will be asked to consider a total of nine Bills. Seven are consequent upon the recent amendment of The Northwest Territories Act. A revised Medical Care Bill, and a proposed amendment to the Petroleum Products Tax Ordinance will also be placed before you.

The Council of the Northwest Territories Ordinance would define the boundaries of ten electoral districts, lower the voting age, reduce the residence requirements of electors. The Bill will also fix the indemnities and allowances of Council Members, revise the procedure to be followed if a vacancy occurs on Council, and set out the immunities and privileges of Members.

The Commissioner would be authorized by the Justices of the Peace Ordinance to appoint Justices of the Peace. This Bill would also set out the jurisdiction, remuneration and duties of Justices of the Peace.

The jurisdiction and powers of the Territorial Court and judges of that Court would be defined by the Judicature Ordinance. The jurisdiction and powers of a Court of Appeal would also be defined by this Bill.

The Magistrate's Court Ordinance would empower the Commissioner to appoint Magistrates and to set out their powers. The Bill would also make possible the creation of a Court Rules Committee to regulate practice and procedure applicable to this Court.

As a consequence of the proposed revision of the Judicature Ordinance and the enactment of the Council Ordinance, the Controverted Elections Ordinance would be amended. The amendment to the Interpretation Ordinance would revise the definition of magistrate to apply only to magistrates appointed under The Magistrate's Court Ordinance.

The time when the report of the Territorial accounts for the previous fiscal year must be laid before Council would be set by An Amendment To The Financial Administration Ordinance.

The Medical Care Ordinance would authorize the establishment of a plan for payment of certain medical care services for all Territorial residents. The Petroleum Products Tax Ordiance would be amended to increase the rate of taxation on certain petroleum products in order to provide revenues required to finance the Medical Care Plan.

This is the first Session of Council since the tour of Her Majesty the Queen, His Royal Highness the Duke of Edinburgh, His Royal Highness the Prince of Wales and Her Royal Highness the Princess Anne. I want to congratulate Council who made it all possible, and all those who planned and organized the tour, and the people of the Territories who made it all so successful. Never before in the one-hundred-year history of the Northwest Territories has this part of the world been more watched by so many people; television and radio and newspaper coverage was excellent. It has been a wonderful experience having members of the Royal Family in the Northwest Territories. I want to tell Council and members of the general public that it is the intention of the Territorial Government later this year to publish a book on this, the first visit of a reigning monarch to the Northwest Territories.

Centennial has been a fantastic experience. I don't believe that we could possibly have imagined that it would have been as successful as what it has turned out to be. I believe the spirit, the opportunity to participate has been fully utilized by the people of the Northwest Territories and that this is a great beginning for the residents of the Territories, no matter where they may be, to enter the next century.

As far as the Centennial itself is concerned, there have been programs in all sections of the Northwest Territories, and all communities have participated. I believe that this has been the reason or the secret of success in that it has captured the spirit, the support, if not the imagination, of all of our people no matter where they may be, no matter what station in life they may hold. I think this demonstrates what the people of the North can do if they all unite their efforts and work in the same direction.

We have had many distinguished visitors over these last six months and there are still many more who have notified us that they will be visiting the Territories. It has already been announced that next month the Governor-General will make an extended tour of the Western Arctic terminating at Hay River.

I have a telex here I would like to read to Council. It is from Sir Alec Douglas-Home, the Secretary of State, Foreign and Commonwealth Affairs of Britain.

It says:

> "IT GIVES ME GREAT PLEASURE TO SEND TO YOU THE GREETINGS OF BRITISH GOVERNMENT ON THE OCCASION OF THE CENTENARY AND THE COMING INTO FORCE OF THE AGREEMENT WHEREBY RUPERTS LAND, THE NORTHWESTERN TERRITORY, BECAME PART OF THE DOMINION OF CANADA. IT IS NOW ONE HUNDRED YEARS SINCE THE NORTHWEST TERRITORIES BECAME A PART OF CANADA AND AT THAT TIME, WE AND PEOPLE ALL OVER THE WORLD HAVE COME TO ADMIRE THE COURAGE AND SKILL AND WARMHEARTED ENTERPRISE OF THOSE WHO HAVE LIVED AND DEVELOPED AND EXPLORED THE NORTH IN THE FACE OF GREAT HARDSHIPS AND THE HARSH AND UNFORGIVING CLIMATE AND LAND. WE ARE HAPPY THAT SO MANY PEOPLE FROM BRITAIN HAVE TAKEN PART AND ARE STILL TAKING PART IN THIS PIONEER WORK. WE CONGRATULATE YOU AND ALL THAT YOU HAVE ACHIEVED AND EXTEND OUR BEST WISHES TO YOU IN YOUR SECOND HUNDRED YEARS.
>
> Signed: SIR ALEC DOUGLAS-HOME
> SECRETARY OF STATE FOR
> FOREIGN AND COMMONWEALTH
> AFFAIRS OF BRITAIN."

Also, another proclamation here to read. It is addressed to myself and the Council of the Northwest Territories.

It says:

"ON BEHALF OF THE HONOURABLE JOHN P. ROBARTS, PRIME MINISTER AND THE GOVERNMENT OF ONTARIO, I EXTEND SINCERE GOOD WISHES TO THE PEOPLE OF THE NORTHWEST TERRITORIES AT THIS TIME WHEN THEIR CENTENNIAL CELEBRATIONS WHICH HAVE FOCUSED THE EYES OF ALL CANADIANS ON THIS VAST AND STILL LARGELY UNEXPLORED TREASURE HOUSE.

THE ACHIEVEMENTS OF THE TERRITORIES' HARDY AND DETERMINED NORTHERNERS ARE SYMBOLIZED BY SUCH EVENTS AS THE PROCLAMATION OF YELLOWKNIFE AS A CITY AND THE CONTINUING EXPANSION OF ELECTORAL REPRESENTATION.

THE PEOPLE OF ONTARIO WISH THE PEOPLE OF THE NORTHWEST TERRITORIES AN EXCITING AND MEANINGFUL CELEBRATION IN THE KNOWLEDGE THAT THEIR SUCCESSES OF THE FIRST HUNDRED YEARS WILL BE SURPASSED BY THE ACHIEVEMENTS IN THE YEARS TO COME.

Dated: PARLIAMENT BUILDINGS, TORONTO, JULY, 1970.

And signed: THE PROVINCIAL SECRETARY AND MINISTER OF CITIZENSHIP."

For all Members of Council, the Prime Minister and the Government of Ontario, has sent a set of gold cufflinks for all Members of Council.

Before proceeding, I think I had better first say I now officially declare this, the Forty-third Session of Council, officially open.

--- Applause

Departing for a moment from the Orders of the Day, you will recall approximately two weeks ago Her Majesty the Queen, in this very hall, lit the candle on the Centennial cake and with that symbolic act, acknowledged the Northwest Territories Centennial and the recognition of one hundred years of the Northwest Territories as it is today. I'm sure it would be the wish of Her Majesty that the cake be brought here to the Council of the Northwest Territories. You see it at the end of the table there. I would now ask the Clerk of the Council to present to the Dean of the Council, Mr. Trimble, the symbolic knife, and ask Mr. Trimble, on behalf of the Council of the Northwest Territories, to cut the cake.

Just before you do, Mr. Trimble, Mr. Clerk, will you let Mr. Sigvaldson in the Council Chamber here so that he can record this event? For once in your life, Mr. Sigvaldson, you are free to come into the Chamber if you wish without running for election.

Before you leave, Mr. Trimble, I wonder if you could cut a couple of pieces off, and serve the first pieces to Chief Tetlichi and to Mr. Simonie.

Your culinary skill is only exceeded by your ability to debate in Council, Mr. Trimble. I would ask the visitors who are here today to join with the Council Members while we recess for coffee and participate in eating the cake.

ITEM NO. 2: NOTICES OF MOTION TO INTRODUCE BILLS FOR FIRST READING

Turning to the Orders of the Day, Notices of Motion to introduce Bills.

Bill number 1-43, Mr. Simonie.

Bill No. 1-43: An Ordinance To Amend The Controverted Elections Ordinance

MR. SEARLE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 1-43, An Ordinance To Amend The Controverted Elections Ordinance, be read for the first time.

Bill number 2-43, Mr. Pryde.

Bill No. 2-43: An Ordinance To Amend The Financial Administration Ordinance

MR. PRYDE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 2-43, An Ordinance To Amend The Financial Administration Ordinance, be read for the first time.

THE COMMISSIONER: Bill number 3-43, Mr. Simonie.

Bill No. 3-43: An Ordinance To Amend The Interpretation Ordinance

MR. SIMONIE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 3-43, An Ordinance To Amend The Interpretation Ordinance, be read for the first time.

THE COMMISSIONER: Bill number 4-43, Deputy Commissioner Parker.

Bill No. 4-43: An Ordinance Respecting The Council Of The Northwest Territories

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 4-43, An Ordinance Respecting The Council Of The Northwest Territories, be read for the first time.

THE COMMISSIONER: Moved by Deputy Commissioner Parker, seconded by Mr. Searle.

Bill No. 5-43: An Ordinance To Provide Medical Care For Residents Of The Northwest Territories

MR. SEARLE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories, be read for the first time.

THE COMMISSIONER: Number 6-43, Air Marshal Campbell.

Bill No. 6-43: An Ordinance Respecting Justices Of The Peace

AIR MARSHAL CAMPBELL: I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 6-43, An Ordinance Respecting Justices Of The Peace, be read for the first time.

THE COMMISSIONER: Number 7-43, Mr. Trimble.

Bill No. 7-43: An Ordinance Respecting The Superior Courts And The Administration Of Justice

MR. TRIMBLE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice, be read for the first time.

THE COMMISSIONER: Bill number 8-43, Mr. Stewart.

Bill No. 8-43: An Ordinance Respecting Magistrates And The Magistrate's Court

MR. STEWART: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court, be read for the first time.

THE COMMISSIONER: Bill number 9-43, Mr. Fairbrother. He is not here, Mr. Parker, would you do it.

Bill No. 9-43: An Ordinance To Amend The Petroleum Products Tax Ordinance

DEPUTY COMMISSIONER PARKER: I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: that Bill number 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance, be read for the first time.

ITEM NO. 3: MEMBERS' REPLIES

THE COMMISSIONER: Item 3, Members' replies to the Commissioner's opening remarks, At this time Members may take the opportunity to address themselves to items mentioned in the Commissioner's opening remarks, or they may decline to do so and we will place a time on the paper before prorogation if Members wish to take advantage of the opportunity to make their remarks then. I will leave that in the hands of the Council. Do you wish to proceed?

--- Agreed

Item 4: Questions and Returns

ITEM NO. 5: ORAL QUESTIONS

Number 5: Oral Questions

MR. PRYDE: Mr. Commissioner, I wish to inquire as to whether you have received a copy of a telegram sent by the Sachs Harbour Eskimos to Prime Minister Trudeau, requesting that oil exploration on their island be denied to oil companies?

THE COMMISSIONER: Yes, we have, Mr. Pryde.

MR. PRYDE: A supplementary question, would you table that telegram with the Council?

THE COMMISSIONER: Yes, we will do that.

MR. PRYDE: Thank you.

THE COMMISSIONER: Any further oral questions?

Item 6: Presenting Petitions.

ITEM NO. 7: NOTICES OF MOTIONS

Item 7: Notices of Motions

MR. PRYDE: Mr. Commissioner, I wish to give notice of a Motion which I shall present tomorrow, which will ask that the Northwest Territories Government establish a Trading Post in Bathurst Inlet to take the place of the Hudson's Bay Company Post which is being closed this summer.

THE COMMISSIONER: Any further Notices of Motions under Item 7?

Item 8: Motions

ITEM NO. 9: TABLING OF DOCUMENTS

Item 9: Tabling of Documents.

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I wish to table the following report, a report of Orders and Regulations.

THE COMMISSIONER: Thank you.

AIR MARSHAL CAMPBELL: Mr. Commissioner, I would like to table the report of the Council Committee on Constituency Boundaries. This report will enable tabling of draft Territorial Legislation which will conform with the Northwest Territories Act, as amended by Bill number C-212 at the present session of the Federal Parliament.

THE COMMISSIONER: Thank you. Further items under Item 9?

MR. STEWART: I wish to table a document on the water supply and treatment in the Hamlet of Pine Point, Northwest Territories.

THE COMMISSIONER: Thank you. Any other items under Item 9?

ITEM NO. 10: FIRST READING OF BILLS

Item 10: First Reading of Bills.

Bill number 1, Mr. Searle.

MR. SEARLE: Mr. Commissioner, I think in view of the Notice of Motion which started to move first reading of Bills on the 22nd, do we not need unanimois consent to now do it today?

THE COMMISSIONER: Do we have consent to give first reading to Bills?

--- Agreed

Bill No. 1-43: An Ordinance To Amend The Controverted Elections Ordinance

MR. SEARLE: Mr. Commissioner, I move first reading of Bill number 1-43, An Ordinance To Amend The Controverted Elections Ordinance.

THE COMMISSIONER: Moved by Mr. Searle, seconded by Mr. Pryde, that Bill number 1-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 2-43, Mr. Pryde.

Bill No. 2-43: An Ordinance To Amend The Financial Administration Ordinance

MR. PRYDE: Mr. Commissioner, I move that Bill number 2-43, An Ordinance To Amend The Financial Administration Ordinance, be read for the first time.

THE COMMISSIONER: Moved by Mr. Pryde, seconded by Mr. Stewart, that Bill number 2-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 3-43, Mr. Simonie.

Bill No. 3-43: An Ordinance To Amend The Interpretation Ordinance

MR. SIMONIE: Mr. Commissioner, I wish to give notice that on July 22nd, 1970, I will introduce the following Motion: Bill number 3-43, An Ordinance To Amend The Interpretation Ordinance, be read for the first time.

THE COMMISSIONER: Moved by Mr. Simonie, seconded by Mr. Stewart, that Bill number 3-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 4-43, Deputy Commissioner Parker.

Bill No. 4-43: An Ordinance Respecting The Council Of The Northwest Territories

DEPUTY COMMISSIONER PARKER: I move first reading of Bill number 4-43, An Ordinance Respecting The Council Of The Northwest Territories.

THE COMMISSIONER: Moved by Deputy Commissioner Parker, seconded by Mr. Stewart, that Bill number 4-43 be read for the first time. Discussion? Question? All those in favour signify in the usual manner. Against if any?

--- Carried

Bill number 5-43, Mr. Searle.

Bill No. 5-43: An Ordinance To Provide Medical Care For Residents Of The Northwest Territories

MR. SEARLE: Mr. Commissioner, I move first reading of Bill number 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories.

THE COMMISSIONER: Moved by Mr. Searle, seconded by Mr. Stewart, that Bill number 5-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 6-43, Air Marshal Campbell.

Bill No. 6-43: An Ordinance Respecting Justices Of The Peace

AIR MARSHAL CAMPBELL: I move that Bill number 6-43, An Ordinance Respecting Justices Of The Peace, be read for the first time.

THE COMMISSIONER: Moved by Air Marshal Campbell, seconded by Mr. Searle, that Bill number 6-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 7-43, Mr. Trimble.

Bill No. 7-43: An Ordinance Respecting The Superior Courts And The Administration Of Justice

MR. TRIMBLE: Mr. Commissioner, I move that Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice, be read for the first time.

THE COMMISSIONER: Moved by Mr. Trimble, seconded by Mr. Pryde, that Bill number 7-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 8-43, Mr. Stewart.

Bill No. 8-43: An Ordinance Respecting Magistrates And The Magistrate's Court

MR. STEWART: Mr. Commissioner, I move that Bill number 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court, be read for the first time.

THE COMMISSIONER: Moved by Mr. Stewart, seconded by Air Marshal Campbell, that Bill number 8-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 9-43, Deputy Commissioner Parker.

Bill No. 9-43: An Ordinance To Amend The Petroleum Products Tax Ordinance

DEPUTY COMMISSIONER PARKER: I move first reading of Bill number 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance.

THE COMMISSIONER: Moved by Deputy Commissioner Parker, seconded by Mr. Searle, that Bill number 9-43 be read for the first time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Item 11: Second reading of Bills. With Council's agreement I will deal with these separately. If anyone has any objection to moving on to give second reading to a Bill, you merely have to indicate and we will pass on to the next one. Is this agreeable?

--- Agreed

ITEM NO. 11 SECOND READING OF BILLS

Bill number 1-43. Is there any objection to giving second reading to Bill number 1-43? No objection. Bill number 1, Mr. Searle.

Bill No. 1-43: An Ordinance To Amend The Controverted Elections Ordinance

MR. SEARLE: Mr. Commissioner, I move second reading of Bill Number 1-43: An Ordinance To Amend The Controverted Elections Ordinance.

THE COMMISSIONER: Moved by Mr. Searle, seconded by Mr. Stewart, that Bill Number 1-43 be read for the second time. Any Discussion?

MR. SEARLE: I think I should state the purpose of the Bill.

THE COMMISSIONER: Proceed.

MR. SEARLE: An amendment to this Ordinance is required as a consequence of the revisions to the Judicature Ordinance and a repeal of the Elections Ordinance.

THE COMMISSIONER: Any discussion? All those in favour signify in the usual manner. Down. Against?

--- Carried

Any objection to giving second reading to Bill Number 2-43?

--- Agreed

Bill No. 2-43: An Ordinance To Amend The Financial Administration Ordinance

MR. PRYDE: I move second reading of Bill Number 2-43: An Ordinance To Amend The Financial Administration Ordinance. The purpose of the amendment is to fix the time when the report of Territorial accounts for the previous fiscal year must be laid before the Council. This requirement is necessary because of an amendment to the Northwest Territories Act.

THE COMMISSIONER: Moved by Mr. Pryde, seconded by Deputy Commissioner Parker that Bill number 2-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to giving second reading to Bill 3-43? No objection.

Bill No. 3-43: An Ordinance To Amend The Interpretation Ordinance

MR. SIMONIE: Mr. Commissioner, I move Bill 3-43, An Ordinance To Amend The Interpretation Ordinance, be read for the second time.

THE COMMISSIONER: Moved by Mr. Simonie, seconded by Mr. Stewart that Bill number 3-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to giving second reading to Bill number 4-43?

Bill No. 4-43: An Ordinance Respecting The Council of the Northwest Territories

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I move second reading of Bill number 4-43, An Ordinance Respecting The Council Of The Northwest Territories. This Bill is consequential to the amendment to the Northwest Territories Act. The Bill lowers the voting age of electors to 19, creates 10 electoral districts, lowers the residence requirement of electors to six months and provides that electors must be Canadian citizens. It revises the procedure to be followed if a vacancy occurs in the Council, sets out immunities and privileges of the Council and fixes their indemnities and allowances.

THE COMMISSIONER: Moved by Deputy Commissioner Parker, seconded by Mr. Stewart that Bill number 4-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to giving second reading to Bill 5-43? Question?

Bill No. 5-43: An Ordinance To Provide Medical Care For Residents Of The Northwest Territories

MR. SEARLE: Mr. Commissioner, I move second reading of Bill number 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories. The purpose of the Bill is to authorize a medicare scheme for the Northwest Territories that will provide free medically-necessary services supplied to residents of the Northwest Territories by medical practitioners and to authorize the Commissioner to enter into an agreement with the Government of Canada to cost-share these services in accordance with the Group Medical Care Act (Canada).

THE COMMISSIONER: Moved by Mr. Searle, seconded by Air Marshal Campbell that Bill number 5-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to giving second reading to Bill number 6-43? Agreed?

--- Agreed

Bill No. 6-43: An Ordinance Respecting Justices Of The Peace

AIR MARSHAL CAMPBELL: Mr. Commissioner, I move that Bill 6-43, An Ordinance Respecting Justices Of The Peace, be read for the second time. The purpose of the Bill is to enable the Commissioner to appoint justices of the peace which will be necessary with the repeal of Part II of the Northwest Territories Act. The Bill also sets out the jurisdiction of justices of the peace and other matters such as their remuneration and duties.

THE COMMISSIONER: Moved by Air Marshal Campbell, seconded by Mr. Pryde that Bill 6-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against?

--- Carried

Any objection to giving second reading to Bill number 7-43?

Bill No. 7-43: An Ordinance Respecting The Superior Courts And The Administration Of Justice

MR. TRIMBLE: Mr. Commissioner, I move that Bill 7-43, An Ordinance Respecting Superior Courts And The Administration Of Justice, be read for the second time. Upon the repeal of Part II of the Northwest Territories Act, this Bill will enable the continuation of the Territorial Court as a Superior Court of record. The Bill also sets out the jurisdiction and powers of the Court and the judges of the Court, but the power to appoint judges must, by virtue of the British North America Act, remain with the Federal Government. The Bill creates a Court of Appeal and sets out its jurisdiction and powers. The provisions in the present Judicature Ordinance respecting the rules of law and equity as well as the duties of court officers are retained. The Commissioner is given power to appoint the court officers and employees. Provision in the Judicature Ordinance regarding small debts officials have been dropped as unworkable.

THE COMMISSIONER: Moved by Mr. Trimble, seconded by Mr. Stewart that Bill number 7-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to proceeding with Bill number 8-43?

Bill No. 8-43: An Ordinance Respecting Magistrates And The Magistrate's Court

MR. STEWART: Mr. Commissioner, I move second reading of Bill number 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court. This Bill is necessary upon the repeal of Part II of the Northwest Territories Act. The Bill would enable the Commissioner to appoint magistrates and other court officials. The existing Police Magistrate's Court would be renamed as the Magistrate's Court. The powers, duties and jurisdiction of magistrates and other court officials are provided for. The jurisdiction of the Court as a juvenile court is included in the new Bill which entails a repeal of the Juvenile Delinquents Ordinance. The Bill also creates a Rules Committee with authority to make rules governing practice and procedure applicable to the Court. There are also provisions for the protection, removal, resignation and retirement of magistrates.

THE COMMISSIONER: Moved by Mr. Stewart, seconded by Mr. Searle that Bill number 8-43 be read for the second time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Any objection to giving second reading to Bill number 9-43?

MR. STEWART: I would like to study this Bill before we give it second reading.

THE COMMISSIONER: All right. Before proceeding with Item 12, Mr. Remnant advises me that the Centennial Cake has been cut and so I would suggest that we recess here for 15 minutes, to give Members an opportunity and members of the general public to have a piece of Her Majesty's Centennial Cake. The cake has been brought into the Chamber and I invite all of you to now take advantage of this opportunity. Council stands recessed for 15 minutes.

--- RECESS

ITEM NO. 12: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS

THE COMMISSIONER: Council will now come to order. Item 12, Motion to resolve into Committee of the Whole to consider Bill number 7-43 moved by Mr. Pryde, seconded by Air Marshal Campbell. Council will resolve into Committee of the Whole for the consideration of Bill number 7-43. All those in favour?

--- Carried

Council will resolve into Committee of the Whole to consider Bill 7-43 with Mr. Trimble in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 7-43, AN ORDINANCE RESPECTING THE SUPERIOR COURTS AND THE ADMINISTRATION OF JUSTICE

THE CHAIRMAN (Mr. Trimble): The Committee will come to order to consider Bill 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice. Are there any general statements that the Committee wishes to make or do you wish to call on the advisors? I understand that Mr. Brian Purdy is available from the Territorial Bar, Mr. Gilchrist, I believe is the man from the Territorial Government Administration who can assist us.

AIR MARSHAL CAMPBELL: It would be helpful to have introductory remarks on this Bill, by Mr. Gilchrist, if he is here.

THE CHAIRMAN (Mr. Trimble): Is it the wish of the Committee that we call Mr. Gilchrist to the table?

--- Agreed

Will you come to the advisors' table, Mr. Gilchrist?

Can you give us some introduction to Bill 7-43 please?

MR. GILCHRIST: Mr. Chairman, I would like to defer to the legal advisor. He is more familiar with this Bill than I am, the contents and the actual effects of it. Perhaps he could do a better job.

LEGAL ADVISOR (Mr. Smith): Just before coffee break I passed around to the Members an information paper by the Administration of Justice in general and what the Bill that was enacted by Parliament actually did to the Northwest Territories Act which are relevant to the particular Bill that is being considered by the Council right now. If you have no objections, I could read the information paper to give you a basis for the Bill before you.

- Changes in the Administration of Justices

Major changes in the Administration of Justice in the Northwest Territories will result from:

(a) Negotiations with Federal Department of Justice; and
(b) Amendments to the Northwest Territories Act.

With the exception of appointing a judicial officer, the Commissioner-in-Council has had authority for the administration of justice and the constitution organization and maintenance of courts of civil jurisdiction in the Northwest Territories. Funds for this program have been provided in annual estimates. However, the actual court operation and administration of justice has been carried out by the staff of the Federal Department of Justice on a repayment basis. As a result of recent discussions with the Minister of Justice and his Deputy, these services should come under the direct control and management of the Territorial Government before the end of this fiscal year.

Other major changes in appointments and operation of the courts will result from an Act to amend the Yukon Act, the Northwest Territories Act and the Territorial Lands Act passed by Parliament, assented to on June 26th, 1970. It is now identified as Chapter 69 of the Statutes of Canada, 1970.

The provisions of the amending Act relevant to the Bill before you are as follows:

- Attorney General of the Northwest Territories

Paragraphs (i) to (n) of Section 13 of the Northwest Territories Act have been repealed and the following substituted: Then it goes on to put in a paragraph which is exactly the same as is found in Section 92 of the British North America Act and gives this Council the same power over the administration of justice, were it not for a provision of the Criminal Code which provides that the Attorney General of the Northwest Territories is the Attorney General of Canada.

The old paragraphs in Section 13 are set out on page 2 of this paper. You can see that they have been repealed altogether and consolidated into one paragraph (i).

- Power to Appoint Judges

The next point in the Act which has to do with the Bill is the fact that the Governor-in-Council is given the power to appoint judges of Superior District and County Courts. This is really a retention of the appointive power. The power cannot be transferred to the Government of the Northwest Territories because of the B.N.A. Act which by Section 96 requires that the Parliament of Canada has the power to appoint all Superior Court Judges, County Court Judges and District Court Judges.

- Provision to Repeal

Section 23 of the amending Act provides for the repeal of Part II of The Northwest Territories Act in the following way: "The Governor-in-Council may declare Part II of the said Act or any provision thereof to be repealed from a day to be fixed by proclamation". This wording will permit the appeal in order to accomplish the process of transferring smoothly justice responsibilities as agreed. The rest of the information paper goes on the explain what is now in Part II of The Northwest Territories Act which is to be repealed section by section as arrangements proceed. It is also to be noted that eventually legislation will have to be considered for the establishment, maintenance and management of public and reformatory prisons. This gives the Council the same powers over these prisons as now exist in the provinces.

MR. SEARLE: Mr. Chairman, it seems to me that in trying to follow the discussion here and the explanation given, I have turned to my copy of The Northwest Territories Act in the Members' Manual and it does not appear to me that this contains the latest amendments that we are just talking about. I am wondering if it would be too much to ask the Clerk of the Council to obtain amended copies of the Act because when we start discussing these matters we are now into, it is very difficult to follow them at all unless you have the amended Act that we have been waiting for before you.

AIR MARSHAL CAMPBELL: Is this Item 6 the same copy of the Act we have been using for some time?

MR. SEARLE: Item 6 in the Members' Manual.

AIR MARSHAL CAMPBELL: Is it the same we have had from year to year?

MR. SEARLE: Except the provisions Mr. Smith is talking about have been repealed and I want the new one.

THE CHAIRMAN (Mr. Trimble): Mr. Smith, have you copies of that?

LEGAL ADVISOR (Mr. Smith): Mine has it.

MR. SEARLE: I understand now. Mr. Remnant advises me the reason the repealed sections have not been withdrawn is because, though the Act repeals them, there is a date to be stated that they are repealed successively and that goes by Order-in-Council or something. These dates have not come, so therefore, though the amendment amends it, they have not taken them out of our manuals yet because the dates have not been set when they will come into force.

LEGAL ADVISOR (Mr. Smith): Section 43 of the new amending Act provides for the progressive repeal of section of the existing Northwest Territories Act as arrangements progress.

THE CHAIRMAN (Mr. Trimble): Any questions?

AIR MARSHAL CAMPBELL: Is Mr. Searle finished?

MR. SEARLE: I am finished.

AIR MARSHAL CAMPBELL: Mr. Legal Advisor, how is its repeal as set out in Section 29 in co-ordination with Section 49 of the Bill C-212 -- how are these two inter related to ensure that there won't be a gap in between?

LEGAL ADVISOR (Mr. Smith): Under Section 49, we would be notified as to the date of the repeal of any given section of The Northwest Territories Act.

AIR MARSHAL CAMPBELL: But you might not be ready to introduce it.

LEGAL ADVISOR (Mr. Smith): This would all be done by co-ordinated arrangements.

AIR MARSHAL CAMPBELL: You have machinery set up now to carry over the hand-over phase?

LEGAL ADVISOR (Mr. Smith): Yes, we can arrange with Ottawa to bring this Act into force on a given day and a corresponding order would be made by the Commissioner.

AIR MARSHAL CAMPBELL: They will require an Order-in Council to do it?

LEGAL ADVISOR (Mr. Smith): They will repeal the relevant section of The Northwest Territories Act on that same date.

AIR MARSHAL CAMPBELL: You have got that in hand?

LEGAL ADVISOR (Mr. Smith): Yes.

THE CHAIRMAN (Mr. Trimble): Any other questions?

AIR MARSHAL CAMPBELL: Do you mean this section of the B.N.A. Act is peculiar to the Northwest Territories, and the Yukon?

LEGAL ADVISOR (Mr. Smith): No. It applies to all the provinces.

THE CHAIRMAN (Mr. Trimble): Is there anything further before we go into clause-by-clause discussion?

AIR MARSHAL CAMPBELL: No.

THE CHAIRMAN (Mr. Trimble): Is it the wish of the Committee that we proceed with clause-by-clause discussion at this time?

--- Agreed

Clause 2?

--- Agreed

Clause 3?

AIR MARSHAL CAMPBELL: For my edification, would you explain what a Superior Court of Record is? I notice other types of courts are provided for in the interpretation or the definition, but not a Superior Court.

LEGAL ADVISOR (Mr. Smith): In English law, a Superior Court of Record is a court of the highest and most extensive jurisdiction. That is the Court of Chancery and the three Courts of Common Law, the King's Bench, Common Pleas and Exchequer that sit at Westminster. These courts are now united in Canada under, for instance, under the Territorial Court in the Northwest Territories. They have all the powers of a Court of Chancery, King's Bench, and a Court of Exchequer, which before 1873, were separate.

AIR MARSHAL CAMPBELL: But there is no such thing as a Superior Court in the Northwest Territories.

LEGAL ADVISOR (Mr. Smith): Yes, by the Northwest Territories Act, Section 22: "There shall be a Superior Court of Record called the Territorial Court of the Northwest Territories".

AIR MARSHAL CAMPBELL: I will look at that when we come to it.

MR. SEARLE: Mr. Chairman, with your indulgence, I would just like to turn to Clause 3, and ask why it is that we cannot call the Court and in sub-clause (d) of Clause 2, why we can't call the Court the Supreme Court of the Northwest Territories in keeping with what is done elsewhere in the provinces.

LEGAL ADVISOR (Mr. Smith): I think this would cause a great difficulty because there are probably 20 Acts of the Parliament of Canada that refer to the Territorial Court of the Northwest Territories, and - were this Council to refer to it by a different name might cause difficulties. It was out of

an abundance of caution that we don't do this because it could be very serious and it is thought that only the Parliament of Canada can likely do it. We could rename the Court, but there would probably have to be concurrent legislation by the Parliament of Canada amending all the Acts.

MR. SEARLE: The point here is that this Court that we call the Territorial Court is in fact a Superior Court, and when you call someone a Judge of the Superior Court, which is a point later on, really he should be a Justice of the Supreme Court, and there is quite a difference because Territorial Court implies Provincial Court, and now the Provincial Courts are Magistrate's Courts and Magistrates are becoming Provincial Judges and when you talk about Judges you would be talking about Magistrates in effect in the Provinces. When you are talking about Superior Court you are talking about Supreme Courts. I appreciate Mr. Smith's point, that about a dozen other Federal Acts use this and the Superior Court here is called the Territorial Court, and I suppose to ensure when you are reading an ordinance and it is called one thing and in the Federal Act something else, there is some advantage to calling it the same thing in our legislation as in the Federal legislation, but --

AIR MARSHAL CAMPBELL: Recognizing the fact that it would create confusion, should we initiate action now to bring them all into line?

MR. SEARLE: I would like to suggest that we might make a Motion to be communicated by the Commissioner to the Attorney General, asking if he would consider an amendment as to the name of the Court, which we could then make at a subsequent council session, changing the name of the Court here to the Supreme Court of the Northwest Territories.

AIR MARSHAL CAMPBELL: I agree.

MR. SEARLE: I so move that that be communicated to the Attorney General.

THE CHAIRMAN (Mr. Trimble): I could not hear what your Motion was.

MR. SEARLE: My Motion is simply that this Council, through the Commissioner, communicate with the Attorney General of Canada and recommend that the name of the Superior Court in the Northwest Territories be changed in the Federal legislation from the Territorial Court of the Northwest Territories to the Supreme Court of the Northwest Territories, in line with what this level of Court is called elsewhere in Canada.

AIR MARSHAL CAMPBELL: Agreed.

THE CHAIRMAN (Mr. Trimble): Any discussion?

MR. STEWART: Question.

THE CHAIRMAN (Mr. Trimble): Those in favour? Opposed?

--- Agreed

Any further discussion under Clause 3?

--- Agreed

Clause 4?

--- Agreed

Clause 5?

The Member for the western Arctic.

MR. PRYDE: Mr. Chairman, Clause 5 sets out the powers of a Judge and in effect states the Judge's rights et cetera as to all Acts of Canada, unless such Acts or Ordinances or other laws have made provision to the contrary. What I am concerned with here is that now that the Armed Forces are established in the Northwest Territories and have been established for some time, if a Member of the Armed Forces commits a crime or an infraction of an Ordinance, would he be tried in a Civil Court or by a Military Court?

LEGAL ADVISOR (Mr. Smith): I would have to take that question under advisement, because I am not familiar with the exact position of the National Defence Act of Canada. I suspect in some cases it would be Civil Courts and in other cases it would be the Military Courts, but I imagine Air Marshal Campbell could enlighten us on that.

AIR MARSHAL CAMPBELL: In my time if a Member of the Armed Forces committed a civil offence, he was charged in Civil Court. He additionally had to confirm to a military law.

MR. SEARLE: I can confirm that because I was in the Military Police.

MR. STEWART: That is where all the misery comes from.

THE CHAIRMAN (Mr. Trimble): Agreed?

--- Agreed

Clause 7?

MR. PRYDE: Mr. Chairman, under Clause 7, where it states the oath to be taken by a Judge, on the fourth line there is a gap filled in by a series of dots. Just what is intended to fill that gap? It would appear to me reading that oath that the word "Judge" should be placed in there rather than the series of dots. Would that be correct?

THE CHAIRMAN (Mr. Trimble): I assume this is where the name of the person making the oath goes.

MR. PRYDE: The name of the person is in the first line.

LEGAL ADVISOR (Mr. Smith): It is to insert Deputy Judge or Judge, as the case may be.

THE CHAIRMAN (Mr. Trimble): Any further discussion?

Clause 7?

--- Agreed

Clause 8?

MR. SEARLE: Mr. Chairman, at a Bar meeting that we had looking at this legislation, it was thought that in Clause 8 the words "has resigned" or "his resignation" on the top of page 4 in Clause 8 might be replaced with "cease to hold office". I was just wondering if there was some good reason why the words "his resignation" were left in, instead of just saying "cease to hold office". In other words, there may be other situations where a Judge could leave office other than just resigning.

AIR MARSHAL CAMPBELL: Age, surely, is associated with resigning.

MR. SEARLE: I was just wondering if a judge resigned, retired, at the compulsory age of seventy-five, that is not really a resignation, I don't think.

AIR MARSHAL CAMPBELL: As I read Clause 8, where a judge has resigned his office, it does not cover the other two instances you referred to.

MR. SEARLE: Couldn't we say, "where judge ceases to hold office"?

AIR MARSHAL CAMPBELL: Is it not covered under another section?

MR. SEARLE: I don't know but maybe Mr. Smith can help us. In other words, why shouldn't a judge be able to give a judgment in a matter he has heard within six weeks after he leaves office regardless of whether he resigns, was impeached or just retired in the ordinary course?

AIR MARSHAL CAMPBELL: I think there is another section.

LEGAL ADVISOR (Mr. Smith): Would you like a judge to render judgment after he has been impeached?

MR. SEARLE: Surely, the thing is if he has heard a matter prior to being impeached, what do you do otherwise? Do you go back and retry the matter? Any judgment is better than no judgment at all.

AIR MARSHAL CAMPBELL: I would not like to be subjected to a sentence passed out by a judge after he has been impeached.

MR. SEARLE: If he had heard the matter before?

AIR MARSHAL CAMPBELL: I think we should accept paragraph 8 as it presently reads and bearing in mind the points raised by Mr. Searle.

MR. PRYDE: Mr. Chairman, Mr. Searle has a good point here. I don't see it elsewhere in this legislation before us.

MR. SEARLE: Why can't we just say, "where a judge ceases to hold office", or "where a judge has ceased to hold office", that in a matter heard by that judge, he may within six months after ceasing to hold office give judgment therein as a judge of the court.

AIR MARSHAL CAMPBELL: What about the case of a judge who has been impeached? I certainly don't think we should agree to accept his judgment.

MR. SEARLE: "A judge ceases to hold office except one which has been impeached".

AIR MARSHAL CAMPBELL: I would accept it if he retired respectably.

LEGAL ADVISOR (Mr. Smith): Could I study the matter a little more and report to you?

THE CHAIRMAN (Mr. Trimble): Is the wish of the Committee-in-Council to hold over Clause 8?

--- Agreed

Clause 9?

MR. PRYDE: Wouldn't Clause 9 also have to be held over, Mr. Chairman?

THE CHAIRMAN (Mr. Trimble): Clause 9?

MR. PRYDE: Is it the advice of the Legal Advisor that we don't need to hold Clause 9 over?

THE CHAIRMAN (Mr. Trimble): I think he indicated by shaking his head that it wasn't.

LEGAL ADVISOR (Mr. Smith): If we put "cease to hold office", I can't see the wording of Section 9 being changed also.

MR. PRYDE: But what about the question raised by Air Marshal Campbell that a person might be impeached? If a judge were impeached, would Clause 9 be entirely relevant to Clause 8?

LEGAL ADVISOR (Mr. Smith): No. because if he makes a judgment, if the working were changed, he couldn't make a judgement.

MR. PRYDE: I am satisfied.

THE CHAIRMAN (Mr. Trimble): Clause 9?

--- Agreed

Clause 10?

AIR MARSHAL CAMPBELL: Could I ask the Legal Advisor if he has the historical capability to administer paragraph 10 i.e. those matters which came under the jurisdiction of the High Court of Chancery, the Queen's Bench, the Bench of the Common Pleas and Courts of the Exchequer on the 15th day of July, 1870, in England?

LEGAL ADVISOR (Mr. Smith): I don't understand the point of your question. All those courts were in existence in England.

AIR MARSHAL CAMPBELL: Yes, but you have the historical capability to administer this law within your resources.

LEGAL ADVISOR (Mr. Smith): Fortunately I do not have to. The Court decides what those powers are.

MR. PRYDE: Clause 10 agreed.

THE CHAIRMAN (Mr. Trimble): Clause 11?

--- Agreed

Clause 12?

MR. PRYDE: On Clause 11, Mr Chairman, subclause (a) states: "The jurisdiction at any time exercised by a judge of the Court, sitting in Court or chambers or elsewhere, when acting as a judge pursuant to a statute, law or custom". I am wondering why the word "custom" is allowed in there, Mr. Chairman?

THE CHAIRMAN (Mr. Trimble): Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): I presume it refers to custom established under the common law.

MR. PRYDE: What about customs built up under common law of the native people of the Territories?

LEGAL ADVISOR (Mr. Smith): It has nothing to do with Eskimo customs.

MR. PRYDE: I recollect a case of the Territorial Court where there was some question as to whether Eskimo marriages were legal and it had been decided at that time that the customary form of Eskimo marriage was legal and binding and that was a historical landmark. I wonder just how a court would judge other customs of the Eskimo and Indian people which differ from those of white people.

LEGAL ADVISOR (Mr. Smith): I don't know how the court would act. It would depend a lot on the facts before the court. I couldn't predict what the court would do in the absence of guiding facts.

MR. PRYDE: Perhaps this word "custom" should be removed and the words "common law" substituted.

LEGAL ADVISOR (Mr. Smith): No.

MR. PRYDE: If the Legal Advisor suggests, Mr. Chairman, that it should not be removed, and we are in effect willing to follow the customs based mainly on the common law of the courts of England and of Canada, then we do not appear too willing to accept the customary laws of the native people of the Territories. I am not suggesting one way or the other what should be done. I feel there should be some clarification here. If this paragraph refers to the customs of the white people being acceptable, it does not allow certain customs of our own native Indians and Eskimos and I see some note of discrimination -- that is not the proper term some conflict in the wording here.

THE CHAIRMAN (Mr. Trimble): I don't see how your suggestion about changing the word "custom" to "common law" would help to clarify it.

MR. PRYDE: Well, common law would refer to the common law of England built up over the centuries, whereas the word "custom" alone can refer certainly to other customs rather than just those of English common law. I seek a clarification of this term "custom" in this Ordinance. I mentioned earlier about the historic legal landmark concerning the legalization of Eskimo marriages which were marriages by custom and which were not previously recognized, or at lease some doubt had been expressed as to the legality of those marriages under Canadian law.

LEGAL ADVISOR (Mr. Smith): Well ---

MR. PRYDE: An other example that springs to mind would be the adoption of children amongst Eskimos. This is a customary fact of Eskimo life and would the adoption be legal under our Ordinances or would it not? You know, there are several items, customs of this nature which are certainly legal in the eyes of the Eskimos bound by many, many centuries of tradition and custom and I am wondering if we could cover those types of questions where the customs do not really conflict with the customary law of England.

LEGAL ADVISOR (Mr. Smith): I think you would have to amend The Northwest Territories Act. Subsection (2) of Section 17 of The Northwest Territories Act says: "All laws of general application in force in the Territories are, except as otherwise provided, applicable to and in respect of Eskimos in the Territories".

MR. PRYDE: Yes, Mr. Chairman, that refers to laws, but it does not refer to customs.

LEGAL ADVISOR (Mr. Smith): A custom is taken as a law.

MR. PRYDE: I would question that because it is customary among the Eskimos ---

LEGAL ADVISOR (Mr. Smith): The dictionary definition of the word, "custom" is a usage or practice of the people which by common adoption, acquiescence and by long and unvarying habit has become compulsory and has acquired the force of a law with respect to the subject matter to which it relates".

MR. PRYDE: I don't wish to take up too much time of this Committee, but it seems to me that in the case of the Eskimo blood feud it has long, long been customary for an injured party to take blood vengeance on another party and that certainly is a long-established custom. Do we legalize that here according to the definition we have just received of the word "custom", or else we throw out the word "custom" or we redefine the word? If the word "custom" refers to common law of England, then I believe we should refer to it as such, rather than use the word "custom", because "custom" is so much wider in application than the words "common law of England", or Canada.

THE CHAIRMAN (Mr. Trimble): I wonder if the Legal Advisor can advise us on this.

LEGAL ADVISOR (Mr. Smith): This word "custom" is found in many Judicature Acts across the land and it is for this reason, or one of the reasons, that I would not like to see it changed. I think "custom" has a real meaning here, it means something which has the force of law. I can see no valid reason for changing this word.

MR. SEARLE: If I could maybe just give Mr. Smith a hand -- as I read that section in total, it simply says that the Court has the jurisdiction that at any time before its organization here and now by virtue of the power that is vested in it and when acting as a judge pursuant to statute, law or custom. As to what is custom and what is law, as you know, certain cases have been decided over the years which have really made custom law. One of them is the case Mr. Pryde refers to. It says an Eskimo marriage is a valid marriage and I suggest there are cases which have been held -- which this does not help -- they say those customs are now law and had this section said the converse, that all things that were customs are now no longer law, and you had to look to going back to the re Noah Case and others that have been decided, really this just says those things, I think, such as Eskimo marriage, which were decided to be, by common law, to be law still are and still continue to be. I don't think this changes that any.

MR. PRYDE: I appreciate that, Mr. Chairman. Certainly in the case of an Eskimo marriage or Eskimo adoption, but as I mentioned earlier, it has been a custom for generation upon generation for the Eskimo to take blood vengeance on a person who committed a murder. And now, that has been customary for centuries. Are we now saying that is a law?

MR. SEARLE: No.

MR. PRYDE: This is what I am trying to establish. This is what I have been concerned about all the way through here.

MR. SEARLE: Certainly, we are not. If we did purport to say, it would be *ultra vires* because the Criminal Code says quite the opposite and that is paramount legislation. It is just like the other Eskimo custom of freezing old people and abandoning them. It has been decided that that is not within what is permitted in the law. It has also been decided in the Soosee murder case, that just because a person is mad you cannot shoot her, which was the traditional way of destroying evil spitits. These are all decided and this does not purport to change that law and couldn't even if it purported to, because in those cases, we are talking about the Criminal Code which is paramount legislation to this. I don't see that there is any problem here.

MR. PRYDE: But inclusion of this word "custom" under this particular part of the Ordinance, it would not change anything really?

MR. SEARLE: No.

MR. PRYDE: That is all that has concerned me all along. I would like to thank both of our legal advisors.

THE CHAIRMAN (Mr. Trimble): Agreed?

--- Agreed

Clause 12?

--- Agreed

Clause 13?

--- Agreed

Clause 14?

--- Agreed

Clause 15?

--- Agreed

Clause 16?

--- Agreed

Clause 17?

--- Agreed

Clause 18?

--- Agreed

Clause 19?

MR. SEARLE: Mr. Chairman, there are some of these provisions dealing with the constitution of the Court of Appeal and one thing or another that the Bar Association felt that there might be some need to have a transition clause in saying that the present Court of Appeal will continue to be the Court of Appeal and the present Clerk of the Court continues to be the Clerk of the Court and this sort of thing. I don't see any of those transitional sections in here. I take it that Mr. Smith felt they were not necessary after all.

LEGAL ADVISOR (Mr. Smith): Section 47, on page 25(2).

AIR MARSHAL CAMPBELL: I guess the Bar Association didn't read it all the way through.

MR. SEARLE: That to my mind is not it. I am talking about the people who occupy the offices of, in the one case, Judge of the Court of Appeal, and in the other case, Clerk of the Court, Sheriff, et cetera, deals with proceedings commencing in the Courts, but I am talking about the actual constitution of the Courts. I will leave that with Mr. Smith.

LEGAL ADVISOR (Mr. Smith): I will look that up. What is that again? I think I came to the conclusion it was all right.

MR. SEARLE: It is a question of the present officers continuing to be officers. The present Court of Appeal continuing to be.

LEGAL ADVISOR (Mr. Smith): The matter could be satisfactorily solved by re-appointing them under this Ordinance, and, of course, we can't do anything else. There would have to be a re-appointment under this Ordinance which is effective on the day this Ordinance comes into force.

MR. SEARLE: If you look at Section 16: "The judges of the Court of Appeal shall consist of a Chief Justice and of such justices of appeal not exceeding eight as may be appointed by the Governor-in-Council pursuant to the Northwest Territories Act". Those appointments were already made, and what we suggested was we just simply say: "Will be continued to be those appointed".

LEGAL ADVISOR (Mr. Smith): You can't do that because that is *ultra vires* of us. That is exercising appointing power which must be reserved to the Governor-in-Council.

MR. SEARLE: So he has to re-appoint them?

LEGAL ADVISOR (Mr. Smith): Yes.

THE CHAIRMAN (Mr. Trimble): Clause 17?

AIR MARSHAL CAMPBELL: I thought we agreed to that.

THE CHAIRMAN (Mr. Trimble): Agreed?

--- Agreed

Clause 18?

--- Agreed

Clause 19?

AIR MARSHAL CAMPBELL: I see we are in the area before 1873 again.

THE CHAIRMAN (Mr. Trimble): Agreed?

--- Agreed

Clause 20?

AIR MARSHAL CAMPBELL: In paragraphs 20(l) and (m): "Whenever there is any conflict or variance between the rules of equity and common law with reference to the same matter, the rule of equity shall prevail"; and then "Minors may sue for wages in the same way as if of full age". How does that run with regard to the Minimum Wage Act we dealt with at the last Session, or enacted at the previous Session? It specified age limits.

LEGAL ADVISOR (Mr. Smith): I seem to recall that there is another provision in the Wages Recovery Ordinance. For instance, that permits minors to sue for wages as well. If that is so, that is covering the matter twice. There would be no conflict.

AIR MARSHAL CAMPBELL: I forget the name of the Ordinance, but we provided for minimum age and minimum wages which applied to certain ages.

LEGAL ADVISOR (Mr. Smith): That is the Labour Standards Ordinance.

AIR MARSHAL CAMPBELL: Here we say minors may sue for wages in the same way as if they were of full age.

LEGAL ADVISOR (Mr. Smith): A minor by ordinary law is 21 years of age.

AIR MARSHAL CAMPBELL:: By the Labour Standards Ordinance it is 17, so if I am 16, I get 50 cents an hour. I can sue for the balance to bring my pay up to the approved minimum wage.

LEGAL ADVISOR (Mr. Smith): Yes.

AIR MARSHAL CAMPBELL: Surely there is a conflict here?

LEGAL ADVISOR (Mr. Smith): There are many Ordinances that have age limits. For instance, where you cannot marry without the consent of your parents, unless you are over 19. You can't vote, et cetera.

AIR MARSHAL CAMPBELL: My point is under the Labour Standards Ordinance. We provide for a minimum wage from 17 years and up, and now we say here that anybody who is employed below the age of 17 at say 50 cents an hour, they have the right to sue for the full minimum wage. Excuse me Mr. Legal Advisor, Mr. Pryde says "may sue for wages" but not necessarily minimum wage.

LEGAL ADVISOR (Mr. Smith): This provision speaks of wages generally.

AIR MARSHAL CAMPBELL: My point is they are not related?

LEGAL ADVISOR (Mr. Smith): That appears to be correct.

AIR MARSHAL CAMPBELL: Thank you. I am sorry.

THE CHAIRMAN (Mr. Trimble): Anything further under Clause 20?

--- Agreed

Clause 21?

--- Agreed

Clause 22?

--- Agreed

Clause 23?

--- Agreed

Clause 24?

--- Agreed

Clause 25?

AIR MARSHAL CAMPBELL: Clause 25 says in effect, subject to this and other Ordinances, the Rules of the Supreme Court of Alberta are in force and are to be followed in all cases, but the Judge may add or delete therefrom, substitute other rules, which in effect means that there are no guidelines at all except those set by the Judge. Surely there should be firm rules set by law.

THE CHAIRMAN (Mr. Trimble): Mr. Legal Advisor, could you help us?

LEGAL ADVISOR (Mr. Smith): Regarding practice and procedure in a Court it is quite normal for judges to lay down their own rules, as long as it is done in a formal way, that you call the rules of a court. For example, this provision lays down the general principle that the rules of the Supreme Court of Alberta are in effect in the Northwest Territories, but in some areas these rules do not fit the conditions of the Northwest Territories. This permits a judge to make variations in order to fit conditions in the Northwest Territories. In 1960, or prior to 1960, the Commissioner made these rules, but it was appreciated by 1960 that it was not correct for the Commissioner to make rules for the courts, so the Judicature Ordinance was amended to allow the judge to do that.

AIR MARSHAL CAMPBELL: I am not quarreling with using the Supreme Court of Alberta rules, but what I am quarreling with is that neutralizing them by saying any judge may change those rules as he sees fit.

LEGAL ADVISOR (Mr. Smith): I am sure there are cases which have it laid down that a judge can't make a rule to fit a particular case at the time a case is being heard.

AIR MARSHAL CAMPBELL: This says so. I agree with what you say, but this allows a judge to make rules if he sees fit. He uses the Alberta rules as guides, but he can change, add, delete therefrom at his discretion.

MR. SEARLE: Mr. Chairman, my understanding of the situation presently is that the Court of Appeal is the body who makes these rules at present. At least he can alter the rules for the Northwest Territories. I thought that what happened was that when they thought they would consider certain rule changes, and it would be the decision of five or six judges, rather than an individual judge. This certainly said that the Judge, and judge is defined as Judge of the Territorial Court, and Judge of the Court is defined as Territorial Court, and it means an individual here. There are some advantages to that, of course, and the changes can be done quickly. There are other disadvantages, of course, and that is you could only get one person doing it. But certainly there are cases where the Alberta rules do not apply, and there has to be a change to them. The best example is where proceedings are served on someone in Alberta and they have 15 days within which to file a defence. Obviously that should not apply here. It has got to be at least 30 days.

MR. PRYDE: Mr. Chairman, I would like to ask the Legal Advisor who approves of the rules of the Supreme Court of Alberta, who actually gives approval to the formation of the rules there?

LEGAL ADVISOR (Mr. Smith): It is under the Judicature Act of the Province of Alberta. I think it is the judges - without much fear of contradiction - the judges of the Supreme Court of Alberta and the Court of Appeal acting together, I would say.

MR. PRYDE: Is there any reason then why a Territorial Judge could not draw up the rules of the Supreme Court of the Northwest Territories that would be applicable to the Territories?

AIR MARSHAL CAMPBELL: Except for the point Mr. Searle made, it is being done by one man.

LEGAL ADVISOR (Mr. Smith): This seems to be a valid point actually. The existing Ordinance states the judges of the Court. We would have by this Bill only the Judge of the Territorial Court. We now have, I think we call him the *ex officio* Judge of the Territorial Court, the Judge of the Yukon Territorial Court, and in order to make rules the two Judges must act together with relation to Northwest Territories' rules. This change contemplates only one judge making the rules. I am inclined to agree that something should be done to permit a partnership effort here.

MR. SEARLE: Why do we not say the judges of the Court of Appeal, simply because the judge here is a Judge of the Court of Appeal, and the judge in the Yukon is also a Judge of the Court of Appeal as well as a trial judge.

AIR MARSHAL CAMPBELL: Did you say "judges"?

MR. SEARLE: The quorum for the Court of Appeal is 3, but our judge is a Judge of the Court of Appeal, so if you say the Judge of the Court of Appeal, he could have his say.

AIR MARSHAL CAMPBELL: I would agree with that, unless the Legal Advisor can produce a better answer. Shall we give him time to revise it along those lines?

--- Agreed

MR. SEARLE: Clause 26 agreed.

MR. CHAIRMAN (Mr. Trimble): We will pass over 25.

AIR MARSHAL CAMPBELL: The Legal Advisor will draw an amendment.

THE CHAIRMAN (Mr. Trimble): Clause 26 agreed?

--- Agreed

MR. PRYDE: Clause 27 refers to the times the Clerk of the Court shall attend his office and keep it open. It says that it is to be kept open from 9:30 a.m. until 12:00 noon, and between 1:00 and 4:00 p.m. and all days except Saturdays and holidays. I wonder if a Sunday is considered to be a holiday, or is that --

LEGAL ADVISOR (Mr. Smith): Yes. By the Interpretation Ordinance.

AIR MARSHAL CAMPBELL: I have another point in that regard. It seems to me it would be inadvisable to set up the hours at which the Court Clerk's office is required to be open by law. Surely it should be open at a period which is

similar to other offices in the area and should not be provided for by legislation, but by the Commissioner's decision.

LEGAL ADVISOR (Mr. Smith): Well ---

MR. SEARLE: If I might be permitted to say, this has been a rather hot issue because presently they like to open up about 10:00 a.m. and carry on until 12:00 noon and then open at 1:00 and carry on until 4:00 p.m., excepting for three months in the summer and for Christmas and Easter when the judge in the past has declared judicial holidays for these periods, when the Clerk of the Court's office is only opened in those cases, they have all the same staff there.

AIR MARSHAL CAMPBELL: If we leave this in, it will put them back on the rails.

MR. SEARLE: It means the Clerk of the Court's office is open from 10:00 a.m. to 12:00 noon, and all they do is sit around and twiddle their thumbs most of the day, and I have always taken the view that regardless of what the Court's holidays are in terms of when the Courts sit, these people are public servants and should be working an eight hour day like anybody else.

--- Applause

He shouldn't be setting hours, somebody else should, and if anything, I would set them, if I had my way, we argued this at the Bar, and I said nine to twelve noon and one to five in the afternoon, and what is wrong with that? My suggestion is a compromise.

AIR MARSHAL CAMPBELL: My point is surely we shouldn't legislate in Ordinance the hours of work of a Clerk.

MR. SEARLE: Not the hours of work, but the hours the office is open, to be bases on legislation for the simple reason that if a document purports to be issued and filed, because there are time limits to everything, you have got to know the actual hours between which you can file something, because it becomes important in your time limits.

AIR MARSHAL CAMPBELL: I agree.

THE CHAIRMAN (Mr. Trimble): Any further discussion of Clause 27?

MR. PRYDE: Mr. Searle has raised a point and I think it should be resolved before we proceed further. The point was that the Clerk of the Court and the other people involved should have a normal working day.

AIR MARSHAL CAMPBELL: This is exactly what this provides for.

MR. PRYDE: It provides up to four o'clock.

AIR MARSHAL CAMPBELL: All you are quarreling about is an hour.

MR. PRYDE: Let us put it in.

LEGAL ADVISOR (Mr. Smith): It is like a Bank, they close at three, but they conclude their work afterwards. The Clerk carries on work after official hours but one cannot legally file a document in the office after the time set out in the Statute.

MR. PRYDE: I see, the office is still open.

LEGAL ADVISOR (Mr. Smith): Yes.

MR. SEARLE: You can go in and talk to them?

MR. PRYDE: But they do no work.

LEGAL ADVISOR (Mr. Smith): You won't be able to file a document.

MR. PRYDE: Why can't you file a document after four o'clock?

LEGAL ADVISOR (Mr. Smith): Because of the necessity of having legal hours and for the reasons stated previously.

AIR MARSHAL CAMPBELL: As a result of this proposed amendment they work another hour.

MR. PRYDE: I move that the word "four" on the fourth line of 27(a) be amended to read "five".

THE CHAIRMAN (Mr. Trimble): I take it the Motion is the word "four" on the fourth line of paragraph (a) of 27 be deleted, and insert the word "five". Any discussion?

LEGAL ADVISOR (Mr. Smith): I want to point out that the hours that the Courts are open are from ten in the forenoon until twelve and from two o'clock until four o'clock.

MR. SEARLE: Not now, if I could direct Mr. Smith. Now they are on summer judicial holidays, and they are open from ten to twelve.

LEGAL ADVISOR (Mr. Smith): I don't know how they can do that in the face of the Ordinance.

MR. SEARLE: This is why we need a Director of Legal Services to take control of that situation and I know that is what Mr. Smith is going to do and this would be one of its functions, to take control and in fact, see there are people to run that shop instead of leaving it to the Courts to get involved in the administration.

AIR MARSHAL CAMPBELL: We have a Motion before the House.

LEGAL ADVISOR (Mr. Smith): May I just make one more remark. There is a genuine need for them to keep their records and to have a period before they go home to clear up their work and they are actually continuing to work, but the legal hours as presently set out are four hours a day, and as proposed, it is five and a half hours. To make legal civil service summer holidays I think is unrealistic, and it would pose burdens on them they should not have to accept, because they should be able to close their books and have time to balance off each day.

MR. SEARLE: The other side of the coin is simply that they are only servicing, quite frankly, five or seven practising solicitors in total in terms of filing.

DEPUTY COMMISSIONER PARKER: It is very demanding.

MR. SEARLE: They must have at least twice that many people so they shouldn't find it too difficult.

AIR MARSHAL CAMPBELL: Are we paying twice the number of people required? Why don't we have an efficiency drive?

DEPUTY COMMISSIONER PARKER: We will.

AIR MARSHAL CAMPBELL: We have a Motion before the House, Mr. Chairman, which extends the official hours of the Clerk from 27 1/2 hours a week, to 32 1/2 hours a week. Is that right?

MR. PRYDE: Right.

THE CHAIRMAN (Mr. Trimble): Any further discussion on the Motion?

MR. PRYDE: Question.

THE CHAIRMAN (Mr. Trimble): The Motion is that: "four o'clock" be changed to "five o'clock" in paragraph 27(a). Those in favour of the Motion? Five. Opposed? One. The Motion is carried.

MR. PRYDE: The second point concerning that same paragraph is that Mr. Searle said that during judicial holidays the office is closed except from ten a.m. until two p.m. - ten a.m. until noon.

MR. SEARLE: Who decides the holidays, shouldn't we define holidays as being --

MR. PRYDE: How do we define a holiday?

MR. SEARLE: Shouldn't we write in there that the Director should determine which are proper holidays?

AIR MARSHAL CAMPBELL: There is a term that governs official public holidays.

MR. SEARLE: But there is also in the judicial system what are called judicial holidays.

AIR MARSHAL CAMPBELL: I meant official public holidays.

LEGAL ADVISOR (Mr. Smith): This is an enactment of the Council. When the word "holiday" is used, it means a holiday in accordance with the Interpretation Ordinance. It sets them out as; Sundays, New Years Day, Good Friday, Easter Monday, Christmas Day, Birthday, or the day appointed for the birthday of their Sovereign and so on. It certainly doesn't include any judicial holidays.

MR. PRYDE: That being the case, Mr. Chairman, I take it now that the Clerk of the Court presently in Yellowknife will keep his office open until five o'clock every day with the exceptions set forth in this Ordinance?

AIR MARSHAL CAMPBELL: Subject to Clause 49.

MR. STEWART: What is the Clerk of the Court?

THE CHAIRMAN (Mr. Trimble): The Member for Mackenzie North.

MR. SEARLE: In paragraph (b) of 27, there seems to be a word missing: "The Clerk of the Court shall (b) on application of any person by himself or (i)", and then there should be something after "or", and I think we had "agent" and we suggested "solicitor". It has been left a blank.

LEGAL ADVISOR (Mr. Smith): It is there, but it hasn't come out in the print.

MR. SEARLE: What does it say?

LEGAL ADVISOR (Mr. Smith): It is just a smudge. I have here: "Or by his agent".

MR. SEARLE: Surely we should include --

LEGAL ADVISOR (Mr. Smith): "By himself or his agent or solicitor"? After the word "himself", we should insert "or agent".

MR. SEARLE: It would be a little difficult for a Hay River businessman to institute proceedings by statement of claim if he had to file them himself.

THE CHAIRMAN (Mr. Trimble): Do Members agree that the words "a solicitor or agent" be placed after the word "or" in paragraph (b) of 27? Further discussion of Clause 27?

--- Agreed

Clause 28?

--- Agreed

Clause 29?

--- Agreed

Clause 30?

--- Agreed

Clause 31?

--- Agreed

Clause 32?

AIR MARSHAL CAMPBELL: Mr. Chairman, editorially speaking, do we need the term in the second line: "in the Territories"? It appears in a couple of other paragraphs also.

LEGAL ADVISOR (Mr. Smith): I can't see that it adds anything.

AIR MARSHAL CAMPBELL: It appears in some other paragraphs also. In a matter of substance in Clause 32, where are the responsibilities of the Sheriff defined?

MR. PRYDE: They are not.

LEGAL ADVISOR (Mr. Smith): They are defined under his powers that have developed over the centuries.

AIR MARSHAL CAMPBELL: Shouldn't we have a general outline of his responsibilities or authority? We do for the judge and magistrates and so forth, but we don't when it comes to the Sheriff.

MR. PRYDE: That is correct, Mr. Chairman. We define the duties of the Clerk of the Court, but not of the Sheriff.

MR. SEARLE: I think you might find his duties defined in the Procedures Ordinance.

AIR MARSHAL CAMPBELL: But, Mr. Searle, does what I ask make sense?

MR. SEARLE: Unless it is defined elsewhere.

AIR MARSHAL CAMPBELL: I could not find it.

LEGAL ADVISOR (Mr. Smith): I will take that under advisement.

--- Agreed

THE CHAIRMAN (Mr. Trimble): Yes.

AIR MARSHAL CAMPBELL: Clause 33 seems to make the point.

THE CHAIRMAN (Mr. Trimble): Is Clause 33 agreed?

AIR MARSHAL CAMPBELL: The Legal Advisor has taken it under advisement.

THE CHAIRMAN (Mr. Trimble): Is Clause 32 held over?

--- Agreed

Clause 33?

--- Agreed

Clause 34?

--- Agreed

Clause 35?

--- Agreed

Clause 36?

--- Agreed

Clause 37?

--- Agreed

Clause 38?

AIR MARSHAL CAMPBELL: Clause 38 says in the second line: "After he has made a sale of lands" and I am probably reading it out of context, but under what conditions would the Sheriff sell lands?

LEGAL ADVISOR (Mr. Smith): A writ of execution is issued out of Court for an order of sale of lands directed to the Sheriff for instance to sell lands to realize on a mortgage.

AIR MARSHAL CAMPBELL: That is the reason I raised the point about the duties of a Sheriff in the first place.

LEGAL ADVISOR (Mr. Smith): The powers of a Sheriff.

AIR MARSHAL CAMPBELL: Subject to having a look at the proposed responsibilities or authorities of a Sheriff, I agree with Clause 38, Mr. Chairman.

THE CHAIRMAN (Mr. Trimble): The Member for Western Arctic.

MR. PRYDE: Clauses 38 and 39 both refer to lands, the sale of lands, the execution of the sale of lands, and it refers to lands alone. Clause 40 refers to any goods, chattels, lands or tenements, and I wonder whether these other words, i.e., "goods, chattels, lands or tenements" should be included in Clauses 38 and 39? For example, it does not seem to cover the sale of an automobile.

LEGAL ADVISOR (Mr. Smith): I didn't hear what section you referred to.

MR. PRYDE: Clause 40 refers to "goods, chattels, lands or tenements" and it says a person cannot purchase those, whereas Clauses 38 and 39 refer to the sale of lands but do not refer to the sale of chattels, goods or tenements.

LEGAL ADVISOR (Mr. Smith): "Tenements" is land.

MR. PRYDE: Goods or chattels.

LEGAL ADVISOR (Mr. Smith): That is personal property and in the case of real property, there has to be somebody attach a legal signature which would be recognized.

MR. PRYDE: I get your point, Mr. Legal Advisor. I recognize that lands are real property, whereas chattels, goods or tenements -- nonetheless, under Clauses 38 and 39 no distinction is made. No allowance is made for the sale of goods or chattels. That is personal property after the resignation, disability, death or removal.

LEGAL ADVISOR (Mr. Smith): And you are wondering why it does not refer to that as well in Sections 38 and 39. Can I take this under advisement?

MR. PRYDE: Yes.

LEGAL ADVISOR (Mr. Smith): The important thing, of course, was to deal with the lands. There would not be a great problem with the others.

MR. PRYDE: Say, in the case of the sale of a large truck or something like that seized by the sheriff and taken for sale.

THE CHAIRMAN (Mr. Trimble): Are Clauses 38 and 39 taken under advisement?

--- Agreed

Clause 40?

--- Agreed

Clause 41?

--- Agreed

Clause 42?

--- Agreed

Clause 43?

--- Agreed

Clause 44?

AIR MARSHAL CAMPBELL: It says no sheriff shall practise as a barrister or solicitor. Am I to understand from that he has to be a legally trained individual?

MR. SEARLE: No.

LEGAL ADVISOR (Mr. Smith): He could be.

MR. SEARLE: Except in this jurisdiction, generally speaking, clerks of the court and sheriffs are barristers and solicitors and when you do appoint someone who is, it becomes important to have Clause 44 in.

AIR MARSHAL CAMPBELL: Agreed?

--- Agreed

THE CHAIRMAN (Mr. Trimble): Clause 45?

MR. PRYDE: I take it under Clause 45 that the Commissioner has the right to prescribe the remuneration and expenses of people such as interpreters in the courts, is that correct?

LEGAL ADVISOR (Mr. Smith): Yes, this gives the power to the Commissioner to prescribe stipends to people who are not working full-time for work done in their official capacity.

MR. SEARLE: It would include people who are full-time, surely, Mr. Chairman, deputy clerks, court reporters, their clerical and secretarial staffs, everybody like this, but generally speaking, it would not include interpreters. Interpreters' fees are set out elsewhere but we do not have any interpreters who could be called officers of the court as such. Interpreters, generally speaking, are brought in on a fairly itinerant basis and paid a set fee that is set out in criminal cases in The Criminal Code.

MR. PRYDE: This is a point I wish to bring up, Mr. Searle, and that is do we have a set schedule of fees payable to the interpreters in Courts of the Northwest Territories?

LEGAL ADVISOR (Mr. Smith): Yes, under indictable offences interpreters are given a set fee, remuneration which is fixed by an order of the judges of the court. Under interpreters in summary conviction courts and in matters before justices of the peace, what an interpreter is paid is fixed by the schedule to Part 24 of The Criminal Code and I may say that this is a process that we have devised to that a summary conviction interpreter will be paid more than the schedule now calls for.

MR. PRYDE: I am not too sure if I follow you entirely. I believe you stated that the fees or terms are set out under The Criminal Code of Canada.

LEGAL ADVISOR (Mr. Smith): Yes. For matters before a summary conviction and before justices of the peace, that is in the schedule to Part 24 of The Criminal Code.

MR. PRYDE: Then we as a Territorial Legislature have no right to set fees for interpreters other than those cases which do not require -- what were the words you used?

LEGAL ADVISOR (Mr. Smith): For indictable offences. The judges have the power to set fees and they have done so for interpreters and in respect of an indictable offence, they get paid more than interpreters before summary conviction courts. Now, there has just been an amendment to The Criminal Code that permits the commission to repeal part of the schedule to The Criminal Code and it takes concurrent action by the judges of the court to set new interpreters' fees and this is in process at the present moment. It should be in effect within a matter of months.

MR. PRYDE: Thank you very much.

THE CHAIRMAN (Mr. Trimble): Agreed?

--- Agreed

Clause 46?

--- Agreed

Clause 47?

--- Agreed

Clause 48?

--- Agreed

Clause 49?

--- Agreed

MR. SEARLE: When is this likely to come into effect on Clause 49? What I mean is have our negotiations with the Department of Justice been completed to the point where we know what we are buying and they know what they are selling and we can fix a date when all this machinery becomes ours.

This package, of course, is the legislation we passed at the last Session concerning Mr. Cross of the Department, and Document Registry Ordinance and all these functions. When is the total package being turned over and we can expect to see this legislation in effect?

LEGAL ADVISOR (Mr. Smith): The information paper states before the end of the fiscal year.

AIR MARSHAL CAMPBELL: Before March 31st, 1971.

MR. GILCHRIST: There is a considerable advantage in having it at the end of the fiscal year which makes it much easier to complete the process.

AIR MARSHAL CAMPBELL: That is fair enough.

THE CHAIRMAN (Mr. Trimble): Any further discussion or shall I report the Motion?

AIR MARSHAL CAMPBELL: Would you mention the clauses which have been left in suspension?

THE CHAIRMAN (Mr. Trimble): Clause 8, Clause 25, Clause 32, Clauses 38 and 39. Is it the wish of the Committee I report progress?

--- Agreed

Report of the Committee of the Whole to Consider Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice

THE COMMISSIONER: Council will come to order. Mr. Trimble?

MR. TRIMBLE: Mr. Commissioner, your Committee has met to consider Bill number 7-43 and I wish to report progress.

THE COMMISSIONER: Thank you. Dr. Barber is not here to chair Bill number 8-43. He is presently with the Fish Marketing Board in Hay River. Could we have unanimous consent to deal with Bill number 6-43?

--- Agreed

Motion to resolve into Committee of the Whole for consideration of Bill 6-43. Moved by Mr. Fairbrother. Those in favour? Contrary?

--- Carried

Council will resolve into Committee of the Whole to consider Bill number 6-43 with Air Marshal Campbell in the Chair.

--- Council resolved into Committee of the Whole to Discuss Bill No. 6-43, An Ordinance Respecting Justices Of The Peace. The Following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 6-43: AN ORDINANCE RESPECTING JUSTICES OF THE PEACE

THE CHAIRMAN (Air Marshal Campbell): The Committee will come to order. We have before us Bill number 6-43, An Ordinance Respecting Justices Of The Peace. The purpose of the Bill is to enable the Commissioner to appoint justices of the peace which will be necessary with the repeal of Part II of The Northwest Territories Act. Are there any general comments on the Bill before we take it clause by clause? Would you like to make any introductory remarks, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): I have already spoken about the effects of the amendments to The Northwest Territories Act and the provisions that apply to the Justices of the Peace Bill. The Governor-in-Council will be repealing Section 36 of the existing Northwest Territories Act sooner or later, at which time it will be necessary for the Commissioner to make appointments of justices of the peace, provide for oaths of office, jurisdiction and other matters that justices of the peace have to deal with. Section 36 of The Northwest Territories Act now reads this way: "1. The Governor-in-Council may from time to time appoint any person to be a justice of the peace in and for the Territories to hold office during his pleasure. 2. Any commissioned officer of the Royal Canadian Mounted Police is, when he is in the Territories, *ex officio* a justice of the peace in and for the Territories. 3. Every justice of the peace in and for the Territories has and may exercise throughout the Territories the powers and functions of two justices of the peace under any law or ordinance in force in the Territories. 4. The Governor-in-Council may in special circumstances authorize payment to a justice of the peace or remuneration and travelling and other expenses incurred by him in the performance of his duties and notwithstanding The Civil Service Act, such remuneration and expenses may be paid to a justice of the peace who is employed in the Civil Service in addition to his salary". This section will eventually be repealed and this Bill is designed to be in substitution for it.

MR. SEARLE: Mr. Chairman, the section referred to about officers of the RCMP being justices of the peace which is presently in effect, that is being repealed. We don't find a re-enactment of that anywhere in this Ordinance, that is, officers of the RCMP automatically as justices of the peace. They would have to receive an appointment pursuant to Section 3 before they would -- appointment from the Commissioner -- before they would be justices of the peace. Is that correct?

LEGAL ADVISOR (Mr. Smith): That is correct.

MR. SEARLE: There is some very strong feeling both ways on this particular section that came out of The Federal Act being repealed and I know that when we get into the area of appointments and if we leave it wide open to the Commissioner, he may have the application from each of the Inspectors of the RCMP simply by re-appointing them as they have been in the past. The thing that does bother me is Section 4: "Every person who is a Canadian citizen holds an appointment as a justice of the peace in and for the Northwest Territories under The Northwest Territories Act". This includes these RCMP officers; "shall be deemed to have been appointed pursuant to this Ordinance and shall continue to hold office as a justice of the peace during pleasure for a term of three years from the day this Ordinance comes into force", in which we say excepting officers of the RCMP who have them for

another three years.

LEGAL ADVISOR (Mr. Smith): They are *ex officio*.

MR. SEARLE: *Ex officio*, they are still exercising their authority.

LEGAL ADVISOR (Mr. Smith): This situation corrects itself in a very short time.

MR. SEARLE: In three years.

LEGAL ADVISOR (Mr. Smith): The existing *ex officio* appointments disappear in a very short time because of the natural transfer out of the Territories of the existing officers in the various sub-divisions.

THE COMMISSIONER: I recognize Mr. Searle's point but it would seem to me that this is our responsibility now and it is not a good practice to appoint RCMP officers as justices of the peace. I do not know how you describe a person regardless of who he may be, the arresting officer or in command of the arresting officer or a part of the establishment that is the arresting officer lays the charge and also hears the case. That is just the same as being judge and jury and I think he has a good point here. This is not a practice we should follow. This is no reflection on the RCMP at all. I am sure this is not intended by Mr. Searle. It is a very good point and I would propose, regardless of how this goes, not to appoint RCMP officers as justices of the peace.

MR. SEARLE: Mr. Chairman, I think the Commissioner's suggestion satisfies me, although I would be happier to see it written into the Ordinance that there are certain people who are excluded from being appointed, one being RCMP officers. The reason I mention this is because our Commissioner here today says this and there maybe another Commissioner or this Ordinance may not be changed and appointments made. The reason I raise this point is because when I was Crown Attorney I ran into the most unusual situations. The best one and the funniest one I ever heard of was the Inspector who was stationed at Fort Smith as the Inspector and Commanding Officer of the RCMP. He also was a Justice of the Peace even for the Northwest Territories. He was the warden of the jail there, he was also Magistrate for Alberta, and he had responsibility for the person particularly in Chip and what he did as a J.P. and Magistrate. He wouldn't use his uniform and he would get in his car and drive across the police border and drive from the Chip detachment and he would drive him in the car to the jail where he would incarcerate him and put on his warden's hat and the same sort of thing was happening in the Territories, exercising their powers. Most of the inspectors, to be absolutely fair and honest, are tremendous people who exercise this responsibility as seldom as possible and try to restrict their functions to simply receiving information, hearing bail applications, but since there was no restriction on their functions, mostly now and again they were persuaded to actually sit and take pleas. I remember one case at Fort Norman where the Commanding Officer travelled down to Fort Norman dressed in his business suit. Of course, sat as a Justice of the Peace and heard guilty pleas on matters that he as the Commanding Officer instructed be laid and then gave the fellow a month on each one consecutively, about 14 of them and the guy got about 14 months and then returned the fellow in the RCMP car to Inuvik with the Inspector where he became the warden and this whole thing, of course, just does not look very good and I think --

THE CHAIRMAN (Air Marshal Campbell): What paragraph do you

propose the amendment come under?

MR. SEARLE: Put something in there.

THE CHAIRMAN (Air Marshal Campbell): Shall we deal with that when we come to Clause 3?

MR. SEARLE: It seems to me that barristers and solicitors practising should be excluded.

THE CHAIRMAN (Air Marshal Campbell): I agree with you. We will handle that under Clause 3 when we come to it.

MR. TRIMBLE: I was just wondering what was anticipated to be done here because I certainly don't agree that we should provide for any Canadian citizen to be appointed as a J.P. with the exception of RCMP officers. It seems to me we are going from one extreme to the other where they all were J.P.'s, to where they could not be J.P.'s

MR. SEARLE: I think there should be a section somewhere that sets out people who are disqualified from receiving appointments and certainly I agree it should be larger than just RCMP officers, it certainly should include lawyers too. They should not be justices of the peace.

THE CHAIRMAN (Air Marshal Campbell): Could we ask the Legal Advisor when we come to that to draft something?

DEPUTY COMMISSIONER PARKER: I think you have to give consideration under Clause 4, perhaps even Clause 4 would be considered to be enough by the Members. In other words, cancellation of the automatic appointments that now exist, I think, might have to take place and then reconsideration be given, but you have to consider both Clauses 3 and 4.

MR. FAIRBROTHER: I was just wondering, there is no place in here where it sets down an age limit for justices of the peace. I think in most other business dealings we have had within the civil service and under the Judicature Ordinance there is an age limit and I think there should be one in here. I think it is recognized by most people that when there are certain influential people in communities who are elderly and become set in their ways, a sort of an automatic reappointment for a three year term might get out of hand and I think there should be an age limit on here or, after a certain age it could be only a one-year renewment of the appointment.

MR. SEARLE: Mr. Chairman, the reason that the three-year period is set out here was as a result of a Motion of the Bar Association before any existed and now there is no term limit at all. Once you are appointed a J.P. in the Northwest Territories now, that appointment just continues until it is revoked or surrendered. It was our suggestion to put in a term for exactly that purpose so that every three years you had to review all these people and decide whether or not they should be reappointed due to age, that is one consideration, due to any number of things. Certainly there are a lot of people moving in and out and a lot of these appointments should be just written off the books. This was part of the reasoning of setting a three-year term so they would know that every three years they had to be reviewed.

MR. FAIRBROTHER: In my experience this is not the case where it would be reviewed unless there was somebody who had particularly objected to it and it would be more or less automatic. I think you will find this is going to be the case here. There is no particular reason, unless someone has objected to the person being a justice of the peace and there would be no reason to reveal it when the justice came up to be reappointed and I think there should be an age limit in here. For a judge it is 75 years and in the civil service it is 65 years, and I think there should be an age limit set in here.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I think you have to give this new change in the procedure a chance to work. I think that under this new set-up with the Director of the Department, it would be incumbent on him to run this in perhaps a more businesslike fashion. I think that the reviews will be meaningful. If they turn out not to be, then certainly something would have to be done at that time.

THE CHAIRMAN (Air Marshal Campbell): We have to deal with Clause 4, with regard to terms of office.

MR. SEARLE: It could perhaps be part of Mr. Smith's re-draft.

THE CHAIRMAN (Air Marshal Campbell): Any more general comments?

MR. FAIRBROTHER: Under Section 7, subsection (2) which is a complete departure from all existing methods and that is where --

THE CHAIRMAN (Air Marshal Campbell): Shouldn't we deal with that when we come to it in clause-by-clause?

MR. FAIRBROTHER: All right.

THE CHAIRMAN (Air Marshal Campbell): Clause 2 agreed?

--- Agreed

Clause 3. The Commissioner may Appoint, Qualification, and Hold Office During Pleasure.

DEPUTY COMMISSIONER PARKER: We are holding that aren't we?

THE CHAIRMAN (Air Marshal Campbell): Yes, Clauses 3 and 4 for exclusions.

MR. SEARLE: For exclusions and specifically barristers, solicitors and RCMP officers and people over the age of whatever --

DEPUTY COMMISSIONER PARKER: Age 70.

MR. SEARLE: Certainly 65 or 70 would be.

THE CHAIRMAN (Air Marshal Campbell): If I may mention something from the Chair; Clause 3 says a justice of the peace shall hold office during his pleasure for a period of three years, whereas in Clause 4 it is a positive period of three years and cannot be removed. Clause 5?

MR. SEARLE: Excuse me, Mr. Chairman, there is one other point here and I notice we have written in Clauses 3 and 4 also that a justice of the peace must be a Canadian citizen. I am wondering again, normally we say Canadian citizen or British subject and I would hazard a guess that all the J.P.'s we have appointed across the North in existing Hudson Bay factors and ex Hudson Bay factors, I bet few of them are Canadian citizens. In addition to that, of course, Canada being as homogenous as it is, there are probably fewer citizens of Canada in this country and I am just wondering, being a Canadian citizen or if that is necessarily one of those things we should require.

LEGAL ADVISOR (Mr. Smith): I have no comment on that except we must be careful not to plan too many exclusions, otherwise we are going to have difficulty appointing competent persons to be justices of the peace.

MR. SEARLE: That is exactly -- I am saying why require any type of citizenship?

LEGAL ADVISOR (Mr. Smith): I tend to agree with you.

THE CHAIRMAN (Air Marshal Campbell): Mr. Searle's point means we should not confine justices of the peace to Canadian citizens but that it should be open to people who have landed immigrant status.

MR. SEARLE: I will go whole hog and say Canadian citizens or British subjects. I don't have a feeling on it necessarily one way or another except I don't agree it should be restricted to just Canadian citizens. In other words, my suggestion is we either remove the qualification or requirement of citizenship or enlarge it to Canadian citizens and British subjects. That does not need to be written into the Act.

DEPUTY COMMISSIONER PARKER: Is Mr. Searle suggesting it be expanded to include British subjects or beyond that?

MR. SEARLE: I said one or the other. It does not matter to me which, but I think this is too restrictive just saying Canadian citizens.

THE CHAIRMAN (Air Marshal Campbell): Could we have a note of that and have the Legal Advisor check it?

MR. TRIMBLE: On that same subject, Mr. Chairman, I notice in Bill No. 4-43, the Council Ordinance where it is suggested this Council follow the lead of the Federal Parliament in requiring persons who are eligible to be voters at elections for Members to this Territorial Council to be Canadian citizens, and British subjects would no longer be eligible. It would seem a little strange to me if we refuse British subjects the right to vote to choose the persons making the laws for the Territories, then at the same time I approve of these people to make judgments based on those laws. They will be judging on laws that are made by this Council. I wonder whether it would be right to have persons who are not eligible to pick the people to be on Council to be in a position to pass judgment on these laws. I personally feel that a British subject should be permitted to vote as well but I think the two should go together. I don't think one should be different from the other.

THE CHAIRMAN (Air Marshal Campbell): How many justices of the peace are there now who are not Canadian subjects?

DEPUTY COMMISSIONER PARKER: We would have to get that information for you.

THE CHAIRMAN (Air Marshal Campbell): The Administration perhaps could have a look at it and we will suspend this clause in the meantime. Clause 5?

--- Agreed

Clause 6, Jurisdiction, Powers and Duties.

--- Agreed

Clause 7, Remuneration and Exemption.

MR. FAIRBROTHER: This is where I was a while ago. In subclause (2) it has always been a civil servant or public servant who was not allowed to be paid as a justice of the peace. In other words, if he left his duties of the public service during the daytime to go as a justice of the peace, his fees -- he didn't accept any or they were turned back to the Crown. This is a complete departure from that and I am just wondering why it is in here and just what the circumstances surrounding it are. A civil servant in most cases is not allowed to accept any other job that he can be

paid for and that sort of thing, particularly during his working hours.

MR. SEARLE: Mr. Chairman, I think it would be of some assistance to this Council to have the recent decision of the Attorney General of Canada regarding the matter of remunerations to justices of the peace. I recall that a decision was made because this is a matter that has been discussed at every conference of justices of the peace that I have attended and I have attended all of them in the last four or five years, and my understanding is that the system of honorarium has been established and I think it is $500 a year or something like that to each justice of the peace. I don't know what the implications are but what I am suggesting is we get that information and it may help us.

LEGAL ADVISOR (Mr. Smith): My understanding is that it is $200 a year.

MR. SEARLE: Does he get it whether he is a civil servant or not?

DEPUTY COMMISSIONER PARKER: That is the recommendation but I don't know the application at the present time.

THE CHAIRMAN (Air Marshal Campbell): As I understand this, he is probably paid for his time and he would be sitting as a justice of the peace during the time for which he is now paid.

DEPUTY COMMISSIONER PARKER: I think the point there is that so very often these people are called out on special occasions or called out after hours and on holidays and so forth and the feeling was that they should, since it was almost always outside of their normal working hours, they may as well enjoy the same benefits as other justices of the peace.

THE CHAIRMAN (Air Marshal Campbell): Do you get paid when you work after five o'clock?

DEPUTY COMMISSIONER PARKER: No, but I wish I did. This is a little different matter, Mr. Chairman.

MR. SEARLE: I think it is a question too of whether you are going to have all justices of the peace on the same basis. It is kind of like paying elected Members a salary and appointed Members another, so I think they felt if everybody was paid the same regardless of his position otherwise it would be the fairest but I would like to see that paper, if Mr. Smith has it.

THE CHAIRMAN (Air Marshal Campbell): Mr. Searle, somewhere in this proposed Bill the Commissioner is given the responsibility for setting payment to justices of the peace, right?

MR. SEARLE: Yes, Mr. Chairman, but that has just been freshly reviewed by the Attorney General of Canada and I am not even sure if it is implemented yet but I am relatively confident that in fixing this remuneration the Commissioner is going to have to look at what the Department of Justice has recommended in view of the recent review of the matter. I would like to know what that review said.

THE CHAIRMAN (Air Marshal Campbell): When the Commissioner is setting the remuneration for justices of the peace he should take into consideration this review you mentioned. Have you anything more to say on Clause 7?

MR. FAIRBROTHER: Mr. Searle mentioned the fact that his honorarium having been established, Canada's new method of paying justices of the peace has been in effect since last April. If when this Ordinance goes into effect, that it be established by the federal people and now justices are controlled under the Territorial Government, has this any binding on the Territorial Government to establish this honorarium set-up from the present method of paying? We will have to start this whole thing over again. Where does it start and end?

MR. SEARLE: If it is as simple as a $200 honorarium, maybe we should just write it in.

MR. FAIRBROTHER: The fees established for taking informations, fees established for sitting in court, fees established for signing affidavits and so on, so this would have to be all in context with that recent or fairly recent honorarium set-up that was established by the Department of Justice for justices of the peace.

MR. SEARLE: Let us set it aside.

THE CHAIRMAN (Air Marshal Campbell): We will set that aside.

Clause 8?

--- Agreed

Clause 9, Notice, Delivery of Notice?

--- Agreed

Clause 10, Offences and Penalty.

--- Agreed

Clause 11, Proceedings before Coming into Force of Ordinance, agreed?

--- Agreed

Clause 12, Coming into Force. Agreed?

--- Agreed

Shall I report progress, recognizing that we have Clauses 3, 4 and 7 still to deal with?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 6-43, An Ordinance Respecting Justices Of The Peace

THE COMMISSIONER: Council will come to order. Air Marshal Campbell?

AIR MARSHAL CAMPBELL: Mr. Commissioner, your Committee has been considering Bill No. 6-43 and I beg to report progress.

ORDERS OF THE DAY

THE COMMISSIONER: Thank you. Orders of the Day for tomorrow?

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, Orders of the Day, 10 a.m., July 22, 1970.

1. Questions and Returns.

2. Oral Questions.

3. Presenting Petitions.

4. Notices of Motions.

5. Motions.

6. Tabling of Documents.

7. Second Reading of Bill No. 9-43.

8. Continuing Consideration in Committee of the Whole of Bills No. 4-43, 7-43, 8-43, 6-43, 5-43, 1-43 and 2-43.

THE COMMISSIONER: Any other announcements? Council stands recessed until 10 a.m. tomorrow, July 22nd.

--- ADJOURNMENT

COUNCIL OF THE NORTHWEST TERRITORIES

DEBATES

FORTY-THIRD SESSION

Yellowknife, Northwest Territories

WEDNESDAY, JULY 22, 1970

Published under the authority of the
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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, JULY 22, 1970

The Council of the Northwest Territories was convened in Yellowknife, Northwest Territories at ten o'clock a.m., on Wednesday, July 22, 1970, for the Third Session, 1970, this being the Forty-third Session.

--- PRAYERS

THE COMMISSIONER: Turning to the Orders of the Day, Number 1, Questions and Returns.

Number 2, Oral Questions.

ITEM NO. 2: ORAL QUESTIONS

Oral Question: Ferry Service for Liard River Crossing

MR. FAIRBROTHER: Mr. Commissioner, perhaps I should have given this under Written Questions. However, I have a letter addressed to the Council from the Hamlet Council of Fort Simpson in regard to the ferry for the Liard Crossing at Simpson. It is a very short letter.

> "The Council of the Hamlet of Fort Simpson in session duly assembled have passed Motion No. 430 to seek information about the proposed ferry services for the Liard River crossing. We understand the highway to Fort Simpson will be passable within the month and a ferry service will not be servicing the Liard River crossing this year.
>
> The Hamlet Council would like to know what action will be taken to rectify this situation and a positive date as to when facilities can be provided so the highway can be utilized by the public."

THE COMMISSIONER: Mr. Fairbrother, I think that is an acceptable oral question.

MR. FAIRBROTHER: Could I have the information regarding that?

THE COMMISSIONER: Certainly, we will get it for you. Any other oral questions?

Oral Question: Status of Experimental Farm at Fort Simpson

MR. FAIRBROTHER: Mr. Commissioner, this also should come under written questions. I wasn't very well prepared this morning. Could I be given the information as to just what is the status of the Experimental Farm at Fort Simpson?

THE COMMISSIONER: Yes.

Oral Question: Possible Commencement Date of Delta Area Construction

MR. TRIMBLE: Mr. Commissioner, it is now nearing the end of Jul and our summer construction season is almost half over. I would like to know when capital construction of roads, et cetera, and houses, is likely to commence in the Mackenzie Delta area.

THE COMMISSIONER: We will get the information and file it in a reply to Council for you.

Oral Question: Raising of Welfare Payment Rates

MR. PRYDE: Mr. Commissioner, at the last Session of Council, I enquired about the raising of the rates of welfare payments to the recipients in the Northwest Territories, and asked if a paper could be presented at this Session. Your answer was yes, and I have yet to see it before this Council.

THE COMMISSIONER: I will have to look into that, Mr. Pryde. I will look into it for you.

MR. PRYDE: Thank you.

THE COMMISSIONER: Any further oral questions?

Oral Question: Fund for Igloolik Garbage Dump

MR. SIMONIE: I would like to know of the program fund for the garbage dump which is one mile from the settlement.

THE COMMISSIONER: I will look into this for you, Mr. Simonie. Any further oral questions?

Any Petitions?

Notice of Motions. Mr. Pryde.

ITEM NO. 4: NOTICES OF MOTIONS

Notice of Motion: Amendment to Section 30 of Public Service Ordinance

MR. PRYDE: Mr. Commissioner, I wish to give notice of a Motion which I shall present tomorrow. The Motion will be an amendment to Section 30 of the Public Service Ordinance to permit teachers to take part in partisan politics in the Northwest Territories.

THE COMMISSIONER: Further Notices of Motions?

Notice of Motion: Unloading of Ships - Ship to Shore

MR. SIMONIE: I wish to give notice that I will introduce to the Council a Motion on July 23rd, 1970, that will require ships unloading from ship to shore.

MR. FAIRBROTHER: Mr. Commissioner, on a point of privilege, do you have any idea at this time whether we will as Council, wind-up by tomorrow night, or whether we will go on to Friday? If not, this will be the only time we will have to give notice of Motion, and I had intended to give notice tomorrow morning for Friday morning, but there is the possibility that we will not go that long.

THE COMMISSIONER: I have not booked anything for the next two weeks. Does that answer your question?

Any further notices of Motion? I am sure that we could not possibly wind-up tomorrow night and it would be my feeling that Friday would be the very earliest, but it is possible that we may even sit past that. We have an estimate of progress in the Members' Manual which we have laid on the basis of four days.

MR. FAIRBROTHER: Thank you, Mr. Commissioner?

THE COMMISSIONER: Item 5, Motions.

ITEM NO. 5: MOTIONS

MR. PRYDE: Under Item 5, as far as I can read here, is Oral Questions. I beg your pardon, I have got the wrong sheet for today. Motion Number 1.

THE COMMISSIONER: Proceed, Mr. Pryde.

Motion No. 1-43: Establish Trading Facilities in Bathurst Inlet

MR. PRYDE: Thank you. Motion Number 1-43:

> WHEREAS it is known that the Hudson's Bay Company intend to close down their trading post in Bathurst Inlet for personnel reasons.
>
> AND WHEREAS the lack of a trading post in the Bathurst region will compel the entire Eskimo population there to move to another settlement, probably Cambridge Bay or Coppermine.
>
> AND WHEREAS the present population of Bathurst Inlet do not wish to move to those settlements because of lack of employment and greatly diminished trapping and hunting opportunities there.
>
> NOW THEREFORE, I move that the Commissioner take immediate steps to establish trading facilities in Bathurst Inlet this summer that would be operated by private enterprise or by a Co-op and that the cost of such operation be subsidized by the Government of the Northwest Territories, if necessary.

THE COMMISSIONER:

"NOW THEREFORE, I move that the Commissioner take immediate steps to establish trading facilities in Bathurst Inlet this summer that would be operated by private enterprise or by a Co-op and that the cost of such operation be subsidized by the Government of the Northwest Territories, if necessary."

I wonder here if I might suggest before putting the Motion up for a seconder, if you would agree, if it is seconded, if you would agree perhaps to go into Committee of the Whole to discuss this. The reason is simply that there is a great controversy within the Administration as to how this should go, and I would like to lay before you the Motion that was moved last January and my letter to you and Mr. Trimble and then perhaps you could discuss the whole thing. Is there a seconder to the Motion?

MR. SEARLE: On a point of order, I suggest the Motion is out of order under Section 19(a) of the Northwest Territories Act because it would require an expenditure of money.

AIR MARSHAL CAMPBELL: That is a lot of baloney. Mr. Commissioner, I suggest on a matter of order, the latter statement is just drawing a red herring across the path of progress.

MR. PRYDE: Hear, hear.

MR. SEARLE: On that point of order, not privilege, that I addressed myself to, sir, I don't purport to ignore the

law. I have to be bound by it and it appears to me it may be the case as set down in the Northwest Territories Act. Maybe Mr. Smith, being our Legal Advisor, can give us an opinion. Unless we care to ignore the law and just proceed, I don't think that is probably setting a precedent if we do.

MR. COMMISSIONER: Do you feel it would be acceptable if the word "recommend" was in there instead of "move"? Would this be agreeable to you, Mr. Pryde?

MR. PRYDE: I would change that by keeping the word "move" in there, and I would add in the word "recommend" after "by a Co-op" and "recommend that the cost of such operation be subsidized by the Government of the Northwest Territories, if necessary". It would, therefore, be a Motion that you establish trading facilities in Bathurst.

THE COMMISSIONER: The Motion as moved is: "I move that the Commissioner take immediate steps to establish trading facilities in Bathurst Inlet this summer that would be operated by private enterprise or by a Co-op and recommend that the cost of such operation be subsidized by the Government of the Northwest Territories, if necessary". I would accept the Motion as advice and I would suggest that it go into Committee of the Whole in order to give the mover a chance to put the question so that we can have a meaningful discussion on it. Is there a seconder to the Motion? Seconded by Chief Tetlichi. You have the floor, Mr. Pryde.

MR. PRYDE: I suggest we go into Committee of the Whole. Could I move that myself?

THE COMMISSIONER: Yes, if you wish.

MR. PRYDE: I move the Council go into Committee of the Whole to examine this Motion.

THE COMMISSIONER: Is there a seconder?

Seconded by Air Marshal Campbell, moved by Mr. Pryde, seconded by Air Marshal Campbell that Motion No. 1-43 be referred to the Committee of the Whole for consideration. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

I will place this on the Order Paper and it will come up on the Order Paper for discussion.

Any further Motions? No further Motions.

Item 6, Tabling of Document.

Item 7, Second Reading of Bills. Bill No. 9-43, Mr. Fairbrother.

ITEM NO. 7: SECOND READING OF BILLS

- Bill No. 9-43: An Ordinance To Amend The Petroleum Products Tax Ordinance.

MR. FAIRBROTHER: I move that Bill number 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance, be read for the second time. The purpose of this Bill is to fund the Medicare Program for the residents of the Northwest Territories, through an increase in tax rates on certain petroleum products.

THE COMMISSIONER: Moved by Mr. Fairbrother, seconded by Air Marshal Campbell, that Bill number 9-43 be read for the second time. Any discussion? Ready for the question? Question being called. All those in favour signify in the usual manner. Against, if any?

--- Carried

- ITEM NO. 8: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS

Item 8, Mr. Trimble. Are you in a position to proceed with continuing discussion on Bill number 7-43, or do you wish it held over for the time being?

MR. TRIMBLE: I wish this held over for the time being.

THE COMMISSIONER: Air Marshal Campbell, Bill number 6-43.

AIR MARSHAL CAMPBELL: The proposals are not ready, sir.

THE COMMISSIONER: Bill number 4-43, I think if it is agreeable to everybody, we should hold it over, because there are a number of Members in transit who will be here this afternoon. Perhaps we could deal with it then.

Bill number 1-43. Are you in a position to proceed with Bill number 1-43 Mr. Searle?

MR. SEARLE: Yes, sir.

THE COMMISSIONER: Very good. Motion to resolve into Committee of the Whole to discuss Bill number 1-43. Moved by Deputy Commissioner Parker, seconded by Mr. Searle. All those in favour? Against?

--- Carried

Council will resolve into Committee of the Whole for consideration of Bill number 1-43, with Mr. Searle in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 1-43, An Ordinance To Amend The Controverted Elections Ordinance. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 1-43, AN ORDINANCE TO AMEND THE CONTROVERTED ELECTIONS ORDINANCE.

THE CHAIRMAN (Mr. Searle): Gentlemen, this Bill appears to me to be another one of those amendments which is required as a result of the Northwest Territories Act being amended and the Judicature Ordinance being amended or repealed and a new one enacted and also the repeal of the Elections Ordinance. I suggest the expeditious way of dealing with this Bill would

be simply to ask Mr. Smith to give us a very brief statement as to why it is required and we will proceed with it. Is that agreed?

--- Agreed

I can't seem to get any response this morning.

MR. TRIMBLE: Agreed.

THE CHAIRMAN (Mr. Searle): Mr. Smith, please?

LEGAL ADVISOR (Mr. Smith): These are merely housekeeping amendments as a consequence of the presumed passage of the Council Ordinance. Now that the Northwest Territories Act as amended has been passed, Section 28, which has to do with the Court of Appeal, will presumably be, or in fact will be eventually repealed and, therefore, the reference in the existing Section 20 of the Controverted Elections Ordinance due to Section 28 of the Northwest Territories Act is no longer relevant and there should be a small change made in that section. Of course, this Bill would not come into force until the relevant sections of the Northwest Territories Act are repealed by the Governor-in-Council.

THE CHAIRMAN (Mr. Searle): Any general questions from Members of the Committee? No? Shall I proceed to clause-by-clause study of the Bill? Is that agreed?

--- Agreed

Clause 1?

--- Agreed

Clause 2?

--- Agreed

Clause 3? Effective Judgment of an Appeal?

--- Agreed

Clause 4, Coming into Force?

--- Agreed

The Bill as a whole?

--- Agreed

Shall I report the Bill?

--- Agreed

MR. PRYDE: Splendid.

Report of the Committee of the Whole to Consider Bill No. 1-43, An Ordinance To Amend The Controverted Elections Ordinance.

THE COMMISSIONER: Council will come to order. Mr. Searle?

MR. SEARLE: Mr. Commissioner, your Committee of the Whole has studied Bill number 1-43, An Ordinance To Amend The Controverted Elections Ordinance and that Bill is ready for third reading.

THE COMMISSIONER: Thank you. Bill number 2-43. Motion to resolve into Committee of the Whole for consideration of Bill number 2-43, moved by Air Marshal Campbell, seconded by Chief Tetlichi, that Council resolve into Committee of the Whole. All those in favour? Against?

--- Carried

We will resolve into Committee of the Whole to consider Bill number 2-43 with Mr. Pryde in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 2-43, An Ordinance To Amend The Financial Administration Ordinance. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 2-43, AN ORDINANCE TO AMEND THE FINANCIAL ADMINISTRATION ORDINANCE.

THE CHAIRMAN (Mr. Pryde): The Committee will come to order to consider Bill number 2-43. The purpose of the amendment is to fix the time when the report of Territorial accounts for the previous fiscal year must be laid before this Council. This requirement is necessary because of an amendment to The Northwest Territories Act. Are there any general comments, gentlemen? Is it your wish that we proceed with the clause-by-clause study?

--- Agreed

Clause 1?

MR. FAIRBROTHER: This report for each fiscal year of the Territories, I gather this is the fiscal year that ends the 31st of March and the report would be laid before Council by the end of December. That is nine months, it gives the Commissioner nine months to give up the report for the next fiscal year. Is that correct?

THE CHAIRMAN (Mr. Pryde): That seems to be the case. Mr. Commissioner, Mr. Fairbrother raised a question about the enactment of this amendment. The present fiscal year now being March, there would be a nine-month gap between the termination of the present fiscal year and the beginning of the next one. Is that correct? Or would it actually be three months earlier?

DEPUTY COMMISSIONER PARKER: It does not change the fiscal year. It simply changes the reporting date. At the present time, the Auditor General sends his people in to go over all Territorial accounts generally in the month of June. Our year ends, of course, at the end of March, March 31st. The next step is that we have to run for one more month to pay accounts that have come in on the last day and we permit accounts of course, to be brought forward for a period of -- I think the cut-off is about three weeks and this is normal business practice. So, we do not finish up the business of the old year until the end of April. And then the Auditor General gives us roughly the month of May in which to bring our accounts into balance. Then he sends in his auditors and he audits in the month of June. We do not receive his report then, his final report, until on toward the fall, perhaps August or September. Therefore, although we know the state of our accounts as early as June and could report informally to anyone, the Federal Government, this Council or anyone who so desires, but we do not hear from the Auditor General with his final published report until the end of summer or early fall. In our estimate, then, there is not

much use being required by law to present the account until the end of the year. It is a mechanical sort of thing really it doesn't change the fiscal year at all.

AIR MARSHAL CAMPBELL: Yes, but I think the point made by Mr. Fairbrother is very valid, Mr. Chairman. This does not say for the immediate past fiscal year, it says for each fiscal year. If I read it out of context, it can be for any year in the past. I think it should read something like "the past fiscal year", Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Smith): I see.

DEPUTY COMMISSIONER PARKER: I am sorry. I see your point, I think you are right there.

THE CHAIRMAN (Mr. Pryde): Mr. Legal Advisor, according to Air Marshal Campbell's remarks, what do you think?

AIR MARSHAL CAMPBELL: A report for the immediate past fiscal year would seem to cover it.

MR. SEARLE: If we could give the Legal Advisor an opportunity to look at that, I would just like to look at another aspect of the matter. Would that be acceptable?

LEGAL ADVISOR (Mr. Smith): I might say I accept your point but I hesitate to tell you how to correct it without further consideration.

MR. SEARLE: Mr. Chairman, the point I had was looking at the words "Territorial accounts" and looking back over the last three years, which is almost three full years now, I don't recall any attention by this Council being focused on anything called Territorial accounts. I am wondering, first of all, is this some document that has simply been tabled for reading like hundreds of others that some of us don't read, including myself, and therefore, has just kind of passed us by or is this some other document?

THE COMMISSIONER: It is a report that is tabled every year.

MR. SEARLE: Is it called "Territorial accounts" or is it called "Annual Report" or something else?

THE COMMISSIONER: We will get one just to refresh our memory a bit.

MR. SEARLE: Really the point I am making Mr. Chairman, is that because this amendment is necessary and because it has to be stated in legislation, it appears to me that it is supposed to be a very important financial document and I do not ever recall the attention of this Council being focused on it if it is.

THE COMMISSIONER: I think the changes in The Northwest Territories Act under the old Act laid it out. It was to be reported and the changes that are now accepted by Ottawa to The Northwest Territories Act state the Council may fix the time. This is really the reason it is brought up here now.

MR. SEARLE: Yes, I appreciate that, but apart from that, it was put in Federal legislation and now we are putting it in our Financial Administration Ordinance, presumably because this is a very important document that has to have a date fixed for some purpose. Now, I am just saying that as a Member of this Council and lately I have been--and maybe we have all been--negligent in our duties, but this is a document, to my mind, of which I have never taken notice. I don't know really what it is and maybe it has been something that has just been tabled and by-passed us all.

AIR MARSHAL CAMPBELL: It has been tabled. It is the annual account. I saw last year's account. I don't think we had any discussion on it.

MR. SEARLE: I don't think we ever have.

THE COMMISSIONER: I think you are right, I don't think we have, but it is a necessary document to put before you but really I suppose in all cases we have always been able to show that we did not exceed our spending. It was reported how much surplus we have and how much we spent in line with the estimates of the previous year.

MR. SEARLE: Would I be correct, Mr. Chairman, in assuming that this document, if we look back at our estimates, the estimates come forward and we enact them as to what we will spend. The annual account, is that the document that comes and tells us what, in fact, we did spend?

THE COMMISSIONER: That is right. It is like the Annual Report, we never discuss it and yet it is tabled here. If you wish to discuss it at any time, we certainly can.

AIR MARSHAL CAMPBELL: I think that is the proper procedure when it is tabled in the future. If you want to discuss it, it should appear on the Orders of the Day at the request of the individual Member or the Administration.

THE CHAIRMAN (Mr. Pryde): Are there any comments on Clause 1?

AIR MARSHAL CAMPBELL: We can leave Clause 1 to the Legal Advisor, Mr. Chairman. The wording of the old Act, "following the termination of the fiscal year". This wording would seem to be satisfactory, Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Smith): After the words "31st of December", following the termination of the fiscal year, "next following the termination of the fiscal year".

THE CHAIRMAN (Mr. Pryde): Would you say that again?

LEGAL ADVISOR (Mr. Smith): After the figures "December 31st", insert the words "next following the termination of the fiscal year".

AIR MARSHAL CAMPBELL: I think that makes sense, Mr. Chairman.

THE CHAIRMAN (Mr. Pryde): Do all Members now have the addition of those words?

AIR MARSHAL CAMPBELL: Agreed.

THE CHAIRMAN (Mr. Pryde): Thank you. Any other comments on Clause 1?

MR. SEARLE: Agreed.

THE CHAIRMAN (Mr. Pryde): If there are no other comments from the Committee, perhaps you could allow the Chair to make one comment here. That is, if the accounts are placed before the Council on December 31st and we are not in session at that time, Council will receive these Territorial accounts within three days after the commencement of the next ensuing session. I would suggest that Council Members be given those Territorial accounts prior to the session in order that Members can examine them. Too often in the past we have received documents right at the session or during the session which we have not had an opportunity to examine and with an important document like the Territorial accounts, we might wish to be able to compare the Territorial accounts with the budget which the Council earlier approved.

AIR MARSHAL CAMPBELL: Could we not ask the Administration to take note of your remarks?

DEPUTY COMMISSIONER PARKER: That is certainly in order. This Ordinance is simply to satisfy the legal requirement that in full public view the accounts are tabled. There is no reason in the world why they cannot be made available to Council Members as soon as they are available.

THE CHAIRMAN (Mr. Pryde): Thank you very much, Deputy Commissioner Parker.

Clause 1 agreed?

--- Agreed

AIR MARSHAL CAMPBELL: As amended.

THE CHAIRMAN (Mr. Pryde): As amended. Clause 2?

--- Agreed

The Bill as a whole?

--- Agreed

AIR MARSHAL CAMPBELL: Excuse me -- okay.

THE CHAIRMAN (Mr. Pryde): Do you have a comment to make?

AIR MARSHAL CAMPBELL: In the case of Clause 2, I think a case can be made for a date in Clause 2, i.e. on March 31st, 1970. I realize this was drafted some time ago, but I would think at this particular stage of the proceedings since C-212 has been passed a firm date could be put in there.

LEGAL ADVISOR (Mr. Smith): I think we could delete that section altogether because it will come into effect on the date as set.

THE CHAIRMAN (Mr. Pryde): Is it the wish of the Committee to delete Clause 2 in its entirety.

--- Agreed

Is it your wish that I report this Bill ready for third reading?

--- Agreed

Thank you.

Report of the Committee of the Whole to Consider Bill No. 2-43 An Ordinance To Amend The Financial Administration Ordinance.

THE COMMISSIONER: Council will come to order. Mr. Pryde?

MR. PRYDE: Mr. Commissioner, your Committee has met to discuss Bill number 2-43, An Ordinance To Amend The Financial Administration Ordinance, and the Bill was accepted with the following amendments: In Clause 1, following the words "December 31st", the words "next following the termination of the fiscal year" were added. Clause 2 was deleted. With those amendments, sir, I wish to advise that this Bill is now ready for third reading.

THE COMMISSIONER: Thank you.

Motion to resolve into Committee of the Whole for the consideration of Bill number 8-43, moved by Air Marshal Campbell, seconded by Deputy Commissioner Parker. All those in favour? Against, if any?

--- Carried

Motion to resolve into Committee of the Whole for the consideration of Bill number 8-43 with Deputy Commissioner Parker in the Chair.

--- Council Resolved Into Committee Of The Whole To Discuss Bill No. 8-43: An Ordinance Respecting Magistrates And The Magistrate's Court. The Following Discussions Were Recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 8-43: AN ORDINANCE RESPECTING MAGISTRATES AND THE MAGISTRATE'S COURT.

THE CHAIRMAN (Deputy Commissioner Parker): The Committee will come to order for the study of Bill number 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court. This Bill is necessary upon the repeal of Part 11 of the Northwest Territories Act. The Bill would enable the Commissioner to appoint magistrates and other court officials. The existing Police Magistrate's Court will be renamed as the Magistrate's Court. The powers, duties and jurisdiction of magistrates and other court officials are provided for. The jurisdiction of the Court as a juvenile court is included in the new Bill which entails the repeal of the Juvenile Delinquents Ordinance. The Bill also creates a Rules Committee with authority to make rules governing practice and procedure applicable to the Court There are also provisions for the protection, removal, resignation and retirement as magistrates.

Has any Member any general comment or would you prefer to have Mr. Smith make a general statement? Perhaps Mr. Smith, if the Committee wishes, could explain to us why the Juvenile Delinquents Ordinance is being rescinded and the purpose of it being added to this Bill.

LEGAL ADVISOR (Mr. Smith): Mr. Chairman, the Juvenile Delinquents Ordinance merely gave to a police magistrate's court jurisdiction with respect to juvenile delinquents under the Juvenile Delinquents Act of Canada. The provisions of that Ordinance, therefore, have been consolidated and included under the structure of one Ordinance, rather than have the powers of the Court contained in two Ordinances. It is merely an excerise in consolidation and revision. There is no change in substance from the provisions in the existing Juvenile Delinquents Ordinance.
I might say that the Northwest Territories Act at the present time revised under Section 32, provides for the appointment and tenure of police magistrates and deputy police magistrates that the police magistrate has the powers of a justice of the peace and it also provides for the civil jurisdiction of a police magistrate if that jurisdiction is given to him in his appointment by the Governor-in-Council and it also provides under Section 35 of the amended Northwest Territories Act for appeals from police magistrates in several cases. All of these things -- Section 37(a) of the Northwsst Territories Act provides for an office for police magistrates and all of these things are now contained in the new Ordinance or the Bill that is before you with certain revisions and improvements.

THE CHAIRMAN (Deputy Commissioner Parker): Would you care to proceed with clause-by-clause study?

--- Agreed

As another suggestion, would you care to have coffee before so proceeding?

--- Agreed

Fifteen minutes for coffee.

--- RECESS

THE CHAIRMAN (Deputy Commissioner Parker): The Committee will come to order, please, Clause 2, Definitions. Agreed?

--- Agreed

Clause 3, Appointment of Magistrates.

MR. FAIRBROTHER: Mr. Chairman, I would just like to know is it necessary -- where does it show it is necessary that a magistrate be a lawyer?

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Fairbrother, my understanding of the situation is something like this, that the position of magistrates, if anything, throughout Canada and by this Ordinance is being -- the intention is to upgrade it, bearing in mind that justices of the peace can do an increasing number of important matters. I think it would have to be considered very, very carefully and seriously before any diminution of the powers or training and abilities of magistrates should be considered. I think you would be in some danger of causing the Department of Justice to have second thoughts about the transfer of these responsibilities if this step were to be taken. Mr. Searle is waving madly.

- Magistrates to be Lawyers

MR. SEARLE: There are some very great reasons why a magistrate must be a lawyer. Number one is we don't have a District Court as such as you do in most provinces. In most provinces you have Magistrate's Court, District Courts and Superior Courts. We don't have that interim level, we just have the Magistrate's Court and the Superior Court. As a result, we have given to the Magistrate's Court the civil jurisdiction which a District Court would have in trying civil matters. When you get into that field at all you have just got to be a lawyer. That is point number one.

The second point, of course, deals with what the magistrate in fact does. He does a lot of family work as well because every magistrate is also a juvenile court judge. That is getting more -- tends to get more specialized and you don't want somebody who cannot appreciate the difference. You want somebody who treats the juvenile offenders with actual interest in the juvenile as the main principle. There is a difference in principle. You just can't have a lay magistrate being a juvenile court judge normally. In addition to that, what we have here is only one magistrate and hopefully a second one because his workload is pretty tremendous. He goes on circuits or out to territories and the practice has built up, particularly as a result of the Justices of the Peace conferences we have held, that justices of the peace, when they get in an area as laymen they are uncertain, a charge that they feel there has been a not guilty plea to, they just cannot handle, they cannot try, they remand to the magistrate and he is in every settlement about once every month or six weeks. Now, he then, as a legally trained person, handles the matter. If we had no requirement that the magistrate be legally trained, I can't see -- it would be the blind leading the blind if we had a J.P. as a layman to remand such a matter to a magistrate who is also a layman. That is number one. Number two, of course, I don't think a layman as a magistrate could possible handle the civil jurisdiction part as his portfolio. These are basically the reasons.

- Solicitors as Council Before Lay Justices of the Peace

Finally, of course, you get solicitors appearing all the

time in Magistrate's Court and really your magistrates have to be as well trained as they are because I have seen examples where solicitors get in justice of the peace courts and you can really put the justice of the peace in a bad position with one counsel arguing a point of law and another one the other point on his side and the justice is the Court and has to decide. He has no training and can't go to the cases or anything. Certainly this happens very often in Magistrate's Court. He has in his criminal jurisdiction, of course, if a person elects to be tried by a magistrate, the power to try some of the most serious matters of break and entry, where there can be a maximum of life imprisonment in a private dwelling house and you really should appreciate the principles of sentencing and we have found wherever we have gotten into trouble in sentencing being disproportionate in an individual case to sentencing generally on charges, it is before a lay justice of the peace. So, for all those reasons and appreciating it is very difficult at times to get a legally trained person to be a magistrate or has been because the pay has not been that good although it has improved somewhat recently. Appreciating those difficulties, I think we go contrary certainly to the trend because this magistrate here is in a very unique position with certain jurisdiction and the other things I have mentioned. I think we would be doing a tremendous injustice to the people. It would make a lot of business for the lawyers, so go ahead if you want, because it certainly is not the Bar's recommendation and I think the Department of Justice would be very concerned.

AIR MARSHAL CAMPBELL: I take it we are talking to Clause 3, paragraph (4) (a). I recognize the points that Mr. Searle has made and he has made one point which I would like verification on, namely, in the provinces they have three levels of courts, Magistrate's Court, District Court and Superior Court, is that right?

MR. SEARLE: In addition they have J.P.'s but often --

AIR MARSHAL CAMPBELL: Three formal courts, whereas what we are trying to do by this proposed law is to tie the three into two but more particularly the two lower courts into one? Is that right? In other words, we are putting what is handled in a Magistrate's Court and the District Courts in the provinces into this one Bill and calling it a Magistrate's Court. Correct?

THE CHAIRMAN (Deputy Commissioner Parker): I think it must be. I don't know if that is it exactly or whether --

AIR MARSHAL CAMPBELL: Excuse me, is that what we are doing?

LEGAL ADVISOR (Mr. Smith): No.

AIR MARSHAL CAMPBELL: By bringing several cases into a Magistrate's Court which is not handled by a Magistrate's Court in a province?

MR. SEARLE: Because we don't have a county court.

AIR MARSHAL CAMPBELL: That is what we are doing.

MR. SEARLE: We are just extending the magistrate's civil jurisdiction.

AIR MARSHAL CAMPBELL: Let's not argue semantics, we are placing civil cases in the Magistrate's Court in the Territories.

MR. SEARLE: I don't think we are doing it in this Bill. I think that has gone somewhere else, hasn't it Mr. Smith?

LEGAL ADVISOR (Mr. Smith): The line between what you see before you and a district court --

MR. SEARLE: Clause 10.

LEGAL ADVISOR (Mr. Smith): -- is a very difficult one to draw. I think this is somewhat lower than a district judge's jurisdiction. If the jurisdiction set out in this Bill were that of a district court judge, then the Governor-in-Council did not let us implement the Bill by disallowance. We have gone as far with the matter without actually violating the line.

AIR MARSHAL CAMPBELL: You are taking as much as you can.

LEGAL ADVISOR (Mr. Smith): That is right.

AIR MARSHAL CAMPBELL: I wonder if that is an impossible step in these Territories, recognizing the geographic areas we cover and I recognize the magistrate's responsibilities. In the past it has been difficult to provide the service needed. I wonder if we are taking the right step in putting all this into the Magistrate's Court or should we have another level of courts? I cannot quite go along with Mr. Searle that you have to have formal legal training to handle all the cases that appear in a Magistrate's Court. Some of the better magistrates in the south have been people other than members of the Bar Association of the province.

MR. SEARLE: That is a function of pay.

AIR MARSHAL CAMPBELL: It may be a function of pay but you are up against the same situation here. You are short of people and it gives another area to select from, another opportunity for the Commissioner to get the best qualified person to sit in the courts. You don't want to get sort of second-rate members of this Bar Association and I think the Member from Yellowknife will agree that some are better than others.

MR. SEARLE: There are some good Air Marshals and some bad Air Marshals too. The question is which one do we have.

MR. FAIRBROTHER: I think the Air Marshal has hit on the crux of the problem and that is the fact that if you go with this Bill as it is, what it is going to mean is the appointment of another magistrate who is going to sit in Yellowknife and be forced to travel throughout the Territories the same way as the present magistrate has to do now. He is going to have to carry - they are going to double the staff in the Magistrate's office.

THE CHAIRMAN (Deputy Commissioner Parker): Oh no.

MR. FAIRBROTHER: Because he has to carry a Clerk of the Court with him when he goes on circuit, they have a court reporter or a recorder every time he goes on circuit. The Crown Prosecutor will go if you have two travelling magistrates and I assume both of them will have to be travelling at the same time, a certain amount of the time, so you are going to have to have two crown prosecutors, which in my mind is doubling the staff that has to travel with him. This is going to be adding a lot of expense. Granted, if he is going to be handling the District Court or what would be in the provinces, a district court jurisdiction in civil matters and what not, then I think if he has to administer law, then certainly he is going to have to be a legally-trained person. But here perhaps we are going to have to look at, as the Air Marshal pointed out, a little lower level of Magistrate's Court where these magistrates could be resident in the larger centres, and if we are going to do that, there is no way we are going to be able to hire magistrates from a bar society. A lawyer, any lawyer who is a good lawyer, I think, as you can appreciate, can make far in excess in his own business to what he would make as a magistrate. You are either going to have to get senior lawyers who are beyond their peak earning capacity in law, or who do not wish to spend the amount of effort and time required by a lawyer to go into criminal jurisdiction and this type of thing. There is no way you are going to be able to hire qualified people like that to go into some of the larger centres if you want to start getting them throughout the Territories. In the past one of the major complaints has been that people have to wait too long to go to trial because of the overload. I think that right now is the time we should look at these aspects, not at the present workload or the present setup, but what it is going to be five years from now, and start making our changes now to cover that requirement five years from now.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle?

MR. SEARLE: Mr. Chairman, the suggestion that we maybe take the civil jurisdiction out of the present Magistrate's Court, I assume might be feasible if we could persuade the Government of Canada to establish a county court or district court here and make an appointment but that is not something we can do, as Mr. Smith has already pointed out. The present legislation permits that there be only one judge, who is a Superior Court judge there is no provision for a District Court judge. As a result, somebody has to exercise that jurisdiction and we have included part of it. What we really have done is include part of it in the judge's court and that is about as "far as we can go" with the magistrate and give him some of it. That is point number one.

<u>- Magistrates in Various Settlements</u>

Regarding the disadvantages of not having magistrates in various settlements, there are disadvantages, granted, but I would like to suggest to you that even though some people do await trial, they do await trial on bail, generally speaking. Unless it is a very serious matter, in that case the matter is dealt with quickly. If you put a lay magistrate, try and

find lay magistrates in each of the settlements, what you are going to do is end up with just the people who are J.P's being magistrates and I think that would be tragic, and it is certainly contrary to everything that the Law Society feels would be in terms of justice. Now, unfortunately, you have to tie-in your court structure to some extent with your available legal services. You cannot have a magistrate sitting off somewhere when a man appears before him and says he wants a defence lawyer and there are none there, because he would just have to remand the matter until he could get one. You are not speeding things up one bit. You can't put the magistrate in the position of defending the man who appears before him looking after his rights. The thing contemplated - I know the magistrate at the Bar and if I could just, from my discussions with Mr. Smith, express his feelings, I think there is a recognition that there is a need to decentralize justice from Yellowknife. Obviously, the first step would be to put a magistrate in Hay River to travel to Fort Smith and probably through the Simpson area. You would have the magistrate left in Yellowknife to do the northern part, but this is just a year or two away, because really you have to have some other legal services in Hay River. You have to have a lawyer and I think you will probably see one there in less than a year, because he has to have that associated service to the magistrate to be meaningful. Otherwise, they would just be calling the other lawyers from Yellowknife to come over and remanding the matters just as is being done now. So, I think you can be too quick on this, and I definitely do not see how you solve anything just by removing the requirement that the man be legally trained. You do not necessarily get a low calibre of magistrate. There are a lot of people with legal training who just do not like practising law and I know that the salary has been raised to what - about some $20,000 and it is becoming much, much more attractive to be a magistrate than it was three years ago when it was $12,000. We are very lucky to have the man we did get. I do not think that right now, a lot of those considerations are very relevant.

THE CHAIRMAN (Deputy Commissioner Parker): If I may observe in the matter of staff, that if anything, there would be more requirement for support staff if the magistrate were located away from existing court staff than if he were next to it. I don't think you could say he could get along without a reporter and without a prosecutor and so forth, because he was located elsewhere. I think the amount of staff required would be roughly the same.

AIR MARSHAL CAMPBELL: I think Mr. Searle made about five points. One; that we could not establish a District Court or a County Court under the Northwest Territories Act as it presently exists. Right? The second point he made was; there was a lack of laymen available, qualified to be magistrates. The third point he made was the lack of availability of legal practitioners in the various communities. The fourth point he made was that there is an intention on the part of the Administration to decentralize justice to places like Hay River and Fort Smith, and the fifth point made was that there are certain lawyers who do not like practising law and they would like to be magistrates.

(There is an electrical power failure)

AIR MARSHAL CAMPBELL: That fixed it!

THE CHAIRMAN (Deputy Commissioner Parker): Perhaps in view of the problem of reporting these words, we will take a few minutes break.

THE CHAIRMAN (Deputy Commissioner Parker): When the power failure occurred, I believe that each and every speaker had concluded his remarks and you were ready to call Clause 3.

AIR MARSHAL CAMPBELL: What gave you that impression?

MR. PRYDE: Well --

AIR MARSHAL CAMPBELL: May I finish my statement?

THE CHAIRMAN (Deputy Commissioner Parker): You were speaking?

AIR MARSHAL CAMPBELL: You mean I made no impression on you?

MR. SEARLE: I think it is safe to say the Air Marshal left us in the dark!

--- Applause

THE CHAIRMAN (Deputy Commissioner Parker): Would you kindly proceed before this banter gets out of hand.

AIR MARSHAL CAMPBELL: Now that you are out of the dark, because of Mr. Searle, I will. On Mr. Searle's first point, namely, that the Northwest Territories Act does not provide for three levels of courts or would not allow three levels of courts similar to those existing in the provinces, would it not be possible to divide the Magistrate's Court into two levels as is proposed here, so it in effect would have a senior magistrate's court and a junior magistrate's court and the senior magistrate's court handle the civil cases. I recognize the validity of the remarks Mr. Searle made. What would be wrong with having two levels of Magistrate's Court under Territorial law?

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor, the question has been posed about the Magistrate's Court.

LEGAL ADVISOR (Mr. Smith): I heard it. It is a difficult question to answer. Nothing is impossible in dividing up jurisdictions and parcelling it out among various classes of people. The difficulty in doing it quickly or even whether the result of this work would be an improvement over what we have, I don't know. Whether the result of this work would eventually be better than what is before you, I cannot tell you.

MR. SEARLE: The Air Marshal's suggestion seems a logical one on the face of it because of the civil jurisdiction that we give the magistrate by virtue of Clause 10 of this Bill, but it is not just a question of civil jurisdiction. A magistrate also under the Criminal Code has criminal jurisdiction which basically, should the accused elect trail by the magistrate, gives him jurisdiction in very serious matters, and it permits that magistrate to sentence this man in some circumstances, up to life imprisonment, and the enlightened view on that is that a layman should not have that type of responsibility. That is the enlightened view and that is the only answer I can give you. It is not just a question of civil jurisdiction.

AIR MARSHAL CAMPBELL: I understand that. Under this Act does the magistrate have authority, under certain circumstances, to sentence an individual to life imprisonment.

LEGAL ADVISOR (Mr. Smith): Not under that, but under the Criminal Code.

AIR MARSHAL CAMPBELL: Let me put my question another way: when the Commissioner hires a magistrate as provided for in section something or other --

MR. SEARLE: He has criminal jurisdiction too.

AIR MARSHAL CAMPBELL: Can he, under any circumstances, give life imprisonment to an individual for cause?

LEGAL ADVISOR (Mr. Smith): Under Clause 9.

MR. SEARLE: And a magistrate appointed here would have all the powers under the Criminal Code and other Federal Statutes, as well as --

AIR MARSHAL CAMPBELL: Magistrate Parker sitting there can sentence a man to life imprisonment?

MR. SEARLE: That is right, for certain offences.

THE COMMISSIONER: Has it ever happened in the Territories?

MR. SEARLE: That is the maximum. Take one example I mentioned, break and entry in a private dwelling house. The maximum term of imprisonment is life. And now, I have never seen anyone get life, but for a first offence the rule is basically three months, second offence six, and third offence maybe a year, and then they start going up fairly rapidly after that. This is the sort of authority he has though, a wide area. If you get a layman in there, very often he say: "that is pretty serious, I will start at seven years, and the next time fourteen years".

AIR MARSHAL CAMPBELL: To revert to my suggestion, Mr. Chairman that we divide the proposed magistrate's court responsibilities into two levels of courts i.e. a junior court and a senior court and we produce a law to that effect, would the magistrate of the junior court, by criminal law, have the authority to give a sentence of that order of magnitude?

MR. SEARLE: Yes.

AIR MARSHAL CAMPBELL: Excuse me, I want the Legal Advisor's advice. We have a professional lawyer, a Member of the Territorial Council and we have the Legal Advisor.

LEGAL ADVISOR (Mr. Smith): There is a justice of the peace in the Criminal Court and police magistrates in the Criminal Court and Superior Court Judge and that Superior Court Judge is with a jury. I do not think that we could create, say, a level of judicial competence in between justice of the peace and police magistrate because it would have no effect without amendment to the Criminal Code.

AIR MARSHAL CAMPBELL: You have introduced a new term, "police magistrate". Is that a different - the same as a magistrate?

LEGAL ADVISOR (Mr. Smith): Police magistrate means magistrate by virtue of this Ordinance in order to get away from or to ensure or to imply that there is a civil function as well as a criminal function.

AIR MARSHAL CAMPBELL: I understand that. Couldn't we establish a Police Magistrates' Court under Territorial law?

LEGAL ADVISOR (Mr. Smith): Yes.

AIR MARSHAL CAMPBELL: His responsibilities would be limited to a lesser level than the proposed Magistrate's Court we are establishing here?

LEGAL ADVISOR (Mr. Smith): Not on the criminal side of it.

AIR MARSHAL CAMPBELL: I don't understand.

LEGAL ADVISOR (Mr. Smith): Jurisdiction is vested under The Criminal Code for justices of the peace, then the next level up is that of a Police Magistrate. We could not have any variation from those two levels on the criminal side but on the civil side we could.

AIR MARSHAL CAMPBELL: We could introduce by law a Police Magistrate's Court in the Territories which would be of a lower limit of punishment than the proposed Magistrate's Court here, right?

LEGAL ADVISOR (Mr. Smith): I don't accept that. Only on the civil side.

AIR MARSHAL CAMPBELL: Only on the civil side.

MR. SEARLE: That is exactly correct, Mr. Chairman, only on the civil side but I come back to the point that lay magistrates or any magistrate on the criminal side can exercise all the jurisdiction given magistrates under The Criminal Code. Part of that jurisdiction is with the consent of the accused, if the accused elects trial by magistrate in some very serious offence, basically there is only a handful including murder, manslaughter and rape, but anything other than that a magistrate on the criminal side can try the man if he elects to be tried by a magistrate with the exception of some over which he has absolute jurisdiction. In other words, there is no election required and this comes back to my point. You could create in your Ordinance two different types of magistrates one with the civil jurisdiction and one without but you cannot affect his criminal jurisdiction because all magistrates, legally trained laymen, or otherwise, regardless of what we do here, will still have that criminal jurisdiction to try people charged with very, very serious offences, if they elect trial by him excluding only basically, murder, manslaughter and rape. You have a tremendous amount of power to sentence and to do so on wrong principles and to try people. To try them on wrong principles in laymen is regarded as very, very backward.

AIR MARSHAL CAMPBELL: Can a police magistrate in one of the provinces under certain conditions sentence a man to life imprisonment?

MR. SEARLE: Yes.

AIR MARSHAL CAMPBELL: I don't want to be ornery or difficult in this particular field, Mr. Chairman, but I feel we have a case for not making ourselves so inflexible and so air-tight. We have a problem in the Territories with regard to geography and availability of talent. I do not really have enough background to pursue this very much further.

THE CHAIRMAN (Deputy Commissioner Parker): I believe Mr. Pryde had a comment.

MR. PRYDE: I would like to make my comments if the Air Marshal and Mr. Searle have completed their discussion on the points they raised.

THE CHAIRMAN (Deputy Commissioner Parker): It seems to have come to a bit of a standstill.

THE COMMISSIONER: I wonder if I could just say one word on that point. I would have to ask either Mr. Searle or Mr. Smith this question. What happens in the provinces, do they have some way of handling this, are magistrates all members of the Bar Association or are they allowed? Is there some other way in which they can make use of -- I guess the word is "qualified laymen", is that the word?

MR. SEARLE: No such thing, just "laymen".

MR. TRIMBLE: That is a solicitor's opinion.

THE COMMISSIONER: A layman.

AIR MARSHAL CAMPBELL: A non-legal layman.

MR. SEARLE: Some of the provinces, Alberta does have laymen who are magistrates and you will find, generally speaking, they will look for people who have had some experience in law enforcement and very often, most often you find them to be ex-non-commissioned officers and officers in the various police forces, city, provincial and RCMP. To give you a concrete example, the ex-Chief Superintendent C. B. Macdonnell today holds a Magistrate's appointment in Alberta and he travels around to places where magistrates are on holiday in various localities and does magistrate's work there. When these lay magistrates are exercising the jurisdiction of magistrates, they are exercising all of the powers given to magistrates in The Criminal Code and there is no restriction on it. It is the very same power as a legally-trained man, who may also be appointed a magistrate, has. This is regarded as bad and the provinces, generally speaking, are moving away from that and are not, generally speaking, doing this sort of thing if they can avoid it at all. If you go into city courts, you know courts that are in any of the provinces, you will find the ones that had lay magistrates, now no longer have them.

THE COMMISSIONER: The next question is who decides who hears what case? Who draws up the list of cases that are heard? For example, here we have a Magistrate and we have a second Magistrate who is part-time. He is a lawyer in Alberta and he is a part-time Magistrate to take care of the overload. Who assigns the cases?

LEGAL ADVISOR (Mr. Smith): I believe that Magistrate Parker, being the one here, when looking at the commitments and the heavy work load ahead, decides he has not the time to do everything, then he requests that the other magistrate assist him from time to time.

THE COMMISSIONER: I see. Then the question really is, is it better to have a magistrate -- and I am speaking now of additional people -- better to have people who are legally trained to spend part-time in the Territories to do the work -- that is unless we can afford a second magistrate and eventually a third magistrate -- or to make a law in such a way that you can appoint people who are laymen, not competent laymen as Mr. Searle says, but laymen. I don't want to argue that point. I am just raising this to find out what the background is.

THE CHAIRMAN (Deputy Commissioner Parker): Just a minute. The Commissioner has outlined the provision. Does anyone want to respond to that particular point?

MR. TRIMBLE: Yes, Mr. Chairman. There is considerable debate on this subject and two sides have been quite forcibly expressed. I feel that it is the responsibility of the other Members of Council, including myself, to listen to the debate and form an opinion. I can't say I definitely have formed an opinion as yet, but I am endeavouring to and I think we should come to grips with the issue before we pass on and form some definite concensus in the Committee. It seems to me if in the provinces, or at least some of the provinces where there is quite a large number of legally trained people, it has been the practice to have police magistrates who in some instances were not legally trained people. It seems to me that we should feel there is a reasonable case in the Territories where we have just a handful of legally trained people to consider having police magistrates who may not be legally trained. As far as the argument goes regarding ex-RCMP officers being police magistrates, I am of the opinion that there are a good many and in fact I might even go so far as to say all RCMP officers would have more knowledge of criminal jurisdiction than a good many lawyers, particularly lawyers who have specialized in civil matters. Therefore, I cannot accept the argument that the person has to be legally trained because I fail to see how a person who has been legally trained and all his life conducted himself on civil matters can be particularly competent in criminal jurisdiction. I think that any appointment of a person who is not legally trained to the position of police magistrate would be given very careful consideration by the Commissioner before the appointment was made and only a person who has proven himself in some other way, either as a J.P. or some other way as being competent in this field, would be appointed. Therefore, I think we should not just pass over this lightly unless there is more reason than what has been presently given to require police magistrates to be legally trained persons. I think we should endeavour to obtain the two levels of magistrate, as the Air Marshal has suggested, one, a police magistrate and two, a magistrate.

THE CHAIRMAN (Deputy Commissioner Parker): Fine.

MR. PRYDE: I want to say I agree with the remarks presented by Mr. Trimble and I feel there is a certain validity in the statement made by Air Marshal Campbell that we should consider setting up two levels of Magistrate's Court, one to conduct trials of serious and criminal offences and the other, for the less serious offences. I am not a lawyer and I pretend no expertise in the field of law but I do believe that the points made by Air Marshal Campbell are very worthy of note and in fact, so worthy of note that a very deep consideration should be given by the Council to altering our present system and setting up a two-level Magistrate's Court system. If Air Marshal Campbell is prepared to move that as a Motion, I would be prepared to support it.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle?

- Laymen and Legally Trained Magistrates

MR. SEARLE: Mr. Chairman, at the risk of repeating myself, you cannot have two levels of magistrates as far as the criminal jurisdiction goes. The Criminal Code sets out the jurisdiction of a magistrate and I don't care whether he is legally trained or not, he has that jurisdiction. There is nothing we can do to alter that. In law, you cannot be a two-level criminal jurisdiction magistrate. That is a matter set out in The Criminal Code for the Parliament of Canada and you can't do it. We can, however, take away the civil jurisdiction aspect but that is not even significant. My comments have basically been directed to the administration of criminal justice being best served by legally trained magistrates and if you are going to do this, I would suggest that, if number one, the Department of Justice see fit to have this as a requirement, they are going to be very concerned. That is number one. I would think that like all other legislation whether it dealt with the medical profession or otherwise, when you said "have they considered it", you might want to hear from the present magistrate and possibly the Judge, certainly the RCMP, and the Bar. I know the Bar has gone through this piece of Legislation and said it is a good piece of Legislation but assuming that the magistrates should be legally trained people. I think you are going to be frivolous unless we simply report progress at this stage and ask for a representative of the Bar, the Court and the RCMP to come forward to give their feelings because I do not believe any of those people want to get involved with lay magistrates. I don't think the police do and I think that you would find if you took the time to inquire with the provinces that have lay magistrates, that they don't want them. I think it is a retrograde step at this point to go back and I can see Mr. Trimble, Mr. Pryde and the Air Marshal are all persuaded that this is a good thing, but I think we should take the time to go further because I think you are going to get into real trouble.

AIR MARSHAL CAMPBELL: Mr. Chairman, I can see that Mr. Searle is speaking with some feeling, but what we are really after here, as I understand it, is not to limit the selection of magistrates, not to limit the Commissioner in his selection of magistrates to those people who come from the Bar Society. On the other hand, we should have the same flexibility of appointing magistrates as is practised in

southern Canada and I am aware of a gentleman who is not a member of the Bar association of Ontario, who is now going to be a magistrate in the city of London. It is taking place in southern Canada and, therefore, I simply make the point that we should have the same flexibility in this proposed law in setting up as they have in southern Canada.

MR. SEARLE: If we need it.

AIR MARSHAL CAMPBELL: That is a matter of judgment if we need it or not, that is the Commissioner's responsibility once we set it up. It is his judgment as to whether we need it or not. I say he should have the flexibility and the opportunity to do so, should he see fit.

MR. SEARLE: Mr. Chairman, there are 36,000 people in the Northwest Territories who we are administering justice to. It is being adequately done by one magistrate with a little part-time help. In time it will be adequately done by two full-time magistrates, and I suggest you can't find at this stage a legally trained person who would take the job as a second magistrate as the rate that is being paid here is ridiculous. It is not the type of flexibility we need, Mr. Chairman, at this stage, nor is it desireable at this stage for the number of people we are administering justice to, the arrangement we have, the requirements we have for these people is proper. I dare say that in London or in some of the centres in Ontario some of the reasons they go to non-legally trained people, is simply because there is so much traffic in other offences coming before courts that they cannot find the legally trained people. We have not had that experience, and furthermore this provision does not restrict people to three years at this Bar. We can draw on any part of Canada. This is not something the Bar Association here wants as jobs for the lawyers. We can draw from all of the Bar Associations in Canada. This refers to a lawyer in any province and there are all kinds of people who would be prepared to take this job here for the salary that is being offered. So there is no difficulty, and I suggest to you the only reason they go to laymen in the provinces when they would like not to, is because they have difficulties there, and I think we are anticipating difficulties that do not exist. We are lowering the standards when we do not need to lower them.

AIR MARSHAL CAMPBELL: Mr. Chairman --

MR. SEARLE: We are doing something which is wrong and they know it is wrong there, but they can't do anything about it.

AIR MARSHAL CAMPBELL: Mr. Chairman, just to put my statement back in context, I did not say that they had to be selected from the Bar Associations, what I suggested was that we should have enough flexibility in this law to allow the Commissioner to use his judgment in availability or non availability, but use his judgment to select magistrates to meet what he thinks to be the requirement, and select as magistrates, individuals who, in his opinion, will be the best magistrates. It is not a question of availability, today, tomorrow or yesterday. It is a question of making this proposed law, and giving the Commissioner the opportunity under this proposed law, to make that type of selection.

MR. SEARLE: Mr. Chairman, I hate to keep debating this back and forth, but if the Commissioner needs that

flexibility, and I suggest he does not now, nor do I forsee him needing it in the next fifteen or twenty years. At that time maybe he could come back and get the Council to amend it to permit lay magistrates, but I tell you until you really need to do that and assuming, that sometime you might but I don't think you will, however if you ever do, then I say that is the time to come back and change it. But you don't know, and I don't forsee it.

THE CHAIRMAN (Deputy Commissioner Parker): The point being, for instance, at a maximum there might be two additional magistrates appointed within the next two or three years. I realize you said one, but supposing you were to allow there might even be two, you are still talking about, in the next four to five years, a total of three magistrates.

MR. SEARLE: I think that is being very generous, Mr. Chairman, I think you can talk of three magistrates within ten to fifteen years.

THE CHAIRMAN (Deputy Commissioner Parker): I think that is an important point to be remembered. Well, gentlemen, we have two opposing points of view here and each supports strong arguments. From the Chair, I think I could only say this. You may wish to give consideration to calling other people before you for their advice and you may wish to settle this right now. I leave it in your hands to give some expression. Mr. Fairbrother.

MR. FAIRBROTHER: Can we establish the fact, can we legally or under the existing legislation, either under the Northwest Territories Act, or under the Criminal Act, or whatever it is, can we establish the two levels of the magistrates?

THE COMMISSIONER: No. I am convinced that Mr. Searle has said it is impossible.

MR. FAIRBROTHER: If we can't, then I would have to - if a magistrate is still going to continue with the power he now has, then I would have to support Mr. Searle. I think perhaps this would not be desirable. I would like to see the two levels and use the other magistrate at the same time, but if we are going to continue to give this power of a District Court where they are going to be administering law, then I think you would have to have legally trained people.

THE COMMISSIONER: Mr. Chairman, unless the Legal Advisor corrects it, it is Mr. Searle's point of view that you can't do this. The only thing, if I understand what you say, perhaps administratively, the senior magistrate would allocate the cases.

LEGAL ADVISOR (Mr. Smith): Yes.

THE COMMISSIONER: That would be the form of doing it, but Mr. Searle made it absolutely clear that the Criminal Code will not allow you to have two levels of magistrates.

LEGAL ADVISOR (Mr. Smith): That is absolutely right.

MR. SEARLE: We could have two levels of magistrates and give the civil jurisdiction to one and not to the other, but it is the criminal jurisdiction that most concerns me Mr. Chairman, because that is the bulk of the magistrate's work and that is what affects the people. This is the area where you must proceed on the proper principle, (a) to determine guilt or innocence, and (b) to sentence when a person elects to be tried by you which puts the magistrate in the position of being able to sentence him to anything up to life imprisonment, with the exception of the mandatory jury matters of basically murder, manslaughter and rape. That is the type of jurisdiction that now bothers me. Unless someone else were to do so, I would suggest that we call someone from the RCMP if we can get them, from the Court and from the Bar Association and to that end I would move we report progress.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle, I realize that is not debatable, but I just raised the question whether the other Members of Council wish to carry this a step further. You left us really with no choice by making that Motion. If I could just ask a question, if Members wish to pursue this particular clause, that may have expedited the matter and then we could give you an opportunity to move to report progress.

MR. SEARLE: Well, I would be prepared to withhold that Motion, but what I am afraid of is that somebody is going to move that this requirement be deleted from there, then the debate and the votes taken but they have done so on half information. That is the position I am in.

THE CHAIRMAN (Deputy Commissioner Parker): With your permission, I would just ask a simple question whether the Members wish to pursue the matter and if they do, then we must accept Mr. Searle's Motion and put it to a vote.

MR. TRIMBLE: Mr. Searle's Motion does not request that witnesses be brought to the table, it is just that we report progress and when we take over again, we are back where we started.

THE CHAIRMAN (Deputy Commissioner Parker): That is why I am just trying to clear the matter and tidy it up a little bit before we take that ultimate step. May I ask Members of the Committee, are you satisfied now to leave Clause 3 as it is, or do you wish to carry the discussion further along? This is a very fine procedural line.

THE COMMISSIONER: Perhaps we should have a magistrate here to decide.

MR. PRYDE: I am satisfied to leave Clause 3 as it is, because we cannot establish two levels of magistrates.

MR. SEARLE: On the criminal side.

THE CHAIRMAN (Deputy Commissioner Parker): Anyone else on Clause 3? Since the expression seems to be that Clause 3 is going to pass as it is, do you wish to leave your Motion on the floor?

MR. SEARLE: If that is the case, I would withdraw it, Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Does Clause 3 pass?

MR. FAIRBROTHER: Can I ask one other question, please? Under the Northwest Territories Legislation, a justice of the peace has the power of two justices of the peace sitting together and I believe that that justice of the peace has most of the powers a police magistrate has in the provinces, to handle almost all summary conviction matters, and then your district court handles the next level of jurisdiction. What we have really done is turn the police magistrate's job in the provinces, over to justices of the peace, and then the magistrate handles the more serious charges under the summary conviction matters, plus he is taking over a lot of what normally would be district court in the provinces. Am I correct in assuming this, with our J.P.'s, having the power of two, have taken what is the police magistrate's job in the provinces?

LEGAL ADVISOR (Mr. Smith): I am quite sure persons with the power of two justices of the peace have a large jurisdiction and a police magistrate even larger.

MR. FAIRBROTHER: A police magistrate in the provinces, is that the extent of his power also?

LEGAL ADVISOR (Mr. Smith): He has more. You are back to the three levels again. A police magistrate is of a higher level of jurisdiction or a greater jurisdiction than a person who has the power of two justices of the peace. I am not prepared to tell you what offences these are.

MR. SEARLE: If we had a copy of the Criminal Code here, it would be very easy to explain because, in Canada what a police magistrate has that a justice of the peace does not have, is absolute jurisdiction in certain conviction or minor offence matters, which are regarded as being serious in nature. A justice of the peace can't exercise jurisdiction over them, but basically the justice of the peace and magistrate's

jurisdiction is the same - all of them can try any summary conviction matter or less serious matter, with the exception that the magistrate has absolute jurisdiction in the more serious summary conviction matters, and with the consent of the accused, can try anybody who is charged with an indictable offence or a serious matter, with the exception of again; murder, manslaughter and rape. These three can only be tried by a judge and a jury. That is as simple an explanation as I can give you of the jurisdiction without being too technical, and still referring specifically to each of the clauses.

MR. FAIRBROTHER: In that case I am satisfied to let the clause stand.

THE CHAIRMAN (Deputy Commissioner Parker): Any other speakers on Clause 3?

MR. PRYDE: Question.

THE CHAIRMAN (Deputy Commissioner Parker): Clause 3, agreed?

--- Agreed

Clause 4?

--- Agreed

Clause 5, Acting as Counsel?

--- Agreed

Clause 6, Removal for Cause?

MR. SEARLE: This is a slight departure from what is done in the provinces. In the provinces magistrates are basically appointed at pleasure while judges of course, have a life appointment and can only be removed for misbehaviour et cetera, by being impeached. What we are doing here is bringing the term of a magistrate's appointment into line with what it is for a judge and prohibiting -- this takes him outside of the Public Service Ordinance and once he is appointed, he is appointed until he retires, unless you can show that he has misbehaved or has some inability to carry out his duties.

AIR MARSHAL CAMPBELL: What do they do in the south?

MR. SEARLE: They are basically appointed at pleasure. In other words, they can be hired or fired at any time.

AIR MARSHAL CAMPBELL: The only way --

MR. SEARLE: This is not a bad move.

AIR MARSHAL CAMPBELL: The only way "pleasure" could be exercised here would be to hold a formal inquiry.

MR. SEARLE: It goes further than pleasure there. Here we have to show he has misbehaved.

AIR MARSHAL CAMPBELL: I really think that we are proposing a retrograde step i.e. signing a man up in a manner that he can only be removed for misbehaviour.

MR. SEARLE: You may feel that, but I think the philosophy basically is in the administration of justice. A person should not have to play patsy with the administration in terms of his decisions. If you just say "at pleasure" you may not like his decision as a game warden and say it is *ultra vires* so you say, "that son-of-a-gun isn't playing ball with the administration so we will fire him". Let's hope that would not be done but this prevents that and it has to be for a cause and it has to be for a public cause.

MR. FAIRBROTHER: I see the age limit here is 65 rather than 75.

MR. SEARLE: That is in line with the Public Service age limit. I think if you are going to have truly independent courts and the Magistrate's Court does the bulk of the work, then you just can't have, "at pleasure".

THE CHAIRMAN (Deputy Commissioner Parker): Agreed?

--- Agreed

AIR MARSHAL CAMPBELL: Subsection 7(2), he either retires at the age of 65 or it is extended for the period of three years. There is no provision for him to be extended for a lesser period. I think jumping from 65 to 68 is quite a long step but I think perhaps we should put it on a one-year basis or some thing of that order.

MR. SEARLE: I think there is some history to this, Mr. Chairman. When we had the previous magistrate, Magistrate Finney, his term was extended from year to year and unfortunately he found this extremely difficult in terms of planning his retirement and whether he should buy property and build a home elsewhere, et cetera, and the type of notice he got -- you see, you really can't let a magistrate hang on and on without giving him about six months' notice that at the end of the year he is going to be through. First, be fair in terms of recruiting someone

else; secondly, allow him time to make proper arrangements. Really what you would be looking at is about every six months having to make a decision and in a year following through with it. This is all right if we felt that three years gives the person that time to make his arrangements and the Government to make theirs to replace him.

AIR MARSHAL CAMPBELL: Under my proposal, Mr. Chairman, I would not suggest that the limit be one year. In other words, if we want an extension the Commissioner could extend it for a period of one, two or three years, as long as he is not limited to do it for three years or nothing.

THE CHAIRMAN (Deputy Commissioner Parker): In other words, you are really suggesting something like three years or less?

AIR MARSHAL CAMPBELL: No, I would suggest it be limited to one year or such period as the Commissioner may decide. That is what I am after. He might like to extend it for two years.

THE CHAIRMAN (Deputy Commissioner Parker): Then you might say, or additional terms of three years or less?

AIR MARSHAL CAMPBELL: Or for such additional one year term as the Commissioner may decide up to the age of 70 years.

THE CHAIRMAN (Deputy Commissioner Parker): This goes to the age of 75.

LEGAL ADVISOR (Mr. Smith): Isn't that exceeding the three years?

AIR MARSHAL CAMPBELL: This can go up to 75 in three year increments. I want to say, the Commissioner can appoint for one year, two years or three years whichever he sees fit.

MR. FAIRBROTHER: Why don't we put in there, with additional terms of one to three years?

AIR MARSHAL CAMPBELL: That is all right. I recognize the personal point Mr. Searle has meant but I don't think it is too valid from the point of justice.

MR. SEARLE: That is just the reason it was put in. I didn't put it in, I am just giving the Air Marshal the background.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor, would you have any quarrel with amending that to read "for additional terms of one to three years"?

LEGAL ADVISOR (Mr. Smith): One, two or three years.

THE CHAIRMAN (Deputy Commissioner Parker): No, one to three years.

LEGAL ADVISOR (Mr. Smith): Yes.

AIR MARSHAL CAMPBELL: I move we do that.

THE CHAIRMAN (Deputy Commissioner Parker): Seconder? We don't need a seconder. All those in favour?

--- Carried

It will now read: "Upon attaining the age of sixty-five years a magistrate may be reappointed to hold office for additional terms of one to three years, but shall cease to hold office after attaining the age of seventy-five years". Does this carry as the amendment?

--- Agreed

Clause 8?

--- Agreed

Clause 9?

--- Agreed

AIR MARSHAL CAMPBELL: Clause 10, you will notice in subsections (a), (b), (c), (d) and so on, the total damage claims a magistrate under this law can handle, is up to $1000. It can't exceed $1000. A $1000 claim on the one hand, and recognizing what appeared in a previous discussion that the magistrate has control over a man's life up to life imprisonment under certain conditions, seems to me to be awfully widespread. What I am saying is, I don't think $1000 is enough considering the type of individual which we hope we will see appointed as magistrate. It should be increased to a more substantial amount. I don't know what to suggest. I would like to hear what is the practice in the provinces.

MR. SEARLE: It is funny Mr. Chairman, but the bulk of your bad debt actions, and this sort of thing, are under the $1000.

AIR MARSHAL CAMPBELL: That is not my point.

MR. SEARLE: I know it is not your point but that is the bulk of the work. Secondly, I think Mr. Smith can enlarge on it and that is, it is getting into a constitutional problem. We can't appoint District Court judges and if you give the jurisdiction which I believe is up to $2000, that is a District Court jurisdiction from $1000 to $2000 in the provinces; I think Mr. Smith can correct me there, but if we give him up to $2000, then we have created a District Court judgeship. District Court but, you see, we can't appoint District Court judges. That is a Federal matter and as far as the civil jurisdiction is concerned, once you say a magistrate has this jurisdiction, constitutionally it is *ultra vires* immediately because in effect you created a District Court when you appointed a judge. I think constitutionally you can't go higher than $1000.

AIR MARSHAL CAMPBELL: That is the effect of that?

LEGAL ADVISOR (Mr. Smith): The actual effect is to leave the dollar amount at $1,000.

AIR MARSHAL CAMPBELL: Mr. Searle said he wasn't quite sure. He was not quite sure if he was correct about the figures.

LEGAL ADVISOR (Mr. Smith): I think the limits for county and district court judges in the provinces --

AIR MARSHAL CAMPBELL: Can we leave this part until we get the facts and see if it is possible to raise it?

THE CHAIRMAN (Deputy Commissioner Parker): Is that time consuming, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): It may be, I don't know. I would have to examine the law in the provinces and it will take me a while.

AIR MARSHAL CAMPBELL: Well, in a criminal court or district court.

THE CHAIRMAN (Deputy Commissioner Parker): We will leave Clause 10 aside for the time being.

MR. SEARLE: You can see further under subclause (2) of Clause 10 where if you vested the magistrates with civil jurisdiction in certain cases, you would be in District Court.

AIR MARSHAL CAMPBELL: That is the negative?

MR. SEARLE: That is right.

THE CHAIRMAN (Deputy Commissioner Parker): Clause 11?

MR. PRYDE: Mr. Chairman, I am not finished with Clause 10 yet.

THE CHAIRMAN (Deputy Commissioner Parker): Oh, pardon me, go ahead.

MR. PRYDE: Subclause 10(2) covers those points in which a magistrate is not vested with civil jurisdiction and under paragraph (c) the words "criminal conversation" are used. Could we be advised as Members of this Council who are not lawyers, just what is meant here by "criminal conversation"?

THE CHAIRMAN (Deputy Commissioner Parker): The Legal Advisor is acquainting himself with a proper reply.

LEGAL ADVISOR (Mr. Smith): It has something to do with sex, I know that.

MR. PRYDE: Very interesting!

LEGAL ADVISOR (Mr. Smith): According to Black's Law Dictionary it means defilement of the marriage bed, sexual intercourse of an outsider with husband or wife, or a breaking down of the covenant of fidelity; adultery considered in its aspect of a civil injury to the husband entitles him to damages; the tort of debauching or seducing of a wife.

MR. PRYDE: I think we should pass that very quickly.

THE CHAIRMAN (Deputy Commissioner Parker): We will stand aside Clause 10 for the information the Legal Advisor will obtain. Clause 11, Damages?

--- Agreed

MR. TRIMBLE: Where do we find Clause 11?

THE CHAIRMAN (Deputy Commissioner Parker): At the bottom of page 6.

MR. TRIMBLE: In my book there is a blank.

AIR MARSHAL CAMPBELL: Unfortunately you got one like I did.

THE CHAIRMAN (Deputy Commissioner Parker): You have caught the Administration in a very, very small malfunction. Pick up the book of your neighbour.

Clause 11, Agreed?

--- Agreed

Clause 12 Appeals?

--- Agreed

Clause 13, Notice of Appeal?

--- Agreed

Clause 14, Security for Cost?

--- Agreed

Clause 15, Filing Notice of Appeal?

--- Agreed

Clause 16, Appeal not to Stay Proceedings?

--- Agreed

Clause 17, How Questions of Fact to be Brought on Appeal?

--- Agreed

Clause 18, Filing and Service of Appeal Book?

--- Agreed

Clause 19, Hearing of Appeal?

--- Agreed

Clause 20, Fees? Agreed?

AIR MARSHAL CAMPBELL: Is that normal practice in the south?

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor? Clause 20?

LEGAL ADVISOR (Mr. Smith): Yes, what do you mean by ordinary practice? The judge of the court sets the fees.

AIR MARSHAL CAMPBELL: In the south?

LEGAL ADVISOR (Mr. Smith): Yes, I would say that is normal practice.

AIR MARSHAL CAMPBELL: Agreed.

THE CHAIRMAN (Deputy Commissioner Parker): Clause 21, Magistrate's Court?

--- Agreed

Clause 22, Exercise of Powers and Duties?

--- Agreed

Clause 23, Clerk?

--- Agreed

Clause 24, Court Seal?

--- Agreed

Clause 25 Actions in Magistrate's Court to be Proceeded with as an Action in Territorial Court.

--- Agreed

Clause 26, Rules Committee, et cetera?

--- Agreed

Clause 27, Juvenile Court?

MR. TRIMBLE: Mr. Chairman, does this mean that the only Juvenile Court in the Territories would be the Magistrate's Court?

LEGAL ADVISOR (Mr. Smith): Yes.

THE CHAIRMAN (Deputy Commissioner Parker): Does this have to do with the appointment?

LEGAL ADVISOR (Mr. Smith): There is a difference between a juvenile court and juvenile court judge. A juvenile court judge has powers which are granted to him by The Juvenile Delinquents Act of Canada. He is not a court of record, he is a judge, a person who is exercising his powers that are granted to him under The Juvenile Delinquents Act. He has no records or clerk. He just decides things in accordance with the powers granted to him by that Act, but the Magistrate's Court, however, is a court with records which are confidential, a juvenile court has other and different powers under the same Act.

AIR MARSHAL CAMPBELL: Could I ask if he has to be a member of the Bar Association prior to appointment?

MR. SEARLE: Not under The Juvenile Delinquents Act.

LEGAL ADVISOR (Mr. Smith): A judge of the juvenile court will continue to be appointed under The Juvenile Delinquents Act of Canada. The Commissioner will not have that power.

AIR MARSHAL CAMPBELL: You missed my point, Mr. Legal Advisor.

MR. TRIMBLE: I can take it that this clause would not change the present situation?

LEGAL ADVISOR (Mr. Smith): No, it wouldn't.

THE CHAIRMAN (Deputy Commissioner Parker): Clause 27, agreed?

--- Agreed

Clause 28, Records of Court?

--- Agreed

Clause 29, Detention Homes?

--- Agreed

Clause 30, Appointment of Officer for Juvenile Delinquents?

--- Agreed

Clause 31, Commissioner's Regulations?

--- Agreed

Clause 32, Continuing Provision?

--- Agreed

Clause 33, Police Magistrates Deemed to be Magistrates?

--- Agreed

MR. SEARLE: Mr. Chairman, going back to a point the Air Marshal and I were discussing last evening at your barbecue --

MR. PRYDE: The bar?

MR. SEARLE: I would assume under Clause 31, the powers to regulate, where you get down to paragraph (d) providing for the benefit to which magistrates are entitled, including the circumstances under which leave of any kind may be granted with or without pay, and pension benefits, particularly pension benefits, that they will not be less than they would otherwise have been entitled to when they joined the Federal Service. In other words, what I don't or wouldn't want to see happen to anybody and I think you acknowledge this with your own public servants in that if they join a federal service on the basis of certain pension rights and remain for "X" number of years in that service and then transfer to the Territorial Government, that the regulations passed here would not be less than the basis of their original contract.

THE CHAIRMAN (Deputy Commissioner Parker): We have given this commitment: That we must live up to these types of benefits that have been promised in the past when we accept people on transfer from the Federal Service, this applies to transfers in this area.

MR. SEARLE: I am satisfied then.

THE CHAIRMAN (Deputy Commissioner Parker): Clause 33?

--- Agreed

Clause 34, Repeal?

--- Agreed

Clause 35, Coming into Force?

--- Agreed

Gentlemen, we have concluded this matter with the exception of returning to Clause 10 when the Legal Advisor has additional information available to us on dollars. Is it your wish I now report progress?

--- Agreed

We will recess for a few minutes.

--- SHORT RECESS

Report of the Committee of the Whole to Consider Bill No. 8-43: An Ordinance Respecting Magistrates And The Magistrate's Court.

THE COMMISSIONER: Council will now come to order. Deputy Commissioner Parker?

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, your Committee has met to study Bill number 8-43 and wishes to report progress.

THE COMMISSIONER: Thank you. Air Marshal Campbell, are you ready to deal with Bill 6-43?

AIR MARSHAL CAMPBELL: The Information has just been circulated and I would prefer to defer until such time as individuals have had a chance to digest it.

THE COMMISSIONER: I would suggest that we recognize the clock as one o'clock and give you time to go and see the display that Deputy Commissioner Parker invited you to go and see. If there is anyone in the audience who would like to go along, I am sure you will be welcome. Then upon resuming our business this afternoon, we will move into Bill number 5-43. This is An Ordinance To Provide Medical Care For Residents Of The Northwest Territories. We tried to hold some of these Bills back until other Members who were in transit could get here, but I think we have just about held them back as long as we can. With due reference to those Members who are here, we have to proceed, so if that is agreed, Council will stand recessed until 2:30 p.m. this afternoon.

--- LUNCHEON

2:30 p.m.

THE COMMISSIONER: Council will come to order. When Council recessed this morning I advised Council that we would move into Bill number 5-43 under Item 8. I wonder, Mr. Trimble, if Council would mind if we changed the number since additional Members are here now? If we reverted to Item 1 and went through it quickly to give them a chance in case they have a notice of Motion or anything like that. Dr. Barber was delayed from the point of origin in getting here and Mr. Stewart was tied up with a meeting of the Freshwater Fish Marketing Board in Hay River both last night and this morning. Is this all right?

--- Agreed

Item 1, Questions and Returns.

Item 2, Oral Questions.

Item 3, Presenting Petitions.

Item 4, Notices of Motions.

Item 5, Motions.

Item 6, Tabling of Documents.

Item 8, Motion to Resolve in to Committee of the Whole for Consideration of Bill number 5-43 moved by --

MR. SEARLE: On a point of order, Mr. Commissioner. The point raised by Air Marshal Campbell was, "shouldn't we put the means of raising the money, namely, an amendment to the School Tax Ordinance in the same Committee for discussion" because that, I believe, will be part of it and if you would like to do that, I will be pleased to chair both of those.

THE COMMISSIONER: Just a second.

DR. BARBER: Empire building!

THE COMMISSIONER: Bills number 5-43 and 9-43. Mr. Fairbrother isn't here but I do not imagine he would have any objection to this. I will ask for a Motion to refer Bills number 5-43 and 9-43 at this time to the Committee of the Whole for consideration. Moved by --

MR. STEWART: A question. Has Bill number 9-43 had second reading?

THE COMMISSIONER: Yes, this morning. That is why I did not refer to Item 7 because it has already been done. Moved by Mr. Searle, seconded by Air Marshal Campbell. All those in favour signify in the usual manner. Against, if any?

--- Carried

Council will resolve in Committee of the Whole for the consideration of Bills number 5-43 and 9-43 with Mr. Searle in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories, Bill No. 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 5-43, AN ORDINANCE TO PROVIDE MEDICAL CARE FOR RESIDENTS OF THE NORTHWEST TERRITORIES.

THE CHAIRMAN (Mr. Searle): The Committee will come to order. Gentlemen, I have one or two initial comments with your forbearance here. First of all, we have for the Government side, advisors Mr. Cross and Dr. Butler who are here and are prepared to appear before this Committee.

- Delegation from United Steelworkers of America

Secondly, I am advised that we have a delegation from the United Steelworkers of America who are concerned about this Legislation and are prepared to make one or two brief comments if the Committee wishes to hear them. I notice in the gallery Mr. Bill Berezowski, the full time organizer for the United Steelworkers of America. If the Committee so wishes, he has indicated to me he would be prepared to come forward and make a brief statement on the position of the Union regarding this Legislation. So we therefore have, to my knowledge, to sum it up, on the Government side Mr. Cross and Dr. Butler and Mr. Berezowski from the public for the United Steelworkers of America. What are the feelings of the Committee as to hearing Mr. Berezowski of the United Steelworkers on the one hand and on the other hand of calling to the witness table Dr. Butler and Mr. Cross?

MR. PRYDE: No objections. If everyone is agreeable I think it would be appropriate if we heard introductory remarks by the Administration before we began the Bill.

THE CHAIRMAN (Mr. Searle): I see. Any suggestions?

AIR MARSHAL CAMPBELL: On the point made by Mr. Gilchrist who was speaking earlier on in this Session...

MR. TRIMBLE: I would like to hear from Mr. Berezowski and since I would think that Mr. Cross and Dr. Butler would be sitting at the Advisors' table throughout the discussion in Committee, I wonder if it might not be advisable to have Mr. Berezowski present his points of view on this before we proceed further?

THE CHAIRMAN (Mr. Searle): I would be prepared to do as the Committee wished. Is it agreed that we call Mr. Berezowski first to start the matter off?

--- Agreed

Would you come forward, please, Mr. Berezowski?
It appears he is bringing with him Mr. Walcer, the president, I think, of the Giant Local.

MR. WALCER: President of the Steelworkers Area Council.

THE CHAIRMAN (Mr. Searle): Is it agreed that I simply ask Mr. Berezowski to make what comments he wishes to make?

--- Agreed

Would you please proceed, Mr. Berezowski? Please be seated.

MR. BEREZOWSKI: Mr. Chairman and Members of the Council, we appreciate this opportunity of appearing before you. It is several years since we have been here -- three years -- on the matter of the Labour Standards Ordinance which this Council passed.

Primarily, I would like to relate to you that our membership, some 1000 members in the Northwest Territories, is extremely interested in the community as a whole and is desirous that the Medicare Bill before you become an Ordinance following this Session of Council. We have just concluded meetings of our local union officers and stewarts and I believe communications from our Pine Point people to this effect have been forwarded to you. I think it would be presumptuous on my part to take up any of your time on the advantages of Medicare. Indeed, I believe Council has agreed in principle. Most certainly, since the Government of Canada passed Medicare some years ago there has been considerable debate and discussion and medicare programs have been enacted across the country in the various provinces. I don't think I have to spend any of your time in outlining the alternatives. The alternatives are rather few. The Yukon-B.C. arrangement has its limitations. Of course, there is the question of private insurance. That is available to groups and to individuals. It would be a matter of having to pay the cost of medical insurances on their own - I don't see what obstacles are before you as a Council in establishing the Medicare Ordinance in the Northwest Territories. I could relate to you some of our experiences because in our union we have some companies covered with Yukon-B.C. plan.

We also have one small company covered by private insurance and the cost of medical care, when comparing the two systems, is much higher with the private insurance company.

An interesting point was raised by our members. There are provisions in this Bill for agreements with the Federal Government for them to provide federal financial contributions to the Medicare program. It has been suggested that at some time in the future, or perhaps in the very immediate future this could be an avenue whereby the disposition of Territorial natural resources can be brought to the attention of the Federal Government in a very realistic way. I know Council Members as a group have debated this question and have expressed the necessity of controlling our natural resources in the Northwest Territories. When and if this comes about remains in the future. The fact is that with the Federal Government in control of our natural resources, their share in such costs as Medicare should be proportionately higher to the Territories, and to the provinces who control their own resources. As an illustration, mines such as Pine Point, if taxed one-twentieth of their net profit, would produce something like one million dollars to the treasury of the Federal Government, to be shared with the Territorial Government. We are not making any hard and fast suggestions at this time. The matter has been discussed among our members and I believe it has been discussed in the community at large. The disposition of our natural resources, their utilization and the returns thereof should be brought back to the people in one form or another. It is quite possible that any future increase in the costs of medical care might be lessened in this way.

I would like to conclude, Mr. Chairman, by saying that we are very hopeful that this Council will establish Medicare. I would be unfair if I did not say that our members would like to see an extension of medical services beyond the services proposed in this Bill. We would like to see free drugs, we would like to see dental care, and we would like to see all aspects of the health question handled in this manner. We are optimistic that in future, we will in these Territories as elsewhere, achieve an organized approach on all facets of health which in this day and age should be our prime concern.

Mr. Chairman, we are hopeful and we are quite confident that the Medicare Bill will be enacted as law. Thank you very kindly.

--- Applause

THE CHAIRMAN (Mr. Searle): Thank you very much Mr. Berezowski. The Commissioner has indicated he wishes to speak.

THE COMMISSIONER: I cannot help but start by saying that you, Mr. Berezowski, have created quite a stir in this room. I will say that in introducing these two Bills from the point of view of the Administration we carefully looked at all aspects of Medicare and while we acknowledge the points that have been raised and would like to provide more benefits, it is a question of getting it introduced and working out the necessary details and, of course, the number one question as far as we are concerned, the defending of it. Possibly one of these days, as our experience grows in the matter of Medicare, we can look at these aspects of it.

- Financing of Medicare

The twin Bill, the Bill on raising the necessary finances - this was a lot harder to do than what it may seem on the surface. The Treasury Board, who will make a contribution on behalf of the Federal side and will pick up certain costs for Indians and Eskimos, insisted that we must make a contribution in the initial year. From then on, of course, it is part of the normal budget, part of the normal appropriations, part of the normal estimates. In the initial year we must raise "x" dollars as our contribution toward the Medicare plan. We looked at it very carefully and came up with a number of alternatives and after considering them all, we came to the conclusion that this would probably raise the necessary funds and it would be spread over on the basis of those who can most afford to pay. In other words, those who have more resources, those who perhaps are in a better position to contribute will naturally have to pay a little more. We thought over such ideas as a sales tax, which I know shakes fear into the Council, and perhaps even more so the Administration, because we just cannot conceive how we could reasonably raise enough money with a sales tax without having to charge or impose a substantial tax to take care of the cost of administration. As you know, there are substantial amounts of goods purchased outside of the Territories directly by residents, and I think that our record as an Administration certainly and our staff more and more have channelled their purchases to within the Northwest Territories, rather than from outside, but there are still a lot of purchases made directly from the outside and the question is how would we catch this? For example, in Alberta, there is no sales tax. We then would have to then try and devise some system whereby we could collect sales tax for those goods coming in from Alberta purchased directly by the consumer. After looking at it from all angles, we came to the conclusion that this was the best all around way of doing it. This is the - perhaps if we spent more time we might devise a quicker way of going about it, but we have to raise so much money, so we decided to lay it on the table, and this is our recommendation to Council.

THE CHAIRMAN (Mr. Searle): I wonder if I might suggest the Committee direct any questions they wish initially to Mr. Berezowski and then we could perhaps let he and Mr. Walcer go and then we could have Doctor Butler and Mr. Cross come to the table, if that is desired. Therefore, if you agree with that, are there any questions that occur to Members arising out of the address to Council by Mr. Berezowski?

If there are no questions, may I then --

MR. BEREZOWSKI: I hope I was not misunderstood. I tried to say two things: Number 1, we are hoping this Bill goes through as it is with the proposed method of arranging money. In the future these sources of income, for the extension of programs of medical care which I mentioned earlier are economic facts which our Members and I am sure the community at large are beginning to discuss.

MR. TRIMBLE: Just one question I would like to ask of Mr. Berezowski, and that is if to his knowledge any of the provinces have additional coverage under their medical programs than what is proposed in the Bill before us.

MR. BEREZOWSKI: I would hesitate to make a definite answer on that question, Mr. Trimble. I am sure there are different benefits in effect in the provinces. I did not bring with me any statistical material to state definitely or precisely what they are in the provinces. I can anticipate in the provinces they are thinking of complete medical coverage, including free drugs and dental service.

THE CHAIRMAN (Mr. Searle): If you got the additional coverage here, then when you got to the other provinces you could --

MR. BEREZOWSKI: I have spoken of what our members would like to see. I made it very clear that we support this Bill and would like to see it go through.

THE CHAIRMAN (Mr. Searle): Are there any further questions of Mr. Berezowski? If there are none, then I would like to, on behalf of the Committee thank you very much, Mr. Berezowski, for taking the time to come here and speak to us.

MR. BEREZOWSKI: Thank you.

--- Applause

THE CHAIRMAN (Mr. Searle): Is it the Committee's wish that we now ask Doctor Butler and Mr. Cross to take the witness table to answer any specific questions that may arise as we go through the Ordinance clause-by-clause?

--- Agreed

DEPUTY COMMISSIONER PARKER: And Mr. Gilchrist.

THE CHAIRMAN (Mr. Searle): May I suggest that we start then with general discussion.

AIR MARSHAL CAMPBELL: Could we have a general statement on behalf of the Administration on what has happened since the last Session, there are many Members who have just recently arrived and I do not think they have even had a chance to read the paper.

THE CHAIRMAN (Mr. Searle): Would you give us, Mr. Gilchrist, possibly an up-to-date picture on what has been done since the last Session?

MR. GILCHRIST: Mr. Chairman, we brought forward this Ordiance again, of course, because there are a number of people in the Territories who are unable to get insurance against medical expenses because there are a very much larger number of people who are paying 100 per cent of their medical costs, while the rest of the residents of Canada are enjoying the cost-sharing program where the Federal Government pays 50 per cent of these costs.

We feel that we have to keep bringing this Ordinance back to Council until we get a program that is acceptable. The principal changes in the Ordinance that we are putting before Council today, the changes from the previous Ordinance, first of all, are limiting the coverage in the Ordinance to those medical services that will be cost-shared by the Federal Government. We are only dealing here with the program that has been approved by the Medical Care Act of Canada and in which we can enjoy a 50 per cent subsidy from the Federal Government. We believe that if there are additional services that the Council would like to cover, that these all don't have to be covered in this Ordinance and we would simply cover them through the Appropriations Ordinance as we did some other free medical services such as we have in our control programs for TB and cancer and so on. The other change in the Ordinance is we spelled out some of the responsibilities of the doctors they have to declare themselves whether they are in the scheme or not. We have also provided in the Ordinance that insurance may no longer be sold in the Territories to cover the particular items of insurance services that are covered under this scheme. I think the major change is the one that limits the Ordinance to those ordinary services that are covered by the Federal Act.

AIR MARSHAL CAMPBELL: Yes --

THE CHAIRMAN (Mr. Searle): Is that contained in paragraph 2(c)?

MR. GILCHRIST: Yes.

AIR MARSHAL CAMPBELL: An explanatory paper was circulated to the Members. Would you care to go through that also?

MR. GILCHRIST: Very roughly in this paper we have spelled out what we think will be the maximum cost of the program in the Northwest Territories, and it comes to $1,467,000. At present, of course, the Federal Government continues to pay practically 100 per cent of the medical costs for Indian and Eskimos. They have agreed that they will continue to make these payments so that the contribution that we can expect from the Federal Government, is, first of all, a contribution to all residents equal to one-half of the average cost of medical care in Canada, which the latest estimate we have is $48 per person. If we enter into this agreement with the Federal Government, we will expect a contribution from them of $24 each for the 32,000 residents, which will provide $768,000 towards the total cost. In addition to that, they will pay the difference between this 50 per cent grant and what we estimate to be the estimated cost for medical care for Indian and Eskimos. The NWT annual cost we are calculating at $43.25, and we have already received $24 for everybody, so the difference is $19.25. The second grant we would expect from the Federal Government to cover the balance of Indian and Eskimo share of $346,500 which, when taken away from the total cost of the scheme, means the cost to the Territorial Government, it will have to raise $352,500. That would be our share of the cost at this time. If the Plan is brought in, they would have certain savings on medical costs we now pay for indigents and free medical services such as we have, which on last year's expenditure figures would be around $60,000. So, we are looking for a total amount of $292,500 as the NWT share. The Commissioner has already outlined some of our thinking on how the money is going to be raised, but continuing on through this Paper, we are proposing an amendment to the Petroleum Products Tax Ordinance that will increase the tax on petroleum products other than heating oil. The increase is one cent a

gallon on aviation gas, two cents on other gasoline and one cent on diesel fuel for vehicles, and our estimate on this is that it would produce $291,000. That roughly is the statement, Mr. Chairman.

AIR MARSHAL CAMPBELL: Mr. Chairman, one method of financing this proposed plan - there is one major difference which Mr. Gilchrist has not touched on between the method of financing, proposed for the Territories versus how it is financed in southern Canada. In southern Canada, in almost all the provinces, the individual pays a premium for medicare. Here it is proposed that no individual in the Territories will pay any premium. In other words, it is scot free individually speaking. I wonder if Mr. Gilchrist could explain his reasoning for that.

MR. GILCHRIST: We did consider this, Mr. Chairman, and as you know, to participate in the Federal plan, it has to have universal coverage. The minimum the Federal Government prescribes is 90 percent of the residents have to participate in the scheme. In order to get 90 percent you have to make a pretty careful canvass of every resident. You have to advertise official notices and then follow them up in order to get them into the Plan. In all provinces, there are a large number of people who can't pay all of their premium, they only pay part of their premium, and in most provinces, and as a matter of fact, all provinces, this has resulted in very large staff to do this work, to do the registration, keep it up to date, collect the monthly premiums and to determine who can pay and whether they can pay 100 percent or a porportion of it.

In the Northwest Territories, of course, less than half of our people would be paying premiums, and when we examine it in registering far more people then that would not be able to contribute to this program at all, and our view is that if we introduce this premium system that the additional administrative costs would far outweigh the benefits that would derive from a direct charge against the residents. We do think that his particular petroleum products tax that we are imposing will, to a large extent, tax those people who are now paying for their medical care service through premiums or through their own savings.

THE CHAIRMAN (Mr. Searle): One way you enforce 100 percent participation too, is through Clause 19 where you declare all contracts for medical care services presently to be void. Isn't that true?

MR. GILCHRIST: You are certainly more familiar with it than I.

THE CHAIRMAN (Mr. Searle): You are certainly not just using persuasion.

MR. GILCHRIST: Unless you want to pay for it out of your own savings.

DR. BARBER: I have one specific question relative to the previous comments, and a more general question about the administration of this Ordinance. The specific question is, I take it from reading the Ordinance and the explanation paper that Indian and Eskimo people will be covered in exactly the same manner as all other people. There will be no differentiation whatsoever, whereas any method of premium payment would involve a differentiation.

DEPUTY COMMISSIONER PARKER: They would label them as medically indigent in many cases.

DR. BARBER: This is an added advantage in the Northwest Territories with this particular approach to the problem you are confronting so that all people are treated the same for purposes of payment of medical care costs.

MR. GILCHRIST: It takes away the designation or stigma of indigent.

DR. BARBER: There is no stigma to anyone. I think that is a very important consideration here. The general question I have regarding the administration of medicare could be brought up in clause-by-clause study, but when the previous Bill was before us and now that this one is before us, I wondered about the cost of operating this particular plan for a total of 30,000 or 32,000 people. I wondered whether or not the Administration gave any consideration to attempting

to negotiate with one of the provinces to have the Northwest Territories' plan administered, the records kept as an appendage to some provincial plan? Most of the plans I know of are operated with pretty sophisticated computer programming. Accounting, data collecting and the receipt writing and what-not are all highly automated. To duplicate that process here for 30,000 people is a fairly costly administrative proposition where all the programmes exist, the computers exist and the information can easily be transferred. Has any investigation of this type been done?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, we considered this but, with what might be called the unusual population distribution and break-down, this made certain difficulties obvious. Furthermore, we can now be under one administration and use the same clerks and officers as we proposed to for T.H.I.S., which makes the whole thing much more viable.

DR. BARBER: I appreciate that, but what kind of difficulties? The population dispersion and the lack of concentration is a problem whether you establish the computing, accounting, record-keeping system here in Yellowknife or whether you buy that service from an outside agency. The outside agency in all cases is a provincial organization but that seems a bit beside the point. It could be a private agency supplying this type of service, but these are pretty highly sophisticated programmes and are operated on pretty highly sophisticated electronic equipment. You know, this is a minute portion of the operation, say, of the Saskatchewan Medicare Program or the Alberta Medicare Program. I don't see any difficult technical reason why our plan could not be appended. Maybe there are difficult technical reasons, but I would like to hear some more about that aspect of it. I think we could save money.

MR. GILCHRIST: Mr. Chairman, we haven't by any means finalized the details the Honorable Member is talking about but we have already gone to the Province of Alberta; we have discussed with them the methods that they use in recording the statistics and making payments to doctors and they have given every indication that if we can adopt the same plan of records as they are taking, if we are reasonably close and agree with their fees and other items that Dr. Butler will point out, we could probably work into their computer. On the other hand, you know, we have a small computer of our own that will be very helpful in the recording of these statistics and recording payments to doctors, but again, we have not given up running this detailed information you are talking about through the Alberta computer.

DR. BARBER: I am pleased to hear that but I would like to encourage you to press hard on that aspect of it. The facts of the matter are that the cost of computing goes down "X" dollars as the size of the machine used for the purpose increases. The cost is very, very low when you get a large machine and the load that you are going to impose on any system like that is just negligible relative to what they have already got built it. It is not difficult to differentiate the Territorial information from the provincial information, not difficult at all technically.

DR. BUTLER: There are a few difficulties, I think, and we propose to use a different fee schedule and of course, most other provinces are registered -- every individual is registered with a number and that creates difficulties in the North because there are changes of names and people change names at a certain stage of their life which can present difficulties to computers. At the moment we are

using a computer for five thousand people, an IBM computer, and there is waste space on it and the charge for this is quite reasonable. We have this for our own program. They produce the sheets every month to us and all the statistics at the end of the year at a very reasonable cost. You don't have a separate computer for an operation like that.

THE CHAIRMAN (Mr. Searle): The T.H.I.S. office referred to, which makes it possible to administer the medicare plan, would be in Edmonton, wouldn't it?

DEPUTY COMMISSIONER: Yes.

AIR MARSHAL CAMPBELL: The administration of this plan, should be comparatively simple compared with provincial plans by virtue of the fact, as far as I can see, is all they have to administer is after a person gets sick is to pay the bill.

THE CHAIRMAN (Mr. Searle): Excuse me, but Mr. Pryde asked for the floor.

MR. PRYDE: Mr. Chairman, if the other Members of this Committee wish to carry on this topic, I am quite prepared to stand down until a later opportunity.

DR. BARBER: I have no more comments. I think I have made my point and I would just like to see it vigorously pursued before it is abandoned. The biggest problem is the institutional problem, not a problem of mechanics. The province might say "We don't want to do it", or the Territories might say "We don't want to do it", but surely there is some point at which the economics should override the institutional rigidity in a situation like this. I think we might save money.

THE CHAIRMAN (Mr. Searle): Might I suggest from the Chair that as this deals not strictly with the Bill but how the thing is set up, you could, if you wish, put a Motion for direction as to the setting up of it which I will report also at the same time as I report the Bill.

DR. BARBER: I am satisfied with the Bill presently.

THE CHAIRMAN (Mr. Searle): Are you finished then?

DR. BARBER: I am finished for the present time, thank you.

THE CHAIRMAN (Mr. Searle): Are there any other comments of a general nature before we get involved in a clause-by-clause study?

MR. PRYDE: Mr. Chairman, reading through this information paper, I note that the present estimated cost of the medical services for residents of the NWT is $43.25 per person per year. I wonder if that is based strictly on medical services such as those to be covered under Medicare or whether that would include all health services, and on what basis was the projection of the cost made?

MR. GILCHRIST: It is based only on the services that are included in the Medical Care Act (Canada) as a result of a study made by National Health and Welfare.

THE CHAIRMAN (Mr. Searle): It is still possible ---

MR. PRYDE: I note further, Mr. Chairman, that virtually all Indians and Eskimos of the NWT receive free health services, not merely medical services, but free health services. Under Medicare would the Indians and Eskimos who presently receive full health services, including dental work, optician work, etc., also receive all those health benefits or would they be confined merely to the medical benefits under this Plan?

THE CHAIRMAN (Mr. Searle): Dr. Butler?

DR. BUTLER: Mr. Chairman, there is no difference at the moment between Indians and non-Indians or Eskimos in the Northwest Territories. Every resident of the Northwest Territories is entitled to receive what we call public health services. There are such things as chronic, vaccination, home visiting, what we call public health services. Medical services, anyone who is indigent at the present time receives them, whether he be Indian, Eskimo or white. The fact remains that probably 95 percent or 98 percent of our native population may be classed as medically indigent, whereas in our white population it would be a much lesser percentage. Under this Act, everyone would receive free medical services but you have to distinguish between public health services and medical services.

MR. PRYDE: Would public health services include dental work?

DR. BUTLER: No, dental work or drugs or anything like that is not included in public health services.

MR. PRYDE: But an indigent person whether Eskimo, Indian or white would get free dental work?

DR. BUTLER: This would cover medical services and does not cover dental services or drugs. However, if a person is indigent, he would receive dentistry free and he would receive drugs free. There is still the question of indigency.

MR. PRYDE: Mr. Chairman, if an Eskimo or Indian were indigent, would he have to pay for those health services on a par with any other person in the NWT? In other words, if he required dental treatment, would an Indian or an Eskimo have to pay for those services?

DR. BUTLER: Mr. Chairman, yes.

MR. PRYDE: Mr. Chairman, one of the very strong points brought out by the Indian people of the Territories on several occasions has been ---

THE CHAIRMAN (Mr. Searle): I was wondering when you were going to get around to that.

MR. PRYDE: --- has been the fact that in their eyes the Federal Government has not lived up to the Treaties. At the last Session of Council, I quoted at some length a part of one of the Treaties which stated that free health services would be provided to the Indians. It didn't differentiate between indigent Indians or affluent Indians, and many of the Indians have been very concerned not only in the NWT, but in southern Canada, so much so that it has become a very, very sore point and when we enact this type of legislation which is for the benefit of the people of the NWT as a whole, I would like to know why we cannot at the same time have the Territorial Government recommend to the Federal Government that they carry out the conditions set forth in the Treaties, namely, that Indians who signed Treaties should be given free medical services, and this would not merely apply to medical services under Medicare, but apply to dental work and everything else concerned with health. I know in saying this it might not be too popular with many white people. Many white people might think Indians and Eskimos would be getting something for nothing, something which we ourselves do not get. On the other hand, I believe that if a Treaty

is made that the conditions of the Treaty should be carried out by both parties, not merely by the Indians alone, but by the Government also. Could we have some comment from the Commissioner or the witnesses, please?

THE COMMISSIONER: Actually, there are two questions under discussion the way Mr. Pryde phrased it. One, of course, we have no control over, that is the question of the Treaties and whether or not the Federal Government lived up to them. It is within Council's power to make a recommendation if we saw fit and pass it on, but it would seem to me that this would be a difficult enough task after Council has dealt with this to explain just what we have done here, and I would suggest that perhaps the two should remain separate. We should deal with this and the things it recommends and either accept or reject or add or whatever you want as far as is within our powers. Perhaps if Council wishes to do as Mr. Pryde suggests, that could be the subject of a separate Motion. That is the only way I can answer. Please accept it in that spirit.

MR. PRYDE: I accept the advice of the Commissioner and I will bring this up in the form of a Motion. I will give notice of a formal Motion to that effect tomorrow morning. Thank you.

THE CHAIRMAN (Mr. Searle): Are there any other general comments?

MR. TRIMBLE: Mr. Chairman, I would like to ask our advisor the same question I asked previously, and that is whether or not any of the provinces in their medical plans have additional coverage than what is envisioned in the Bill before us?

MR. CROSS: Yes, Mr. Chairman, they do.

MR. TRIMBLE: Could we have an outline as to some examples of what this coverage might be and what provinces have it?

MR. CROSS: Alberta covers optometry, chiropractic, physiotherapy and certain aspects of dentistry which go beyond what is cost-shared within the Medicare Plan, but no dentistry *per se*. B.C.'s coverage is slightly less than Alberta. I have legislation from the provinces which indicates this. No two provinces cover the same thing. The things beyond medically necessary physician services are not cost-shared under the Federal Plan. They are wholly funded by the Provincial Government.

THE CHAIRMAN (Mr. Searle): I wonder if the Committee would permit me to ask a question from the Chair?

DR. BARBER: If it is an intelligent question.

THE CHAIRMAN (Mr. Searle): You have to wait until I ask it. In the North here, where so many of the more sophisticated operations that must be done or specialist services in connection with even an unsophisticated operation has to be done outside of the Territories, and the person is recommended to go, say, to Edmonton, to Charles Camsell Hospital, would one's transportation costs to and from Edmonton be covered under the Medicare program, or would you simply be advised that such and such an operation was needed and have to go to Edmonton to get it and once you get there your hospital and your medical expenses are paid, but your travel costs are yours? The point being, of course, that your travel costs are probably going to be

about 50 percent of your total cost.

DR. BUTLER: Under this Ordinance before you, I remember at a previous Session of Council, Council had approved us to pay anything in excess of approximately $70 each way.

In other words, patients could be chartered out and the excess expenditure, anything above the ordinary fare from Yellowknife to Edmonton was paid by the Territories.

THE CHAIRMAN (Mr. Searle): If you are in Yellowknife and you have to go, you have to pay your return fare?

DR. BUTLER: The idea is to cut the very high cost of chartering out, or people coming from places like Spence Bay, which is very costly, not to take the excess costs up.

MR. GILCHRIST: If a resident of Yellowknife has to go out several times, after the first two trips he has his fare paid, but the medical plan only pays doctors' bills.

THE CHAIRMAN (Mr. Searle): T.H.I.S. pays hospital bills, but the air fare to Edmonton and return would not be paid.

MR. TRIMBLE: Mr. Chairman, this transportation subsidy becomes more interesting the more I hear of it. To begin with, the decision that was made by Council and which I referred to a year ago, and was made some four or five years ago, I believe, was that all transportation costs were to be paid by the Government in excess of, if I remember correctly, $60. We find out it is $70. My understanding at that time, whether I am right or not I am not certain, but my understanding was that it was the complete transportation costs in excess of $60 and now we find out it is only one way in excess of $70. I would like some definite clarification as to just what the subsidy is, regarding transportation costs for medical services.

DR. BUTLER: The maximum a person has to pay at the moment is $66 one way, each way. If he goes out and comes back, he has to pay $132. The reason it was raised from $60 upwards was for people living in the Yellowknife-Hay River area, it would be larger costs to return one or two dollars to them, and we found this was not necessary and was not administratively realistic. This is why it was necessary for Council to raise the minimum by a few dollars.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, it has not changed in intent, but it has been more or less tied with the PWA air fair Yellowknife-Edmonton and return.

MR. TRIMBLE: Certainly if someone has to go out to Edmonton for medical purposes, they have to come back. Therefore, in my opinion, the purpose of Council in establishing a $60 rate some years ago is frustrated when instead of $60 it is doubled and then some. A person has to get back and therefore it is no longer $60, it is twice $60.

DR. BUTLER: The rate was always $60 since Council first introduced it. The rate was always $60 one way and $120 return from the time it was first introduced by Council.

MR. TRIMBLE: That was not my understanding at the time and I do not recall it being explained to us in that way.

THE CHAIRMAN (Mr. Searle): But apart from these arguments, it seems to me that somebody is still going to have to pay - just take for ease of discussion, the return fare Edmonton to Yellowknife, or Yellowknife-Edmonton, and that somebody is either the employer in the case of someone working for the mines, the Government of the Northwest Territories, if he happens to be lucky enough to be a Government employee, Federal Government, if he is a Federal Government employee, and the private individual probably working for or in business or the professions, if he is not lucky enough to be employed by someone with a large gold mine industry or the Government.

DEPUTY COMMISSIONER PARKER: Please let me say that you must remember that the persons working for the Territorial Government and the Federal Government pay for this. We pay a

monthly premium. It is a service for which we pay and deduct.

THE CHAIRMAN (Mr. Searle): How much do you pay?

DEPUTY COMMISSIONER PARKER: It is part of our medical plan. It is a very standard amount, but I couldn't tell you off-hand. I could look it up.

MR. TRIMBLE: Please do.

THE CHAIRMAN (Mr. Searle): On a side issue, is that Government medical plan altered with the coming in of Medicare?

DR. BUTLER: It will be illegal to have certain parts of the Government medical plan in force and they will have to change and just cover extras that are not covered under Medicare.

MR. FAIRBROTHER: Does the Government feel it is necessary to carry their own employees on an extra medical service? Are there more medical services required than what are going to be covered under this medical plan? I believe the Government paid part of the cost of the group surgical-medical plan. Then why don't they consider it necessary for the rest of the people?

THE CHAIRMAN (Mr. Searle): That is a very interesting question, Mr. Fairbrother.

DEPUTY COMMISSIONER PARKER: Our Plan is self-amortizing.

DR. BARBER: For the same reason I want a larger pension than that provided by the Canada Pension Plan.

AIR MARSHAL CAMPBELL: Do you need it?

DR. BARBER: Damned right.

DR. BUTLER: If I may suggest, is it the wish of Council to increase the subsidy for transportation? I think this is up to Council, but it need not interfere with the passage or discussion on this Bill. I think it is a separate issue. It is under a Territorial approach and it is a matter of -- if it is Council's wish to increase it, that can be done, if the money is available.

THE CHAIRMAN (Mr. Searle): When you deal with something, you say this is kind of a total answer that medical costs of services and everybody is covered, but then you say it doesn't include certain services and it doesn't include air fare and it doesn't include -- pretty soon you end up wondering exactly what it does include. Certainly if it does not include air fare, that is a significant cost.

THE COMMISSIONER: Bills won't have to be paid with any agonizing slowness.

THE CHAIRMAN (Mr. Searle): Are there any further general questions?

MR. STEWART: Mr. Chairman, I would like to know whether or not the clauses that are restricted to the medical practitioner, whether these are in keeping with similar legislation in the provinces, Sections 9 and 10.

THE CHAIRMAN (Mr. Searle): Dr. Butler?

DR. BUTLER: Yes, this is on the advice of the Federal people who are administering the Federal Act that a man must elect to either be in the scheme or outside the scheme. He must have warning if he wants to get outside the scheme.

MR. STEWART: Thank you.

MR. PRYDE: Mr. Chairman, I just have one or two other comments on the information paper before us before we proceed with the Bill, or before I am prepared to proceed with the Bill. The first one is that the estimated revenue from the proposed increases comes to approximately $291,000 which approximates the cost of the Medicare service, or at least the NWT share of the Plan for the next year. When we examine the costs of aviation fuel and the amounts raised over the last three years, we find a very steady increase which makes me believe that in the year 1970-71, the revenues raised by taxation to cover Medicare would actually exceed the amount of money required to pay for the costs of Medicare. I was wondering if they do have a substantial increase in the revenue, could this be applied to Medicare extending the medical services to include, say, dental services? How does this Government anticipate spending the extra money?

DEPUTY COMMISSIONER PARKER: Mr. Chairman -- There is so much noise I couldn't hear.

Mr. Chairman, the estimates that are before you here are based on an anticipated growth in use of the petroleum products. Then again, based on our past experience, though we don't anticipate there being any extra money, any money left over beyond our requirements. We might well fall a little short.

MR. PRYDE: I doubt it very much if this paper in front of us is accurate, if your statement is completely true, Mr. Parker. Certainly a tax on petroleum products, the tax itself would remain stable, I would assume so anyway, but the amount or the number of gallons being used is going to increase year by year as the Territories develops.

DEPUTY COMMISSIONER PARKER: That is the estimate.

MR. PRYDE: I see here your estimated revenue covers the present costs of Medicare, based on the figures put before us in this paper. The actual revenue the Government will gain over the next three years will probably increase.

THE COMMISSIONER: The cost of Medicare will probably too.

MR. PRYDE: But I don't think it will go up as substantially as petroleum products in the NWT will go up.

MR. GILCHRIST: Mr. Chairman, the Member should not compare the figures here with what the increase in Medicare revenue will be because you take gasoline, the tax is 13 or 14 cents a gallon and for every extra gallon we sell next year we will make 13 cents for every gallon we sell over last year. We get 13 cents and we are proposing for Medicare only 2 cents. The increase in Medicare revenue isn't going to increase as rapidly as this shows from one year to the other.

The other point I would like to make on these increased revenues and it may be the Members will wonder what we are going to do or how we are going to spend the actual revenue we raise from these other items. Each year in our negotiations with the Federal Government they put a great deal of pressure on us to raise more money in the Territories and up to now the only thing that we can have is an increase in the volume of business of fuel oil or increase in the volume of business in the liquor system and this is the item that we use to tie off against our negotiations for additional Federal funds which are negotiated each year. So don't look on this as going to be all used for Medicare.

MR. PRYDE: I am not looking at it that way, Mr. Gilchrist. I am looking at the increase, not the total tax on the petroleum products, but the actual increase which presumably will go in act at this Session of Council and that increase alone. It appears to me just from reading this, quite logical that the geometric progression of the volume of petroleum in use up here could bring a much higher revenue to the Territories than we actually require for Medicare alone.

THE COMMISSIONER: I think the only answer we can give is that if it does in fact and we find ourselves with more money than what we anticipated and the cost of Medicare does not go up, as we anticipate that it will, then perhaps we will come back to Council and tell them and perhaps Council does not really wish to enact something further, but this is all at this time that the Federal side is prepared to give us 50 percent for. If we want to put in the other things like free drugs and things like this, we have to go it alone. They will not share it with us. If the Council at that time wants to do that, then that is quite within the realm of possibility. I think we can keep a report of how much we raise on this and I certainly say Council could look at that.

DR. BARBER: This certainly is not an ear-marked tax, is it? This goes into the general revenue fund and payments for Medicare come out of the revenue fund. Council may decide it wants more water tanks or more of something else rather than more Medicare. This is an ear-marked contribution for this particular service.

THE CHAIRMAN (Mr. Searle): I notice the last clause says this Ordinance will come into force on a date to be fixed. Is there any decision yet as to what this date might be?

MR. GILCHRIST: We are looking at April 1, 1971.

THE CHAIRMAN (Mr. Searle): Due to the fact that Clause 19 voids all other private insurance coverage, is there going to be a public announcement or public awareness so those who are paying private insurance premiums can cease and desist as of that day rather than simply an order made and hidden away in some Government file?

DEPUTY COMMISSIONER PARKER: That is a good point and we will have to make the announcement as far in advance as we possibly can and I really should like to see very little difficulty in making that relatively soon after then.

THE CHAIRMAN (Mr. Searle): Paying private insurance, I wouldn't want to be paying premiums six months after this came into effect.

AIR MARSHAL CAMPBELL: I don't think you will.

THE CHAIRMAN (Mr. Searle): Any more general discussion? I was hoping to conclude that before coffee but I was advised that coffee was available about twenty minutes ago. There are three more, Mr. Fairbrother, Mr. Pryde and Mr. Trimble. Is it agreed we stop for coffee now?

--- Agreed.

We will carry on this general discussion later.

MR. PRYDE: Does coffee come under Medicare?

THE COMMISSIONER: You will have to get elected to this club.

--- RECESS

THE CHAIRMAN (Mr. Searle): Mr. Pryde indicated a desire to speak but since he is not in the Chamber, I will strike him from the list. Mr. Fairbrother, would you care to speak?

MR. FAIRBROTHER: I was just going to ask, Mr. Chairman -- wait until I find the Bill -- regarding Clause 19 where immediately this clause comes into being or this new Ordinance comes into being, it cancels all other medical insurance in the Territories. This means that under no circumstances could anyone who wished further coverage, there is no way they could get further coverage unless they work for the Government.

MR. CROSS: That is not correct, Mr. Chairman. This clause only cancels out the services covered under Medicare. Any other coverage is perfectly legal and will be continued at the individual's own prerogative.

THE CHAIRMAN (Mr. Searle): If you read the clause, it says it refers to all or any part of the cost -- insured services rendered here. If you look back and see what insured services are, those services wouldn't be covered. You can insure for additional services, and services that are not covered under this plan.

MR. FAIRBROTHER: Can I ask one other question then? When Medicare went into effect in Alberta it effectively closed down M.S.I. and those of us who were insured under M.S.I. did not have an opportunity to be insured under M.S.A. Yukon-British Columbia and I assume when this Medicare comes into the Territories and probably the Yukon Territorial M.S.A. will no longer be available and I assume only this plan will be available. Where would you attempt to get this additional coverage when this problem is effective if it is going to cut this insurance business off?

DR. BUTLER: Mr. Chairman, I would imagine that M.S.A. would continue to give coverage for items not covered under this Ordinance. That is a presumption on my part but I think it is probably correct. Certainly the Government scheme is for both Federal and Territorial employees, that continued after the introduction of medical care but it only covered things like drugs and other items that were not covered under the Ordinance.

THE CHAIRMAN (Mr. Searle): Anything further, Mr. Fairbrother?

MR. FAIRBROTHER: I think that is all.

MR. TRIMBLE: Mr. Chairman, I would like to ask first of all whether or not draft regulations have been prepared under this Ordinance.

MR. GILCHRIST: No, the draft regulations we just have not had time to get around to them yet to consider the kind of items we would have to include and certainly with the change in the coverage in this Ordinance we don't think we will need quite as many regulations as we were considering under the other Ordinance but we have not been able to draft regulations as yet.

MR. TRIMBLE: Mr. Chairman, I was wondering if there is anything in the Federal Agreement for Medicare that would prevent a certain first charge being made to the insured person? In other words, say up to $10. The first $10 is paid by the insured person and all medical expenses beyond that would be paid under the plan. Do the Federal regulations prohibit such a policy?

MR. GILCHRIST: No, Mr. Chairman, if we wanted to we could initiate this as a way to make part of the payment by having the person recently serviced pay the first $10 or so.

MR. TRIMBLE: Mr. Chairman, if we did this, would we then be in a position to expect the same Federal payment to us and be in a position to increase our coverage to include certain dental treatments, certain chiropractic treatments and so forth?

MR. GILCHRIST: It is a possibility but Dr. Butler has drawn to my attention that although there is nothing to prohibit this in the Federal scheme you find they do this in Saskatchewan and the Federal Government are not anxious to do that. We have not looked at it that closely.

MR. TRIMBLE: It seems to me, Mr. Chairman, that with a complete coverage on certain things that we are likely to find a lot of people going to the doctors with very minor complaints for which perhaps they have no need. We could have doctors' offices being flooded by trivial little matters and a doctor's time being taken-up so that he cannot adequately take care of those who really need treatment and I would think that if there was some small first charge against the insured person that this might discourage a lot of trivial treatment being required and the time of the doctors being taken up unnecessarily.

DR. BUTLER: Mr. Chairman, when we were first discussing this Ordinance in our office this point did come up and we discussed it with the Federal authorities and unfortunately if you create a first charge or insurance or whatever you wish, you hit the poor people because they are people who also have to pay the charge, the kind of people who are near indigent and they need the services more than anyone else, so it is very difficult and the Government's stand on it is that it takes medical services away from those who need it most for the sake of the $1 or $2 for which you are asking.

AIR MARSHAL CAMPBELL: Or $5.

DR. BUTLER: Or $5.

MR. TRIMBLE: Just further of a general nature, I personally feel the Medicare program as outlined to us does not go far enough, and I would like to see it go further. I would like to see certain aspects of dental treatment covered, certain aspects of chiropractic and other related treatments covered, not completely but I think there should be certain basic treatments covered under our plan as well as other medical treatments.

THE CHAIRMAN (Mr. Searle): Nothing further, Mr. Trimble?

MR. TRIMBLE: No.

MR. PRYDE: A very simple question. Mr. Chairman: How many doctors have agreed to take part in the Medicare?

DR. BUTLER: Mr. Chairman, this Plan has been put to the private physicians in the Territories and they are all in agreement - there is general agreement throughout the Northwest Territories Medical Association on the Medicare system. As far as Government doctors are concerned, they will also take part and are prepared to be registered under the plan.

MR. PRYDE: In other words, all doctors in the Territories?

DR. BUTLER: All the doctors we know are prepared to take part in the plan. They are most anxious to.

MR. FAIRBROTHER: At the last Session we were discussing this and we had asked for an outline of what is covered under the Federal Act but nowhere here do I see that information. Just what is covered and what we are actually being covered for? It says here all medical services that are covered under the Federal Act, but I don't know what is covered, I was just wondering about things like, we are not covering dental but how about dental surgery?

THE CHAIRMAN (Mr. Searle): I see Dr. Butler with the Federal Act and perhaps he would give a summary.

DR. BUTLER: This is not the Federal Act. It is a book of procedures from B.C. Here is a book of one hundred and two pages of small print of doctors' services. I say everything in that book is covered. I don't think we can go over the list here. Anything that a doctor feels should be done is covered. Dental services are not covered except things like where you bring in a dentist on a fractured jaw, which is part of a medical-dental problem. Then, in this case that portion of the Bill would be covered. Extractions or filling of teeth and drugs are not covered by every medical procedure or examination is covered and, as I say, we will be reproducing the regulations in a booklet like this giving all the procedures and the fee the doctor is entitled to receive on those procedures. At this stage, we are not submitting this to Council.

THE CHAIRMAN (Mr. Searle): Anything further of a general nature? May we then proceed to clause-by-clause study?

--- Agreed

Clause 2, Interpretation?

--- Agreed

Clause 3, Agreements?

--- Agreed

Clause 4, Designation of a Director?

--- Agreed

Clause 5, Powers and Duties of Director?

--- Agreed

MR. TRIMBLE: Mr. Chairman, I notice the amounts payable for insured services. I think this is as good a place as any to inquire as to what the practice will be regarding the payment of insurance services. I assume that there will be certain rates but the Administration or Director will be setting these rates for the various services. What if the doctors are charging more than that rate? Is the insured person then required to pay the excess himself or what?

DR. BUTLER: I think the Ordinance here is if the doctor is part of the Plan, he cannot charge more than as in the schedule of fees. He is not allowed to. He cannot charge a patient any extra money. This is in the Ordinance.

MR. TRIMBLE: If the doctor elects not to be part of the Plan, I assume he is not restricted by these fees?

DR. BUTLER: That is true.

MR. TRIMBLE: Then, Mr. Chairman, what is the situation with the insured person who receives treatment from this doctor, possibly because he is the only doctor available and the charges are in excess of what is in the schedule under the Plan? I presume he can only claim for the amount that is under the Plan from the Territorial Government. Does that mean the insured person has to pay the difference?

MR. GILCHRIST: That is correct.

DR. BUTLER: On the other hand, I doubt you will find, as in B.C. every doctor will join the Plan, so I think it is a bit theoretical. We have to give the doctor the privilege of saying "I don't want anything to do with the Plan", but obviously we have found that the doctors want to join the Plan.

THE CHAIRMAN (Mr. Searle): If I could make a comment from the Chair, the obvious reason they want to join the Plan is because this is the way they will recover 100 per cent of their bills. Doctors' accounts receivable are notoriously very difficult to recover in view of the fact that the ethics of the profession is simply that you treat everybody and treat them pretty well without regard to ability to pay. This is unlike my own profession, I might add. As a result, the doctors tend to carry very, very large amounts of bad debts and their fees have, therefore, sometimes in the past reflected the fact that they tend to be a little higher. They are happier to take, I think, speaking quite frankly, what might be regarded as a lower fee on the basis of being able to collect 100 percent rather than acting out and charging slightly higher fees and collecting only 50 percent.

MR. TRIMBLE: That also depends on how long it takes to collect from the Government, doesn't it?

THE CHAIRMAN (Mr. Searle): I always thought we should insert so much after 30 days.

MR. TRIMBLE: Mr. Chairman, the situation in the Territories is a bit different in that we are a small population scattered over a vast area and if there is a doctor in private practice in a certain area of the Territories, then it is quite likely there will be no other doctor for quite some distance, which would mean, if such a doctor elected to opt out of Medicare, the people in that area would have no alternative but to accept treatment at a higher rate. This would mean that they would not be fully covered. I wonder whether the Government, if such a situation should develop, would be prepared to see that there was a doctor positioned in that area who would go under the Plan so that the people would have the opportunity of being treated according to our Plan.

DR. BUTLER: Only one doctor stationed in the North at the moment -- outside of Norman Wells which is a company town -- the rest are Government doctors, and they will all be part of the Plan. The Government doctors cover all stations in which there is only one doctor at this time.

MR. TRIMBLE: I am concerned for the future, though. I assume there will be more doctors in private practice in the Territories.

DR. BUTLER: This freedom of the individual to choose to join the Plan or not - I think a doctor at the present time, if he wants to charge $30 a visit, there is no way under the law to say he cannot do this. On the other hand, he would not. The same way in this Plan, he can opt out of it but it is very unlikely that he will because, as you say, he has a guaranteed income if he is in the Plan. He has no bad debts.

MR. TRIMBLE: My concern is for the individual patient, not for the doctor. We are providing a medical plan for all the people of the Territories, whereas in fact, if the doctor chooses to opt out of Medicare and this has nothing to do with the people he is treating, if he opts out of Medicare, then it could mean that certain people in the Territories are not fully covered.

I think it is our responsibility as a Legislature to see that they are fully covered. Yet I don't suggest that this means we have to require all doctors to come under this Plan. Could we not extend additional coverage to those who would not otherwise be fully covered? I don't see why the patient, in other words, should suffer because of it. He is paying the same gasoline tax and diesel fuel tax as everyone else.

THE CHAIRMAN (Mr. Searle): With all due respect, I really don't think that is a problem to anticipate because, quite frankly, there is a large number of people in the Territories who can't pay, particularly if you go to that remote area which I think you are talking about. A doctor is glad to be under the Plan so he can collect 100 percent of his bills and I don't really think you are going to find anybody from any remote area or in fact any area, opting out of the Plan so he can charge his own higher rates with the problems of collecting being so notoriously bad.

MR. TRIMBLE: I appreciate that, Mr. Chairman. I am also in business in the Territories and I know how hard it is to collect bills. How about the patient who has to go outside for treatment? Is he fully covered or does he have to pay?

MR. GILCHRIST: We will pay the provincial rate the doctor charges. He is fully covered.

MR. TRIMBLE: Even if that is in excess of what is approved in the Territories?

MR. GILCHRIST: Yes.

THE CHAIRMAN (Mr. Searle): Nothing further? Mr. Fairbrother.

MR. FAIRBROTHER: My question is the same as Mr. Trimble's. What happened when people go to the province of Alberta for operations and so on, what fee structure would be considered?

MR. CROSS: Mr. Chairman, that is covered in Clause 8.

THE CHAIRMAN (Mr. Searle): Clause 5, Powers and Duties of Directors?

--- Agreed

Clause 6, Annual Report and Tabling of Report?

--- Agreed

Clause 7, Residents Entitled to Insured Services? Ineligible Persons, Entitlement where Person Ceases to be Resident?

DR. BARBER: Is resident defined some place else?

AIR MARSHAL CAMPBELL: It is defined in The Elections Act, I think.

THE CHAIRMAN (Mr. Searle): It is defined in The Interpretation Ordinance under 2(h).

DR. BARBER: So, in effect there is no waiting period for a person who makes his home here?

DEPUTY COMMISSIONER PARKER: No. Under a premium plan we might have a little more flexibility in that way but under this type of a plan, we cannot.

DR. BARBER: Okay.

THE CHAIRMAN (Mr. Searle): Clause 7 agreed?

--- Agreed

Clause 8, Benefits Payable?

--- Agreed

Clause 9, Definition, Medical Practitioner May Opt Out When Notice Effective, et cetera?

--- Agreed

Clause 10, Collection of Fees in Excess of Benefits, Direct Collection of Fees, Payment Direct to Insured Person, Particulars of Account, Information Authorized?

--- Agreed

MR. TRIMBLE: Mr. Chairman, under subclause 10(3) which deals, I think, with the subject I raised, where we authorize payment to the insured person of the amount equal to the benefits payable for such insured services under the regulation even though he may have had to pay more. I wonder if it is necessary for us to have this in the Ordinance?

DR. BUTLER: Mr. Chairman, if we don't have it in the Ordinance, it gives leave to a doctor to theoretically charge $100 a visit and you would reimburse the patient that amount. This would give the doctor complete control of Territorial funds, I don't think any government can accept that. You must have control of amounts of money you pay out.

THE CHAIRMAN (Mr. Searle): Clause 10?

--- Agreed

Clause 11, Third Party Liability, Commissioner Subrogated?

--- Agreed

The Chair welcomes Mr. Williamson.

MR. WILLIAMSON: I am very happy that I finally got here through the rough weather.

THE CHAIRMAN (Mr. Searle): Had we agreed on Clause 11?

--- Agreed

Clause 12, Insured Person may Sue for Insured Services Provided to Him?

--- Agreed

Clause 13, Joining of Action Commenced by Commissioner?

--- Agreed

Clause 14, No Defence that Commissioner's Claim Adjudicated?

--- Agreed

Clause 15, Release or Settlement?

--- Agreed

Clause 16, Information Confidential?

DR. BARBER: I have one question under this clause and maybe the Legal Advisor can answer it. Is there any provision which would permit the release of information to authorized persons doing research? Or to authorized people to do research using the data collected through the Medical Care scheme? Can anybody answer the question?

MR. PRYDE: That is in here, Dr. Barber, and I am trying to find it.

MR. STEWART: Subclause (4).

DR. BARBER: That is just for publication in statistical form, but somebody involved in a research project may need more than simple statistical information if he is going to find out anything.

THE CHAIRMAN (Mr. Searle): Does it not say you can give out anything except names?

DR. BARBER: I read it to say the Director may approve the publication in statistical form of any information received pursuant to this Ordinance.

THE CHAIRMAN (Mr. Searle): Any information received.

DR. BUTLER: I think it is a good point. From what I read of this you could not give the records with names to anyone who was undertaking research. I think it is a valid point.

DR. BARBER: I know in Saskatchewan, getting permission to go into Medicare records is not an easy thing, but *bone fide* researchers who will treat the information in confidence are often permitted to search through the records and frequently come up with very useful information for revisions of the plan or judgments about it, and I would hate to see this sort of thing prohibited through inadvertence in drafting the legislation.

THE CHAIRMAN (Mr. Searle): If you care to make a Motion to have it included, we could set it aside and come back to it when we have had an opportunity to consider it.

LEGAL ADVISOR (Mr. Smith): Paragraph 16(2)(a) covers it partially, if the research is for the purpose of bettering the administration of the Ordinance. However, if that is not wholly satisfactory --

DR. BARBER: I would move that the Legal Advisor draft an additional portion to Clause 16, which would permit the practice of the legitimate researcher using the records of the Medicare scheme.

THE CHAIRMAN (Mr. Searle): Any discussion on the Motion?

MR. PRYDE: Question.

THE CHAIRMAN (Mr. Searle): All in favour?

--- Carried

We will set Clause 16 aside for the moment for Mr. Smith to work on it.

Clause 17, Right of Appeal to the Commissioner?

--- Agreed

Clause 18, Civil Actions and Liability?

--- Agreed

Concerning Clause 19, I have a new page, I think, and I think everybody has a copy of it, and I assume the new page sets out Clause 19. That was the one substituted for one shown in our books, Mr. Smith?

LEGAL ADVISOR (Mr. Smith): The other one was defective and did not cover all possibilities.

THE CHAIRMAN (Mr. Searle): Does the Committee understand that?

MR. STEWART: Clause 19 is removed.

THE CHAIRMAN (Mr. Searle): Clause 19 is shown on the page to be substituted.

AIR MARSHAL CAMPBELL: As I understand the new Clause 19, you cannot have any type of medical insurance in the Northwest Territories, is that right?

DR. BARBER: Wrong.

AIR MARSHAL CAMPBELL: What does it allow for?

DR. BARBER: Anything that is not an insured service.

AIR MARSHAL CAMPBELL: Excuse me. What I am really driving at is the point raised by Mr. Trimble. I think namely, that if an individual is charged more by a doctor who is not a member of the Plan, he can only recover from the service that portion to which the rate is allowed. In other words, he might pay $50 and only recover $25 and that being the case, surely there should be an opportunity for the individual to cover himself with insurance if he so desires.

MR. GILCHRIST: That is part of the scheme and this is to discourage people going into this kind of program from supporting doctors who will charge in excess of the schedule that is permitted.

AIR MARSHAL CAMPBELL: It may be the intention to discourage this sort of thing, but nevertheless I think this is a free country and a person should have a right to cover himself for excess charges if he desires.

MR. GILCHRIST: This is a requirement of the *Federal Act*.

AIR MARSHAL CAMPBELL: In addition, we have found he may have to pay transportation.

MR. GILCHRIST: Certainly they can insure against transportation.

AIR MARSHAL CAMPBELL: Do I understand in the provinces that you cannot take out any insurance, you are prohibited from taking out any insurance to cover the coverage you get in the Medicare plan?

MR. CROSS: That is correct.

MR. GILCHRIST: That is part of the Federal conditions. There will be no insurance to cover the insured program.

AIR MARSHAL CAMPBELL: Not even excess charges?

MR. GILCHRIST: Not even excess charges.

AIR MARSHAL CAMPBELL: I guess our hands are tied.

DR. BARBER: It is just a hypothetical problem in any event. We are assured that all the doctors are going to practise under this Plan.

AIR MARSHAL CAMPBELL: They are not required to come under this Plan.

THE CHAIRMAN (Mr. Searle): It does leave you in a bit of a box if a doctor doesn't come under the Plan and you do not have the insurance to cover it if he does not care to be paid by the Government.

MR. CROSS: Might I suggest that if we were to pay the patient whatever fee the doctor charged, if he were not a member of the Plan, no doctor in the Territories would be a member of the Plan.

AIR MARSHAL CAMPBELL: This is what you call forced democracy, right?

MR. GILCHRIST: It is a kind of price control.

DEPUTY COMMISSIONER PARKER: Air Marshal Campbell can invest in the stock market and pay his excess doctor fees out of his winnings.

THE CHAIRMAN (Mr. Searle): Mr. Smith has just finished what appears here as a re-draft of subclause 19 (1) because what appears in this book as subclause (2) remains as subclause (2) and should appear in the new page after that draft, is that clear?

AIR MARSHAL CAMPBELL: Yes.

THE CHAIRMAN (Mr. Searle): Clause 19 agreed?

--- Agreed

Clause 20, Offences and Penalties?

--- Agreed

Clause 21, Limitation?

--- Agreed

Clause 22, Regulations?

LEGAL ADVISOR (Mr. Smith): Paragraph (e) the word "made" in paragraph 22(e) should be "paid", because it is paid. I will read it: "The Commissioner may make regulations (e) prescribing rates of fees and charges that may be paid in respect of insured services rendered by medical practitioners whether inside or outside of the Territories and the conditions under which such fees and charges are payable." This Council can't prescribe duties for a medical practitioner who is outside of the Territories, we can't tell these medical practitioners what charges to make, but we can state what we will pay.

THE CHAIRMAN (Mr. Searle): So the word "made" should be "paid".

MR. TRIMBLE: Where is this change again?

THE CHAIRMAN (Mr. Searle): The word "made" should be "paid". Apparently there is a new Clause 23 also found on that same sheet in substitution for the one shown in the book, Health Services brought under the Ordinance.

MR. GILCHRIST: This is an additional clause, Mr. Chairman.

AIR MARSHAL CAMPBELL: This is a pertinent thing and I say this advisedly, it is whether the Commissioner is satisfied or not. Supposing he is satisfied this month and finds the Ottawa officials do not live up to his expectations.

LEGAL ADVISOR (Mr. Smith): The story I get is this, that under the *Medical Care Act* (Canada), they will contribute towards certain services other than insured services. Canada has made only one exception as far as I know, and that is the work that a dental surgeon has performed on a person's jaw perhaps as a result of an accident. When the Commissioner is informed that this exception is made and is assured that services of this kind will be contributed to, then they will be deemed to be medical services.

AIR MARSHAL CAMPBELL: I would agree with that, but we could change the words "satisfied that" to "informed that".

LEGAL ADVISOR (Mr. Smith): That is not enough, I think he has to be legally satisfied.

AIR MARSHAL CAMPBELL: When I say "informed", I mean informed on the part of the Federal authorities that they will accept the responsibility - after that it is clear sailing. At the present time you are using the word "satisfied", which doesn't mean anything really, except a judgment.

LEGAL ADVISOR (Mr. Smith): He is satisfied on the basis of information he receives.

AIR MARSHAL CAMPBELL: He is informed that the Government of Canada will make the contribution or insure it, one or the other.

MR. GILCHRIST: Maybe we could say "insured".

LEGAL ADVISOR (Mr. Smith): It is my advice not to change the word, but we could.

AIR MARSHAL CAMPBELL: I agree with Mr. Gilchrist that we should either have "assured" or "informed".

LEGAL ADVISOR (Mr. Smith): This word "satisfied" has been interpreted in the Courts as meaning information which satisfies the Commissioner in all respects that this situation is true, it is not mere information.

DR. BARBER: The Air Marshal is being uncharacteristically semantic.

AIR MARSHAL CAMPBELL: If you define the word "satisfied" in here to mean that, I will go along with it.

THE CHAIRMAN (Mr. Searle): Clause 23, agreed?

--- Agreed

I recognize the ayes in favour of the nays.

New Clause 24, This Ordinance Shall Come Into Effect, etc?

--- Agreed

I will not go back to Clause 1, because there is an amendment yet to come to Clause 16 to take cognizance of Dr. Barber's Motion. The same as Bill number 9-43, however, was put into this Committee and I suggest that we then turn to Bill number 9-43, if that is agreeable. Is that agreed?

--- Agreed

Is there a desire, in view of the broad general discussion we had before, to have any general discussion again on Bill number 9-43?

DR. BARBER: On a matter of something quite unrelated to the Bill and based on a discussion I had with Dr. Butler on the way up, I would like to ask him a question with your permission before he leaves the table - he appears to be preparing to leave. May I ask him a question unrelated to the Bill?

MR. TRIMBLE: In other words, don't let him get away.

DR. BARBER: Just as a matter of interest to this Council, I think the information he has available should be entered in the Record.

THE CHAIRMAN (Mr. Searle): I think I can trust you not to stray too far.

- Level of Mercury Poisoning in Hudson Bay

DR. BARBER: At the last Session we had some rather disconcerting information about the level of mercury pollution of the whales in Hudson Bay. I think Dr. Butler has some information about mercury and arsenic poisoning in the Great Slave Lake area and I wonder if he would be good enough to give us this at the present time.

DR. BUTLER: After the discovery of mercury in the whales, we took samples of fish from the Yellowknife and Hay River areas of Great Slave Lake and we received the results back just the other day. The levels are quite safe, well below those allowed by the World Health Organization, so the fish in the Great Slave Lake area are quite safe, they have no content of mercury or arsenic.

DEPUTY COMMISSIONER PARKER: Hear, hear.

DR. BARBER: I hope the press gives as much positive attention to that statement as the negative statements about the whales.

- Oral Question: Information Available re Contaminated Whale Meat.

MR. WILLIAMSON: Just briefly while Dr. Butler is with us, I would like to pursue the question that we have now allowed to be opened, concerning the control of the utilization of whales in settlements along Hudson Bay other than those which are part of the industrial processes at Whale Cove and Rankin Inlet. Will there be any samples taken of whales in other settlements taken by individual hunters, and is there to be

some form of educational or informational programs to protect the people if the whales elsewhere are found to be contaminated?

DR. BUTLER: Mr. Chairman, we have already informed the Territorial administration in the Keewatin area that the public should be informed not to consume whale meat until further notice. We have also collected samples of whale, not only from Hudson Bay but the other day we checked whale meat from the Inuvik area on the Arctic Ocean which has been sent out. We are continuing a monitoring system on whale meat and whales in the Northwest Territories.

MR. WILLIAMSON: Do I understand it is only the meat that is involved and not the muktuk?

DR. BUTLER: At the moment we have advised them not to take any part of the whale.

MR. WILLIAMSON: Including the hide? I shall be asking a question of the Commissioner concerning compensation for the Eskimos.

THE CHAIRMAN (Mr. Searle): May I thank Dr. Butler on behalf of the Committee for appearing and with your indulgence, permitting him to depart?

--- Agreed

--- Applause

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 9-43, AN ORDINANCE TO AMEND THE PETROLEUM PRODUCTS TAX ORDINANCE

I don't think Mr. Gilchrist should get away so easily. We are on the Petroleum Products Tax Ordinance. Are there any any general comments in addition to those made by Dr. Barber on the Petroleum Products Tax Ordinance?

MR. PRYDE: Is that Bill number 10-43?

THE CHAIRMAN (Mr. Searle): Bill number 9-43.

MR. PRYDE: Thank you.

AIR MARSHAL CAMPBELL: Yes, Mr. Chairman. I think it might be worth while for the Members to know the cost of living index in certain areas of the Northwest Territories as opposed to some places in the south before you start raising taxes. In 1966 the cost of living index vis-a-vis Edmonton at 100, it was in Yellowknife - 133; Fort Smith - 134; Hay River -136 and Fort Simpson - 151.

MR. WILLIAMSON: No figures for the Arctic.

AIR MARSHAL CAMPBELL: I am sorry, I ran out of statistics.

MR. WILLIAMSON: I assume they are very much higher.

MR. PRYDE: I would like to ask the Administration what other forms of raising revenue were considered concerning Medicare. I realize, of course, that this is mainly set before this Council to cover the cost of the NWT Government's share of the Medicare plan.

THE CHAIRMAN (Mr. Searle): The Commissioner has indicated a desire to answer that question.

THE COMMISSIONER: We looked at sales tax, as I mentioned, we looked at increasing liquor by an additional tax and we looked at a heating oil tax, we looked at fur tax, and these were -- we even looked at one that Council rejected, a confection tax, and we were guided by Council's decision on that one. We looked at a number of them and came to the conclusion that this was the best way to do it. As you can appreciate, this formula that we came up with, industry pays quite a chunk of it. It was not meant to inhibit the growth of industry or the development of industry here, but it seemed to us that when you average it all out this proved to be probably the most effective, efficient and the most equal way of spreading it around. I have already said that we intended to look at installing gasoline storage tanks in settlements but we have not done it yet. We are looking at it. We hope one of these days to bring in this but I can't guarantee it will come in the next year but we are looking at bringing in gasoline storage tanks which we think will bring the price of gasoline down just the same as what the storage tanks did with the fuel oil some years ago. The more we looked at it, the more it seemed to us that this was the best way to proceed and I don't mind telling you we wrestled with this for six months. We had hoped to drop it on the table at the last Council Session and get some suggestions from Council, but it became quite apparent that Council expected us, and rightly so, to shoulder our share of the responsibility as the Administration and to make a recommendation, so this is what we did.

THE CHAIRMAN (Mr. Searle): I would make one comment if I could and that is my understanding that part of the responsibility of the Standing Committee on Finance was to investigate revenue sources as well as expenditures. However, I might say, as Chairman of that Committee, the Finance Committee was not consulted on the question as to how these revenues would be raised and, of course, there was the question of the shortage of time, et cetera, but just for the record I want you to understand that although it might be expected that the Committee should look at this aspect, it has not done so.

THE COMMISSIONER: I should hasten to say that there is one other thing too. We looked at a hotel tax and I want it well understood by everybody that no Member of this Council, that includes the Deputy Commissioner, that anyone can say had anything to do with this. It is solely my decision and when the reaction comes back, it should be understood it is my

decision and I did not consult Mr. Searle or the Finance Committee. At the last meeting this was what was expected of the Administration and as the head of it, it is my responsibility.

THE CHAIRMAN (Mr. Searle): Mr. Williamson.

MR. WILLIAMSON: Mr. Chairman, over the last ten years the diet of the Eskimo people has changed very dramatically with the concentration of Eskimo people in settlements where heretofore they lived out in the long land and lived very substantially on proteins. In that short time there has been a complete change in the trend of their intake so it is now very substantially carbohydrate, and we are told by the medical profession that an excessive intake of carbohydrates without some of the normal balances of diet is not good for the health of the people.

THE CHAIRMAN (Mr. Searle): Is this regarding the Medicare Ordinance?

MR. WILLIAMSON: No, it is about this tax.

THE CHAIRMAN (Mr. Searle): Go ahead.

MR. WILLIAMSON: I think you might cut me off --

--- Applause

THE CHAIRMAN (Mr. Searle): I think I am going to get you this way too!

MR. WILLIAMSON: One of the largest problems in many parts of the Arctic now is the dental health of the Eskimo people, and one of the largest contributors is the inordinately large amount of candy and soft drinks which the people consume. In other words, this consumption is directly related to the dental health problem. One exemplary statistic is that in the small settlement of Southampton Island alone, $137 per individual, man, woman and infant was spent on soft drinks and candy in one year. I think that the implication as reached is perfectly clear and I believe that, as I said before, we should consider very seriously taxing those items which directly contribute to the diminution of the standards of health in the Northwest Territories. I hope that if not this Council then a future Council will very seriously reconsider the proposals I have set before this Council on other occasions, to introduce a tax on candy and soft drinks as a way of defraying any costs of our contribution to the Medicare system in the Northwest Territories. I think it makes obvious common sense. It may possibly have some deterrent effect on the very heavy purchases of these undesirable commodities, and it is obvious that it is from this source that the funds should come from taxation, if at all possible. I wonder if it would be possible for this Council to consider this matter and not act on it, because I doubt if much could be done because a great deal of preparation is necessary, but perhaps some indication of the feelings of the Council on this may be of some assistance to the future Council. I believe this is common sense and a very desirable approach.

THE CHAIRMAN (Mr. Searle): What we have here before us is the Petroleum Products Tax Ordinance and if you feel the tax should be directed instead to soft drinks and candy, I would suggest really the way to do it is to start a roundabout discussion and sign it candy and soft drinks. You could make a Motion that tax be on those items rather than fuel oil while otherwise I would suggest we would stay on the question.

MR. WILLIAMSON: I am conscious of the fact that preparation of legislation to put in effect such taxation is a complex and rather lengthy job and that to move a Motion at this time simply suggesting the replacement of this proposed tax to a tax on candy and soft drinks would simply not be workable in the short time available. I would like to consult with the Legal Advisor about what can be done. I certainly agree that at the moment no direct action on this Motion is feasible.

THE CHAIRMAN (Mr. Searle): Any further general comments on the matter of the Petroleum Products Tax Ordinance?

MR. PRYDE: Clause-by-clause study.

THE CHAIRMAN (Mr. Searle): Clause-by-clause study. I notice that the whole Bill is simply three clauses. Clause 1, I will call. Possibly I should get into the paragraphs.

MR. PRYDE: Clause-by-clause please.

THE CHAIRMAN (Mr. Searle): I have been advised by Mr. Smith that the first line in what would be the new Section 3 where it says "Subject to this section" the word "should" must be replaced by the word "shall". Is that agreed?

--- Agreed

If you would permit me what I would do is call the sub-clauses.

MR. PRYDE: I suggest the Members of the Committee have read this Bill and it would be much more expeditious if we just carried on clause-by-clause.

THE CHAIRMAN (Mr. Searle): Okay. Clause 1?

--- Agreed

Clause 2?

--- Agreed

Clause 3?

--- Agreed

The Bill as a whole?

--- Agreed

May I then report Bill number 9-43 ready for third reading and report progress on Bill number 5-43?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance, Bill No. 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories.

THE COMMISSIONER: Council will come to order. Mr. Searle?

MR. SEARLE: Mr. Commissioner, your Committee of the Whole has met to consider Bill Number 5-43, the Medicare Ordinance. I beg to report progress. What is left to be done is simply a re-draft of Clause 16, to include Dr. Barber's Motion regarding the availability of information to researchers. Your Committee also considered at the same time Bill Number 9-43, and that Bill is ready for third reading.

THE COMMISSIONER: Thank you. On the Order Paper we have completed Bills Number 1-43, 2-43 and 9-43 and we are waiting for further reports on numbers 7-43, 6-43 and 5-43. Do you want to go into Bill Number 4-43 at the moment or would you rather have unanimous consent to deal with Bill Number 3-43.

AIR MARSHAL CAMPBELL: We could take Bill Number 6-43.

THE COMMISSIONER: You are ready to do Bill Number 6-43?

AIR MARSHAL CAMPBELL: Yes.

THE COMMISSIONER: Mr. Williamson wishes to make a statement.

MR. WILLIAMSON: Simply, Mr. Commissioner, that the Chairman on the Committee commented on my late arrival. I would like the record to point out that this was due to the utterly impossible communication problems we have in the Central Arctic, and almost equally impossible weather, overcome only by the determination of an expert pilot, whose name incidentally is Williamson.

--- Applause

THE COMMISSIONER: I would like to allay any agony you may be suffering. There were about three or four other Members late too, and so we started off with a very light Council, but it is growing.

MR. PRYDE: Much speedier.

THE COMMISSIONER: Council will resolve into Committee of the Whole for consideration of Bill Number 6-43 with Air Marshal Campbell in the Chair.

--- Council Resolved into Committee of the Whole to Discuss Bill No. 6-43: An Ordinance Respecting Justices Of The Peace. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 6-43: AN ORDINANCE RESPECTING JUSTICES OF THE PEACE.

THE CHAIRMAN (Air Marshal Campbell): I reported progress so that we can consider Clauses 3, 4 and 7. You have before you the revisions requested as produced by the Legal Advisor. Under Clause 3, the insertion of subclause (2) and I quote "No person shall be appointed a justice of the peace unless he is of the full age of twenty-one years and has been a resident of the Territories for not less than six months". As per Council's request. Is that right?

LEGAL ADVISOR (Mr. Smith): That is right.

THE CHAIRMAN (Air Marshal Campbell): Agreed?

--- Agreed

Subclause (3): "No person who is a member of the Royal Canadian Mounted Police is eligible for appointment as a justice of the peace".

Subclause (4) is not new exactly, is it?

LEGAL ADVISOR (Mr. Smith): It was suggested that barristers and solicitors should not be justices of the peace.

THE CHAIRMAN (Air Marshal Campbell): That was done at our request. Agreed?

--- Agreed

Now we come to Clause 4, and the only change to Clause 4 that appears is in subclause (1): "Subject to subclause (2), every person who holds an appointment as a justice of the peace in and for the Northwest Territories under the Northwest Territories Act shall be deemed to have been appointed pursuant to this Ordinance and shall continue to hold office as a justice of the peace during pleasure for a term of three years from the day this Ordinance comes into force".

And subclause (2), there is a new insertion.

LEGAL ADVISOR (Mr. Smith): There is a deletion from subclause (1) and that is with reference to Canadian citizen. It was not entirely clear that this was the wish of the whole Council.

Clause 4 says every person who is a Canadian citizen, and now it reads "every person who holds".

MR. TRIMBLE: Are you referring to the page that was presented to us?

LEGAL ADVISOR (Mr. Smith): Yes.

THE CHAIRMAN (Air Marshal Campbell): Actually we are reading from both.

MR. TRIMBLE: The new one says "who is a Canadian citizen". You got the one that was passed around this morning.

THE CHAIRMAN (Air Marshal Campbell): Agreed?

--- Agreed

That covers our request in Clause 2 and Clause 4. Now we turn to Clause 7; it was a matter of clarification, I believe, as to the pay of justices of the peace under the recently announced policy paper that was circulated this morning. Briefly it is that justices of the peace receive $50 semi-annually and $100 per annum and $3 for each case that comes before them.

MR. SEARLE: Mr. Chairman, it then becomes a question as to whether or not we want to write it in the Ordinance or leave it for the regulations with the direction that, that be what the Commissioner thinks as remuneration.

THE CHAIRMAN (Air Marshal Campbell): In a broader sense it should be the administration conform with the policy regarding payments to justices of the peace and conform to the Justice Department.

LEGAL ADVISOR (Mr. Smith): It is a policy to continue the same type of payment and if there are any changes Council could consider them in the annual estimates.

THE CHAIRMAN (Air Marshal Campbell): Council agrees that that is how we should proceed?

LEGAL ADVISOR (Mr. Smith): I would say leave Clause 7 alone.

THE CHAIRMAN (Air Marshal Campbell): Yes.

MR. SEARLE: Since I raised it, I just move that the stipend and payments as set out in this paper by the Department of Justice be continued.

THE CHAIRMAN (Air Marshal Campbell): You are speaking specifically about whether they want to raise it or lower it? You have the flexibility in your Motion?

MR. SEARLE: I think the Administration would probably come back to the Council saying we complied with the Motion, but five years from now conditions have changed and we want to change it.

THE CHAIRMAN (Air Marshal Campbell): You are tying it to the announced rate.

MR. SEARLE: You can leave it open and just report it out as a nebulous feeling of Council, I suppose, without a Motion.

THE CHAIRMAN (Air Marshal Campbell): I think a Motion would be required. Far be it from me to put words in your mouth.

MR. SEARLE: That is what I said, though. Okay, I move that the rates pursuant to Clause 7 be those as set out by the Attorney General.

THE CHAIRMAN (Air Marshal Campbell): Of Canada?

MR. SEARLE: Yes.

THE CHAIRMAN (Air Marshal Campbell): Is it agreed that I report this Bill for third reading?

MR. FAIRBROTHER: When will this Ordinance come into effect? Have we had a proposed date for it coming into effect?

LEGAL ADVISOR (Mr. Smith): This same question was asked yesterday, and it was a little nebulous as to when it will come into effect, but it is hoped before the commencement of the next fiscal year.

MR. FAIRBROTHER: Why is there that kind of delay?

LEGAL ADVISOR (Mr. Smith): It is required for the smooth transfer of the Department of Justice. It requires an Order by the Governor-in-Council, in order for the Commissioner to bring this into effect, plus all the preliminary meetings. How long it will take to accomplish all this is open to question.

MR. TRIMBLE: With all due respect, I believe there is a Motion on the floor.

THE CHAIRMAN (Air Marshal Campbell): With all due respect, did we not accept it?

MR. WILLIAMSON: It was not put to the vote.

THE CHAIRMAN (Air Marshal Campbell): All those in favour of the Motion?

--- Agreed

Now the record is straight. Carry on.

MR. TRIMBLE: I heard one "agreed". Don't we have a chance to vote against that Motion?

THE CHAIRMAN (Air Marshal Campbell): Those against?

MR. STEWART: I am sorry, I missed going over this Bill earlier in the day. I wonder could I have an interpretation of what a justice of the peace is. I understand at the present time all the appointments are the power of two justices.

LEGAL ADVISOR (Mr. Smith): Yes, by the Northwest Territories Act.

MR. STEWART: You don't pay him twice as much.

LEGAL ADVISOR (Mr. Smith): Oh, no.

THE CHAIRMAN (Air Marshal Campbell): Shall I report the Bill ready for third reading?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 6-43, An Ordinance Respecting Justices Of The Peace

THE COMMISSIONER: Council will come to order.

AIR MARSHAL CAMPBELL: Mr. Commissioner, your Committee has been considering Bill number 6-43, an Ordinance Respecting Justices Of The Peace. There is a revised Clauses 3 and 4 and I will table the revisions with the Clerk, but insofar as Clause 6 is concerned, I have passed the Motion to the effect that the Administration set their stipends or rates set by

the Department of Justice as issued from time to time. With those revisions, it is ready for third reading.

THE COMMISSIONER: Thank you. I was hoping that Mr. Gilchrist would arrive and table a document that this morning we presented to the CBC Board of Governors. The Administration did not take the opportunity last night to participate in the open meeting, rather they asked for the opportunity due to the fact that the Board was meeting here in Yellowknife. I understand that this is only the third time the Board has ever met outside of Ottawa, once in Montreal, and once I believe in Toronto. This is the first time it has ever met other than in the East. We took the opportunity this morning to present a Brief to the CBC outlining our view on broadcasting in the Northwest Territories and a series of recommendations, eight in all, six dealing primarily with radio. These were gleaned in the main from the last three years of Council's Sessions where people have raised matters here in Council. The reaction, as I understand it, from the CBC was very good and they appreciated the Brief and expressed - discussed it at some detail with the Members who presented it on our behalf. The reason I wanted it here for you tonight was because the CBC has asked Members of Council, as well as others, to a reception at the Sir John Franklin Room in the Centennial Towers from six to eight o'clock, and in case anyone raised the matter with you, we will have some idea about the Brief. However, despite my slow talking, somebody seems not to have made it, so I will just have to suggest the other alternative that if anyone would like to have a look at it prior to going to the reception, the Brief is in his office, and you can go over and look at it and I will ask Mr. Parker to take you there. Are there any announcements? No announcements. The Orders of the Day for tomorrow.

ORDERS OF THE DAY

DEPUTY COMMISSIONER PARKER: Orders of the Day, July 23, 1970.

1. Questions and Returns.

2. Oral Questions.

3. Presenting Petitions.

4. Notices of Motions

5. Motions.

6. Tabling of Documents.

7. Continuing Consideration in the Committee of the Whole of Bills: Bills numbered 4-43, 7-43, 8-43, 5-43 and 3-43.

8. Consideration in Committee of the Whole of Motion number 1, concerning the closure of the Hudson's Bay Post at Bathurst Inlet.

9. Third Reading of Bills.

10. Assent to Bills.

11. Time and Place of Next Session.

12. Members' Remarks.

13. Prorogation.

THE COMMISSIONER: The hour is 5:30 p.m. and Council stands recessed until 10:00 a.m. tomorrow morning.

--- ADJOURNMENT

COUNCIL OF THE NORTHWEST TERRITORIES

DEBATES

FORTY-THIRD SESSION

Yellowknife, Northwest Territories

THURSDAY, JULY 23, 1970

Published under the authority of the
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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, JULY 23, 1970

The Council of the Northwest Territories was convened in Yellowknife, Northwest Territories at ten o'clock a.m., on Thursday, July 23, 1970, for the Third Session, 1970, this being the Forty-third Session.

--- PRAYERS

THE COMMISSIONER: Council will come to order.

Turning to the Orders of the Day, Item 1, Questions and Returns

ITEM NO. 1: QUESTIONS AND RETURNS

Supplementary to Oral Question No. 1-43: Tabling of Telegram Re Exploration Permits on Banks Island

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, on July 21st, 1970, Councillor Pryde asked in a Supplementary Question to Oral Question Number 1, if the Commissioner would table the text of the telegram sent to the Prime Minister and the Department of Indian Affairs and Northern Development Minister Chretien, with respect to oil exploration permits on Banks Island. I have the reply appended and will table it under Tabled Documents.

Reply to Oral Question No. 3-43: Status of Experimental Farm at Fort Simpson

In reply to Oral Question Number 3 asked by Councillor Fairbrother July 22nd, 1970, concerned with the status of the Experimental Farm at Fort Simpson, I have the following reply:

> "Our latest understanding with the Department of Indian Affairs and Northern Development is that Crown Assets has agreed to transfer farm land and buildings to the Department, which will in turn convey them to the Commissioner, with the exception of the small portion which will be retained by the Department. This area contains a house and lands required for use by the Forestry Department. However, for the next two years at least the Territorial Government will have the use of some of this land and buildings contained within the forest which is to be retained by the Department".

Reply to Oral Question No. 6-43: Road to the Igloolik Dump

In reply to Oral Question Number 6 asked July 22nd, 1970, by Councillor Simonie, concerned with the road to the Igloolik dump, I have the following information from the Department of Local Government: I am informed by them that the Department was unaware of the need until it was drawn to their attention by Councillor Simonie. They will check with the Regional Office to determine the specific requirements as to length, cost and availability of equipment. Should this prove to be an item of major capital cost, it will, of course, have to be considered in light of other pressing priorities. However, I can assure Councillor Simonie the matter will be given immediate attention.

Reply to Oral Question No. 5-43: Paper on Social Assistance Rates in the NWT

In response to the Oral Question asked by Councillor Pryde concerning a Paper on Social Assistance Rates in the NWT, I have the following information. Our Territorial Department of Social Development studied the existing rates of assistance and it has been determined that these rates are on average 40 percent too low. Since no provision for increases beyond the normal increase to the population had been contemplated in the 1970-71 budget, the whole case was laid before the Department of Indian Affairs and Northern Development, with a request for a transfer of funds so that higher rates could be instituted this fiscal year. The Department thus far has been unable to identify any money for this purpose. It is our intention to use every means at our disposal to negotitate for money under the deficit grant so that rates may be increased for the next fiscal year.

Reply to Oral Question No. 4-43: Commencement Date of Mackenzie Delta Construction Program

I have a reply to the Question asked by Councillor Trimble regarding capital construction program in the Mackenzie Delta. Please be advised that the Capital Construction Program in the Mackenzie Delta has already begun. Gravel pads for low-rental housing and fuel storage tanks at Tuktoyaktuk are nearing completion. Houses are now on site and construction will begin during the week of July 27th. Fuel tanks are en route and will be erected on arrival. Arrangements for construction of gravel pads for houses and fuel tanks at Aklavik, McPherson, Arctic Red River, have been made and work is proceeding at the first two settlements and will begin at Arctic Red before the end of July. Houses and tanks are en route from Hay River, some materials having already arrived in the settlement. Work on settlement roads in Aklavik, McPherson and Arctic Red River will begin in about 10 days. Work on town site drainage at Inuvik is being carried out by the Town of Inuvik and is underway.

Mr. Commissioner, I have one reply outstanding concerning the Liard River Ferry service and with your permission I would produce this reply later in the day.

THE COMMISSIONER: Thank you. Any further written questions?

Item 2, Oral Questions.

ITEM NO. 2: ORAL QUESTIONS

Oral Question 7-43: Invitations to Tender or Construction Work to Begin in Ten Days

MR. TRIMBLE: Mr. Commissioner, I have an oral question prompted by the last reply which stated that capital works on roads in Aklavik, Arctic Red and McPherson, I believe it was, would begin in ten days. I would like some clarification on this as to whether or not this work which will begin will be the invitation for tenders which to my knowledge have not yet been invited, or does this mean that the actual construction work will begin in ten days?

THE COMMISSIONER: We will see if we can get that answer for you before the morning is out.

Someone over here, Mr. Fairbrother?

Oral Question No. 8-43: The Building of Ramp Facilities to the New Air Terminal Being Built in Fort Simpson

MR. FAIRBROTHER: Mr. Commissioner, just when Council began, I was in conversation with the Deputy Commissioner regarding the building of ramp facilities to the new air terminal being built in Fort Simpson and I would just like to have the Deputy Commissioner clarify it. The information I was receiving was sort of backwards to what I thought was going to happen.

THE COMMISSIONER: Well, I will tell you what we will do. You can't argue with the Deputy Commissioner on questions and returns, but we will ask him to take your point and will open this question again, as Mr. Trimble wants more information. We will go back to this later on again in the agenda and perhaps he can help you with that.

Oral Question No. 9-43: Compensation to Eskimos of Hudson Bay - Mercury Contamination of Fish

MR. WILLIAMSON: Mr. Commissioner, in that the fishermen, economically disadvantaged by pollution of fish in the Great Lakes and Lake Winnipeg in southern Canada, have been compensated by the responsible Government in each case, will the Commissioner please give Council his policy on the compensation of the Eskimo people of Hudson Bay who have already been deprived of income and sustenance as a result of very excessive mercury contamintion emanating from southern Canada? What effort has the Territorial Government made to secure compensation for these people, and if none, what is planned?

THE COMMISSIONER: We will take your question as advisement and file an answer in Council. Any further questions?

Oral Question No. 10-43: NWT Government Plans to Prevent Pollution

MR. WILLIAMSON: What plans does the Territorial Government have to prevent pollution and environmental damage by:

(a) its own agencies, and
(b) by other agencies and businesses in the Northwest Territories?

THE COMMISSIONER: I am not sure how we can answer that. So far as we understand the pollution is somewhere near Saskatoon and the fish pick the mercury up in the Saskatchewan River, and I understand the cycle of the big fish and the little fish and this is what has happened. I don't know how we can prevent it. The matter has been drawn to the attention by the Northern Councillors and the Department of Fisheries to the Saskatchewan Government. If this is what you mean - it isn't? I don't know what steps we can take, or what you want us to do to prevent this. In this sort of thing, our hands are sort of tied.

MR. WILLIAMSON: I probably didn't present my question very clearly. I was asking about what plans the Territorial Government has to prevent pollution and environmental damage in the Northwest Territories. First of all, by our own employees or agencies,such as the Department of Public Works, or whatever agency may have some bearing on this. Secondly, with other agencies and businesses in the Northwest Territories, within the Territories.

Reply to Oral Question No. 10-43:

THE COMMISSIONER: I think we would have to say that the Federal Government is taking the lead in the North in this, and when the Federal Government has decided how it should go about this, we will co-operate. We, as such, have no machinery or mechanism to handle pollution generally, if that is what you are getting at.

Any further questions?

Oral Question No. 11-43: Long-term Plans - Development of Eskimo Teacher Assistance Plan

MR. WILLIAMSON: Mr. Commissioner, what are the long-term plans for the development of the Eskimo Teacher Assistance Program which has been so successful and so widely approved of by teachers, parents and people alike in the Keewatin?

Reply to Oral Question No. 11-43:

DEPUTY COMMISSIONER PARKER: The long-term plans are to continue this most successful program.

THE COMMISSIONER: Any further oral questions?

Oral Question No. 18-43: Transfer Baker Lake Airport Management from DOT to NWT Government

MR. WILLIAMSON: Will the Commissioner please comment on the Northwest Territories Government plans for the management of the airport at Baker Lake? Is there any foundation to the belief presently current in that settlement, that an agreement is under negotiation to transfer the management of the Baker Lake airport to the Territorial Government and that part of the agreement includes the Department of Transport assuming the responsibility for the airport?

Reply to Oral Question No. 18-43:

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, that is news to me. I have heard not even a rumor before this day of a plan of transferring the Baker Lake airport from Department of Transport administration to ours. As a matter of fact, we are constantly trying to get the Minister of Transport to take over these airports and we have no plans to make a change in the status with regard to operation and ownership of the Baker Lake one. We do seem to be making some headway in the transfer of the Rankin Inlet one to the Minister of Transport.

MR. WILLIAMSON: Hear, hear.

Oral Question No. 12-43: Padding in Homes in McPherson not Sufficient

CHIEF TETLICHI: Mr. Commissioner, just a few minutes ago the Deputy Commissioner read to us some of the Returns and some of the Questions that were asked, and in one part it was mentioned about the road and the padding in Inuvik and McPherson. What I gather about the houses that were put in McPherson last winter, is that right now they have problems with the houses. They tell me the padding they are putting in in not enough, and the houses are sinking this way and that way, and they have problems with the doors. Some of the doors won't shut. So they figure if they put more padding, or else sink some rocks with the padding, I think this would

be sort of a solution to the problem. I just wanted to mention this about the houses that were brought up last year. Thank you.

THE COMMISSIONER: Thank you. We will make a note of this and consult the Department of Public Works, our Department of Public Works. Any further Oral Questions?

Oral Question No. 13-43: Water Supply - Pine Point

MR. STEWART: Mr. Commissioner, could I be advised of what action the Territorial Government is taking in regard to the water supply at Pine Point?

THE COMMISSIONER: Deputy Commissioner Parker.

Reply to Oral Question No. 13-43:

DEPUTY COMMISSIONER PARKER: Perhaps I could supply at least an interim answer. The water at Pine Point was originally of reasonable quality. However, with the continued activity of the company there, and by that I mean they found it necessary to lower the water table in order to permit deeper mining in some of their pits. For some reason or other, certainly unbeknown to them, or unexpected by the mining company, and unexpected by people in the hamlet itself, the quality of the water has gradually been reduced to the point where it has a rather high level of some dissolved minerals. We have been in negotiation with the Hamlet Council and with officers of Pine Point Mines Limited to do one of two things; either extend the treatment facilities, and this is expensive, so as to make the water more acceptable; or to have a line run from Great Slave Lake to the settlement. This as yet has not been concluded, the negotiations are still underway. The engineering studies are necessary and these, in fact, have partly been carried out and are underway to determine the costs and the best routes to be followed. I should think that by the fall of this year we will have at least come to a conclusion as to what can be done, but it isn't a problem that is easily solvable from the standpoint of producing a better quality of water. It is not something that can be done with the immediate installation of more equipment or machinery.

THE COMMISSIONER: Any further query?

Oral Question No. 14-43: Telephone Situation - Kakisa Lake

MR. STEWART: Mr. Commissioner, I would like to know what the situation is with regard to a telephone at Kakisa Lake.

Oral Question No. 15-43: School - Rocher River

MR. SEARLE: I would like to ask about a school at Rocher River.

THE COMMISSIONER: We will take your question as notice, Mr. Stewart.

MR. STEWART: Not to disappoint my colleaque, I would like to know the results of the study that was made on Rocher River.

THE COMMISSIONER: We will have to do the same in this case, Mr. Stewart. Any further oral questions?

Oral Question No. 16-43: Re-siting of Administration Building - Baker Lake

MR. WILLIAMSON: Mr. Commissioner, why was the officially elected local council of Baker Lake not consulted about the re-siting of the administration building in that community? Will they be consulted about the use of the site now vacated, by the building now known as the Blue school, as this site is considered by the community to be more suitable for residential purposes than a lumber shed as presently planned by the administration. Can the administration see that local people be consulted on construction?

Reply to Oral Question No. 16-43

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, the elected council will be consulted in the use of the site formerly occupied by the blue school. I do not know why they were not consulted on the move of the administration building. However, this is something that apparently has happened and something which appears to have been beyond our control. And, thirdly, we have already been in touch with the Northern Construction Division with regard to these matters.

THE COMMISSIONER: Further oral questions?

Oral Question No. 17-43: Arts and Crafts Entrepreneurs Dealing through C.A.P.

MR. WILLIAMSON: This is the last one, Mr. Commissioner. Why did the Territorial Government agree with the Federal Government that all northern entrepreneurs wishing to sell or deal in northern arts and crafts must undergo the delays and extra overheads of dealing only through C.A.P. in Ottawa, thus working at a disadvantage to northerners in favour of southern entrepreneurs?

THE COMMISSIONER: We will take your question as notice. Any further oral questions?

I have asked or directed that Mr. Parker see if he can get some more information relating to the questions asked by Mr. Trimble and Mr. Fairbrother, and we will open the subject up again later on today. We are not opening it up for prolonged oral questions but if anyone has any oral questions now that they are going to ask, now is the time to do it. Okay?

Presenting of Petitions, Item 3.

Notices of Motions, Item 4.

ITEM NO. 4: NOTICES OF MOTIONS

MR. PRYDE: Mr. Commissioner, I wish to give notice of three Motions which I shall present tomorrow.

Notice of Motion: Oil Exploration Banned on Lands Used for Hunting and Trapping

Motion Number 1 would recommend to the Federal Government that oil exploration be banned on lands now in use by native people for hunting and trapping until consultation has been carried out between the Government and the native people and a satisfactory agreement reached.

Notice of Motion: Aboriginal Rights of Indians and Eskimos

Number 2 would ask the Federal Government to include the aboriginal rights of the Indians and Eskimos in the terms of reference of the Indian Claims Commissioner.

Notice of Motion: Free Health Services for Indians

Number 3 would ask or recommend to the Federal Government that all Indians in the Northwest Territories be provided with free health services until such times as the Indian Claims Commissioner and the Indians of the Northwest Territories reach a mutual agreement concerning Treaties Numbers 8 and 11.

THE COMMISSIONER: Any further notices of Motion?

Notice of Motion: Compensation to Fishermen for Losses Through Pollution

MR. WILLIAMSON: Mr. Commissioner, I would like to give notice of a Motion to be introduced tomorrow to the effect that the Commissioner seek all possible means to encourage the appropriate agency, government or governments, to follow the established precedents of compensation to fishermen in the south where they have been deprived of their income by pollution, and deal at least as fairly with the Eskimos of Hudson Bay who have been deprived of their sustenance by the pollution of mercury. And that the Government seek the setting up of procedures for direct compensation and the setting up in motion of actual plans to provide alternate sources of self-sufficiency.

THE COMMISSIONER: Mr. Trimble?

Notice of Motion: Government Maintenance Expenditures in Unincorporated Communities

MR. TRIMBLE: I wish to give notice that on July 24th I will move a Motion to the effect that this Council recommend to the Commissioner that there be greater co-operation and liaison between the Northwest Territories Government's departments, particularly the Departments of Industry and Development, Public Works and Local Government to maximize the employment opportunities and economic development of local people and contracts in each community with regard to government capital and maintenance expenditures.

MR. FAIRBROTHER: Mr. Commissioner, could I beg a point of privilege, please? I have just received a map from Mr. Parker in relation to the land on the experimental farm at Fort Simpson being retained by the Department of Indian Affairs and being turned over to Forestry. On the experimental farm at Fort Simpson there is a section of land that is being retained that was the original experimentation plot for shrubs and trees and so on. In consultation with the

local forestry man, it seems they have no money to maintain that plot as it is at the present time, and it was the hope of the people at Fort Simpson that that section of shrubs and plants, flowers and so on, could be retained by the Territorial Government to be used as a Territorial nursery.

Notice of Motion: Fort Simpson Experimental Farm Used as Territorial Nursery

I would like to know, sir, if the Territorial Government has given any consideration to this and, if not, or if they had, I would like to have the privilege of giving a notice of Motion to the effect that the Territorial Government examine this very closely with a view to negotiating with the Indian Affairs Branch to take over this section of farm and use it as a Territorial nursery and maintain it as such so that the people of the Northwest Territories throughout have the opportunity of getting shoots and shrubs and plants that are raised in the north and can be shipped throughout the north in a condition suitable for replanting.

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, the Territorial Government most assuredly did give consideration to operating the former nursery section as a public nursery and park. Let us say that this matter is still under negotiation but a certain amount of ground has been lost. A Motion by this House might well be of assistance to us.

THE COMMISSIONER: I am afraid that in this instance I have to take some of the responsibility for this. A year ago the Department of Agriculture advised that they were closing that station and in our judgment, we decided that we would try and persuade them to keep it going another year until we had time to decide what to do with it. Agriculture was going to turn it over to us right at that moment. We were not able to persuade Agriculture to go any further on it and in the meantime, the on-going plans of residual management of the Department of Indian Affairs and Northern Development was such that they believe they need more land -- or accommodation and office space -- than had originally been intended. For this reason here in a number of places we have been faced with this, where the Department has pulled back some of the things that we had hoped would be turned over to us. Perhaps we should have moved at that moment -- on second thought, I guess that is what we should have done. We had hoped that the experimental farm could be turned into use for the Territories and really, it was a research centre for northern Alberta and not the Northwest Territories, and most people were under the impression that it was. We thought that it could be turned to greater use by the Northwest Territories but budgetary cuts and things of this kind made it impossible. We certainly welcome your point of view and will convey this to the Department along with your sentiments -- and I imagine these are the sentiments of the people at Fort Simpson. Any further notices of Motion?

Motions, Number 5.

ITEM NO. 5: MOTIONS

Motion Number 2-43, Mr. Simonie.

Motion No. 2-43: Critical Supply Situation - Frobisher Bay

MR. SIMONIE:

> WHEREAS I would like to bring to the attention of the Commissioner and my fellow Councillors for their immediate consideration, the desperate plight affecting

my people in my constituency in the Eastern Arctic: Because of abnormal ice conditions, the ice-breaker "MacDonald" was not able to fulfill its mission and as a result of ice build-up on the shoreline, the "MacDonald" has left Frobisher and the community has been neglected.

NOW THEREFORE, I move that the Commissioner and Council provide immediate action at this critical time when supplies and provisions essential to the mobility of this community and every other community serviced by means of water transport who will be affected in a similar way to Frobisher Bay. I have received communication of the circumstances and would like to appeal to the sound judgment of every Member around this table to support this Motion which asks for all available aircraft assistance to remedy this situation.

THE COMMISSIONER: Moved by Mr. Simonie, seconded by Mr. Pryde, "that the Commissioner and Council provide immediate action at this critical time when supplies and provisions essential to the mobility of this community and every other community serviced by means of water transport who will be affected in a similar way to Frobisher Bay. I have received communication of the circumstances and would like to appeal to the sound judgment of every Member around this table to support this Motion which asks for all available aircraft assistance to remedy this situation". The Motion is in order.

MR. SIMONIE: Mr. Commissioner, we have a special problem at this time of year. It happened before and it happened again this spring: a ship arrived in Frobisher about ten days ago and is still there, still waiting to be unloaded. Therefore, the ice built up around the shoreline in the Frobisher area and, therefore, the Department of Transport barge could not reach the ship to unload it in Frobisher Bay. I understand that last year in Cape Dorset settlement, ice built up around the shore and that is the same problem we have today. I think the Federal Government sent a helicopter up to Cape Dorset and unloaded the ship. This worked good last year and I think every shipping season we should have a helicopter available in the Canadian Arctic, every shipping season. This is the Motion I brought up and I think it would be very helpful to construction crews and people receiving the supplies by ship. This is the Motion I brought up for this particular problem.

THE COMMISSIONER: Further discussion?

MY. PRYDE: Mr. Commissioner, in reading this Motion, I do not quite follow the operative part of it but I do realize -- I believe I realize what Mr. Simonie, the Member for the Eastern Arctic, is trying to get at, and that is that the frequent occurance of delays in transporting cargoes from ship to shore in many parts of the high Arctic creates many problems. I believe Mr. Simonie wants to overcome this problem by asking whether a helicopter be supplied for the Eastern Arctic run. I would just like to ask on a point of information if that is correct?

THE COMMISSIONER: Perhaps I could answer this in a round-about way.

MR. PRYDE: I would say that if that is correct I would like to speak further.

THE COMMISSIONER: Three things: First of all, apparently there has been an abnormal ice break-up this year. When we were there on the Royal Tour the bay was still choked with ice and the shore ice was very thick and piled up. I am uncertain as to the activities of the Sir John A. MacDonald but perhaps we can find out about it. We would have done it anyway. I admit it is not really properly in order the way it is written but I think the intent is there and we should always try to help some Members of Council. Second, it is the intention this year, in the Eastern Arctic, to use a "sky crane", which is another word for helicopter. And they are able to carry a substantial load and are able to cut the time off of loading considerably. If our information is correct, this would be brought back again this year. Third, the use of air supply and resupply by air has not worked out as well as what we had thought. I don't really know the reason for this and in all frankness here at headquarters we have not been able to determine why. You can appreciate we took over the estimates that were prepared by the Federal Department and now we are just getting our feet wet as far as Administration. The agreement was worked out with Nordair to supply Frobisher at a very reduced rate, a very attractive rate, I think, 16 cents a pound and the idea was that the planes would fly year round but -- there are so many tons used over the year by the Government. Unfortunately, from our observation of it, the supply in the winter has not been as we thought it would and also in the summer. So much so that last summer the company had to run seventy-two extra flights into the Territories and with its contracts, rather than -- they hoped they could keep the 18,000 pounds they could carry in freight going all year round and would utilize the regular schedule more than having to put on extra sections. As I say, it has not worked yet. We don't know the reason for this but we are of the opinion that greater use must be made of air transportation in the north for supply as well as resupplies. We understand that very soon the Minister of Transport, who is Head of the Ministry of Transport, Department of Transportation, is being organized into a Ministry and we understand he will be visiting the Territories before too long and with him will come people who have inerests in the Arctic areas. We had hoped at this time we could discuss this whole aspect of supply because it seems to us that the method of supply in the Arctic has not changed in three hundred years. It is exactly the same as when the early adventurers trading into Hudson Bay started up and we feel that it would be a much better situation all the way around if there could be some way of working out the continued supply on a twelve month basis to settlements where regular resupply trips are necessary. Air Marshal Campbell and I were in Greenland this year and we noted that Greenland is supplied from Denmark by ship the year round. Every three weeks freighters arrive from Denmark with the necessary supplies and therefore they are able to plan on very short and quick notice and it is a much different situation from ours.

With this constant supply route open by ship they are much more versatile and mobile than what we are. I am sorry to be going into great depth. You have the floor but I just wanted to answer some of the questions you asked.

MR. PRYDE: Mr. Commissioner, I don't really need to speak to this. I believe the mover of the Motion, Mr. Simonie, has expressed it well and you have qualified it completely. I would just like to mention that I seconded this Motion in order that Mr. Simonie could advise other Council Members of the situation in the eastern Arctic and with these few words I am quite prepared to support this Motion.

THE COMMISSIONER: Further discussion?

MR. WILLIAMSON: I am very strongly in favour of this Motion. I think all of us in the Arctic have very difficult supply situations and must support such a Motion. I think it is very hard for people like people in Yellowknife who are not familiar with Arctic conditions and the variability of Arctic conditions from year to year to understand how critical a supply situation can become. Certainly I am very happy to hear of the use of the helicoper "sky crane" which proved itself as extremely effective at Southampton Island last year, accomplishing a complete movement from ship to warehouse in nine hours, of supplies that would normally occupy about a week of operation. I think that as long as barging from ship to shore is going to continue, Mr. Commissioner, it would certainly be in the interests of this Government to press upon the Department of Transport or anyone else contracted to do the work to improve the present method in most parts of the Arctic. I witnessed a tremendously expensive operation on the Hudson Bay coast last year whereby a small chartered vessel from Newfoundland, chartered by the Department of Transport tottered backwards and forwards from ship to shore with a small barge and a tiny little, very dyspeptic engine and inefficient boat, to unload the barge, operating only on certain parts of the tide taking an extremely long time to move a relatively moderate amount of cargo. I think we have to insist on the contractors providing much better equipment, and this must be done through the Department of Transport.

I am pleased to hear that you are not closing the matter of air-born transportation because of the present disappointments with the airborne supply to Frobisher Bay. These problems may be the result of organizational difficulties, and not necessarily the result of an inherent lack of potential as a means of supply. Certainly we have been very impressed in the Central Arctic as I am sure the honourable Member for the western Arctic will agree, by the way Pelly Bay has been radically changed and very adequately supplied in the spring-time, and at what we would like to believe was at a very competitive cost. The use of the Hercules aircraft or other bulk supply aircraft does seem to be worthy of further investigation.

My final comment is still about the question of supply, but also of economic development in the north. I beg your indulgence to bring this up now rather than introduce another Motion. I had planned to do this but I thought perhaps you might permit me to speak on this subject in the context of this one Motion and thereby save Council time.

What I want to speak about briefly, Sir, is the means of supplying goods out of the north into the south.

MR. PRYDE: On a point of order, please, Sir, do Mr. Williamson's comments concern this Motion?

MR. WILLIAMSON: Mr. Commissioner, I prefaced my remarks by saying I was about to talk about supply out of the north into the south. I had tried to do this through the means of this Motion rather than introducing a further Motion in order to save Council time. However, if Council has objections to my doing this, I will ask for your permission to move another Motion.

THE COMMISSIONER: I think according to the comments it might be unwise to proceed.

MR. WILLIAMSON: I am guided by the wisdom of the Council.

THE COMMISSIONER: Any further discussion on this Motion? Mr. Simonie, is there anything you wish to add?

MR. SIMONIE: Mr. Commissioner, I really would like to see emergency helicopters for unloading ships in the Arctic and northern Canada. I think this Motion very clearly displays the news I heard on the CBC the other night, it seems to me that a responsible Government is called a hero. I don't think this needed to be announced on the radio. I think this word should be put a better way. This was on the CBC news yesterday. This is a Motion I brought up from the news and also I have been talking to someone from Frobisher Bay by telephone. I have been called a couple of times on this particular problem during the shipping season in the eastern Arctic at this time of year. I think this is a pretty clear Motion to explain the situation to Council.

THE COMMISSIONER: Thank you. All those in favour of the Motion signify in the usual manner. Against, if any?

--- Carried

MR. WILLIAMSON: I wonder if I could have your guidance here? I had hoped to introduce something concerning transportation and supply in the north during the debate on this particular Motion as a way of saving Council's time rather than introducing an extra Motion of my own. As a result of your decision I am not able to introduce this now as I did not introduce a separate Motion and I wonder if I could have your advice as to how this matter can now be dealt with?

THE COMMISSIONER: This is a small technicality. I did not make any decision. The only thing I can suggest is that tomorrow morning you introduce the Notice of Motion and ask Council for unanimous consent to deal with it at that time. That is about the best I can suggest to you. There are a few things I personally would like to say on communication and I don't know when I will get a chance to do it. That is about the only advice I can give. Perhaps while you are in Committee of the Whole discussing something else you may be able to sneak it in.

MR. WILLIAMSON: Thank you, Mr. Commissioner.

THE COMMISSIONER: Item 6, Tabling of Documents.

ITEM NO. 6: TABLING OF DOCUMENTS

Tabled Document No. 2-43: Telegram from the people of Sachs Harbour re - Oil Exploration on Banks Island

DEPUTY COMMISSIONER PARKER: I wish to table a telegram from the people of Sachs Harbour to the Prime Minister concerning oil exploration on Banks Island.

THE COMMISSIONER: I wonder if we could table the brief that was submitted to the CBC?

- Tabled Document No. 3-43: Brief from CBC Board of Directors

DEPUTY COMMISSIONER PARKER: I wish to table the brief which was presented by you to the Board of Directors of the CBC.

THE COMMISSIONER: Thank you.

MR. WILLIAMSON: I wonder, Mr. Commissioner, if anyone has tabled a copy of the telegram sent from the conference of indigenous people at Coppermine? I think some people received copies of this telegram.

THE COMMISSIONER: The Deputy Commissioner did just a few minutes ago.

MR. SIMONIE: I have another copy also.

MR. WILLIAMSON: I did not know it was the same one.

THE COMMISSIONER: I thought perhaps you were going to table a document on transportation in the north.

MR. WILLIAMSON: Communications, Mr. Commissioner.

THE COMMISSIONER: Council stands recessed for coffee for 15 minutes.

--- RECESS

THE COMMISSIONER: Motion to move into Committee of the Whole for consideration of Bill number 4-43. All those in favour? Against, if any?

--- Carried

Council will resolve into Committee of the Whole for consideration of Bill number 4-43, with Doctor Barber in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 4-43, An Ordinance Respecting The Council Of The Northwest Territories. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 4-43, AN ORDINANCE RESPECTING THE COUNCIL OF THE NORTHWEST TERRITORIES.

THE CHAIRMAN (Doctor Barber): The Committee will come to order to consider Bill number 4-43, An Ordinance Respecting The Council Of The Northwest Territories. This Bill is consequential to the amendment to the *Northwest Territories Act*. The Bill lowers the voting age of the electors to 19, creates ten electoral districts, lowers the residence requirements of electors to six months and provides that electors must be Canadian citizens. It revises --

DEPUTY COMMISSIONER PARKER: Point of order --

MR. WILLIAMSON: Point of Order the Mace is up.

AIR MARSHAL CAMPBELL: It is all right, Doctor Barber.

THE CHAIRMAN (Doctor Barber): It revises the procedure to be followed if a vacancy occurs in the Council, sets out immunities and privileges of the Council and fixes their indemnities and allowances.

Any general comments? Shall we proceed to clause by clause study?

--- Agreed

Clause 2? Interpretation, any comments?

--- Agreed

Clause 3, Electoral Districts?

AIR MARSHAL CAMPBELL: Excuse me. Mr. Chairman, when shall we take the Schedule on Electoral Districts, the Schedule under 3?

THE CHAIRMAN (Doctor Barber): I think we should take the Schedule at the present time, because it really determines the effect of Clause 3. Is that agreed?

--- Agreed

AIR MARSHAL CAMPBELL: Mr. Chairman, on a matter of editorial in that sub-clause, should we have "Schedule A" attached, to tie the two together? This just refers to --

LEGAL ADVISOR (Mr. Smith): Clause 3?

AIR MARSHAL CAMPBELL: This is Schedule --

MR. SEARLE: There is only one schedule.

AIR MARSHAL CAMPBELL: That is purely editorial. It does not matter to me.

THE CHAIRMAN (Doctor Barber): Is it agreed we turn then to the Schedule, Electoral Districts of the Northwest Territories described as follows: Mackenzie-Liard - consisting of all that portion of the Northwest Territories bounded as follows: Commencing at the intersection of the one hundred and fifteenth meridian of west longitude and the Alberta-Northwest Territories boundary; thence north along the said meridian to the south shore of Great Slave Lake; thence westerly along the south shore of Great Slave Lake and the left bank of the Mackenzie River to the one hundred and twentieth meridian of west longitude; thence north along the said meridian to the parallel of north latitude sixty-four degrees and thirty minutes; thence west along the said parallel of north latitude to the Northwest Territories-Yukon boundary; thence south-easterly following the said boundary to the Northwest Territories-British Columbia border; thence east along the said border and the Alberta-Northwest Territories border to the point of commencement.

You all have your maps?

MR. SEARLE: I was just going to ask one question, Mr. Chairman, and that is, I assume that the map that was circulated by Air Marshal Campbell as tabled, is the map that is described where the constituencies are described in the schedule, I assume --

DEPUTY COMMISSIONER PARKER: Yes.

AIR MARSHAL CAMPBELL: That is right.

DEPUTY COMMISSIONER PARKER: If you so desire, I have an enlargement of that map available here which I think I could pin up.

THE CHAIRMAN (Doctor Barber): It might be of some assistance, but I think each Member has a map at his desk. However, some members might want to go to a larger map to point out things that they might disagree with.

MR. SEARLE: Quite frankly, the smaller map is a good map, but it is very difficult to read the settlement names, and we might just have to go to the large one.

AIR MARSHAL CAMPBELL: When we come to it.

MR. FAIRBROTHER: Mr. Chairman, I must, at this time, register strong objection to three of the constituencies as laid out here, four of them actually, and that is Mackenzie-Liard, Lower Mackenzie, Great Slave South and Great Slave North. In the present map which you describe as Mackenzie-Liard, the boundary now lies just north of Fort Wrigley on the Mackenzie River, and taking in all that area of the river as far south as Fort Simpson, up the Liard River to the British Columbia border, taking in the Nahanni Butte and Fort Liard. Lying up the Mackenzie River, taking in the settlement of Jean Marie River, Kakisa Lake and Hay River, and Enterprise. At this time, I think it is a mistake to include the Mackenzie-Liard River section with Hay River. There is probably not right now, but in the very near future, it could become a great conflict between the two areas with the advent of the transportation coming through from Northern British Columbia into the River District. We believe there is going to be a large growth area on the Liard and Upper Mackenzie River, that is going to increase. Hay River is also one of the growth areas that is going to increase to a large extent, and I believe we are going to create a problem area. In the area that is bounded by Great Slave South, which you have not described yet in the schedule, includes Fort Smith, Pine Point, Fort Resolution and Rocher River. It is my contention that this is not a growth area, with the exception of possibly Pine Point. To the best of my knowledge, which is limited somewhat, I will agree, I don't see any reason for there to be any major growth at Fort Smith, Resolution or Rocher River. There is no potential growth area in the area bounded by Great Slave North, which includes in this map, Fort Providence, Fort Rae, Rae Lakes, Snare River and Lac La Martre, Reliance and Snowdrift. I believe it is a mistake to set aside two areas that are not growth areas, if they are going to remain static, and include two areas together that are growth areas, or have the potential of high growth areas. It is going to increase the population considerably in that one area. Also, on a practical consideration, is the fact that Hay River is going to have three-quarters of the population of the whole Constituency of Mackenzie-Liard. I believe there is something like 4200 people in the whole Constituency, and over 3000 of them come from Hay River. With this kind of a set-up, there is no possibility for a Member coming from anywhere but Hay River, as I see it. This would create a Member coming from Hay River, one Member from Fort Smith, there would be a new Constituency of Yellowknife, one Member from Yellowknife. With the way this map is drawn, there would be municipalities. For those reasons, I would propose that the four Constituencies of - actually five, western Arctic, Lower Mackenzie, Mackenzie-Liard, Great Slave South and Great Slave North, the boundaries be changed just as I have outlined.

I would move that these maps be gone through again to take in these Constituency boundaries as I have outlined them.

AIR MARSHAL CAMPBELL: Mr. Chairman, the Deputy Commissioner is working out the population distribution for the map that has just been tabled.

THE CHAIRMAN (Dr. Barber): I was just going to ask as a procedural question, if anyone had any other sort of major changes to suggest in the map as presented to us in the report of the Committee on Constituency Boundaries, and what I was really trying to do by making this suggestion is to narrow in on any points of difference and consider all suggested changes at the same time, because obviously shifting boundaries one way or another has influence on other boundaries. I am thinking specifically of whether or not there is any objection about South Baffin, High Arctic, Central Arctic, Keewatin and Western Arctic, which I understand are unchanged by your proposal, Mr. Fairbrother?

MR. FAIRBROTHER: The Western Arctic would be changed very slightly in the lower Delta Region, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): What would that entail as far as the settlements are concerned?

MR. FAIRBROTHER: I believe Tuktoyaktuk and Reindeer Station would go back into Lower Mackenzie.

MR. TRIMBLE: There is no longer a Reindeer Station.

THE CHAIRMAN (Dr. Barber): Does anyone have any questions about South Baffin, High Arctic, Central Arctic or Keewatin? On one schedule it says "Hudson Bay" and on one it says "Keewatin".

Does anybody have any questions about the boundaries of those proposed constituencies that I have named, High Arctic, South Baffin, Central Arctic, or the Hudson Bay Region?

MR. PRYDE: None.

MR. SIMONIE: I believe that Hudson Bay has an opportunity here to change the name from Hudson Bay to Keewatin.

THE CHAIRMAN (Dr. Barber): We are talking now only about the boundaries. We will come to the question of the names of the constituencies after we have concluded this discussion about the boundaries.

What I am trying to do is go into the discussion on those areas where Members may have some question about the existing map before us and we will try and eliminate those areas where no changes are proposed.

I take it from the Members that no changes are proposed for High Arctic, South Baffin, Hudson Bay or Central Arctic?

--- Agreed

Then we can limit ourselves to the question of the constituencies in the Mackenzie Region generally. Mr. Fairbrother has proposed a Motion related to a map he has presented to Members of Council. Debate on the Motion.

MR. PRYDE: Mr. Chairman, I would like to support the Motion proposed by Mr. Fairbrother for one major reason, and that is in the Northwest Territories we have two major divisions of population; we have the urban population such as Hay River, Yellowknife, Fort Smith and those other larger populations, a fairly large population centered in one settlement.

In other words, the urban settlements. Then we have the small settlements which are, normally speaking, trapping and hunting settlements. I believe if we adopt Mr. Fairbrother's Motion we would have a constituency, namely, Mackenzie-Liard which would actually reflect a number of settlements of the same general nature. Mr. Fairbrother made a very good point when he said that no one settlement should be able to dominate a region, that all those small settlements should have the opportunity for representation from your own settlement on a more or less equal basis. I realize that a totally equal basis is virtually impossible but nonetheless, the way of life of all those small settlements is almost the same. A major settlement such as Hay River or Fort Smith has problems which differ radically from those found in the smaller settlements. On the other hand, the problems facing Fort Smith and Hay River are much the same, they are urban problems, by and large, municipal problems.

I would suggest that although there is a great degree of rivalry between the two major settlements of Fort Smith and Hay River, essentially the problems are alike and that one representative could cover both those settlements. I recognize that this may cover a much larger population base than would occur with the previous constituency boundaries, the previous constituency boundaries being more equal in number, but nonetheless, with the proposed Motion of Mr. Fairbrother it would lead to better representation of the smaller settlements because they are similar in problems, similar in peoples, and similar in their way of life.

I therefore suggest that there is a great degree of merit in Mr. Fairbrother's Motion and I would stand in support of that Motion.

THE CHAIRMAN (Dr. Barber): Mr. Searle.

MR. SEARLE: Mr. Chairman, I can see some merit in Mr. Fairbrother's Motion and I can also see considerable merit in the other one. I don't think it is a black and white situation at all. I do, however, quarrel with a couple of the things Mr. Fairbrother said in support of his Motion. First, that Members from the urban areas are really aware of those urban problems and tend to be under the influence of the businessman and there may be a disproportionate representation between urban and rural. The opposite is what has occurred on this Council in the last three-year term. There has been a proportion of people from smaller settlements and the urban areas have been under-represented. I can see a desire, I suppose, to keep that balance if you happen to come from a rural area, but to suggest that the Member, if he comes from a larger settlement, won't really have any interest in the problems of the smaller settlements in his constituency, I think is going a little further than certainly I would agree. I draw to your attention the example of Rae because there has been no other settlement that has occupied so much time with this Council and yet the Member representing that area is not from Rae. I think that is a case in point.

Secondly, if you say that just because you have a larger town in with a smaller, say hamlet, a town like Hay River in with Simpson, you are bound to get the Member from Hay River. I don't think that necessarily follows either. Again, I would cite the example of the riding I represent. It is only the last three years that this riding was represented by someone from Yellowknife. Prior to that the riding was represented by

someone from Rae and the reason was simple: Yellowknife always put up three or four candidates and they split the vote and fractured it down in so many ways that the person who came in with the solid block of Rae from a smaller settlement, won. Certainly, that has all the chances of occurring in the last election when I ran and I did not get by, by a majority of very many votes. In fact, I didn't get a majority, I got more than other people did but it was not what you call an absolute majority of the whole riding. I think you may be proceeding along on the wrong basis if you think a candidate from Hay River is going to come along with all the votes from Hay River and knowing Hay River, if you'll pardon me for saying so, Mr. Stewart, normally there is going to be at least two major warring factions who will divide that vote up in at least two or three ways and if someone from Simpson came along with very solid support, I daresay he would have a very good chance of winning.

Those are the two points made by Mr. Fairbrother that I most seriously disagree with and I would not want to see the discussion get off on the track - this is really the point picked up by Mr. Pryde - that we should not have a disproportionate representation from the urban ridings because they will not consider the problems of the smaller settlements. I think maybe Mr. Pryde bought those two arguments that I have just countered, and made by Mr. Fairbrother, a little too hook, line and sinkerish, if I might say so, because they are basically the two arguments that I sincerely object to and I would not want to see the discussion proceed on the basis of "We want more urban" or "We want more rural people, because if you get urban people they don't give a damn about the rest of us", et cetera. I think that is the wrong basis on which to proceed with the discussion, because I suggest that the evidence does not indicate that.

THE CHAIRMAN (Dr. Barber): I wonder ---

MR. PRYDE: Could I just correct one small statement made by Mr. Searle? I don't think Mr. Searle intended it to, but the way it came out, it might be misconstrued. Mr. Searle stated that I had bought the argument of Mr. Fairbrother that a person elected from an urban centre would not devote his time and energies and it would not be entirely fair to the other settlements within the region. I would like to state most emphatically that I do not subscribe to that argument at all because I have seen Mr. Searle doing a great deal of work for Rae and I do not think I ever mentioned this in my remarks that I felt that a Member from an urban area would not consider the problems of the small rural settlements. I just believe a person from a small rural settlement would be more familiar with the problems of the rural settlement than a person from an urban region.

As I mentioned, I don't think Mr. Searle intended anything by his remark but it just seemed to fall into line the wrong way so that it could be misconstrued.

AIR MARSHAL CAMPBELL: Hook, line and sinker.

THE CHAIRMAN (Mr. Parker): I wonder if the Deputy Commissioner has concluded his mathematical calculations?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, using the proposal contained in the Motion of Mr. Fairbrother and using the figures that were attached to the Committee's report, I have these new figures: The new total population of Great Slave North would become 3,080 instead of 2,380. The Lower Mackenzie would go from 2,890 as in the Committee's proposal, to a figure of 2,610.

MR. SEARLE: That is called Great Slave South on the map?

DEPUTY COMMISSIONER PARKER: Lower Mackenzie. Lower Mackenzie 2,610.

THE CHAIRMAN (Dr. Barber): From 2,890?

DEPUTY COMMISSIONER PARKER: Right. Western Arctic would change from 3,610 to 3,000. Great Slave South would change form 4,400 to 6,750. Mackenzie-Liard would change from 4,690 to 2,330.

Could I make additional comments, Mr. Chairman, or have you other speakers?

THE CHAIRMAN (Dr.Barber): Mr. Stewart indicated a desire to speak but he is prepared to yield to you.

DEPUTY COMMISSIONER PARKER: Is that alright? I have noted about four points that I think have to be kept in mind. The proposal unfortunately brings forward, I think, a very troublesome population split because it would give the Great Slave Lake South constituency a population of 6,750. Admittedly, the current population of Yellowknife is around 6,500 and is likely to increase by perhaps as much as 1,000. However, those people are all contained within the boundaries of the City. This other large population is contained in three major settlements and I think that is a large number of people, compared to the numbers in the other constituencies, to be represented by one person when they do not all come from the same place.

My second point is that the proposal puts us back into that problem we had some time ago of having Norman Wells and Franklin and Fort Norman removed from the current outline of the Inuvik region. This is not a particularly major point but it is one to be drawn to the Committee's attention, namely, that if it was reasonably possible, it would be a good idea to have the regional boundaries reflected in the constituency for reporting relationships. The other thing it does is put Tuktoyaktuk back into the Lower Mackenzie which in itself I don't see as bad, but I think there is more community interest between Inuvik and Tuk than there is between Tuk and the rest of the Lower Mackenzie - at least it appears to me to be a much better fit to include Inuvik and Tuk and Sachs Harbour in the same constituency. I recognize the point that there are three constituencies under the Committee's proposal which may appear to be dominated by one of the municipalities. This proposal would really only change this by one because it would put Fort Smith and Hay River under the same roof.

I have great sympathy for what Mr. Fairbrother suggests, but I think that we would be going from one set of "best fit" proposals to another "best fit" proposal. I still contend the Committee's proposal is the one which comes closest to meeting the wishes of the largest number of people.

THE CHAIRMAN (Dr. Barber): I have just been informed of an interesting point. It is snowing outside! A short northern summer has come to an abrupt close.

MR. WILLIAMSON: It probably followed me from the Keewatin.

MR. STEWART: Mr. Chairman, I cannot support the Motion. I sympathize with many of the points taken by the Member. However, many of the things that he has pointed out are not correct. All he is doing is changing the position of power from Hay River to Simpson, inasmuch as Simpson, on a population basis, in the proposed constituency, would control the vote if you are going to judge that a place having many more people will always elect their representative from that place then all you are doing is moving it and not necessarily curing the ill. You are just moving it from one place to another.

Secondly, the point on the growth pattern I think was well taken. However, we do recognize that we can expect a reasonable increase in population in the whole Mackenzie South area which includes Fort Smith. I don't agree that Smith is necessarily going to remain static and certainly not the Pine Point area. I feel that in starting out a constituency with 6,750 people in it, that there is no room at all under these circumstances for any increase and certainly Pine Point is bound to increase rapidly over the next few years.

A point was made that there is a great deal in common between Hay River, Pine Point and Fort Smith. I suggest to you that this is not true at all. Pine Point is a mining town while the town of Hay River has no interest basically in mining. Smith has a separate identity altogether. It is a Civil Service town. What we have in Mackenzie South is essentially a place such as Hay River which is built on private enterprise, we have a place such as Pine Point that is a mining town essentially and we have Fort Smith which is essentially a Civil Service town. If there is anything that you can get these three places together on, on common ground, I would like to find it because I have been trying for two years. There is wide separation there. Now we do have things in common, I believe with this new constituency. I feel that Hay River is essentially a transportation and communication town, a service type of town. I suggest to you Simpson would become the same type of town. This is what its growth pattern will depend on and they will exploit transportation and communication as a separate thing, so I believe they do have this in common and a representative could do a much more thorough job of handling the situation in both communities. I agree the situation is not ideal. If we had another seat, I think we could probably do a better job, but within the confines of the regulations we only have ten seats and I say the proposal as submitted by the Committee has far more advantages than the one submitted by the honourable Member from Mackenzie-Liard.

THE CHAIRMAN (Dr. Barber): The Motion before you is, "I move the proposed constituency boundaries represented in the Schedule be amended as per the attached map". Are you ready for the question?

MR. FAIRBROTHER: I would like to speak to it one more time, Mr. Chairman, before you call the vote. I think Mr. Trimble has indicated a desire to speak and I will speak after all other honorable Members have spoken.

THE CHAIRMAN (Dr. Barber): Mr. Trimble?

MR. TRIMBLE: Mr. Chairman, I think we all recognize that there is no satisfactory solution to the problem of establishing new constituency boundaries in the Mackenzie, but the existing constituency boundaries in the Mackenzie are not satisfactory. So, what we have to arrive at is a compromise to decide which is the best or the least worst of the two. Both maps effect the constituency which I presently represent. I personally share the feelings of the Deputy Commissioner and have expressed this several times, concerning the three communities of Fort Franklin, Fort Norman and Norman Wells which are in the Inuvik region as far as this Government is concerned. Most of the activity into and out of those communities is associated with the rest of the Delta area and I have recommended that they be included with the Mackenzie Delta communities. However, to do that creates considerable problems with what would be called the Mackenzie-Liard constituency. I agree as well with what the Deputy Commissioner has suggested concerning a greater common interest between Tuktoyaktuk and Inuvik than any other Delta communities. Tuktoyaktuk is rapidly developing along a tourist type of industry which is directly connected with Inuvik and tourists who come into Inuvik generally want to continue to the Arctic coast and Tuk is the place to which they go. There is a greater common interest there. I must confess also that I supported the idea of Tuktoyaktuk being included with Inuvik in the Western Arctic constituency because to do otherwise makes a strange jog in the constituency boundary which would give the suggestion I had been gerrymandering because I have always had a great deal of support from Tuktoyaktuk and very little support from Indian communities up river.

However, when I have to weigh the advantages and disadvantages and in seeing what effects this change in order to put the three communities of Franklin, Norman and Norman Wells in the Lower Mackenzie would have on the Southern Mackenzie by linking Hay River and Fort Simpson together, I am inclined to feel that Mr. Fairbrother is correct and that the course we should take would be accept his Motion and leave the Mackenzie-Liard constituency pretty well as it exists at present under the name of Mackenzie River. I assume and if it is not clear from this map, that in his proposal the community of Fort Providence would be included in the Mackenzie-Liard. Could I get some clarification on that?

THE CHAIRMAN (Dr. Barber): Deputy Commissioner Parker, when you added up the figures did you include Providence with Great Slave North.

DEPUTY COMMISSIONER PARKER: Yes, I left it with Great Slave North.

THE CHAIRMAN (Dr. Barber): Is that your intention, Mr. Fairbrother?

MR. FAIRBROTHER: It really didn't matter. I thought Providence would be included but with the population it might be better if it was fitted in with Fort Rae and sort of included in that section. That would be a matter of choice of the Committee rather than mine. It is presently in Great Slave North.

THE CHAIRMAN (Dr. Barber): Mr. Trimble, presently with the figures given by the Deputy Commissioner it is in Great Slave North with Rae Lake and Lac La Martre?

MR. TRIMBLE: I am glad I asked because populations as indicated by the Deputy Commissioner would put Great Slave North, indicated Providence, in excess of 3,000 and Mackenzie-Liard, just slightly in excess of 2,300. We would be adding to Great Slave North the community of Fort Resolution which is quite a large community

and I think there is a common interest between Fort Resolution and the Rae area, much more so than Fort Providence where I think the interest is with Fort Simpson. I would think that the population figures would also justify, since Fort Resolution is being added to Great Slave North, that Fort Providence be included in Mackenzie-Liard. I just wish to mention also, Mr. Chairman, that as the Member for Mackenzie River has said under the existing maps it is reasonably certain that there would be what we might term four urban constituencies and two rural in the Mackenzie area. Under his proposal it would equalize this by making three reasonably urban constituencies and three reasonably rural constituencies which I think would be an advantage. I assume in order to accomplish or at least bring to a decision on the question concerning Providence that I should move an amending Motion to that effect and I would therefore move, while I support the Motion moved, that the community of Fort Providence be included in the Mackenzie-Liard constituency.

THE CHAIRMAN (Dr. Barber): What does that do to the figures, Deputy Commissioner Parker?

DEPUTY COMMISSIONER PARKER: It does not do any -- it doesn't make any great problems there. Although I couldn't support the Motion --

THE CHAIRMAN (Dr. Barber): What does it add to Mackenzie-Liard?

DEPUTY COMMISSIONER PARKER: It moves 550 each way. It takes Great Slave North down to roughly 2500 and it takes Mackenzie-Liard up to 2800.

THE CHAIRMAN (Dr. Barber): On the amendment, Mr. Searle?

MR. SEARLE: Well, again we are back and if I understand Mr. Trimble's argument correctly as to urban versus rural situations, he argues that it is in the interests, I suppose, of the people of the Northwest Territories to have in the Mackenzie three urban-dominated ridings out of six as opposed to what he believes the Committee's proposal would have four urban-dominated ridings out of six. What he did not mention, and must mention, is that there are four other rural-dominated ridings that nobody is talking about because their boundaries don't change. If you are talking about a proper balance of population or otherwise, and according to Mr. Fairbrother's proposal as amended by Mr. Trimble, I suggest we really do have, if we can believe the argument, three urban-dominated ridings and you have then seven rural-dominated ridings. Then you get disproportionate votes on the Council as to population. Now this is the situation, of course, that exists across the country in the Federal House of Commons and there are many Members of Parliament who represent nearly a quarter of a million people and there are other Members from the rural areas representing 50,000 or 60,000 but it does seem to me, frankly, that based on a fair balance between rural and urban and a fair balance on the base of population and the Committee's suggestion is the one I prefer. If you are going to use that argument in regard to the other four ridings that we have not discussed whose boundaries are not changed as rural ridings.

THE CHAIRMAN (Dr. Barber): On the amendment, Mr. Williamson?

MR. WILLIAMSON: Mine is on the main Motion.

THE CHAIRMAN (Dr. Barber): Anyone else on the amendment?

DEPUTY COMMISSIONER PARKER: I am in the strange position of being in favour of the amendment and definitly not the main Motion.

THE CHAIRMAN (Dr. Barber): I think in this particular case passage of the amendment would not carry the main Motion.

DEPUTY COMMISSIONER PARKER: Very good.

MR. PRYDE: Oh, yes.

MR. STEWART: The rules.

AIR MARSHAL CAMPBELL: Separate them.

MR. PRYDE: Perhaps the mover of the amendment could make it as a separate Motion, following the conclusion of the first Motion.

MR. STEWART: I think the first thing is whether you are going to change that and then this amendment is relevant. I am in the same position as the Deputy Commissioner but I am not going to vote for it because if you do you can't separate it.

MR. TRIMBLE: Mr. Chairman, I have no objection to withdrawing the Motion if they wish my amendment to be placed afterwards.

THE CHAIRMAN (Dr. Barber); This is why I suggested it. I think they are really two separate issues. I think the main issue is whether or not the Committee agrees with the proposal of the Constituency Boundary Committee or the proposal of Mr. Fairbrother. It is a question of whether Providence is in or out and this is dependent upon what happens to the main Motion, so if you are agreeable, we will now get to the main Motion, depending upon what happens to it. Your suggestion or your amendment is either lost by reason of the decision of the Committee or then becomes very relevant in terms of the final setting of the boundary. Is that agreeable to the Committee?

MR. TRIMBLE: I agree with that, although I personally think that my Motion should be first. I don't think a vote on my Motion would either carry or lose the main Motion. To have a vote to decide something and then after it is decided, if it is decided in the affirmative, move another Motion to change what is already decided seems to be a strange procedure to me.

THE CHAIRMAN (Dr. Barber): The amendment would not carry the main Motion.

AIR MARSHAL CAMPBELL: You are not in the exalted position of being a judge where you make your own rules.

THE CHAIRMAN (Dr. Barber): I am in that position with this Committee and I think Mr. Trimble is in favour of the action I suggested that the amendment would not carry the main Motion and if that is agreeable to the Committee that is the basis upon which we will proceed.

MR. FAIRBROTHER: The amendment -- the rules say the amendment will carry the main Motion.

MR. TRIMBLE: Where does it say this?

AIR MARSHAL CAMPBELL: Didn't you withdraw the amendment?

MR. TRIMBLE: I will if it is necessary to do so but I don't see where in the rules it says that the amendment carries the main Motion?

AIR MARSHAL CAMPBELL: I think the simplest way to save time is to withdraw the amendment.

MR. PRYDE: Yes, and saved a procedural hassle.

DEPUTY COMMISSIONER PARKER: I think the general feeling of the Committee is that if Mr. Fairbrother's suggestion is taken up, then it would be a sensible change to enact the portion of the amendment that Mr. Trimble has suggested. I don't really think the Committee here has any argument with that.

MR. TRIMBLE: Mr. Chairman, may I suggest that the best way to handle this, if Mr. Fairbrother is in agreement, would simply be to alter his map so that Providence appears in Mackenzie-Liard because it seems to me the consensus is that if his suggestion passes that is the idea. Then we avoid either the amending Motion or a subsequent Motion. If he would agree to that, then the matter is solved.

THE CHAIRMAN (Dr. Barber): I have Mr. Trimble's amendment duly made so really the question is if he withdraws it at this time or whether we follow a different procedure. It would be easiest, I think, to withdraw his amendment and carry on with the Motion knowing the expressions of opinion that have been made with regard to the position of Fort Providence. Is that agreeable to you?

MR. TRIMBLE: It it satisfies the less informed, yes.

THE CHAIRMAN (Dr. Barber): On the main Motion, Mr. Williamson?

MR. WILLIAMSON: Mr. Chairman, I very carefully delineated the Committee with great interest. It is a matter on conscience that we try to come up with the best solution - one of which we agree is not always ideal - and also understand the fact that it can be changed and that it would not be impossible to change at some later date.

THE CHAIRMAN (Dr. Barber): That is not a time limit imposed by the Chair. That was quite inadvertent.

MR. WILLIAMSON: I understand that we have to look at this specific reference to the Northwest Territories and not necessarily how our decisions reflect on say, Ontario. The democratic facts of life are that the preponderance of settlements of the Northwest Territories are of the non-urban type. I agree with the other Members that we may not necessarily be concerned about representation from urban areas by individuals who might have a business-oriented interest, because experience has shown that Members of this Council with a business background nevertheless might conscientiously represent non-urban areas. The Member for Mackenzie North has worked hard to represent not only Rae but we have heard him mention Rae Lake and Lac La Martre. We hear from the Member for Mackenzie South, a person with a business orientation, who has also spoken this morning about Kakisa Lake and Rocher River. In fact, if we look around this table, there are six Members who are in some way businessmen. I would not accept the suggestion that this type of interest is under-represented in the Council. But I would suggest that we have to face up to the fact that the majority of the settlements of the Northwest Territories are on the non-urban type and therefore the majority of the problems that this Council will have to deal with are of the non-urban type.

The fact that there are more people in an urban settlement does not mean that there will be a proliferation of problems in the urban setting. There are just more people involved in the same set of problems. So I see nothing wrong with what has been described as a disproportionate representation in terms of population. Much more significant to the business of this Council is the proportion of problems faced, the problems dealt with. I see nothing wrong with heterogeneity of community type within a constituency. I would suspect that perhaps the representation would be enriched by a Member having a transportation, administration and a mining setting all in one constituency, although I realize this increases the problems of representation.

It is not easy to decide this issue but I think one thing that might be borne in mind is that in the final analysis we are still substantially controlled by Ottawa through our financing, and we know very well that the Government in Ottawa is concerned that the non-urban centres of the Northwest Territories not be in any way overwhelmed by the power of urban private enterprise interests.

I would suspect that to the degree that the disproportionate power of interest on the urban side develops in Council, then the support of Ottawa for the activities of this Council may be more and more cautions. As long as we are therefore subject to the financial goodwill of Ottawa, I think we should keep in mind this principle that Ottawa has espoused - it is also the one that I believe in - and that is that we reflect in a constituency representation, the preponderance

of types of problems and not be unduly influenced by the population arithmetic.

As I say, the preponderance of the problems dealt with are going to be in the non-urban areas, which are the largest numbers of settlements in the Northwest Territories.

In all conscience I thought this out very carefully and listened to those points. I think for those reasons, Mr. Chairman, the Motion of the Member for Mackenzie River in the final analysis is one in which one in all conscience must support.

THE CHAIRMAN (Dr. Barber): Mr. Fairbrother?

MR. FAIRBROTHER: Yes, Mr. Chairman. There are two points I would like to comment on. One point is on the one made earlier by Mr. Searle. I think we should correct the record about the fact that only once to my knowledge did I ever meet a Member from outside of Yellowknife. I believe that was on the part of the people of Yellowknife - they were so convinced they would win and not have to worry about the other Members, that they did not have to go out and vote. They changed their minds rapidly in the last election. The argument as raised by Mr. Stewart, the fact that there are - Hay River is a private enterprise town, Pine Point is a mining town and Fort Simpson is Civil Service. We have set up the constituency of Yellowknife which I think almost equally combines all three. Granted, they are all in one settlement but all three are represented - mining, Civil Service and private enterprise - and I think that the argument as to the fact that community interests are much the same inasmuch as they are municipalities, two municipalities and one hamlet, although the everyday problems are different, I think the over-all problems of being a municipality, or this Council or this Government are much the same.

The other point is the fact that although we do not actually have the number of voting people in these settlements, I think if you check the number of voting people in Hay River against the number if voting people in the rest of the constituency, you would find it would be about three to one. I can't quote that for sure but I think that is about what it is, which means that even though they run two and possibly three Members in Hay River, they would still almost reasonably be assured of being elected because I would think that there would be more chance of a Member from Hay River getting votes from some of the other settlements along the river rather than a Member from off the river getting votes out of Hay River.

Those are the arguments, the only arguments I have Mr. Chairman, to support my Motion.

THE CHAIRMAN (Dr. Barber): Deputy Commissioner Parker?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I apologize. I had wanted to speak before Mr. Fairbrother. May I just add a word now and he may want to answer it? I am sorry, I intended to speak before you.

I really think that on a continuing basis there is going to be more relationship between Hay River and Simpson than between Hay River and Fort Smith. The Fort Smith situation has changed so much in the last few years. They are no longer a transportation centre and Fort Smith admits this.

They have to look to their surrounding area for growth, to tourism and so forth, whereas Simpson and Hay River are places that are going to have similar problems as growth centres.

The other point I wanted to make is that the population imbalance is a very, very serious one with 6,700 people in that one area and in three separate places. In Pine Point alone this year there are 40 houses being built and this is going to result in a considerable increase over the 1,200 people we estimate are there now, I think you would just be compounding that. We would have a very, very much larger number of people in that area.

Finally, Mr. Trimble made very well the points about Tuktoyaktuk, Fort Franklin, Fort Norman and Norman Wells and I think that those are overriding, even overriding the problems that will be created with Hay River and Simpson being in the same constituency. I think they are very important ones and we must watch them.

MR. STEWART: Mr. Chairman, I am getting some new lessons in democracy today. It appears to me if my ears are correct, that this Council is saying the majority of people should not necessarily be able to elect a candidate to represent them. It seems to me what you are saying is that we should group this thing so that we can have one group who is sure of electing a candidate or not electing a candidate. We are saying that a majority of people are not going to split the division down on a population basis - I know it cannot be done exactly, but you are going to throw it completely out of bounds. You are going to create a Constituency with 6750 people, 20 percent of the population of the Northwest Territories and you are going to allow them to have one Member. Surely this cannot be the ball game. I appreciate the other arguments and I say we are doing that - we are not keeping the population fact the main factor. Surely to God not 20 percent of the population in one area should be restricted to one representative. That cannot be correct.

MR. SEARLE: And 20 percent in another.

MR. STEWART: So you have two representatives for 40 percent of the population of the Northwest Territories. Surely there has to be something wrong with that thinking. This just cannot be allowed to proceed on the basis of the type of argument that has been presented. We all belong in the Northwest Territories. I suggest a Member sitting in an organized municipality such as Hay River has more time to spend on the smaller communities because municipalities look after themselves as far as their contacts with the Territorial Government are concerned. They have far more time to spend in looking after small places and can do a far more thorough job, because they have more time, and this is what they do. I think if you are prepared to go back and look through the records you will find I have spent more time on this Council representing Resolution, Rocher River and Snowdrift, than I ever did Hay River.

THE CHAIRMAN (Dr. Barber): You still did not get your telephone for Kakiska Lake.

DEPUTY COMMISSIONER PARKER: He did get a radio though.

MR. STEWART: Something has to be wrong in Denmark when you give two representatives 40 percent of the population of the Northwest Territories.

MR. TRIMBLE: Speaking of the population breakdown, I recognize that there is a substantially higher population in the Yellowknife constituency than there would be in the Great Slave Lake South constituency with the proposed change by this Motion. This disturbs me a certain amount. However, I do not think we have to take it completely at face value, because as the Member for the Mackenzie River has already mentioned, the difference in numbers of voters would not be as great as what the difference in population would be, because I think it is fair to say that a good deal of the population certainly in such places as Hay River, and to a lesser extent, I suppose, in Yellowknife, is of a more transient nature, and does not necessarily reflect the permanent population here. Although the imbalance is there, as it is in any legislature where there are urban and rural ridings. As I have already mentioned, I favour as much as possible a balance between urban and rural type ridings in the Mackenzie and I don't want anyone to misinterpret my meaning on this, because I do not suggest that a person representing an urban riding is necessarily going to be only concerned with municipalities and a person representing a rural riding is only going to be concerned with the small communities. Presently this is not the case of Council and I certainly hope it does not become the case. However, I do recognize, possibly more than most, that there are some very definite differences of responsibilities between the two, as I represent a riding that has a large number of smaller communities and one municipality. I recognize and have for quite some time, that there are certain issues that appear before Council where there is a conflict existing between the urban situation and the rural situation. Therefore, I favour having urban constituencies and rural constituencies to the greatest extent possible, and an equal balance between them, but I don't suggest that we are going to have elected to this Council people who are going to take such a narrow point of view that they only represent one side of the situation. I personally have endeavoured - and I think my comments on this Council in the last few years bear this out - to not be constituency-minded at all, and I think you will notice I spent very little time on Council specifically endeavouring to obtain anything for any individual community in my constituency. I have endeavoured to focus my attentions

on the Territories as a whole, and the good of the Territories as a whole. I would hope this is the way that the Council develops.

In commenting on the population figures, it disturbs me that these two urban constituencies would have such a high population and yet I feel that, (1) the situation is such that there is a certain transient nature and does not necessarily reflect the permanent population, and (2) because of there being a municipal government in each of these urban constituencies that a great deal of the responsibility on an elected Members has been lifted, because this responsibility rests on the Municipal Council, whereas in a rural constituency the responsibility for what goes on in the Communities is to a much greater extent placed on the shoulders of the Member representing that constituency.

THE CHAIRMAN (Dr. Barber): Gentlemen, we have had quite a full and complete discussion of this whole question, and we have a Motion before us proposed by Mr. Fairbrother, which is as follows: "I move the proposed Constituency boundaries as presented in this Schedule be amended as per the attached map". I take it there is no doubt about the intent of that Motion. Are you ready for the question? I propose we take a recorded vote. Is that agreeable?

MR. STEWART: I would like to ask one question of the Chair. Does this preclude any further amendments?

THE CHAIRMAN (Dr. Barber): I don't see how it would.

MR. PRYDE: Question.

THE CHAIRMAN (Dr. Barber): Are you agreed that we should have a recorded vote?

--- Agreed.

MR. WILLIAMSON: Before you go to that, I must confess that I am worried about the idea of taking Tuktoyaktuk off --

THE CHAIRMAN (Dr. Barber): The question has been called.

MR. WILLIAMSON: I am asking how this can be dealt with in terms of an amendment.

THE CHAIRMAN (Dr. Barber): The passage or carriage of this particular Motion does not preclude the possibility of further Motions and if, as a result of the vote on this Motion, Members are dissatisfied, they are free to present other proposals.

All in favour of the Motion? Opposed to the Motion?

The vote is split and the decision is mine, and I vote against the Motion.

MR. PRYDE: Could you have the Clerk of the Council record this for the benefit - could you call it out for the benefit of the reporters?

THE CHAIRMAN (Dr. Barber): In favour of the Motion, Mr. Pryde, Mr. Fairbrother, Mr. Simonie, Mr. Trimble and Mr. Williamson. Opposed to the Motion, Mr. Stewart, Air Marshal Campbell, Chief Tetlichi, Deputy Commissioner Parker and Mr. Searle. The deciding vote being cast by the Chair.

Are there other proposals regarding constituency boundaries?

MR. SIMONIE: Mr. Chairman, I would like to make another

comment on the map before we go. I see here on the map that you have Western Arctic and you have Central Arctic and there is no Eastern Arctic. As I read this map in South Baffin, I would like to change the words "South Baffin" into "Eastern Arctic". It is now called Eastern Arctic and has been in the past and I think "South Baffin" should be changed to "Eastern Arctic".

THE CHAIRMAN (Dr. Barber): Are you making that in the form of a Motion?

MR. SIMONIE: Yes.

THE CHAIRMAN (Dr. Barber): It has been moved by Mr. Simonie that the name "South Baffin" be changed to "Eastern Arctic". Any debate on the Motion?

MR. PRYDE: Question.

MR. FAIRBROTHER: I wish to make a comment. Just looking at it, I would say that the name "Eastern Arctic" would not accurately reflect the constituency. I would say that from the edge of the Central Arctic, the east edge of the Eastern Arctic constituency shown on this map, lies all of Baffinland, the northern section of Hudson Bay and some of the Islands which would appear to be the Eastern Arctic. The constituency as drawn on this map is only the southern half of Baffinland and accurately reflects the name of South Baffin, because it is really on the south half of Baffinland, and I don't think the "Eastern Arctic" would accurately reflect it.

THE CHAIRMAN (Dr. Barber): Further comment?

MR. PRYDE: Mr. Chairman, I support the Motion made by Mr. Simonie for the reason that the Frobisher Bay Region has always been considered in the Eastern Arctic and after all, it is just a name and won't really change much. It is really a semantic detail, and I would suggest we should not really prolong any debate on this topic. It is a simple change of name and that is all it is.

AIR MARSHAL CAMPBELL: For what purpose?

THE CHAIRMAN (Dr. Barber): Question? All in favour of the Motion? Four. Contrary? Four. I vote for the Motion. The Motion is carried.

AIR MARSHAL CAMPBELL: Mr. Chairman, I --

THE CHAIRMAN (Dr. Barber): We have divided Council this morning.

AIR MARSHAL CAMPBELL: Now that we are in the business of changing names, I would like to propose a Motion to set up these boundaries. Through the process of change in drafting and producing the end product, somehow or other we get the name "Hudson Bay" for the name of the former Keewatin District. We believe that the term "Keewatin" is more appropriate to identify the area by than the term "Hudson Bay". "Keewatin" is associated with the Northwest Territories, and "Hudson Bay" is associated with Ontario, Quebec and James Bay. With the consent of Committee, I would move that "Hudson Bay" be changed to "Keewatin", on page 4.

THE CHAIRMAN (Dr. Barber): That is page 4 of the Schedule.

MR. WILLIAMSON: Well, the Air Marshal caught your eye just half a second before I tried, and I have to oppose this Motion, Mr. Chairman, because I believe the arguments just presented are not supportable. "Keewatin", first of all, is an Indian word, imported from the south, and it is more historically associated with an area of Western Northern Ontario, around the Kenora area. It is a matter of fact that in this new constituency, seven out of the eight settlements are on the shores of Hudson Bay. If you will look at the map, the most obvious feature of the constituency is Hudson Bay. The lines of transportation, the lines of population, settlements, and the whole character of this constituency is conditioned by Hudson Bay, not by an arbitrary decision of some people who wrote the word "Keewatin" imported from the south onto the map some fifty-eight years ago. For all these reasons, I think "Hudson Bay" is the most accurate way of describing this area - even Baker Lake is connected by direct waterway to Hudson Bay. I believe this term is more appropriately indigenous to the area, is more geographically descriptive of the area and I believe it should stand. I therefore oppose this Motion and call upon Council to do the same. I would sincerely trust that Council will respect my wishes concerning the people of Hudson Bay.

THE CHAIRMAN (Dr. Barber): Is that Hudson's Bay, Saskatchewan?

MR. STEWART: Mr. Chairman, I support the Motion on the basis that "Hudson Bay" seems to have a commercial connotation. On this basis I would rule out the name "Hudson Bay".

MR. PRYDE: Mr. Chairman, I must support the Motion presented by Air Marshal Campbell, although I recognize the points put forward by the Member for Keewatin.

MR. WILLIAMSON: Central Arctic.

MR. PRYDE: It seems to me in the last three years we have often heard that person refer to his constituency as Central Arctic or Keewatin and very, very rarely as Hudson Bay. The term "Keewatin" is a Cree Indian term meaning "north wind" and it has been in existence, referring to that part of the country for much longer than the country was known as Hudson Bay. The term "Hudson Bay" was also brought in by outsiders but the Cree term has precedence and I would suggest it is much more in keeping with the actual constituency.

MR. SEARLE: Mr. Chairman, I have to support the Air Marshal's Motion to name the constituency Keewatin simply because Hudson Bay in my mind refers to the water and I would be hoping that the representation there would be more concerned with the people and the land.

THE CHAIRMAN (Dr. Barber): Are you ready for the question?

MR. WILLIAMSON: I really did not expect Mr. Searle to do anything else but oppose my suggestion. However, I think I can quite seriously suggest that the geographic feature with which the Eskimo people have the most association for most parts of this area is the sea and, as I just pointed out, we are now involved in the Belcher Islands as part of the constituency. The Belcher Islands are the furthest opposite side of Hudson Bay from what is known as the District of Keewatin, very far removed by many hundreds of miles - eight hundred miles. There is no way you can associate the Belcher Islands with Keewatin. There is no way in which one can associate the population of this area with the Indian people, as there are no Indian people in this area.

MR. PRYDE: Or in the Belcher Islands either.

MR. WILLIAMSON: Exactly. The relationship of the people to the highway - the only highway of this area is the water - is very closely documented over history. Again I repeat that including the Belcher Islands there are eight settlements on this coast of Hudson Bay. As I pointed out when the name of the constituency was changed during the last term of Council, there has been confusion about the location of this area in Canada as a whole because most people are more familiar with this name by association with such places as Ontario than they are with the fact that Keewatin is also a name for a large portion of the Northwest Territories.

When we look at the Belcher Islands, when we look at where the settlements are, I believe it is reasonable to name this area after the most obvious features geographically and of the area where most of the population lives and from which it gets its sustenance. I would, therefore, ask the Council to support my proposal and not the Motion as presented.

AIR MARSHAL CAMPBELL: Question.

THE CHAIRMAN (Dr. Barber): Ready for the question? All in favour of the Motion?

MR. FAIRBROTHER: What is the Motion?

THE CHAIRMAN (Dr. Barber): That the constituency be called "Keewatin" rather than it appears on the map "Hudson Bay". All in favour of the Motion? Eight. Opposed? One.

MR. WILLIAMSON: May we record that I opposed?

THE CHAIRMAN (Dr.Barber): The Motion is carried.

Are there any other proposals regarding the Schedule as it appears on pages 1 to 5? Can I take it that the Schedule be taken as read to avoid having to read it through and it will be presented in the record as read.

S C H E D U L E

Electoral Districts in The Northwest Territories

The Electoral Districts of the Northwest Territories are named and described as follows:

Mackenzie-Liard - consisting of all that portion of the Northwest Territories bounded as follows:

Commencing at the intersection of the one hundred and fifteenth meridian of west longitude and the Alberta-Northwest Territories boundary; thence north along the said meridian to the south shore of Great Slave Lake; thence westerly along the south shore of Great Slave Lake and the left bank of the Mackenzie River to the one hundred and twentieth meridian of west longitude; thence north along the said meridaan to the parallel of north latitude sixty-four degrees and thirty minutes; thence west along the said parallel of north latitude to the Northwest Territories - Yukon boundary; thence south-easterly following the said boundary to the Northwest Territories - British Columbia border; thence east along the said border and the Alberta - Northwest Territories border to the point of commencement.

Lower Mackenzie - consisting of all that portion of the Northwest Territories described as follows:

Bounded on the south by the northern boundary of the Mackenzie - Liard Electoral District, on the east by the one hundred and twentieth meridian of west longitude, on the west by the Northwest Territories - Yukon boundary, and on the north by a line described as follows: Commencing at the intersection of the one hundred and twentieth meridian of west longitude and the parallel of north latitude sixty-seven degrees, thirty minutes; thence west along the said parallel to the one hundred and thirty-fourth meridian of west longitude; thence north along the said meridian to the parallel of north latitude sixty-eight degrees, thirty minutes; thence west along the said parallel to the Northwest Territories - Yukon boundary.

Western Arctic - consisting of all that portion of the Northwest Territories that lies to the west of the one hundred and twentieth meridian of west longitude and to the south of the seventy-fifth parallel of north latitude and including the whole of Banks Island but excepting thereout the Electoral Districts of Lower Mackenzie and Mackenzie - Liard.

Great Slave South - consisting of all that portion of the Northwest Territories bounded on the west by the one hundred and fifteenth meridian of west longitude, on the east by the one hundred and second meridian of west longitude, on the south by the boundary of the Northwest Territories that separates the said Territories from the Provinces of Alberta and Saskatchewan and on the north by the sixty-second parallel of north latitude.

Great Slave North - consisting of all that portion of the Northwest Territories bounded on the north by the Arctic Circle, on the south by the Electoral Districts of Great Slave South and Mackenzie - Liard, on the east by the one hundred and second meridian of west longitude and on the west by the Electoral Districts of Lower Mackenzie and Mackenzie - Liard, excepting thereout the Electoral District of Yellowknife.

Yellowknife - consisting of all that portion of the Northwest Territories bounded as follows:

Commencing at the intersection of the meridian of west longitude one hundred and fourteen degrees, thirty-one minutes with the parallel of north latitude sixty-two degrees, twenty-four minutes and thirty seconds; thence east along the said parallel to the meridian of west longitude one hundred and fourteen degrees, twenty minutes; thence north along the said meridian to the parallel of north latitude sixty-two degrees, twenty-seven minutes and twenty-eight seconds; thence east along the said parallel to the meridian of west longitude one hundred and fourteen degrees, eighteen minutes; thence north along the said meridian to the parallel of north latitude sixty-two degrees, thirty-two minutes and thirty seconds; thence west along the said parallel to the meridian of west longitude one hundred and fourteen degrees, twenty-six minutes; thence south along the said meridian to the parallel of north latitude sixty-two degrees, thirty minutes; thence west along the said parallel to the meridian of west longitude one hundred and fourteen degrees, thirty-one minutes; thence south along the said meridian to the point of commencement.

Central Arctic - consisting of all that portion of the Northwest Territories bounded as follows:

Commencing at the intersection of the Arctic Circle and the one hundred and twentieth meridian of west longitude; thence

north along the said one hundred and twentieth meridian to the parallel of north latitude seventy-four degrees, fifteen minutes; thence east along the said parallel to the ninetieth meridian of west longitude; thence south along the said ninetieth meridian to the seventieth parallel of north latitude; thence east along the said seventieth parallel to the eighty-seventh meridian of west longitude; thence south along the said eighty-seventh meridian to the sixty-seventh parallel of north latitude; thence west along the said sixty-seventh parallel to the ninetieth meridian of west longitude; thence south along the said ninetieth meridian to the Arcitc Circle; thence west along the Arctic Circle to the point of commencement, excepting thereout Banks Island.

Keewatin - consisting of all that portion of the Northwest Territories bounded as follows:

Commencing at the intersection of the one hundred and second meridian of west longitude with the northern boundary of the Province of Manitoba; thence easterly along the said boundary to the shore of Hudson Bay; thence southerly, easterly and northerly along the shores of Hudson Bay and James Bay to Cape Wolstenholme; thence northwesterly to Seahorse Point on Southampton Island; thence due north to the sixty-seventh parallel of north latitude; thence west along the said sixty-seventh parallel to the ninetieth meridian of west longitude; thence south along the said ninetieth meridian to the Arctic Circle; thence west along the Arctic Circle to the one hundred and second meridian of west longitude; thence south to the point of commencement.

Eastern Arctic - consisting of all that portion of the Northwest Territories that lies to the south of the sixty-eighth parallel of north latitude and to the east of a line described as follows:

Commencing at Capt Wolstenholme, thence northwesterly to Seahorse Point on Southampton Island; thence due north to the sixty-eighth parallel of north latitude; excepting thereout any portion of the Northwest Territories that is within the Electoral District of Keewatin.

High Arctic - consisting of all that portion of the Northwest Territories that is now within any other Electoral District.

MR. PRYDE: I would like to make one change and that concerns the description of Central Arctic on page 3 and on page 4. If one reads through this description, Mr. Chairman, you will find that at the very end it says: "excepting thereout Banks Island". A careful reading of the description and the words coming at the very end appear to be very, very clumsy. I therefore move that the words "excepting thereout Banks Island" be inserted after "seventy-four degrees, fifteen minutes" on the fifth line of the description of the Central Arctic constituency so that it would read as follows.

"Commencing at the intersection of the Arctic Circle and the one hundred and twentieth meridian of west longitude; thence north along the said one hundred and twentieth meridian to the parallel of north latitude seventy-four degrees, fifteen minutes, excepting thereout Banks Island;", and then carry on from there - you will find in the description that where it says; "thence north along the said one hundred and twentieth meridian to the parallel of north latitude seventy-four degrees, fifteen minutes" cuts right through almost half of Banks Island and actually the only place in the description where you find Banks Island is not included in the actual constituencey is the line at the very last, the last four words.

THE CHAIRMAN (Dr. Barber): Mr. Legal Advisor, is that proposal in order? Does that satisfy your requirements?

LEGAL ADVISOR (Mr. Smith): No. Mr. Chairman. I think the suggestion would make it worse. In all fairness to Mr. Pryde, I agree that is awkward. We could say "excepting thereout that portion of Banks Island that lies to the east of the one hundred and twentieth meridian".

MR. PRYDE: And where would you leave the description?

LEGAL ADVISOR (Mr. Smith): Leave it at the very end. Just where it is.

THE CHAIRMAN (Dr. Barber): I wonder would it clear up the problem if there was a period after "commencement" --

MR. PRYDE: When I read through this description I attempted to follow it on the map and I could follow it quite clearly except when I followed the line of the one hundred and twentieth meridian which cut Banks Island in half. I did not find any allowance for Banks Island until the very end of the description and it seemed so awkward in reading through it that I suggest the same words could be kept in but put in the actual place where one follows it on the map.

LEGAL ADVISOR (Mr. Smith): I would like to point out that legal description -- well, it is nice to be elegant, but of prime importance is to be accurate.

MR. PRYDE: This would still be accurate but it would enable a lay person to follow the map much more easily. It would still retain the actual wording except change --

LEGAL ADVISOR (Mr. Smith): It looks like the words wouldn't achieve accuracy. There would appear to be built into that description an ambiguity if we followed your suggestion.

MR. PRYDE: I withdraw this Motion.

THE CHAIRMAN (Dr. Barber): This legal description won't be trotted out very frequently and, in fact it is maps people will look at and so I appreciate that you have withdrawn your Motion after the Legal Advisor's comment.

MR. SEARLE: I have a question to ask, Mr. Chairman, and that is about the description of the proposed constituency of Yellowknife. Mr. Smith, are we talking about the boundaries of the city as they exist for municipal purposes?

LEGAL ADVISOR (Mr. Smith): That is correct.

MR. SEARLE: What does that look like on the map?

LEGAL ADVISOR (Mr. Smith): It looks more or less like a rectangle tipped on its end with the long side of the rectangle going north and south.

DEPUTY COMMISSIONER PARKER: I could produce a map of the boundary but the boundaries of Yellowknife lie roughly -- the eastern boundary lies out in the bay itself, the western boundary lies just beyond the Yellowknife airport, two or three miles, the southern boundary lies about a mile south of the Con Mine and the northern boundary lies about half a mile north of the bridge across the Yellowknife River. I was wondering -- I suppose Mr. Smith could also have described it as simply the boundaries as accepted for the City of Yellowknife.

LEGAL ADVISOR (Mr. Smith): One comment on that would be, if the constituency of Yellowknife were described as being that portion of the Northwest Territories contained within the

municipal boundaries of the City of Yellowknife. You have to try to ascertain what date is relevant to this description. So to do this you could have said that the municipal boundaries of the City of Yellowknife, as they existed on the coming into force of this Ordinance - but it was decided however, to go through a very lengthy and what looks like a very obscure description, for the sake of accuracy.

THE CHAIRMAN (Dr. Barber): Anything further on the Schedule?

MR. SEARLE: I just wonder if I could get a copy from the Deputy Commissioner as he suggested. You just can't tell it on the map.

THE CHAIRMAN (Dr. Barber): Are you agreed with the Schedule as amended by those two Motions?

--- Agreed

Are you agreed with Clause 3?

--- Agreed

MR. PRYDE: Where are we now?

THE CHAIRMAN (Dr. Barber): Clause 3 of the Bill itself. We agreed on the Schedule in terms of constituency boundaries and constituency names.

Clause 4? Qualifications and Disqualifications of Electors.

MR. PRYDE: Mr. Chairman, one of the qualifications here is that an elector or a person entitled to vote in an election of a Member of Council must be a Canadian citizen. I disagree with that, Mr. Chairman, for several reasons, one of the major reasons being that the polyglot nature of the population of the Northwest Territories would exclude many people if this were enacted, would exclude many people from voting in elections who are residents of the Territories for several years. For example, --

THE CHAIRMAN (Dr. Barber): Before you proceed, I would like to ask the Legal Advisor for an opinion concerning our position vis-a-vis *The Canada Elections Act* with regard to qualifying electors who are not Canadian citizens.

LEGAL ADVISOR (Mr. Smith): *The Canada Elections Act* has been changed to restrict voting to Canadian citizens rather than to Canadian citizens and other British subjects.

THE CHAIRMAN (Dr. Barber): So would it be *ultra vires* for the Council to choose this?

LEGAL ADVISOR (Mr. Smith): I don't think so, I will have to refresh my memory.

THE CHAIRMAN (Dr. Barber): I think this has an important bearing on your remarks. If it is *ultra vires* for this Council to do this, there is not much point.

LEGAL ADVISOR (Mr. Smith): Under Section 9 of The *Northwest Territories Act*, it is within the power of the Council to set the qualifications of voters.

MR. PRYDE: Mr. Chairman, a person who comes to Canada from abroad and settles in this country, in order for him to become a Canadian citizen, he must be in Canada for five years. I can see in the Northwest Territories, we have miners say, Italians, coming from Italy to Yellowknife, and residing here for several years, but until they have stayed in the Territories for five years, the cannot be allowed to vote in a Territorial election, although a Canadian citizen who has been in the Territories for only six months, has the right to vote at an election. In the Arctic Regions, I can think for example, of the Hudson's Bay Company who employ many Scots and most Scots who come to Canada, I suggest and I know, some of them are residents of the Territories but would not be allowed to vote. I say this with the understanding of course, that I am now a Canadian citizen, but it would preclude Scottish people, Italians, and your French Roman Catholic priests in the Arctic, from voting in an election until they have been in Canada for five years, whereas a Canadian citizen from southern Canada, although he may originally have come from abroad, could come to the Territories and spend six or seven months and be entitled to vote. I would suggest this is being unfair to the residents of the Territories who come from abroad, and who live in the Territories for a number of years and are familiar with local conditions but are not yet allowed to vote at the Territorial level because of this particular stipulation. I can think also of Anglican missionaries who come to Canada from abroad such as from England, who have spent four to five years in a settlement who are completely familiar with local conditions in that settlement, but who would not be allowed to vote if this stipulation remained until those people had actually spent five years in Canada. I would suggest, therefore, that we should remove this stipulation and I so move.

THE CHAIRMAN (Dr. Barber): Moved by Mr. Pryde that the stipulation for Canadian citizenship in subclause 4(a) paragraph 4 (2)(a) be removed.

MR. TRIMBLE: Mr. Chairman, I agree in part with what the Member for western Arctic has said. My personal feeling is that the situation should remain as it presently is and has been, that Canadian citizens and other British Subjects should be entitled to vote. I am not certain I would go so far as to say anyone of any nationality who is a newcomer to Canada should be entitled to vote. I assume that his Motion would have the effect of opening the door to anybody, not to leaving it as the *status quo* and therefore I would find it necessary to vote against this Motion, but I do feel that the situation should remain as it is, that Canadian citizens and other British subjects should be eligible as electors. I wish to point out in support of this argument that Bill number 6-43, which we have already passed through Committee stage, as I mentioned at that time, provides for Justices of the Peace to be Canadian citizens or other British subjects. The Justices of the Peace are passing judgment on the laws that this Legislature makes, and I personally feel that if we are going to permit persons who are British subjects, but not Canadians, to pass judgment on our laws, then they certainly should be eligible to be electors and candidates regarding the Council that makes those laws. Therefore, I am forced to oppose this Motion unless it is amended. If it is defeated, I will move another Motion to the effect that paragraph (a) subclause 4(2) be amended to include other British subjects.

THE CHAIRMAN (Dr. Barber): Other people have indicated a desire to speak.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, surely Canadian citizenship has some meaning to us, and I think that we should not be passing holus-bolus all of these rights, out to people who first enter our country. We welcome them with open arms, but they should be Canadian citizens, and or, I would support Mr. Trimble in his British subjects. I think the Commonwealth still has meaningful ties with us.

MR. SEARLE: Mr. Chairman, I have a question and that is of our Legal Advisor. Maybe he knows the answer, and that is what we say in our Municipal Ordinance, do we restrict the voting at the municipal level to Canadian citizens, or do we also permit British subjects?

LEGAL ADVISOR (Mr. Smith): My memory is that we have stricken that entirely, I think it is residents only. I will confirm that.

THE CHAIRMAN (Mr. Barber): While he is looking that up, we will have Mr. Williamson.

MR. WILLIAMSON: I speak as a Canadian citizen by choice and not by accident of birth.

MR. TRIMBLE: Accident nevertheless!

--- Applause

MR. WILLIAMSON: I don't know what underlies that. Quite seriously, Mr. Chairman.

I take the rights of Canadian citizenship very seriously. I have something to be proud of, I think it is something to be worked for and I think it is something to be demonstrated as valuable. Therefore, I feel that the Motion as it stands is not entirely supportable, although I do agree with some of the principles that Mr. Pryde sets forth, particularly concerning his comments about other British subjects. Other British subjects, even the members of the contentious Celtic fringe, are at least familiar with the same political system as we have in Canada. They tend to come as immigrants to our country, and I do not see any reason why we should limit the right to participation in the political processes of our country to residents who live in the Northwest Territories and who are British subjects. It is a matter of common knowledge that any Canadian citizen can go to Great Britain and run for Parliament, and in fact there have been a large number of Canadians in the House of Commons from time to time.

AIR MARSHAL CAMPBELL: As of today?

MR. WILLIAMSON: I can't tell you as of today, but I can think of a number of people like Leather and Beaverbrook and so on, and what I would like to say is there should be some willingness to reciprocate here. I believe the principles, the democratic principles and procedures which we have are those which are common to the family of the British Commonwealth, and that we should be prepared to accept the participation of the members of the British Commonwealth. I would not extend that to people who have not yet been conditioned to the Canadian political system. One of the requirements of citizenship is that people demonstrate their understanding of our Constitution and our principles. I would support the amendment that Mr. Trimble has suggested that the phrase be changed to and "British subjects", but not any further.

THE CHAIRMAN (Dr. Barber); It is now past one o'clock. I suggest we recess for lunch and reconvene at 2:30 p.m.

--- LUNCHEON ADJOURNMENT

--- 2:30 p.m.

THE CHAIRMAN (Dr. Barber): The Committee will come to order. I thought we had a quorum but they have eluded us.

MR. PRYDE: Do we have a quorum?

AIR MARSHAL CAMPBELL: Yes.

THE CHAIRMAN (Dr. Barber): A quorum is four. We have a quorum. The meeting will come to order.

Prior to the luncheon recess we were looking at the subject of qualifications and disqualifications of electors and particularly the subject of Canadian citizenship. Mr. Pryde indicated a desire to speak.

MR. PRYDE: Mr. Chairman, I would prefer if we wait a few more moments to get other Council Members in. I think it is only fair to the other Members.

DEPUTY COMMISSIONER PARKER: Call the vote.

THE CHAIRMAN (Dr. Barber): The Committee is in Session and you were the last speaker before the lunch break.

MR. PRYDE: Fine, Mr. Chairman. I must try out a filibuster to make sure that the other Members will be here in time because the other Members who wish to speak in favour of this Motion are not here at the present moment. Therefore, I will take up a few minutes' time of the Committee to reiterate some of the arguments I have already presented.

AIR MARSHAL CAMPBELL: Let us keep him to the point.

MR. PRYDE: I will remain to the point. In Committee of the Whole, Council Members have an opportunity to speak to the Motion without closing the debate.

MR. TRIMBLE: This is a filibuster.

THE CHAIRMAN (Dr. Barber): Carry on, Mr. Pryde.

MR. PRYDE: Thank you, Mr. Chairman. As I see it, Mr. Chairman, if we retain this stipulation that a person in the Territories is entitled to vote when the election of the Member of the NWT Council must be a Canadian citizen we are excluding quite a substantial number of people who are already in the Territories or who may come into the Territories, from taking part in a process which will be meaningful to them. That is the right to vote in a Territorial election. At this level, at the Territorial level we are not concerned with the Federal laws. The laws of Canada are drawn up by the Federal Government and are outside of our jurisdiction, but we do have jurisdiction at this level concerning qualifications of voters for a Territorial election. I would suggest that in retaining this stipulation residents of the NWT must also be Canadian citizens. We will deprive those people who have spent quite some time in the north from taking part in a Territorial election. At the same time, we will allow certain Canadians who have come into the Territories and spent only six months and if those people are 19 years of age or older they can vote. Their actual experience within the Territories, their actual experience with the north country here and their knowledge of the north country may be a great deal more limited than those people who are living within the Territories but who have not happened yet to be Canadian citizens, i.e. Roman Catholic priests from France and Belgium who might have lived in a settlement in the Northwest Territories for almost five years but not quite five years and who cannot yet have Canadian citizenship because of that time period. We could

also exclude Anglican Missionaries, Scots, Italians and any other nationality on the same basis.

Surely, Mr. Chairman, those people who come into the north country and intend to spend several years up here or possibly their lifetime up here as residents of the Northwest Territories should have the fundamental right to vote in an election on a par with any other resident of the NWT.

We should not stipulate that for some people, because they happen to be a Candian citizen, they may only stay in the Territories for six months, whereas other people who do not happen to be Candian citizens must remain in Canada and possibly in the Territories for five years. Surely that is rather an unfair stipulation. I appreciate the remarks of the Deputy Commissioner that Candian citizenship is a good thing, that it is something to be encouraged, and it is something we would like eventually all people in the Territories to have. But the fact remains that many people who come to the Northwest Territories direct from abroad and do not yet have Canadian citizenship, although they may have spent up to five years in the Territories, whereas certain Canadian and people from abroad who have lived in southern Canada and taken out Candian citizenship can come to the Northwest Territories and with only six months' experience, can vote in an election for the Territorial Council Members. At the same time this excludes people with a great deal more experience and many more years in the North from voting at the very same election and I suggest that it is very unfair.

With the Northwest Territories being a pioneer country, with the very fact that a fairly substantial number of the white people in the Territories are not Canadians although they certainly, I would hope, take out Canadian citizenship when the five-year period in Canada becomes due, we must recognize many people in the north do not yet have Canadian citizenship but I do not think at the same time we should deny those people from taking part in the electoral process for a Member of the Territorial Council. I would hope other Members would bear this in mind that if we confine this merely to Canadian citizens, we are denying northerners who may not happen to be Canadian citizens but who may have every intention of taking out citizenship.

AIR MARSHAL CAMPBELL: Could we hear the Motion again, please?

THE CHAIRMAN (Dr. Barber): Mr. Pryde has moved that the stipulation requiring a Canadian citizen, that is paragraph 4(2)(a) be deleted.

MR. FAIRBROTHER: Mr. Chairman, as the Deputy Commissioner said this morning, surely it must mean something to be a Canadian citizen. Surely we must have some incentive to have people become Canadian citizens. If you give a person from another country all the rights and privileges of a Canadian citizen, they can come and live in this country as long as they want and there is no real incentive to take out Canadian citizenship papers. It is nice surely it must be nice to be a citizen of another country and have all the rights and privileges that belong to a Canadian citizen, but I think the right to vote is one of the privileges that has been withheld to the citizens of any country. It is something that I think everybody looks forward to when they are under age, to be old enough to vote. Surely it would be the same thing with someone coming to this country to have the incentive to attain this privilege to vote. I think if you remove this stipulation, I don't know anything that would give a person the incentive to become a Canadian citizen.

Secondly, surely one must consider that this piece of legislation is more important to the people of this country than the right to go out and shoot a moose or a bear. We have a stipulation that you must be a one-year resident before you have the right to go out and hunt game but now we are lowering the age -- the residence requirement to six months for voting. Then we want to turn around and take away the requirement for citizenship for voting. I think you have completely thrown away any vestige of pride in the right to vote.

MR. WILLIAMSON: Right.

MR. FAIRBROTHER: For that reason I would have to oppose the Motion that this requirement be taken out of the Ordinance.

THE CHAIRMAN (Dr. Barber): Any further questions? Those in favour of the Motion? One. Opposed? Eight. The Motion is lost.

MR. PRYDE: Can we have a recorded vote, please?

MR. TRIMBLE: The vote has already been taken. A Member who wishes a recorded vote should ask before the vote is taken.

THE CHAIRMAN (Dr. Barber): That is the normal procedure. If there is any particular reason, we will entertain it. Do you wish the fact you voted in favour of the Motion to be recorded?

MR. PRYDE: I want also the names of the Members who voted against the Motion.

MR. TRIMBLE: Every Member here.

MR. PRYDE: Not all Members are here. It is a rule of this Council that a recorded vote is called for and a recorded vote is taken.

THE CHAIRMAN (Dr. Barber): Normally a recorded vote is called for before the vote is called. Mr. Pryde, will you show me anywhere in the Rules where that is stated, please?

AIR MARSHAL CAMPBELL: The vote is over, it is elementary.

MR. PRYDE: It is not elementary.

MR. TRIMBLE: The Member has used this tactic before to get the vote through successfully and I am getting tired of it. If anyone wants a recorded vote they should ask before the vote is taken.

MR. PRYDE: If any Member wishes to change his vote that is his right.

THE CHAIRMAN (Dr. Barber): Would you mind if I consult the Rules on your point, please?

LEGAL ADVISOR (Mr. Smith): I can't find my Members' Manual. Mr. Chairman, Rule 5 says "Upon a division the yeas and nays shall not be entered in the debates unless requested by a Member." We have had a request by a Member.

AIR MARSHAL CAMPBELL: Will you also read Rule 42, Mr. Chairman?

MR. PRYDE: On a point of order, Mr. Chairman, there has been no suggestion that the vote be called again but simply the vote which was cast and the Motion that was put be recorded. It is as simple as that.

MR. STEWART: I would like to be recorded as opposing the vote.

MR. WILLIAMSON: I am happy to state for the record that I voted against it.

MR. TRIMBLE: It is unfortunate the Member happens to be dragging far behind everybody else.

THE CHAIRMAN (Dr. Barber): Opposed, Mr. Stewart, Air Marshal Campbell, Mr. Fairbrother, Chief Tetlichi, Deputy Commissioner Parker, Mr. Searle and Mr. Williamson.

MR. SEARLE: Would you entertain another Motion? Mr. Chairman, I would like to move that subparagraph 4(1)(a)(i) be amended so as to include "a British subject".

THE CHAIRMAN (Dr. Barber): So it would read by your Motion: "Subject to paragraph (2)(a) every person in the Territories is entitled to vote at an election of Members of the Council who (a) is a Canadian citizen or other British subject". You have heard the Motion. Is there any debate?

MR. STEWART: What is the definition of a British subject now?

MR. TRIMBLE: They have not removed the Scots yet.

THE CHAIRMAN (Dr. Barber): Do you have a definition Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): My understanding is that a British subject is a person who comes from a country which recognizes The Queen as sovereign.

MR. WILLIAMSON: Under what title, Elizabeth II? That may not apply to Mr. Pryde.

MR. SEARLE: He is a Candian citizen.

THE CHAIRMAN (Dr. Barber): Any discussion?

MR. PRYDE: I must oppose this Motion.

--- Applause

Other Members may laugh.

MR. TRIMBLE: Thye don't call him "Pryde" for nothing.

MR. PRYDE: We are setting up discrimination against those who do not happen to be British subjects and I don't think that is very fair. Other Members may laugh as much as they like but I think we should be a little bit more just in the Territories and I am getting pretty damned fed up with the Members.

Now, by restricting this if they want to keep it, let us keep it the same for everyone. Let us just have Canadian subjects with the idea of allowing a person from England or Scotland, the United Kingdom, to come into Canada and in the Territories and give that person the right to vote six months after he comes into the Territories but exclude a man because he happens to be French or Italian is utterly ridiculous. We are northerners here and do not discriminate against people because they happen to come from a country that is not in the Commonwealth. Members here might enjoy it because I oppose this Motion. I am a former British Subject, at least I presume I still am. I am a Canadian. But I do not think it is right for us to limit the people who come

into the Territories who have the right to vote after six months' residency, if they happen to come from the Commonwealth. What difference if a person comes from a Commonwealth country where the native language is not English? The person may come here not knowing a word of the English language. What difference is there between that person and, say, a person born in Italy or France or anywhere else whose native language is also not English? There is none whatsoever. We are setting up false barriers here and I believe they are the wrong barriers. Let us encourage people to take part in elections, not exclude them, not lay down false barriers because they don't happen to be WASPS.

MR. SEARLE: May I speak rationally to the Motion that I made, Mr. Chairman?

DEPUTY COMMISSIONER PARKER: That is your choice.

THE CHAIRMAN (Dr. Barber): I was about to make a facetious comment, but I will refrain.

MR. SEARLE: The reason I moved the Motion was because I agree in part with what Mr. Pryde is attempting to initiate, and that is not to restrict the right to vote in Territorial elections to just Canadian citizens. I would not go all the way in opening it up, because like Mr. Parker, and Mr. Fairbrother, I believe there should be some reason to be a Canadian citizen and that should mean something. I would extend that right to vote, however, to British subjects, because of our Constitutional position in Canada. We are a Constitutional Monarchy, recognizing the Crown as our head, as we have just done for I think that the Royal Tour is still fresh in our memories. I also look to precedent as set out in other Ordinances, and in particular, the Municipal Ordinance which I asked Mr. Smith to look up and which he found was, that at the municipal level which is our Legislation, we have said you can vote municipally if you are a Canadian citizen or a British subject. It seems to me we should have the voting as a result of our Legislation in our Territories, the same regardless of at what level. Otherwise you impose impossible conditions upon people working as returning officers. Basically, they are the same people who work as returning officers from time to time. It does not make sense to me to permit Canadian citizens and British subjects to vote at a municipal election if at a Territorial election you have something different, whether it be too wide or narrow, so it seems to me that at this stage we should make the legislation uniform as to qualifications in that regard. If there is some very good reason to do otherwise, then I think at some time in the future we might amend both those pieces of legislation to just Canadian citizens or expand it to everybody, but certainly since the Municipal Ordinance is not open at this time, since there are all kinds of reasons we should have the same standards at the Municipal and Territorial level, I would say the logical step at this time is to permit Canadian citizens and British subjects, as is permitted in the Municipal Ordinance. That reason of practicality I couple with the constitutional reason already mentioned. Those are my submissions.

MR. FAIRBROTHER: Mr. Chairman, I must support Mr. Pryde in his remarks. I think that Canadians should make laws for Canadians, and not people from somewhere else making laws for Canadians. If you go to Clause 6, it says: "Unless disqualified by this or any other Ordinance, any person who is entitled to a vote at an election of Members of the Council, is eligible to be nominated and elected as a member of the Council". Which means, if you open this up to anyone but Canadian citizens, they are eligible to sit on this Council and make laws for the Northwest Territories, and I do not think it is right. I think it is up to the people who have lived in this country for a number of years, who are familiar with the problems, entitlements and recommendations of what we are trying to do in this country. As a Canadian I certainly would much rather be governed by other Canadians, than someone from another country, be he a British subject.

MR. PRYDE: Hear, hear!

MR. FAIRBROTHER: For that reason, I would have to oppose the Motion most strenuously, and as I said before, maintain that the people who vote in the Northwest Territories, and who sit on this Council to make laws for the Northwest Territories, should be Canadian citizens.

MR. TRIMBLE: Mr. Chairman, I think one thing has to be clarified here, and that is that we are not opening up anything by the amendments presented by the Member for Mackenzie North, because this is now the situation and always has been. Persons eligible to vote in Territorial elections could be either Canadian or other British subjects and what the effect of this Motion would be is to maintain the *status quo*. I certainly feel that as long as we are in Canada, one of the nations in the Commonwealth, as long as we recognize the Queen as our Sovereign, that we should consider any other British subject to have the same rights in Canada with regard to elections as ourselves. My personal opinion is that we should be doing everything in our power to strengthen the ties that bind us together as nations in the Commonwealth of Nations, rather than trying to weaken those ties. I think there are very definite advantages to the ties that do bind us and I fear considerably as I see in Canada these days, the efforts being made to weaken these ties. I don't think we should lend our support to them. Therefore, I support the Motion to include other British subjects:

MR. PRYDE: Mr. Chairman, one point that seems to be missed by other Members is this: When Mr. Parker spoke to the original Motion, he said there should be something, some incentive to cause or persuade a person living in Canada to become a Canadian citizen, and I agree. It is a real honour to be a Canadian citizen, but by having this Motion carried, what in effect we do in the Northwest Territories, is that we allow a person from a British Commonwealth country to come to the North here and he can spend a lifetime in the North without taking out Canadian citizenship, but we give him the right to vote. We either have it one way or the other - there is no grey area in between. Either we open this to everyone, or we restrict it to Canadians. I do not see, if this Motion is carried why people who happen to come from a Commonwealth country to the north and quite probably will remain in the north without taking out Canadian citizenship, why these people will still not be allowed to vote at a Territorial election. Surely we can't have it both ways - either we open it for everyone on an equal basis, or we restrict the right to vote at an election to Canadian citizens alone.

MR. FAIRBROTHER: Agreed.

MR. PRYDE: I am glad I got the support of Mr. Fairbrother, because I believe that unless we open it to everyone, we should restrict it to those people who are willing to become Canadian citizens.

THE CHAIRMAN (Dr. Barber): Mr. Searle's Motion that paragraph 4(a)(i) be amended to include "or other British Subject", are you ready for the question?

MR. PRYDE: Mr. Chairman, could we have a recorded vote, please.

MR. TRIMBLE: He is catching on now.

THE CHAIRMAN (Dr. Barber): All those in favour of the Motion?

MR. SEARLE: Record Mr. Pryde in favour.

THE CHAIRMAN (Dr. Barber): In favour of the Motion, Mr. Stewart, Chief Tetlichi, Deputy Commissioner Parker, Mr. Simonie, Mr. Searle, Mr. Trimble and Mr. Williamson.

Opposed to the Motion?

MR. PRYDE: Two Canadians.

THE CHAIRMAN (Dr. Barber): Mr. Pryde and Mr. Fairbrother. The Motion is carried.

Further on Clause 4? Clause 4 as amended agreed?

MR. TRIMBLE: Mr. Chairman, I don't know how the Members of the Committee feel about paragraph (c), but I personally feel the period of residency should remain at one year, rather than be changed to six months. To that effect I will move that the words "six months" be changed to "one year".

THE CHAIRMAN (Dr. Barber): Moved by Mr. Trimble that paragraph 4(1)(c), "six months" be replaced by "one year" or "twelve months".

AIR MARSHAL CAMPBELL: Question.

MR. SEARLE: Can we ask a question before we have the question? I would ask this of Mr. Smith. My understanding is - just speaking in recollection from the last election - I thought it said "three months" in the old rules. Isn't this draft a doubling of that, from three months to six months?

MR. FAIRBROTHER: You had to be an ordinary resident in the polling district before, but you have to be a northern resident for a year.

AIR MARSHAL CAMPBELL: Paragraph 4(1)(c) says: "has been ordinary resident in the Territories for a period of at least six months immediately prior to polling day at such election".

LEGAL ADVISOR (Mr. Smith): You have the right to fix the period within which, the length of period of how long you may be a resident before you vote. This is entirely within the ambit of the Council.

MR. SEARLE: The question is, this period of six months, is this half of what we had before?

LEGAL ADVISOR (Mr. Smith): Section 112 of The *Elections Act of Canada* states that qualifications of voters must be in effect six months prior to polling day. The amendment to *the Northwest Territories Act* has varied that rule to permit the qualifications enacted at this Council today to have effect on polling day in December, notwithstanding the fact that six months has not elapsed.

MR. SEARLE: That is not my question, the question is, what what was the previous period of residence required, or what is it now?

DEPUTY COMMISSIONER PARKER: One year.

LEGAL ADVISOR (Mr. Smith): It is reduced to six months.

THE CHAIRMAN (Dr. Barber): The effect of this Motion would be to maintain the *status quo*.

MR. SEARLE: Could I speak to it?

DEPUTY COMMISSIONER PARKER: My comment was not to argue the point. I do not feel strongly one way or the other, but I do recall the reason brought up originally was that there were a number of people, and in particular, I refer to school teachers, who, although residents for very often ten months of the year, had often very little opportunity to vote because of this twelve-month stipulation. This was the reason brought forward, that was recommended to Council in the past.

MR. TRIMBLE: May I ask a question? Are teachers not hired for a twelve-month period, rather than just a school term?

DEPUTY COMMISSIONER PARKER: Yes, they are.

MR. TRIMBLE: Then they would be considered permanent residents, even if they did go out on holidays. They would remain residents the same as anybody else.

DEPUTY COMMISSIONER PARKER: That is right. However, as I believe now - as I say, I don't feel strongly about this - the problem was very often with the spring election; they would have become resident in September, and if not more than six months, they would not obtain the right to vote.

MR. TRIMBLE: And a number of these teachers come for one year and would be leaving after the period of the school term?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SEARLE: I doubt that this period, whether it be six months or twelve months, has much meaning to those members who come from - if I can get back to the rural ridings where you have most of the Indian or Eskimo people who have been there most of their lives. It is most important when we get into any area where you have some or a lot of transient people, some who have just arrived and may stay a year or two and others who only come in for a short period. I should think, for instance, in Hay River, if you put in a year and you held an election in December you might find you had about 50 percent of the people who couldn't vote - that is a guess. By way of showing or just giving an example, certainly I know that in my own riding here as it exists now, Mackenzie North, that a year's residence virtually disenfranchises anybody working at the outlying mines. In the last election there was Discovery and at this election there will be Echo Bay, Tara, and I should think the same might apply to the mine in Mr. Fairbrother's riding over the Mackenzie border, Tungsten. I should think something the same would also apply to Pine Point - there you might have a difficult time. To some extent this also applies to people living in a city like Yellowknife. A year is a long period of time for a lot of people and for my own part, I tend to feel that the six-month period is a good compromise and I would oppose the extention of that to a year. I think that a year, from my experience, is too long as we had it.

MR. WILLIAMSON: I feel that one-year requirement is fair enough. I think it is fairly common across the country. After all, what we are expecting here is that people receive the right to vote by some demonstrated commitment to the

country, and the fact that they have stayed for a year or beyond that time is one very small evidence of demonstrated commitment. Concerning the teachers, I think the one-year requirement would only affect those teachers who have arrived in the Territories at the time of the year during an election, otherwise I wouldn't see them being disqualified. The qualification is based on domicile, and they may go out for six weeks summer courses or something like this, but they are ordinarily resident in the Territories. So it would not affect too many of the teachers but it would demonstrate quite clearly, not inordinately rigorously, how serious the requirement of some evidence of commitment. Therefore, I think the one-year requirement is not unreasonable at all. I would think a six-month requirement is not sufficiently long.

MR. PRYDE: Mr. Chairman, I wish to support the remarks made by Mr. Searle and by Mr. Parker. We discussed this at a previous session of Council and at that time we agreed the residential period should be cut down from one year to six months, and I recollect that at the time we mentioned too that it was mainly because of the situation suggested by Mr. Searle that it cut out quite a number of people in the larger centres such as Yellowknife. And in addition cut out teachers, most teachers as a matter of fact, who did not spend an entire year in the Northwest Territories. They normally work for ten months and then spend two months outside again. I must therefore oppose the Motion of Mr. Trimble and support Mr. Searle and Mr. Parker.

THE CHAIRMAN (Dr. Barber): The Motion is on paragraph 4 (1) (c) "six months" be changed to "twelve months". Ready for the question?

MR. TRIMBLE: I have not spoken to the Motion as yet and I would like to make a few remarks. I think it should be clarified that a teacher teaching in the Territories would not lose his or her residency because he or she went out in the summer for summer courses or holidays or anything else any more than any other person would lose their residency by going out of the Territories for two months. As far as the next five years are concerned, whether it be six months or twelve months would have no effect on teachers because if the next election will be held when I expect it will be held, any new teachers will not have been here for six months and would therefore not be eligible to vote. Any teachers that are here right now would then be eligible to vote whether the period of time was six months or twelve months. Teachers have no bearing on the issue. What I think is the issue though, is whether or not a person has come to the Territories with the purpose of making the Territories his home. I personally do not feel that transient people in the Territories who have been here for less than one year really know that much about the north, or really can be considered knowledgeable and sufficiently interested in the north to be eligible to vote. I think a twelve-month period is reasonable. I personally do not agree that persons, such as miners coming to the mines for less than one year and then going out should really have the right to decide who should govern this country. Therefore, I wish to retain the one year residency requirement and I don't think that is too long a period.

AIR MARSHAL CAMPBELL: Question.

THE CHAIRMAN (Dr. Barber): Anyone wish a recorded vote? In favour of the Motion? Four -- five. Opposed to the Motion? Three. The Motion is carried.

Paragraph 4 (1) (c) is amended to read "twelve months immediately prior to polling day at such election".

Are there any other clauses affected by that, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): I will bring them to your attention if I find any.

THE CHAIRMAN (Dr. Barber): Clause 4 agreed?

MR. SEARLE: Further, Mr. Chairman, I notice that (d) says: "was on the day on which the writs of election were issued, ordinarily resident in the electoral district in which he seeks to vote". The reason I question that is because later on in the Ordinance under Clause 6, it says under (1)

"Unless disqualified by this or any other Ordinance, any person who is entitled to vote at an election of Members of the Council is eligible to be nominated and elected as a Member of the Council". What I am wondering is, does that mean then since to be a candidate you have to qualify as an elector, as it says back here, does that mean, Mr. Smith, to be a candidate in the Northwest Territories on the date the Writs of Election were issued you must have been ordinarily resident in the electoral district in question? In other words, what I am getting at is this: If I am a resident of the Northwest Territories for twenty-five years and even though I live in Yellowknife, why can't I go and run in the Keewatin or why can't I go and run in Frobisher Bay in the Eastern Arctic, because if we look at *The Canada Elections Act*, you just have to be a Canadian and you can be from Halifax and come up with nomination papers in the Northwest Territories. That restriction seems to me to suggest that we can't do that in the Territories and that you must in fact go and take up residence on the date the writs are issued in the constituency.

LEGAL ADVISOR (Mr. Smith): My view of this legislation is that if you are entitled to vote an an election in the Territories, an election means an election of Member or Members to Council, you are a resident of Yellowknife and you are entitled to vote in the Yellowknife constituency. You may run in Mackenzie-Liard, for example.

MR. SEARLE: But I can't vote in Mackenzie-Liard unless I am resident there on the date the Writs of Election are issued. If I can't vote there unless I am resident there, how can I be a candidate there?

THE COMMISSIONER: That happens all over Canada. You can live in Halifax and run in Vancouver and the fact that you can't vote doesn't make a whit of difference.

MR. SEARLE: But this Ordinance says in Clause 6 that you are eligible as a candidate only if you are eligible to vote.

LEGAL ADVISOR (Mr. Smith): It says you are entitled to vote at an election of Members of Council and eligible to run as a Member of Council. In my view, you do not have to be a voter in the district in which you run.

MR. STEWART: If you want to run in Liard you can run but you can't vote for yourself.

LEGAL ADVISOR (Mr. Smith): You could be in a position where you would be entitled to vote in Yellowknife but run in Mackenzie-Liard.

AIR MARSHAL CAMPBELL: I don't read it that way.

MR. SEARLE: It says " any person who is entitled to vote at an election of Members of the Council is eligible to be nominated and elected as a member of the Council".

THE CHAIRMAN (Dr. Barber): It doesn't say anything about where you can run.

MR. SEARLE: If I fill out the nomination papers with the returning officer in Liard, he will say I am not entitled to vote here, so therefore, I am not entitled to be a candidate here.

LEGAL ADVISOR (Mr. Smith): On that particular point, a returning officer has only one function. He must accept nomination papers as long as they are in the form prescribed by the law. It is no part of his function to make a judgement as to the meaning and effect of election papers.

They could take him to court very quickly if he tries to bar their filing of properly completed papers.

AIR MARSHAL CAMPBELL: This is so unclear. It should really be clarified.

DEPUTY COMMISSIONER PARKER: Why don't we clarify in under Clause 6?

MR. SEARLE: Why not put a subclause in 6 and say notwithstanding that you are not actually a resident of the constituency in question on the day of the issue of the Writ, and if you are otherwise qualified to vote you may stand as a candidate. This is what I think we intend to do.

LEGAL ADVISOR (Mr. Smith): Under the existing subclause 6 (1) it says: "Subject to this Ordinance any person who is entitled to vote at an election may be a candidate at that election", and this was rephrased in order to give the candidate the right to be a candidate anywhere in the Territories no matter where his residence is as long as it is in the Territories and he is able to vote in the Territories.

MR. SEARLE: Maybe I should bring it up under 6 if Mr. Smith thinks we could make it absolutely clear when we get there.

THE CHAIRMAN (Dr. Barber): Clause 4? Agreed?

--- Agreed.

Clause 5, Rules as to Residence of Electors.

AIR MARSHAL CAMPBELL: It seems to me that Clause 5 is very loose as far as rules of the residence of electors. I do not have any concrete suggestions to make it clearer. I think it should be made clear for an elector.

THE CHAIRMAN (Dr. Barber): Any other comments on Clause 5?

MR. PRYDE: Subclause 5 (7) Mr. Chairman. Under this subclause, only a certain number of people or a certain type of profession are allowed to change electoral districts prior to the election and still have the right to vote, namely, ministers, priests or other ecclesiastics or teachers. I wonder if there is any reason why the average person should not also have that same right. In other words, if I am a resident of Yellowknife and this is my electoral district and I happen to be transferred to Hay River prior to the election, why can't I as a citizen of the NWT be allowed to vote at a Yellowknife election? I am just using that as an example, whereas if I were a minister or a teacher I could be transferred to another part of the Territories and still have the right to vote in my own electoral district.

LEGAL ADVISOR (Mr. Smith): No.

MR. PRYDE: I have a Motion ready if there is no explanation.

LEGAL ADVISOR (Mr. Smith): These rules, as to the residence of electors in the Elections Ordinance, were left untouched. If you want to change the policy this expresses, of course, it is not up to me, but there was no intention to change any policy as expressed in Clause 5.

MR. PRYDE: I intend to move a Motion that would try to change the policy, rather than confining it to just those professions. I would move that subclause 5 (7) be amended by the following: delete the words "of the following" in the first line, after the words "any", strike out the "s" of the next word "persons", and on the top of page 4, put a period after the word "therein", and delete the remainder of Clause 7, so that it would read as follows: "Any person who, in the interval between the date of the issue of the writs of election and polling day, changes his place of ordinary residence from one electoral district to another is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application and to vote at the polling station established therein".

THE CHAIRMAN (Dr. Barber): You have heard the Motion, gentlemen, is there any question? The intent is to permit anyone who moves from one district to another to elect in the voting district into which he moves.

MR. PRYDE: That is just the period in between the issue of the writs and time of election.

AIR MARSHAL CAMPBELL: To vote in the Constituency he moves from or to?

THE CHAIRMAN (Dr. Barber): To.

MR. PRYDE: No, Mr. Chairman, I don't think you have got it quite right. You would be allowed the right to vote in the constituency in which he was formerly resident.

THE CHAIRMAN (Dr. Barber): But he moved and he is no longer a resident.

MR. PRYDE: He may not have fulfilled the qualifications of the three months residency in the new constituency, or in the constituency in which he moves.

AIR MARSHAL CAMPBELL: What you are really saying is that he goes back home and votes?

MR. STEWART: He can right now.

THE CHAIRMAN (Dr.Barber): Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Smith): Yes.

THE CHAIRMAN (Dr.Barber): Is the intent of this clause, ignoring the question of the proper persons or named persons, is the intent of the clause to permit an individual to vote in the district into which he moves, or in the district from which he moved?

MR. FAIRBROTHER: This is the district into which he moves.

THE CHAIRMAN (Dr. Barber): My understanding is that at the time of the issue of the writ, the person is a qualified elector on the basis of the required length of residency in that particular district. If he moves out of that district between the time the writs are issued and the election time, he is still legally resident in the place from which he moved, and the intent of this would be to permit him to elect in the new district where he is now ordinarily resident.

MR. PRYDE: Exactly. This clause does not say that.

THE CHAIRMAN (Dr. Barber): If you look at subclause 5(4): "A person has only one place of ordinary residence and it cannot be lost unless or until another is gained".

AIR MARSHAL CAMPBELL: But then you have to wait another six months or something.

MR. FAIRBROTHER: Not in the polling station. It says in subclause (7), part way down "change his place of ordinary residence from one electoral district to another is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application". If he moves and he makes his application, he is resident there when he makes his application. So that point would be covered.

THE CHAIRMAN (Dr. Barber): If you look at subclauses (6) and (7) together: "Every person shall be deemed to continue until polling day to be ordinarily resident in the electoral district in which he was ordinarily resident on the date of the issue of the writs of election, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is a person described in subsection (7) and exercises his rights thereunder, in which event he is not entitled to vote in the electoral district in which he was ordinarily resident on the date of the issue of the writs of election".

So Mr. Pryde's proposal would allow anybody who moves between the time of issue of the writ and election, to elect to vote in that area into which he moves.

AIR MARSHAL CAMPBELL: Provided he did not apply to have his name on the rolls before he left.

THE CHAIRMAN (Dr. Barber): He can't vote in both places.

AIR MARSHAL CAMPBELL: If he applied before he left, he has to go back home, according to this. Supposing he does?

MR. FAIRBROTHER: Then it says in the following sentences: "unless he is a person described in subsection (7) and exercises his rights thereunder", which is the right to vote in the new district.

AIR MARSHAL CAMPBELL: He has the right to apply to be listed where he is ordinarily resident.

MR. FAIRBROTHER: No. It says on the date of his application.

MR. PRYDE: The intent of this Motion is, as you said, Mr. Chairman, to let a man who has not voted in one district to do so in another.

AIR MARSHAL CAMPBELL: I agree with the effect of it, but I don't think it reads that way. This whole clause is all very confusing. Perhaps in the interval between now and the next Council, the Legal Advisor could take a crack at clarifying it.

THE CHAIRMAN (Dr. Barber): The Motion before us, Gentlemen, is to amend subclause 5(7), by this change: "Any person who, in the interval between the date of the issue of the writs of election and polling day, changes his place of ordinary residence from one electoral district to another is, if otherwise qualified, entitled, if he so elects, to be included

in the list of electors for the polling division in which he is ordinarily resident at the time of his application and to vote at the polling station established therein". That is the Motion. Are you ready for the question? Pardon me - delete following "therein".

LEGAL ADVISOR (Mr. Smith): There is one other change too. The phrase "unless he is a person described in subsection (7)", in (6). Do you agree to have that included in your Motion, Mr. Pryde?

MR. PRYDE: Yes.

THE CHAIRMAN (Dr. Barber): Because everybody would be --

MR. PRYDE: I suggest we call the Motion on subclause (7) and then clear up subclause (6).

THE CHAIRMAN (Dr. Barber): We are on Clause 5, so we can take them both together.

MR. PRYDE: I don't know if we could do that without getting into some confusion. I suggest we clear up one subclause and then clear up the other.

THE CHAIRMAN (Dr. Barber): All in favour of the Motion? The Motion is to amend subclause 5(7), by the deletion of "of the following" in the first line, the deletion of "s" from persons, and put a period after "therein", on the top of page 4, and delete the paragraphs. So it would give the right to any person during an election to vote in the constituency of his new place of residence.

AIR MARSHAL CAMPBELL: In order to make the objective more clear, I would suggest in the last line on page 3, that instead of "is ordinarily resident", insert in lieu thereof "in which he has taken up residence". That makes it clear he is going to apply in and vote at the place he has gone to.

THE CHAIRMAN (Dr. Barber): I see the Legal Advisor shaking his head.

LEGAL ADVISOR (Mr. Smith): *The Canada Election Act* defines "ordinarily resident" and all the rules define "ordinarily resident" and if we start changing the rules --

AIR MARSHAL CAMPBELL: That is making the intent clear, it is not clear here now --

LEGAL ADVISOR (Mr. Smith): It is a term of art well understood by those versed in elections.

AIR MARSHAL CAMPBELL: A layman could not understand this.

LEGAL ADVISOR (Mr. Smith): The returning officer and deputy returning officer would have to apply and understand through a series of courses and literature what the phrase "ordinarily resident" means.

AIR MARSHAL CAMPBELL: If we made the intent clear here, then he could more easily understand it.

MR. STEWART: That is the problem. If we make everything so everybody can understand it, we will not require lawyers.

--- Applause

THE CHAIRMAN (Dr. Barber): Do you wish me to re-read the Motion?

MR. SEARLE: Some people would be sued monthly instead of yearly then.

THE CHAIRMAN (Dr. Barber): Are you ready for the question then? All in favour of the Motion?

AIR MARSHAL CAMPBELL: Does it include these words, or doesn't it?

THE CHAIRMAN (Dr. Barber): No. Contrary minded? The Motion is carried.

Subclause 5(6), the Legal Advisor suggests that there is a consequential change in this, and you Mr. Smith would delete "unless he is a person described in subsection (7)"? That is not sufficient, is it?

LEGAL ADVISOR (Mr. Smith): No. I think it is better to leave it alone, since in effect he is the person described in subclause (7).

THE CHAIRMAN (Dr. Barber): Clause 5?

MR. TRIMBLE: Before we proceed, I wonder if the Legal Advisor would give us the definition of "ordinarily resident"?

MR. PRYDE: That is found under subclauses 5(1)(2) and (3).

AIR MARSHAL CAMPBELL: I don't see how The Elections Act governs it.

LEGAL ADVISOR (Mr. Smith): Subclause (2) OF The Interpretation Section: "Words and expressions used in this Ordinance unless otherwise provided or required in the context in which they appear, have the same meaning as in *The Canada Elections Act*."

The Canada Elections Act makes free with this phrase "ordinarily resident" in its provisions.

AIR MARSHAL CAMPBELL: It is not a question of that at all.

THE CHAIRMAN (Dr. Barber): The operative portion is paragraph 3(a) on the top of page 3.

MR. TRIMBLE: We were told, and I think our decision on the Motion under Subclause 5(7) was based accordingly that the words "ordinarily resident" should be used because this is a definition under *The Canada Elections Act*. Now we are told and it seems to me, that the definition is in our own Ordinance. I have had a little experience in the elections, and I think I could say that some of the returning officers I have known, know very little about elections. Therefore, I don't think we should expect the returning officers to be able to understand legal phraseology. If we can't understand it, I don't think most of them could understand it either.

THE CHAIRMAN (Dr. Barber): Do you have a suggested amendment, Mr. Trimble?

MR. TRIMBLE: I think the Air Marshal made a suggestion but I forget what his exact words were.

MR. WILLIAMSON: Where he has taken up residence.

AIR MARSHAL CAMPBELL: Where he has taken up a residence.

MR. TRIMBLE: Paragraph 5(3)(a) seems to be very vague to me.

I would think that if anything it applies to the place where the person came from, not where he has gone to.

LEGAL ADVISOR (Mr. Smith): I think you should not change your phraseology in the middle of a section. Subclauses (1), (2) and (3) define "residence" in a vague way because of different circumstances. Down at the bottom of subsection (7), to use a different phrase to mean the same thing, would be inadvisable, I submit you would invite trouble. For instance paragraph (3)(a) states "that place that has always been or which he has adopted as, the place of his habitation or home and to which, when away from, he intends to return and, in the case of a person who usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is the place where that person sleeps". If we change subclause (7) so that it does not include "ordinarily resident" then you are turning your back on the rest of the section. You are using a different phrase to mean the same thing.

MR. PRYDE: I would just like to clear up in my own mind something about the term "ordinarily resident in the Territories". If we take as an example Mr. Williamson, most of the year Mr. Williamson is in Rankin Inlet but for a part of the year he is working in Saskatoon. Is he considered to be ordinarily a resident of the Territories in the context of this Ordinance?

LEGAL ADVISOR (Mr. Smith): The question of Mr. Williamson's residence --

MR. PRYDE: May I say, Mr. Legal Advisor and Mr. Chairman, a person has only one place of ordinary residence and that is defined and by this definition as it is here someone like Mr. Williamson who spends a substantial period of time in the Territories, but works outside for a period of time would not be allowed to run in the next election. It can't be a correct interpretation.

LEGAL ADVISOR (Mr. Smith): No. First of all, residence is not a question of law.

MR PRYDE: It is a question of fact.

LEGAL ADVISOR Mr. Smith): Yes, and in this particular case the section lays down the guidelines as to what facts to consider, what actually should be looked at, and if there is some disagreement as to whether or not a person is ordinarily resident, if there is a dispute on this matter, the way to get results is to take it into the courts. No one else can decide.

MR. PRYDE: Again we find in this particular case, as I read the Ordinance, the place of ordinary residence and I quote "is the place where that person sleeps" and I quote further "and where his family is". As Mr. Williamson or any other person in the same boat has a family in the south four or five months of the year, then his residence cannot be the NWT.

LEGAL ADVISOR (Mr. Smith): It is not for you to decide.

MR. PRYDE: But other people might be in the same boat.

AIR MARSHAL CAMPBELL: I agree with the Legal Advisor that the only way to settle this is to test it in court but to avoid testing it in court surely we should have as our

objective and it can't be done today in this Session of Council, to rewrite this until it is perfectly clear to avoid going to court so people may know where they stand. It is so ambiguous now that I could claim citizenship up here and vote as well, as I said before.

MR. PRYDE: I agree wholeheartedly with the Air Marshal because I can see a man like Mr. Williamson who has spent many many year in the Territories being excluded from running in the next election.

LEGAL ADVISOR (Mr. Smith): *The Canada Elections Act* seems to set it out well and I think to make any big change would take a good amount of study.

MR. PRYDE: We should put it under study because as we read it at the present time that is very unclear.

THE CHAIRMAN (Dr. Barber): Do I hear a Motion? Clause 5 agreed?

MR. FAIRBROTHER: Mr. Chairman, I think this is something we should get a little clarification on. It has been a bone of contention for a long time.

THE CHAIRMAN (Dr. Barber): The Chair is prepared to entertain any Motion any Member wishes to put on Clause 5. Either call the question on Clause 5 or ask for a Motion. We can't continue the round and round discussion. I think we have to resolve it by approving Clause 5 as it exists or making some Motion to amend it.

AIR MARSHAL CAMPBELL: Since I -- excuse me.

THE CHAIRMAN (Dr. Barber): Are you ready for the question on Clause 5 as amended?

MR. PRYDE: Not quite. I don't know the answer right off but I don't think we should pass it until we have clarified what Members of this Council have been speaking about.

THE CHAIRMAN (Dr. Barber): I repeat as the Chairman I have only two choices: To call the question on Clause 5 as amended or to call a Motion which would have the effect of taking further action or amending it further.

MR TRIMBLE: May I suggest another choice that we pass over Clause 5 and carry on with the Bill?

THE CHAIRMAN (Dr. Barber): Agreed that we pass over Clause 5?

MR. STEWART: Nay.

THE CHAIRMAN (Dr. Barber): In the interval something magical will happen.

Clause 6, on page 5, Qualifications and Disqualifications of candidates? Agreed?

--- Agreed

Clause 7, Ineligibility as Candidate?

--- Agreed

Clause 8, may I have a question from the Chair about Clause 8?

AIR MARSHAL CAMPBELL: We could take a vote on it.

THE CHAIRMAN (Dr. Barber): Well I read through Clause 7 and Clause 8 and Clause 8 says "no person who is ineligible to be a candidate at an election is eligible to be elected or to be or sit as a Member of the Council". There are people who under paragraph 7(1)(c) might be employed in the service of the Government of Canada for salary, fee, wage, et cetera, who might be appointed as Members of Council and as I recall Clause 8, if they would be ineligible to be elected they would be ineligible to sit, but they would still be an appointed Member of Council. There is a conflict there, Mr. Legal Advisor. The Government of Canada might well appoint someone ---

THE CHAIRMAN (Dr. Barber): No person who is eligible as a candidate in an election is eligible to be elected or sit as a Member of the Council but under paragraph 7(1)(c) he is not eligible to be elected. You may in fact have inadvertently ruled out allowing appointed Members to sit as Members of this Council.

AIR MARSHAL CAMPBELL: Private Members are appointed by Order-in-Council so that fixes it.

THE CHAIRMAN (Dr. Barber): Does this supersede this Ordinance?

AIR MARSHAL CAMPBELL: Not that I am ---

THE CHAIRMAN (Dr. Barber): Why don't we add, except in the case of appointed Members?

MR. FAIRBROTHER: You can do it easier than that. You can put in a third line "to be elected or be or sit as an elected Member of the Council."

AIR MARSHAL CAMPBELL: As an elected Member, yes.

THE CHAIRMAN (Dr. Barber): Does that satisfy you, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): There is a little problem because after you get on the Council you can make yourself ineligible.

MR. FAIRBROTHER: Only as an elected Member.

LEGAL ADVISOR (Mr. Smith): I would take it an appointed Member of Council should be subject to paragraph 7(1)(a) - could be made ineligible by having a contract with the Government of the Territories for which public money of the Territories is being paid.

AIR MARSHAL CAMPBELL: Clause 8 on the other hand says "to be elected or sit".

LEGAL ADVISOR (Mr. Smith): The difficulty is in the word "sit".

AIR MARSHAL CAMPBELL: I think there is a good legal point raised by the Chairman but I don't think it is going to affect the future of the Council -

THE CHAIRMAN (Dr. Barber): I suggest we recess for coffee while the Legal Advisor ponders this.

LEGAL ADVISOR (Mr. Smith): I am not going to ponder it any more. I think we should leave it alone.

--- RECESS

THE CHAIRMAN (Dr. Barber): Order. The Legal Advisor has advised me that clause 8 is satisfactory. Do you agree to Clause 8?

--- Agreed

Clause 9?

MR. SEARLE: Mr. Chairman, I am wondering if Mr. Smith is prepared to concede that Clause 6 needs a little clarification in terms of clearly stating that an elected Member, providing he is resident in the Territories generally, can run in any constituency? If he wants us to just leave it with him and go on again, that is fine with me, but --

THE CHAIRMAN (Dr. Barber): We have to come back to Clause 5 and that was passed over. We can go back and have the Legal Advisor look at it in the interim and go on to Clause 9, Resignation of Seat by an Elected Member.

--- Agreed

Clause 10, Issue of Warrant when Vacancy Occurs?

--- Agreed

Clause 11, Issue of Writ? Agreed?

--- Agreed

Clause 12, Vacancy in Seats not to Invalidate Proceedings of Council? Agreed?

--- Agreed

Clause 13, No Liability for Act done under Authority of Council?

--- Agreed

Clause 14, Protection of Members from Actions?

--- Agreed

Clause 15, Except for Breach of Ordinance Member Immune from Civil Arrest During Session?

--- Agreed

MR. SEARLE: What is civil arrest?

THE CHAIRMAN (Dr. Barber): All right, what is civil arrest?

MR. SEARLE: I don't know. I know what criminal arrest is but I don't know what civil arrest is.

MR. FAIRBROTHER: That might be what -- maybe it's like what Mr. Trimble did on the way to session.

MR. TRIMBLE: Mr. Chairman, I think this clause is very important but I am not sure that it covers all the possibilities that could arise. What the Member for Mackenzie River is referring to is that in coming to this Session I flew my own aircraft from Aklavik, but decided to take it on to Edmonton to have two additional radios installed. I landed at Footner Lake in northern Alberta to refuel and almost remained there because they were busily fighting forest fires and considered that me and my aircraft might come in very handy. I understand they have the authority to do this. Fortunately, this did not happen but the situation could arise and almost did. I wonder if Clause 15 would cover this type of situation? First of all, within the Territories, in other words, would that be considered as civil arrest? Secondly, would this or anything else cover this situation outside of the Territories because, as we all realize, some of the Members of Council have to come through various provinces in order to get to Yellowknife.

MR. PRYDE: It wouldn't cover any situation outside of the Northwest Territories, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): We will wait for the Legal Advisor to pour over his dusty tome.

MR. TRIMBLE: It might have been more profitable for me to be fighting forest fires, but that is beside the point.

THE CHAIRMAN (Dr. Barber): I wonder if we could pass on to Clause 16.

LEGAL ADVISOR (Mr. Smith): On the forest fire, it simply means you would be immune under our Forest Protection Ordinance from detention, for the purpose of fighting forest fires.

AIR MARSHAL CAMPBELL: Within the Territories.

LEGAL ADVISOR (Mr. Smith): During the Session in the Territories.

MR. TRIMBLE: What -- by virtue of Clause 15.

MR. FAIRBROTHER: How about in Alberta?

LEGAL ADVISOR (Mr. Smith): Our jurisdiction would not extend into Alberta.

MR. FAIRBROTHER: Is there no Federal statute that covers this?

THE CHAIRMAN (Dr. Barber): You couldn't issue a court order to ask for him back? Clause 15 agreed?

--- Agreed

Clause 16 agreed?

--- Agreed

Clause 17, Members' Indemnities and Allowances?

MR. FAIRBROTHER: No, Mr. Chairman. I seem to be always on the wrong side of the fence for some reason or other.

MR. SEARLE: Have we gone to 17 or are we on 16?

THE CHAIRMAN (Dr. Barber): We agreed to 16.

MR. SEARLE: I was just wondering shouldn't 16 really be in The Jury Ordinance rather than in this Ordinance?

THE CHAIRMAN (Dr. Barber): I am at the disposal of the Legal Advisor on that question.

MR. SEARLE: Here again you are dealing with qualifications of jurors, and to put it in another Bill other than The Jury Ordinance, it seems to me it will never be noticed by the sheriff or anyone who summons jurors.

LEGAL ADVISOR (Mr. Smith): The Jury Ordinance under Section 7 already exempts you.

MR. SEARLE: It does?

LEGAL ADVISOR (Mr. Smith): Yes.

MR. SEARLE: What have we got it in here for?

LEGAL ADVISOR (Mr. Smith): That is an oversight.

THE CHAIRMAN (Dr. Barber): But it could be left in?

LEGAL ADVISOR (Mr. Smith): It could be left in except that the officers and employees of the Council are not covered in The Jury Ordinance.

THE CHAIRMAN (Dr. Barber): Clause 17?

MR. SEARLE: Excuse me, Mr. Chairman, just a moment. The Jury Ordinance says: "The following persons are exempt from service as jurors: the Commissioner, Members of the Council of the Northwest Territories", and this says, "all Members, officers and employees of the Council, persons summoned to attend shall be exempt from attending during any session". Therefore, 16 would imply that if you were not in a session, however, you could be summoned as a juror but Section 7 of The Jury Ordinance is a blanket complete exemption. It says: "The following persons are exempt from service as jurors". So, it seems to me that this section not only duplicates to some extent but is misleading in that if you just read this section and did not go into The Jury Ordinance, you would think you had only a partial exemption, whereas in fact The Jury Ordinance gives a complete exemption, so unless there is some very good reason to mislead a person, I suggest we take it out of one or the other.

MR. WILLIAMSON: Take it out of this, if you like.

THE CHAIRMAN (Dr. Barber): Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): I confess I didn't consider The Jury Ordinance when I drafted 16. It now brings up a question of policy of what should be done. Do you think as a matter of policy, Members of Council should be exempt at times other than during the session?

MR. SEARLE: Certainly it appears to me that people running for election probably don't want to be sitting on juries just because it is not a very popular thing to do. But whether or not that is justification for giving a blanket exemption is questionable.

THE CHAIRMAN (Dr. Barber): This is just on a question of procedure here. We are beginning to debate The Jury Ordinance which is not open for debate and the question before us is really whether there is duplication or conflict between this and what is in The Jury Ordinance.

MR. SEARLE: There is duplication and conflict because The Jury Ordinance gives a complete exemption at all times and this gives an exemption only during sessions. I think that when we get into this if it was just a duplication, that is fine but it is just declaring what is already in The Jury Ordinance. Where you get a conflict, I think you have got to take one or the other out.

MR. STEWART: Why don't we just say "all officers and employees"?

THE CHAIRMAN (Dr. Barber): You so move?

It has been moved that in Clause 16 the words "all Members" be removed because of the conflict with The Jury Ordinance since officers and employees of the Council would be exempt from jury duty during the session. Members are exempt all the time under the present Jury Ordinance.

MR. TRIMBLE: I take it Members are exempt at all times?

THE CHAIRMAN (Dr. Barber): Right. This removes the conflict. Ready for the question?

MR. SEARLE: Excuse me. There is one other point and that is, it says: "summoned to attend before the Council or any Committee thereof shall be exempt from attending or serving as jurors before any court in the Territories during any session of the Council". Should it not say, "any meeting of the Council"? In other words, the first part of the section refers to persons appearing before either the Council or a Committee of the Council and the way we have Committees meeting between sessions, that isn't very meaningful unless we also include not only sessions of Council but Committee meetings of Council.

THE CHAIRMAN (Dr. Barber): Would you include that in your Motion?

MR. SEARLE: Yes.

THE CHAIRMAN (Dr. Barber): So, after "any session", "Committee meeting". Ready for the question? All in favour? Contrary, if any? Clause 16 has been amended by deletion of "Members" in the first line and the addition of "or meetings" in the last line.

Clause 17.

MR. FAIRBROTHER: I changed my mind. It is unusual.

THE CHAIRMAN (Dr Barber): Agreed? Agreed to Clause 17?

MR. PRYDE: Clause 17, subclause (4), "A deduction at the rate of fifty dollars a day shall be made from the indemnity referred to in subclause (1) of a member for every day exceeding four consecutive sitting days during each session that he does not attend a sitting of the Council". Mr. Chairman, we are members of the public and we are here to serve the public and the way I read this, a member could remain away for four days as a whim without attending the session and not be liable for any forfeiture of his indemnity whatsoever for the first period of four days. I would suggest this is wrong inasmuch as we are servants of the public, and I suggest - I would move we delete the words "exceeding four consecutive sitting days".

THE CHAIRMAN (Dr. Barber): So, it would read, if your Motion was acceptable: "A deduction at the rate of fifty dollars a day shall be made from the indemnity referred to in subclause (1) of a member for every day during each session that he does not attend a sitting of the Council".

MR. PRYDE: That is correct. You will find there are other places here where a Member need not attend the session for cause i.e. illness or to stay away because of bad weather, late arrival of a plane, et cetera. On the other hand, if a Member does not attend a session without cause, then I believe he should be fined $50 per day. I think that is the minimum amount a Member should be fined for not being here to carry out the business of the Territories when he does not have good due reason not to be here.

AIR MARSHAL CAMPBELL: Is this normal in other Houses?

THE CHAIRMAN (Dr. Barber): Mr. Commissioner, do you wish to speak?

THE COMMISSIONER: I think -- I am sure I see Mr. Pryde's point but I am not sure I agree with it. I don't know if we can be that absolute. Under the Federal legislation in *The Northwest Territories Act* this was always in there and it said three days and then after the third day - you were allowed three days' grace - the money came off your indemnity at the rate of $150 a day a session. It was dropped from *The Northwest Territories Act* because all of this is now in the power of the Council to decide. You can wipe this out if you want but I think a Member should have some kind of protection in view of weather and all these factors, and the fact that some of these unknowns come up. As long as you have appointed Members, there are times appointed Members are called away. We have seen it here and I know what he is getting at, but, on the other hand, there are these circumstances and I know there are extenuating circumstances. I do believe that four days is really put in there not to be a hardship, but the way it used to be, a man could be a Member of Council and never attend a Council session and draw his indemnity. That is what it was up to 1966. This was put in and they were given that much grace.

I think there is a good reason for it and I would not want to be too hasty - it is your money, it is your Council and your decision to make, but there are Houses of Parliament in the United States and in the British system where Members have good reasons not to be in attendance or they are given a certain amount of grace in view of the situation there. I think Mr. Pryde might like to give that some consideration.

MR. PRYDE: I have given it some consideration, Mr. Commissioner. The way I feel, Mr. Chairman, there may be many cases in which a Member can legitimately be away from Council and by removing this period of four days, we will not affect those Members who are away from Council on legitimate business or for legitimate cause. I mentioned earlier that subclause 17(5) gives forth certain reasons why a Member can be away, i.e. if a Member is unable to attend by reason of illness, a Member is away because of public or official business, or if a Member is unable to attend due to other exceptional circumstances. I believe that that is certainly wide enough. If a Member is away for any period of time whatsoever because of legitimate cause, there is certainly no intention on my part with this Motion to deprive that person of his full indemnity or any portion of his indemnity. On the other hand, if a Member is capable of attending, he should be here attending to the work of the Northwest Territories. That is why we are elected and that is why we are paid. If he is not here, if he is not away because of a legitimate reason, then he should not be paid. He is not carrying out his function as an elected Member. I do not see why we should allow four days whereby a Member can come to Yellowknife and stay away from Council just at his own whim or because he doesn't feel like getting up in the morning and yet not be fined or have a certain amount deducted from his indemnity. I believe, Mr. Chairman, you get the point I am driving at. It is not aimed at any person who has a legitimate reason.

MR. STEWART: Mr. Chairman, I'll agree in part with what Mr. Pryde said although I think that you are setting this thing up so it will become an impossible policing thing. For example, who is going to decide whether it is an exceptional circumstance? That is under paragraph 10(1)(c). Will it be the Commissioner or the Clerk of Council, or does it go on the Council floor? Without some leeway in there, so that normal things can transpire without somebody calling attention to this and saying" "Well, I don't see who is going to declare these exceptional circumstances". If he is going back to his constituency to see about something, is that Council business in the full sense of the word? What makes these rules that you have here tick? Somebody is going to have to say whether it is or it isn't and who does this? Unless you leave it loose so that you only use this when you have somebody who is really stepping out, then I say it breaks down and there is no function at all.

AIR MARSHAL CAMPBELL: Question.

THE CHAIRMAN (Dr. Barber): The Motion before us is in subclause 17(4), the words "exceeding four consecutive sitting days during each Session that he does not attend -- "exceeding four consecutive sitting days".

MR. PRYDE: I missed out two words in my Motion between "he does not" and "attend", the words "without cause" should be inserted.

AIR MARSHAL CAMPBELL: Question.

MR. STEWART: Could I have my question answered? Who is going to make that decision?

THE CHAIRMAN (Dr. Barber): The Commissioner.

AIR MARSHAL CAMPBELL: Question.

THE CHAIRMAN (Dr. Barber): "A deduction at the rate of $50 a day shall be made from the indemnity referred to in subsection (1) of a Member for every day during each session that he does not attend without cause a sitting of the Council."

THE COMMISSIONER: Is there in the glossary - would you have to put in the definition of "cause" in the definition of terms - this isn't a procedural question, but I am just trying to get - to ask our two legal minds here, would you not have to put in some idea what is meant by the word "cause"?

THE CHAIRMAN (Dr. Barber): (a), (b) and (c) give some indication.

MR. SEARLE: Subclause (5) of Clause 17, sets out, as Dr. Barber was saying, (a), (b), (c) and (d), which are fairly wide causes, and I would think that if you could not bring your lack of attendance within any one of those then you are without cause.

AIR MARSHAL CAMPBELL: Have we got a bunch of kids around here?

MR. TRIMBLE: I think it has already been pointed out that the four days of grace that is already in the Bill is standard procedure in the legislatures or something similar to the existing legislatures. I think we have to bear in mind that the Members on Council are responsible to the people that send them here. If they are appointed Members, they can be replaced by the Government of Canada, and if they are elected Members, they are responsible to the people who elect them. I think that is certainly a good enough safeguard. It is all right for us to get up and say that a man should be penalized if he is not here without an excuse, but are we really the judges of one another, or are not the five or six thousand people who sent each of us here our judges? I think I have got as good a record as any Member of this Council for attendance, but I know that at least twice I missed the opening of Council because it meant that I would have had to waste approximately three days' time in order to be here for the opening, because the session usually opens on a Monday, and it is necessary to come on Friday. The opening is nothing more than a formality, as far as I am concerned, and in all practical sense, I can do nothing for my constituency on the opening day of the session. How I could possibly be failing to serve my constituents by spending four extra days in order to be here to sit in a seat when the Commissioner gives his address, I fail to understand. I think we are being very childish about this. I agree with the Member

from Mackenzie South. How are we going to police such a thing, who is going to decide what are exceptional circumstances? If there is some issue that is coming up and I feel it necessary to return to my constituency at my expense to discuss some matter, and so I miss a day of the session, who is to decide whether that is an exceptional circumstance or not? Am I letting my constituents down by returning to them to them to find out their opinions on an issue, rather than staying here and expressing my own opinions? I think we are being very childish about this, and the elected Members have to go back to their constituents, and if they are not going to be in attendance at the sessions, I can guarantee they are not going to be re-elected.

AIR MARSHAL CAMPBELL: Precisely.

MR. WILLIAMSON: I am satisfied that the Committee of Council which considered these recommendations, sufficiently apprised themselves of the experience of other legislatures on this over the hundred odd years while legislatures have operated in Canada, and has found it desirable to leave this amount of grace, while not leaving it wide open. I think we might be wise to learn from this experience elsewhere.

I also think we might be wise to limit the amount of authority we place in the position of the Commissioner in deciding what is "cause". And I say the position of the Commissioner, not the person of the Commissioner. We are starting our own democratic process here and this is what we should be developing more and more. This amendment would in fact take some further control of the Council's affairs out of the Council and put them into the hands of the Commissioner. For these two reasons then I feel this amendment is undesirable.

MR. PRYDE: Mr. Chairman, if all Members of Council adopted the attitude suggested by Mr. Trimble, that the opening day is a mere formality and they don't need to show up, I would suggest it would be a very empty Council Chamber on opening day. The second thing is that if all Members of Council had failed to show up at this present Session's opening day when we carried out quite a substantial amount of business, that business would not have been carried out. There are certain days, I recognize, on which the Commissioner and Council have a few formalities and on the other hand, don't know ahead of time and can't have any way of determining ahead of time whether or not that will be the case. Nonetheless, that is beside the point. The point is, that if we are policing ourselves, then it is not up to the Commissioner, and after all, the money is for the Members of this Council and comes out of the NWT fund. It does not come from the pockets of our constituents. If we don't require a stipulation that those Members do not turn up for a cause, or without due cause, without that stipulation, then we might as well do without the whole stipulation, the entire Clauses (4) and (5). It is as simple as that. I have stated several times when I spoke to this before, that it is not the intention to penalize any Member of Council. If Mr. Trimble is stuck for any reason in Aklavik and cannot come down, then this would certainly not penalize him. On the other hand, if any Member does not attend, and he has not just reason for not attending Council, then I think it is our duty to penalize him. He is not here representing his constituents, but he is drawing a salary and indemnity. He is drawing that indemnity while not carrying out the function for which he is being paid. As Mr. Searle mentioned, (5) gives wide latitude to show proper cause why a Member could not attend a day's session. If he has no reason within those subclauses in Clause (5), if he does not attend Council because of that very wide latitude, then surely he should be penalized in some way for not carrying out the very purpose

for which he was elected.

MR. STEWART: Question.

THE CHAIRMAN (Dr. Barber): Ready for the question? All in favour of the Motion? Two.

MR. PRYDE: Recorded vote please.

THE CHAIRMAN (Dr. Barber): In favour of the Motion?

MR. SEARLE: Can we note it as both Members from Yellowknife?

--- Applause

THE CHAIRMAN (Dr. Barber): Mr. Pryde and Mr. Searle. Those opposed to the Motion? Mr. Stewart, Air Marshal Campbell, Mr. Fairbrother, Chief Tetlichi, Deputy Commissioner Parker, Mr. Simonie, Mr. Trimble and Mr. Williamson. The Motion is lost.

THE COMMISSIONER: It should be noted there are now two comfortable pews.

THE CHAIRMAN (Dr. Barber): Clause 17?

--- Agreed

Clause 18?

--- Agreed

MR. PRYDE: Mr. Chairman, I assume you pay a living allowance of $25 a day also to those Members who do not attend Council without due cause?

MR. WILLIAMSON: They are not there.

MR. TRIMBLE: I wonder perhaps if the Member could be penalized for being absent from his seat even though he is here?

MR. WILLIAMSON: I wonder if he might be penalized for being absent from his mind.

MR. PRYDE: Mr. Williamson will be penalized enough in the next election.

THE CHAIRMAN (Dr. Barber): Obviously if he is not here he will not receive his living allowance, and if he is here, he will.

Clause 18 agreed?

--- Agreed

Clause 19?

--- Agreed

Clause 20?

--- Agreed

MR. PRYDE: One point, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): On 20?

MR. PRYDE: This is on 19. It says here in 19: "For the purpose of the indemnity and allowances payable under subsection 17(1) and Section 20, a person who, immediately before the expiry or dissolution of the Council, (a) was an elected Member thereof shall be deemed to continue to be a Member until the day of the general election next following". I am not certain whether this same type of clause is in the present Council Ordinance. Can I inquire if that is the case? Are we - are the present Council Members deemed to continue as elected Members in the next election in December?

THE CHAIRMAN (Dr. Barber): Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smith): Well, ---

MR. PRYDE: I was under the impression we would dissolve as of August 4th.

MR. SEARLE: I was under the impression similarly that when the Council's life ended we were no longer members, and I understood that - I know at the time of the last election, and I understood that the constitutional basis for this was that where there wasn't someone appearing as a candidate saying I am the Elected Member. In other words, he was just a candidate like anyone else who was running.

MR. WILLIAMSON: There is also the question of responsibility up until the time of the election of a new Member in terms of continuing to carry out the function to fulfil the conditions of his emolument. Does that apply just to the responsibility to carry out the functions?

THE CHAIRMAN (Dr. Barber): We will leave a moment for the legal advisor to confer here.

MR. PRYDE: Man to man, Mr. Chairman, I sure puzzle our legal advisors.

THE CHAIRMAN (Dr. Barber): Could we have an explanation?

LEGAL ADVISOR (Mr. Smith): Just to make sure, which Clause is this?

MR. PRYDE: 19 (a).

LEGAL ADVISOR (Mr. Smith): This clause expresses the policy that for the purposes of calculating indemnity, the elected Member, even though his term has expired, has his indemnity calculated through to the following polling day, as if he were an elected Member. I understand that that was the policy that was recommended by the Committee.

MR. PRYDE: That was not the point.

MR. WILLIAMSON: If I am not mistaken, the Committee did not consider this particular point.

MR. PRYDE: The point I am trying to make is what is the present practice? How are we as Members of this Council considered? Do we carry on as elected Members until the next election?

LEGAL ADVISOR (Mr. Smith): Under the present method of paying indemnities, indemnity ceases on the day your term expires, or the day the Council is dissolved.

MR. WILLIAMSON: So there is no further formal term in which Council may meet.

THE COMMISSIONER: For a three-year term of office, you get three full years of indemnities.

MR. PRYDE: From August 4th, which is our cut-off date until December when an election will be held, the present Council Members do not get indemnity?

THE COMMISSIONER: That is under the system that has been used up to now.

MR. PRYDE: Why do we feel compelled to change the system?

THE CHAIRMAN (Dr. Barber): I understand this is to bring it in line with Federal Parliament.

LEGAL ADVISOR (Mr. Smith): The *House of Commons Act* has a provision whereby their indemnity is deemed to carry on until the polling day of the next general election.

AIR MARSHAL CAMPBELL: This is consistent with that?

LEGAL ADVISOR (Mr. Smith): This is consistent with that.

MR. PRYDE: But the present way the Council is set up prior to the enactment of this Act, we Council Members continue just to August 4th and then we are cut off?

LEGAL ADVISOR (Mr. Smith): Yes.

MR. PRYDE: That is the point I wish to clear up. I could not see any point in carrying on from August 4th to election day, unless we had some responsibilities to carry out.

AIR MARSHAL CAMPBELL: This is now conforming to federal legislation?

LEGAL ADVISOR (Mr. Smith): This conforms to the federal.

THE COMMISSIONER: I am not sure that you can do this, I am not sure this is legally right, because it has already been calculated. This Council will have received by August 4th the full three-year indemnity. What are you going to pay them with?

LEGAL ADVISOR (Mr. Smith): It is the same - this is not a matter of whether or not you are a Member. This is merely a way of calculating the amount of the indemnity.

THE COMMISSIONER: It has already been calculated on a three-year plan.

LEGAL ADVISOR (Mr. Smith): Previously.

THE COMMISSIONER: No, right now, and as of August 4th, they will have received the 36th and last payment. The way you have it there, we continue, according to this, to pay up until the 20th of December. What are you going to pay them, if you concede to the rules, you are paying them more than a three-year indemnity which they are allowed to be paid. The question is how you divide

it up and if we chose, according to the Justice people, that we pay them the full three-years' indemnity within the three-year period. This is what we have done.

MR. WILLIAMSON: Isn't the solution to deem this as coming into effect as of the beginning of the new Council? Obviously this is in preparation for the next term, so that the legislation would be in effect - until then.

MR. PRYDE: Under Clause 23 of this Ordinance, the Election Ordinance is repealed, but it does not state the date to be set by the Commissioner. As soon as it is passed by the Commissioner, this Ordinance comes into effect and the present Members of Council should, under this Ordinance, be paid right up until the next election. That is the way I read it.

MR. WILLIAMSON: I understand this could be dealt with simply by adding a subclause for the time of coming into effect of this particular clause. Otherwise, the Commissioner's question as to how to dispose or pay this, could be disposed of.

MR. PRYDE: With all due respect ---

MR. STEWART: Inasmuch as this is not necessary to carry on the election, I move that we delete it. It certainly has nothing to do with the function of getting the Council elected, so let us just throw it out.

MR. PRYDE: Oh, no, before we do this ---

MR. SEARLE: I think the first issue to determine is whether or not we can legally do it. That is the point the Commissioner raised. I suggest we set this section aside and let Mr. Smith go back and consider it from that angle first. If he can come back and tell us we can do it, then I think we can decide whether we should or shouldn't but at this stage I think we need that opinion first, so I suggest we set it aside until we have that.

AIR MARSHAL CAMPBELL: I agree with that. I think it makes sense.

THE CHAIRMAN (Dr. Barber): Are you prepared to give us that opinion right now?

LEGAL ADVISOR (Mr. Smith): I think the point the Commissioner made is well taken. We can't do this because it will have the effect of being paid from the day this comes into force to date. For instance, suppose it is not legal to act on 19 (b) immediately, not until funds for this have been voted by the Council. Under Section 19 of *The Northwest Territorities Act,* it couldn't be done, but once it gets voted in the estimates, this formula for calculating indemnities can be applied.

MR. WILLIAMSON: So the next Council will vote retroactively for the out-going Council?

LEGAL ADVISOR (Mr. Smith): Right.

MR. PRYDE: I would hesitate to disagree with the legal advisor, but Council Members are elected for a certain period, as the Commissioner has pointed out, and they are only paid for a certain period, a certain number of years, and once the term of years comes due, can we legally pay beyond that, or can the Commissioner acting as a chief executive, pay beyond that if the term of office - if the election does not come due within that next four-year

period? Our own case is an example. Our period of office is up at the end of three years, which is August 4th of this year, and the election is not due until December 21st, which is a period of three to four months.

LEGAL ADVISOR (Mr. Smith): As I say ---

MR. PRYDE: Perhaps we could clarify this by examining the previous Ordinance regarding the NWT Council.

AIR MARSHAL CAMPBELL: I think we should hoist this until these things are clarified thoroughly.

MR. SEARLE: Agreed.

THE CHAIRMAN (Dr. Barber): I have the Motion that this section be deleted.

AIR MARSHAL CAMPBELL: Mr. Chairman, I like the suggestion of Mr. Searle, that we suspend discussion on this as we did on a previous Clause, i.e. until such time as we can get some information that we have confidence in.

THE CHAIRMAN (Dr. Barber): Is that agreed?

THE COMMISSIONER: It is up to this Council to decide.

MR. STEWART: Would you like me to withdraw my Motion?

THE CHAIRMAN (Dr. Barber); Is it agreed we set aside Clause 19?

--- Agreed

Clause 20. May I have a question from the floor regarding Clause 20?

AIR MARSHAL CAMPBELL: Like what?

THE CHAIRMAN (Dr. Barber): I mean from the Chair. Under Clause 18(b), there is an exception for people who live within reasonable daily commuting distance of the place of sitting, and should we not have the same exception under 20?

MR. PRYDE: It should be, and I so move.

MR. SEARLE: Obviously we are talking about a living allowance. A person does not have to travel. Surely it is something that is implied in the definition of living allowance.

THE CHAIRMAN (Dr. Barber): My point was to make it consistent with what is in 18(b).

MR. SEARLE: I don't think you need to say it in 18(b). If you are not entitled to the living allowance, you don't get it. Obviously a guy like myself could not be paid a living allowance when you are staying at home. That is just what living allowance means, it applies to someone who is living away from home. I don't think you need to say it in 18, let alone repeat in in 20. You can do it if you want, but --

MR. PRYDE: It seems quite right to me, because under 20(c): "A living allowance must be paid when a Member is attending a Committee or special meeting", and I would suggest that it is easily clarified by adding in the words "who lives within reasonable daily commuting distance of the place of sitting, except to a Member who lives within reasonable daily commuting distance of the place of sitting".

MR. SEARLE: What does living allowance mean?

MR. PRYDE: Hotel allowance, food allowance.

MR. SEARLE: But if you are not paying it, you are not getting it.

MR. PRYDE: I realize what it means, but nonetheless, you are being paid it. If I wanted to, if I lived in Yellowknife, I could eat at the hotel every day, or stay in the hotel every day if I wanted, and be paid a living allowance. That would certainly cut down the expenses at home.

AIR MARSHAL CAMPBELL: Would it?

MR. PRYDE: Oh, yes.

THE CHAIRMAN (Dr. Barber): Would you put that in the form of a Motion?

MR. PRYDE: Yes, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): You move, under Clause 20(c) the words "except a Member who lives within a reasonable daily commuting distance of the place of sitting", be added. Ready for the question? Agreed to the question?

--- Agreed

MR. WILLIAMSON: I was talking to the legal advisor at the time the question was put. What was that last Motion passed?

THE CHAIRMAN (Dr. Barber): Under Clause 20(c), at the end of the sentence, the addition of "except a Member who lives within a reasonable daily commuting distance of the place of sitting".

Agreed?

--- Agreed

Clause 20, agreed?

--- Agreed

Clause 21?

MR. FAIRBROTHER: In Clause 21, I just wonder why this is in here? Surely, if you have an appointed Member from the Civil Service in the south, in the provinces, and he was staying in the Northwest Territories for a Council, surely we would pay his allowance, travelling and living allowance, the same as any other appointed Member. I don't think the Civil Service is going to pay it, and I was wondering -- I can see not paying the indemnity if he is still collecting his pay, but surely the allowance should be allowed to be paid to him for living expenses and so on.

AIR MARSHAL CAMPBELL: I agree.

LEGAL ADVISOR (Mr. Smith): If he is a member of the Public Service, the allowance he would receive would be in accordance with his own regulations.

MR. WILLIAMSON: I assume this is something rather ---

MR. FAIRBROTHER: That is not what it says here though.

MY. PRYDE: Mr. Chairman, apart from the Deputy Commissioner, I recollect a Motion which was passed at the last session we held in Ottawa, in which this Council very strongly recommended no public servants be appointed to the Council. The early history of this Council was that too many public servants were being appointed and the people of the North took very great objection to that, and following that Motion which was passed unanimously by the Council, no appointed Member, other than the Deputy Commissioner, should ever be appointed to the Council.

THE CHAIRMAN (Dr. Barber): This Council could not prevent the Governor-General-in-Council from appointing anybody he liked. That is my personal opinion.

MR. PRYDE: I appreciate that, but I believe the Governor-in-Council would not appoint a public servant because it was going against the express wishes of this Council that no public servant other than the Deputy Commissioner be appointed to Council.

DEPUTY COMMISSIONER PARKER: I think the legal advisor is right in that if the occasion did arise he would be able to claim expenses under another form.

THE CHAIRMAN (Dr. Barber): Clause 21 agreed?

--- Agreed

Clause 22?

--- Agreed

Clause 23 agreed?

MR. PRYDE: We can't do Clause 23 yet, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): We can and when we call for the Bill as a whole. I stand corrected. Back to Clause 5. Has any magic taken place since that was put over?

AIR MARSHAL CAMPBELL: As a lead-in, Mr. Chairman, to clarify, I would like to make a Motion which will apply to subclause (7) on page 3, to the effect that we delete "is ordinarily resident" and insert in lieu thereof "has taken up ordinary residence".

THE CHAIRMAN (Dr. Barber): Moved by Air Marshal Campbell that the words "is ordinarily resident" in subclause (7) of Clause 5 be deleted and in its place substitute the words "has taken up ordinary residence" so that it now reads: "Any of the following persons who, in the interval between the date of the issue of the writs of election and polling day, changes his place of ordinary residence from one electoral district to another is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he has taken up ordinary residency at the time of his application and to vote at the polling station established therein".

Question? All in favour? Contrary-minded?

--- Carried

Further under Clause 5? Agreed to Clause 5?

--- Agreed

Clause 6. There was a question there of clarification raised by Mr. Searle concerning the eligibility of a person to run in some district other than the one in which he is an eligible voter. Do you have a wording, Mr. Smith?

LEGAL ADVISOR (Mr. Smith): Add the phrase after the word "Council" in subclause (1), the words "in any electoral district", so that it reads: "Unless disqualified by this or any other Ordinance, any person who is entitled to vote at an election of Members of the Council is eligible to be nominated and elected as a Member of the Council in any electoral district."

THE CHAIRMAN (Dr. Barber): That is Clause 6 on page 5, subclause (1).

MR. PRYDE: I thought you were referring to subclause 6, Clause 5. Have we completed Clause 5?

THE CHAIRMAN (Dr. Barber): Yes.

MR. PRYDE: I'll finish this one with the legal advisor first and then go back to Clause 6.

THE CHAIRMAN (Dr. Barber): "Unless disqualified by this or any other Ordinance, any person who is entitled to vote at an election of Members of the Council is eligible to be nominated and elected as a Member of the Council in any electoral district." Would you move that amendment, Mr. Searle?

MR. SEARLE: So moved.

THE CHAIRMAN (Dr. Barber): All in favour? Contrary?

The amendment to Clause 6, agreed?

--- Agreed

Mr. Pryde wants to go back to Clause 5.

MR. PRYDE: When I read subclause (6) of Clause 5, it seems to me that it is a personal choice. If he moves away, he can either vote in his old constituency or his new one. I would suggest that we make it mandatory the person moving from one constituency should vote in the other -- should vote in the new constituency. This would remove any puzzlement as to where he is going to vote.

THE CHAIRMAN (Dr. Barber): The Chair is agreeable to entertaining a Motion that might have that effect but I wonder if you really mean that because the chap might move two days before the election and not be aware whatsoever of conditions in his new constituency. I think it would be unwise --

MR. PRYDE: I see your point. That's one I had not considered. In that case, I withdraw my comments.

THE CHAIRMAN (Dr. Barber): Anything further under that clause?

Then we stood-over Clause 19 pending further opinion. Is that opinion now available, Mr. Legal Advisor?

LEGAL ADVISOR (Mr. Smtih): No, it is going to be rather extensive.

MR. PRYDE: I suggest that being the case we just report progress and come back to this tomorrow.

THE CHAIRMAN (Dr. Barber): Agreed?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 4-43, An Ordinance Respecting The Council Of The Northwest Territories

THE COMMISSIONER: Council will come to order. Dr. Barber?

DR. BARBER: Mr. Commissioner, your Committee has been meeting to consider Bill number 4, An Ordinance Respecting The Council Of The Northwest Territories and I wish to report progress at this time.

THE COMMISSIONER: Thank you.

ITEM NO. 4: NOTICES OF MOTIONS (continued)

Notice of Motion 7-43: Salary of Public Service Secretarial Position

MR. SEARLE: Mr. Commissioner, I rise on a point of order, that is simply to ask Council for unanimous consent to return to Item 4 so that I could give notice of a Motion. I would like to move tomorrow that I could not have moved before today before I received the latest edition of the News of the North.

--- Agreed

THE COMMISSIONER: Unanimous consent?

--- Agreed

MR. SEARLE: I will just read the Motion in its entirety to give you the sense of it so the Members will have it exactly. "Whereas a Public Service position as Secretary to the Deputy Commissioner is being advertised as Senior Secretary with a salary scale from $7,513 to $9,055; and whereas such a salary scale is a gross overpayment, a waste of tax dollars and completely out of step with comparable positions of competence in private enterprise; Now therefore, I move that this Council recommend to the Commissioner, in the strongest possible terms, that the salary scale of $7,513 to $9,055 advertised in the News of the North of 23 July, 1970, as a Senior Secretarial position to the Deputy Commissioner be re-classified and re-advertised at a salary scale of between $5,400 and $6,240."

MR. PRYDE: 'Nuff said.

THE COMMISSIONER: Item 7, Mr. Trimble, Bill number 7-43. Are you prepared to proceed with this at this time?

ITEM NO. 7: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS

MR. TRIMBLE: I am not certain as to whether or not the clauses which were held over have been adequately considered by the legal advisor and he is prepared to proceed.

THE COMMISSIONER: Have you those there?

LEGAL ADVISOR (Mr. Smith): Yes, we have.

THE COMMISSIONER: Council will resolve into Committee of the Whole for consideration of Bill number 7-43 with Mr. Trimble in the Chair.

--- Council Resolved into Committee of the Whole to discuss Bill No. 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 7-43, AN ORDINANCE RESPECTING THE SUPERIOR COURTS AND THE ADMINISTRATION OF JUSTICE.

THE CHAIRMAN (Mr. Trimble): The Committee will come to order to consider Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice. Several clauses of this Bill were held over pending recommendations by the legal advisor. I believe these are now being handed out.

First, with Clause 8, having to do with Delivering Judgment after Resignation, the legal advisor has recommended "has resigned" be substituted to "ceases to hold" and "his resignation" to "ceasing to hold office".

That clause would now read: "Where a judge ceases to hold his office, and a cause or matter that has been fully heard by that judge stands for judgment, he may within six weeks after ceasing to hold office give judgment therein as if he were still a judge of the Court".

All Members in favour of the amendment? Opposed?

--- Agreed

The next clause to be held over was Clause 25 and the legal advisor recommends we substitute the word "judges" for "judge". Note: in Alberta the rules are established by the Lieutenant-Governor in Council.

LEGAL ADVISOR (Mr. Smith): Could I give a further explanation for this recommendation?

THE CHAIRMAN (Mr. Trimble): Go ahead.

LEGAL ADVISOR (Mr. Smith): In the existing Ordinance, there is an *ex officio* judge of the Territorial Court as well as a judge of the Territorial Court and the system is that the two judges formulate the rules of the Court. On considering this, I realize that there will be two judges after this change-over has taken place and so that the system we have now will be preserved -- and I am not sure that to give the judges of the Court of Appeal this power to make rules of the Court may not work out very well, and that the power to make our own rules should be retained by the judges of the Territorial Court.

THE CHAIRMAN (Mr. Trimble): Any discussion under Clause 25? Is the Committee in agreement with Clause 25 being amended by substituting the word "judges" for "judge"? Any opposed?

--- Agreed

The next clause which was held over was Clause 32. "The general powers of the Sheriff are contained in section 32. The specific powers of the sheriff are in the Rules of Court, the Seizures Ordinance and scattered in many other Acts and Ordinances. The office of sheriff is very old. His exact duties and powers have not been specified in a comprehensive fashion. To attempt to do so may limit his common law power. This is why the words in section 32 are very general".

Any discussion?

MR. PRYDE: Clause 32 agreed.

MR. WILLIAMSON: Agreed.

THE CHAIRMAN (Mr. Trimble): Are we agreed to Clause 32?

--- Agreed

The next clause which was held over is Clause 38 and I believe also Clause 39.

MR. PRYDE: Correct.

THE CHAIRMAN (Mr. Trimble): The legal advisor advises as follows: "I haven't been able to identify in the time available precisely why reference to personal property was not made in Section 38. I am fairly certain, however, the need for this section arose out of the technical rules that surround sales of land by sheriffs under foreclosure and land transfer proceedings. A section of this kind is apparently not required for sales of personal property. Identical sections were found in Alberta and Ontario. The probable reason goods and chattels are not included is the fact sale and transfer usually take place at the same time".

Any discussion?

MR. PRYDE: Mr. Chairman, Clause 38 concerns, and I read it:

"In case of the death, resignation, disability or removal of the Sheriff after he has made a sale of lands but before he has made a transfer of the same to the purchaser, such transfer shall be made by the person who is lawfully executing the duties of the Sheriff at the time when the deed of conveyance is made."

In the case, for example, of a person, of a sheriff selling a house which has been seized or for some reason comes into the hands of the sheriff, if he sold the house but had not completed the transfer of papers, would that house be considered as land or as goods and chattels?

LEGAL ADVISOR (Mr. Smith): By definition under the law a house attached to land is land, not goods and chattels.

MR. PRYDE: Would there be, in the case of, say, a truck or a car, something seized on which a sale could be made but the transfer had not yet been finalized and the sheriff died? If the sheriff dies in between the time of the sale and the actual transfer of title, then surely according to 38 where it refers to lands, then surely the same principle of having the transfer be made by the person who is lawfully executing the duties of the sheriff, surely he would be the one to carry it out. In other words, the deputy or assistant or some man replacing the sheriff who died or had resigned.

LEGAL ADVISOR (Mr. Smith): There is under The General Interpretation Ordinance this provision: "where a power is given to an official and this power can be performed by his successor in office". I think this would apply although I am not definitely sure. The power to execute a bill of sale could be performed by the successor in office without any contravention of the law. On the other hand there are very technical rules on foreclosure and sale of land. This would seem to be indicated by the fact that we find two identical sections in Alberta and Ontario. I was not able to find in the time available these other sections similar in other provinces but anyway I know we are dealing with a very technical part of the law, which has nothing to do with personal property in relation to the sale of land by sheriffs. For this reason, the section should be returned in this form without change. It has nothing to do with personal property.

MR. PRYDE: In view of the fact that the legal advisor has said he is not entirely certain, would it not greatly simplify matters and clarify any doubts if we simply added in the words "goods or chattels or tenements". Is there anything wrong with adding those words?

LEGAL ADVISOR (Mr. Smith): Yes, there is. This is a matter to do with land and if we start muddying the waters by reference to goods and chattels as well, we could nullify its' intended legal effect.

MR. PRYDE: Those other goods and chattels are covered under Clause 40 and not covered under Clauses 38 and 39. I fail to see how it would "muddy the waters" in any way. It would merely clarify for the benefit of the people who have goods and chattels and tenements.

THE CHAIRMAN (Mr. Trimble): Further discussion?

MR. PRYDE: As I see it, it certainly can't harm Clauses 38 and 39 at all. It would merely clarify the position in regard to goods and chattels.

THE CHAIRMAN (Mr. Trimble): Further discussion under Clause 38?

MR. PRYDE: I am still waiting for the opinion of the legal advisor.

THE CHAIRMAN (Mr. Trimble): I think he has given it.

LEGAL ADVISOR (Mr. Smith): I have given you my opinion on this. I think you should not touch it.

MR. PRYDE: If that is your definite opinion, Mr. Legal Advisor, I will accept Clauses 38 and 39 as they stand.

THE CHAIRMAN (Mr. Trimble): Clause 38?

--- Agreed

Clause 39?

--- Agreed

Clause 1, The Short Title?

MR. FAIRBROTHER: I would like to go to Clause 27 before we go back to Clause 1. When we were considering Clause 27, paragraph (a), the fourth line down in regard to the Clerk of the Court's hours, this is page 18 ---

THE CHAIRMAN (Mr. Trimble): This has changed.

MR. FAIRBROTHER: I received the information that we were rather hasty in doing this. I would like to have Council reconsider this particular Motion that changed it in light of this and I would like to move a Motion changing this back, if it is in order and the Chairman will allow it. If not, I will have to wait until Third Reading, but if we could proceed now, it would take time now rather than in Third Reading.

MR. PRYDE: Rule 42, Mr. Chairman.

THE CHAIRMAN (Mr. Trimble): I am not completely sure of the rules in this regard. Rule 42 of the Rules of Council says "A Motion being once made and carried in the affirmative or negative cannot be put again in the same session but a vote in the affirmative may be rescinded on a Motion to that effect."

MR. PRYDE: That Motion was carried in the affirmative but according to the rules I believe it can be rescinded. I am not certain, but I believe it can be rescinded.

THE CHAIRMAN (Mr. Trimble): I therefore feel that it is in order for the Member for Mackenzie River to move a Motion to rescind the Motion which was made earlier to change the hours that the office is to be open from 4:00 to 5:00, and if he wishes to make that Motion, I will accept it.

MR. FAIRBROTHER: I would move that the Motion that we made to change the times of -- 27(a) -- from four o'clock to five o'clock in the afternoon be rescinded.

THE CHAIRMAN (Mr. Trimble): Any discussion?

MR. PRYDE: Mr. Chairman, surely Mr. Fairbrother wishes to give the reasons why he feels this Motion should be rescinded.

MR. FAIRBROTHER: Yes, Mr. Chairman. I received the information and the reason it was set at four o'clock is that this is the end of the filing day, not the end of the day for the Clerk's office, and this is the way the offices are

set up all across Canada. They have books, cash accounts and so on, that they close off at the end of every day. We were informed, I believe, when we were considering this that this was the end of the legal filing time.

I have also received the information that at any time after this time someone who wishes to file a paper on any particular day can go to the judge and get an order that makes it legal to file a paper. We were informed it could only be legally filed when the Clerk's office is open. Since it is necessary for the people to close off the accounts every day, then I would think they should have the opportunity of doing so and if their work day closes at five and they have to keep their accounts and everything open till five o'clock, it means the either work overtime or they lock them away until the next day, which, not knowing all the details of how their office works, that should not be necessary. Since it is standard practice across Canada to close the filing time at four o'clock, I think we should keep our practices standard with the rest of Canada.

THE CHAIRMAN (Mr. Trimble): The Member from the Western Arctic.

MR. PRYDE: I see some merit in the remarks made by Mr. Fairbrother and I pretend to no detailed knowledge of how the Clerk of the Court's office operates. On the other hand, the point was made by Mr. Searle that this Clerk of the Court's office only serves about five lawyers, two law firms, that is all.

MR. SEARLE: Seven.

MR. PRYDE: I beg your pardon, two law firms in Yellowknife, seven lawyers.

THE CHAIRMAN (Mr. Trimble): Only two law firms in Yellowknife?

MR. PRYDE: That is correct.

AIR MARSHAL CAMPBELL: Two too many.

MR. PRYDE: That being the case, the work-load doesn't seem to be very heavy. I would not think so anyway. I can appreciate that in other parts of Canada it would be necessary to close a Clerk of the Court's office at four o'clock because that particular office might be serving several dozen law firms, but here in Yellowknife where they are only serving the two firms, I feel it is hardly necessary to close it at four o'clock. There is nothing on earth to prevent the Clerk of the Court's office from filing the documents until five o'clock and closing off the books first thing next morning. That is done in many, many offices and it is certainly done in many, many retail stores and other places like that. I don't know the actual volume of work, the number of documents filed daily in the Clerk of the Court's office in Yellowknife, but from the comments made by Mr. Searle who is familiar with the situation there, it does not seem to be remarkably heavy.

AIR MARSHAL CAMPBELL: Question.

MR. SEARLE: What is the question?

THE CHAIRMAN (Mr. Trimble): There is a Motion on the floor which will have the effect of rescinding the Motion which you made, I believe, a couple of days ago.

MR. SEARLE: I didn't make it.

MR. PRYDE: I made it.

THE CHAIRMAN (Mr. Trimble): To change the hours that the Clerk's office is open, from four till five o'clock. The Motion is to rescind the previous Motion which made this change.

MR. SEARLE: On a point of order, I understood that once the matter had been voted on in a Committee such as this, you could not rescind it again. I appreciate you get another kick at the cat in Third Reading.

MR. FAIRBROTHER: Rule 42.

AIR MARSHAL CAMPBELL: In your absence, the Chairman ruled it was in order.

MR. PRYDE: Under section 42 of The Rules of Council.

MR. SEARLE: Do they change from session to session?

DR. BARBER: No, but their interpretation does.

MR. PRYDE: It depends on who is in the Chair.

MR. SEARLE: If it was 4:05 o'clock, then we could go through that same exercise.

AIR MARSHAL CAMPBELL: Question.

THE CHAIRMAN (Mr. Trimble): There was an opportunity for Members, at the time the decision was made, to challenge the decision of the Chair. This was not done.

THE COMMISSIONER: You'd have to pay $50 a day.

AIR MARSHAL CAMPBELL: $25 an hour.

MR. SEARLE: What Rule, 42?

THE CHAIRMAN (Mr. Trimble): The question is being called. Is there any further discussion? Those in favour of the Motion?

MR. SEARLE: What is the Motion specifically?

THE CHAIRMAN (Mr. Trimble): The Motion is to rescind the Motion made two days ago by the Member from Western Arctic to change the word "four" in subparagraph 27(a) to "five". This will have the effect of leaving the Bill as it was, reading "four o'clock in the afternoon".

MR. SEARLE: I did not have a chance to speak on any Motion but I assume there must be some new evidence other than some officer of the Clerk of the Court saying "that will never do".

DEPUTY COMMISSIONER PARKER: You were asked.

MR. SEARLE: Those are the only comments I want to make.

DR. BARBER: Query.

THE CHAIRMAN (Mr. Trimble): Opposed?

MR. SEARLE: You didn't call the affirmative.

THE CHAIRMAN (Mr. Trimble): I did so, and I think you voted. The Motion is carried.

MR. WILLIAMSON: That is what is meant by absence of mind.

THE CHAIRMAN (Mr. Trimble): Any further discussion before I call Clause 1?

Clause 1?

--- Agreed

Is it the wish of the Committee that I report the Bill out of Committee stage?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice.

THE COMMISSIONER: Council will come to order. Mr. Trimble?

MR. TRIMBLE: Mr. Commissioner, your Committee has met to consider Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice. The following changes were made in the Committee: Clause 8 was amended by deleting the words "has resigned" from the first line and substituting the words "ceases to hold", so that this clause will read, "Where a judge ceases to hold his office" and so forth.

An additional change was made to the same clause by deleting the words "his resignation" on page 4, the first line, and substituting the words "ceasing to hold office". This clause will now read: "Where a judge ceases to hold office, and a cause or matter that has been fully heard by that judge stands for judgment, he may within six weeks after ceasing to hold office give judgment therein as if he were still a judge of the Court".

Clause 25 was also amended by deleting the word "judge" in the first line of subclause (2) and substituting the word "judges".

Clause 27 was amended by deleting the word "or" at the end of paragraph (b) and adding the words "his solicitor or agent".

There was also a Motion during this Committee by the Member for Mackenzie North which read that this Council through the Commissioner communicate with the Attorney General of Canada and recommend that the name of the Supreme Court in the Northwest Territories be changed in the Federal Legislation from Territorial Court of the Northwest Territories to the Supreme Court of the Northwest Territories in line with what this level of court is called elsewhere in Canada, and this Motion was carried. With these changes I wish to report Bill number 7-43 ready for Third Reading.

THE COMMISSIONER: Are you ready to proceed with Bill number 5-43, Mr. Searle? There was one amendment that had to be done.

MR. SEARLE: I am sorry but I don't even recall what that was. I thought that it was completed.

THE COMMISSIONER: Is there another amendment in Bill number 5-43?

LEGAL ADVISOR (Mr. Smith): Yes, in Clause 16.

THE COMMISSIONER: Have you got it there?

LEGAL ADVISOR (Mr. Smith): I think so.

DEPUTY COMMISSIONER PARKER: It was the matter of experimentation and investigation which was supposed to be studied and perhaps included.

THE COMMISSIONER: Then perhaps we can look it over tonight.

MR. SEARLE: If I can get it, I will.

MR. WILLIAMSON: It deals with confidential relations. Confidential information.

MR. PRYDE: I was under the impression it was reported out.

MR. FAIRBROTHER: Dr. Butler was asked for information about research into records.

DR. BARBER: It came up under Clause 16 regarding the confidentiality of the information and the legal advisor showed to me a suggested wording which I gave back to him. I assumed everybody had seen it but it appears they haven't.

LEGAL ADVISOR (Mr. Smith): I will have to trace it.

THE COMMISSIONER: The only thing is the Chairman is not here. Mr. Stewart was the Chairman. Are you prepared to take 8-43, Deputy Commissioner Parker? Do you wish to do that last one now and then recess?

MR. WILLIAMSON: Let us proceed, Mr. Commissioner.

ITEM NO. 7: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILL NO. 8-43, AN ORDINANCE RESPECTING MAGISTRATES AND THE MAGISTRATE'S COURT

THE COMMISSIONER: I think it is just a simple one. Council will resolve into Committee of the Whole for continuing consideration of Bill number 8-43 with Deputy Commissioner Parker in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 8-43, AN ORDINANCE RESPECTING MAGISTRATES AND THE MAGISTRATE'S COURT

THE CHAIRMAN (Deputy Commissioner Parker): The Committee will come to order for the continuing study of Bill 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court. The clause which is outstanding is Clause 10. The legal advisor has prepared an information and has just now caused it to be circulated. I believe his recommendation is that there be no change to the clause but perhaps he could speak to this.

LEGAL ADVISOR (Mr. Smith): The first question was what were the dollar limits for district and county courts in the provinces and you see them listed there. The second question and the most difficult one was, is the Magistrate's Court, with the jurisdiction set out in this Bill, a court of the nature of Section 96 of the *British North America Act* which would require the Governor-in-Council to appoint the judge or a magistrate. I came to the conclusion that the jurisdiction as set out in this Bill was not a court to which Section 96 applied and that therefore the magistrate could be appointed by the Commissioner. The subsidiary question was just how far can we go, how much jurisdiction could be given under this Bill before it became obvious that Section 96 should apply? I think that it would be better just to leave it alone.

AIR MARSHAL CAMPBELL: Excuse me. Do I understand that in the case of the provincial courts listed here the judges are appointed by Federal --

LEGAL ADVISOR (Mr. Smith): Yes, they are Section 96 courts.

AIR MARSHAL CAMPBELL: The last paragraph on page 8 does not carry any weight with me.

LEGAL ADVISOR (Mr. Smith): It has this virtue that we have relatively good assurance no action is contemplated to have this Bill disallowed on the ground that it is a Section 96 court.

AIR MARSHAL CAMPBELL: I think we should have the amounts appropriate to the capabilities of the magistrates if possible without fouling up Section 96 of the *Federal Act*.

LEGAL ADVISOR (Mr. Smith): I think it would be better to leave the dollar limits alone and have another look at it at the next session and raise the limits if they are not reasonable.

AIR MARSHAL CAMPBELL: I would think that would make sense.

THE CHAIRMAN (Deputy Commissioner Parker): Any further comments?

AIR MARSHAL CAMPBELL: Then push it to the maximum limit.

LEGAL ADVISOR (Mr. Smith): Then push it, yes.

THE CHAIRMAN (Deputy Commissioner Parker): Anything further on Clause 10? Is the clause passed?

--- Agreed

Clause 1 Title?

--- Agreed

May I report the Bill?

--- Agreed

THE COMMISSIONER: Council will come to order. Deputy Commissioner Parker?

Report of the Committee of the Whole to Consider Bill No. 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court

DEPUTY COMMISSIONER PARKER: Mr. Commissioner your Committee has met to study Bill number 8-43, subclause 7(2) has been amended to read as follows, "Upon attaining the age of 65 years a magistrate may be reappointed to hold office for additional terms of one to three years but shall cease to hold office after attaining the age of 75 years". With that single amendment the Bill is now ready for third reading.

THE COMMISSIONER: Thank you. Are there any announcements?

DR. BARBER: Mr. Commissioner, I would like leave to seek the indulgence of my colleagues on the Council to propose a Motion and I would require unanimous consent to so do. My intent would be to vary the rules to allow us to meet at nine in the morning instead of the usual time. This would permit at least two of us to catch the early plane south and probably make connections to our "ordinary place of residence".

--- Applause

THE COMMISSIONER: All right. We will approach it this way. Any objections to reverting to Item 4?

--- Agreed

8. Consideration in Committee of the Whole of Motion number 1-43 concerning the closure of the Hudson Bay post at Bathurst Inlet.

9. Third Reading of Bills.

10. Assent to Bills.

11. Time and Place of Next Session.

12. Members' Remarks.

13. Prorogation.

THE COMMISSIONER: The hour is 5:30 and Council stands recessed until nine a.m. tomorrow morning.

--- ADJOURNMENT

COUNCIL OF THE NORTHWEST TERRITORIES

DEBATES

FORTY-THIRD SESSION

Yellowknife, Northwest Territories

FRIDAY, JULY 24, 1970

Published under the authority of the
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1970

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, JULY 24, 1970

The Council of the Northwest Territories was convened in Yellowknife, Northwest Territories at nine o'clock a.m., on Friday, July 24, 1970, for the Third Session, 1970, this being the Forty-third Session.

--- PRAYERS

THE COMMISSIONER: Turning to the Orders of the Day, Item 1, Questions and Returns.

ITEM NO. 1: QUESTIONS AND RETURNS

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I have a number of Returns.

Reply Oral Question No. 2-43: Ferry Service for Liard River Crossing

In reply to Oral Question No. 2-43 asked by Councillor Fairbrother, July 22nd, and concerned with the completion of the road and the Liard River Ferry service, I have the following information: It is expected that the road will be useable by the end of August. It is not economical to put the Ferry, the McQuesten into service for the period of time it would operate this fall, but arrangements are being made to contract ferry service with a private northern contractor.

Reply Oral Question No. 7-43: Commencement Dates of Delta Area Construction

In reply to Oral Question No. 7-43 asked by Councillor Trimble yesterday, I have the following information: Construction of gravel pads has already started in Aklavik where work is being carried out by our Department of Public Works. The department is also carrying out construction of gravel pads at Tuktoyaktuk, where their work is almost complete. The firm of Mike Krutko has already started construction of gravel pads at Fort McPherson. Work has not yet started on the construction of gravel pads at Arctic Red River where work is delayed because construction of pads is tied to a tender call which includes construction of a road. House contracts have all been let. With regard to road construction and the construction of gravel pads at Arctic Red River, the tender for this work was called by telex, which was relayed to some ten contractors. The reasons for the telex was due to the immediacy of the construction requirement. Tenders closed July 20th, and results of the tender were considered high, due perhaps to some misunderstanding on the part of the contractor. Attempts are presently being made to clear up any misunderstanding and to obtain a fresh bid figure, but it may be necessary to recall the tender. Tenders for the construction of roads at Fort McPherson and Aklavik will be advertised next week in the usual way through the news media concerned. Tenders will close August 14, or within a day or two of it, and a condition of the contract will be that work commences immediately.

Reply Oral Question No. 17-43: Territorial Agreement Concerning CAP

In reply to Oral Question No. 17-43, asked by Councillor Williamson, I have the following information: The Government of the Northwest Territories has no control over sales made by independent co-operatives, and did not enter into any agreement on their behalf. To facilitate the capitalization and reorganization of Canadian Arctic Producers, the Government of the Northwest Territories was requested by the Department of Indian Affairs and Northern Development, to guarantee the new company the right of first refusal on all production by Government-sponsored projects. The Government of the Northwest Territories agreed to the Federal proposal, as this guarantee is designed to ensure the successful operation of CAP during the initial stages of operation so that there will be a firm financial foundation for future growth and development at the time of transfer of ownership to the northern producers. To further ensure successful operation and transfer of ownership, appointments have been made for a strong representation on the new board of directors.

Reply Oral Question No. 8-43: Ramp Facilities to Air Terminal at Fort Simpson

In reply to Oral Question number 8-43, asked by Councillor Fairbrother today and concerned with the Fort Simpson airport ramp, I have the following information: I have been in contact by telephone yesterday with Mr. Gordon McDowell, Regional Director of Air Services, Edmonton, who advises as follows: Sufficient funds have been allocated to construct the gravel taxiway from the present airstrip to the terminal building currently under construction and to prepare a gravelled apron immediately in front of the terminal. It is expected that the construction will be under the direction of the Federal Department of Public Works, and will be carried out this summer.

Reply Oral Question No. 12-43: Fort McPherson Houses Sinking and Inadequately Padded

In reply to Oral Question number 12-43, asked by Councillor Tetlichi yesterday, and concerned with houses built last year at Fort McPherson which are sinking because of inadequate padding, I am informed by our Department of Public Works that they are aware of this matter and they assure me that steps are being taken to provide adequate and suitable padding in any new construction.

Reply Oral Question No. 9-43: Compensation For Loss of Whale Products

In addition, there was an Oral Question asked by Mr. Williamson, concerning the possibility of payments to people on the west shore of Hudson Bay, made necessary because of the mercury pollution problem in the Beluga Whale industry. I do not have a direct answer, that is, we are not prepared at this time to say whether any compensation will be paid, but I will beg the indulgence of Council to advise them of the steps that are being taken as ultimate measures. The total output of whale products last year which could be considered affected by the pollution, ran just in excess of $4000. This includes the cost of catching and wages paid to the Whale Cove Whaling Station crew.

To compensate for the loss of production of Beluga Whale products, the cannery production schedule has been changed to handle additional fish products. It is intended to recruit fishermen from Whale Cove to fish in this area during August, with a projected catch of 40,000 pounds of mixed white fish and trout. Estimated value 25 cents per pound, f.o.b. lakeside then at $10,000. This would more than double the economic value that the settlement has received for whale products in the past. We feel this program will assist the men in maintaining their self-respect, by earning money for value received, rather than accepting money paid on compensation, which is comparable to social assistance.

THE COMMISSIONER: Any Written Questions?

MR. FAIRBROTHER: Mr. Commissioner, I have one written question which I am just writing out. Would you permit me to ask a question at this time on one of the answers I received this morning from the Deputy Commissioner - a supplementary question?

THE COMMISSIONER: If you ask a supplementary question and don't argue.

Oral Question No. 19-43: Ferry Service at Liard River during coming year

MR. FAIRBROTHER: With regard to the Liard River Ferry, they have made arrangements for temporary ferry service this year. Could we be advised what the arrangements that are being made for next year as a continuing service are?

Reply Oral Question No. 19-43

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, the arrangement that is being made for next year is: A new ferry is to be constructed for use at the Providence crossing, and we then anticipate sending the Johnny Berens to the Liard crossing. The new ferry that is being constructed will be of somewhat greater capacity.

Oral Question No. 20-43: Date of use of new Providence Ferry

MR. FAIRBROTHER: Thank you. Are there any arrangements being made for this new ferry to be completed by the time of open water in 1971, so the Berens will be ready to move to Simpson at that time?

Reply Oral Question No. 20-43

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, it is impossible for me to give a guarantee at this time, particularly since the project is a three-way project, Federal, DPW and Department, and due to their continuing involvement in northern roads, each is involved. We sincerely hope and trust that this will be the case, that it will be ready.

Written Question No. 1-43: Proper Installation of Water and Sewer Lines

MR. FAIRBROTHER: Thank you. I will go on to the second question.

Will the Government take steps to arrange a policy in regard to all new water and sewer installations in other than towns or cities, to ensure that all lots on the service will be put in at the time of installation, to stop the present practice

of having to dig up the road every time there is a new lot being put on the service?

Reply Written Question No. 1-43

THE COMMISSIONER: I would think the answer would be yes. In any event, I will investigate just what your circumstances are, but I would think the answer there would be yes, of course. You don't dig up a road every time you put in a pipe.

MR. FAIRBROTHER: This is the present practice every time they put a line in they do this either a sewer line or a water line. They do not put stubs to the lots between each time a lot is sold or serviced and you have to dig right across the road regardless of which lot on which side of the road, because you have to go across the road. This becomes expensive and very annoying and it goes on and on and there is no end to it. We find that this is becoming such a burden in a hamlet that it is impossible to maintain.

THE COMMISSIONER: It seems to me that in most urban cities in the south, you have to dig the lot up to reach it, but don't dig up the road. They must be already in and we have to look at this to see just what sort of service there is, but it seems to me this should be done. Any further questions?

Oral Question No. 23-43: Salary Scales of Executive Staff

MR. SEARLE: Would you please provide the Council with a list of salary scales for all persons employed in your executive suite?

Reply Oral Question No. 23-43

THE COMMISSIONER: No.

MR. WILLIAMSON: I have a question supplementary to an answer from Deputy Commissioner Parker. May I follow with a question, please? I would ask concerning the agreement with Canadian Arctic Producers, as arranged between the Territorial Government and the Federal Government, whereby all products from Government - run projects, must go to Canadian Arctic Producers, so as to guarantee CAP some certainty of operational material in their new development.

Oral Question No. 21-43: Aspects of CAP - Territorial Agreement

I would like to ask how long will this guarantee remain in force, and what can be done to ameliorate this discriminatory aspects of this arrangement insofar as it affects northern entrepeneurs? They have to send for goods that have been produced in the north, and the goods come all the way back here from Ottawa. The extra cost of the overhead and transportation is borne by the people who are already in the north, and this seems to be favouring the southern entrepreneur. I wonder if this could be enforced and what are the plans to avoid the discriminatory aspect of this arrangement. Thank you.

Reply Oral Question No. 21-43

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, no particular time limit has been set on this guarantee, nor was one asked. It appears that it will be at the discretion of the Board of Directors, of which more than half are northern residents.

To make this decision as to how long Canadian Arctic Producers may need this type of protection to guarantee its successful operation, bearing in mind that the Minister recently made the announcement in Cape Dorset that within a reasonable period of time - and he mentioned a date a very few years hence - at which Canadian Arctic Producers would be turned over to operation entirely by northern producers. In answer to the second part of the question, that seems to be more of a debate and I have no comment.

Oral Question No. 22-43: Compensation for Northern Entrepreneurs re CAP Products

MR. WILLAIMSON: I was wondering - I don't intend to be contentious on this question, but it just seems to me the essence is that it cannot help but place an extra financial burden on the northern entrepreneur. Rather than debating here, I am simply asking if they could compensate the entrepreneur for this situation, because it has to come back from Ottawa to the north. This is simply to ask if there is any arrangement that can be made to equalize this so that the northern entrepreneur is not disadvantaged in comparison with the southern dealer.

THE COMMISSIONER: Any further questions?

Item 2, Oral Questions.

ITEM NO. 2: ORAL QUESTIONS

Oral Question: Basis for Denial of Information re Salary Scales of Executive Staff

MR. SEARLE: Mr. Commissioner, in reply to a written question asked by myself this morning, you said you would not provide this Council with the salary scales of persons employed in the Executive suite. I am wondering the basis on which this information is denied this Council.

THE COMMISSIONER: You know the rules as well as I do and I have the right to decline to answer. I do not have to answer. You have the right to ask any question you like and I have the right to say whether I will answer it or not.

Supplementary Question re Oral Question No. 23-43: Salary Scales of Executive Staff

MR. PRYDE: A supplementary question. Would you provide the salary scales of the people employed in the Executive suite? It need not be the exact salaries.

THE COMMISSIONER: I will take that under consideration.

MR. SEARLE: That was my question.

THE COMMISSIONER: Your question was the salaries of people.

MR. SEARLE: No, it wasn't, sir. It is written here and I read it: "Would you please provide the Council with a list of salary scales for all persons employed in the Executive suite" -- not the exact salary, the salary scales.

THE COMMISSIONER: I stand corrected. I will take it under consideration and we will decide whether or not to do this, and in the event that we decide to do it, I will file it here with you or I will send it to you.

Any further oral questions?

Oral Question No. 26-43: Operation of Small Businessmen's Loan Fund

DR. BARBER: Mr. Commissioner, I have a question regarding the operation of the Small Businessmen's Loan Fund and I wonder if the machinery for that is in operation because at the last Session you appointed or at least indicated people who would be on that Board. Have they met and have they approved any loans?

Reply Oral Question No. 26-43

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, yes the people appointed to operate the Small Businessmen's Loan Fund have met and I believe their second meeting is on August the 3rd or 4th. At the first meeting, they established their own rules and procedures, and studied their own terms of reference. At that meeting I am given to understand they decided to contact immediately all those persons and firms and there were many of them who had in the past made application for money under this scheme. They will at their next meeting be making decisions on loans. In other words, at the next meeting, the loans will be approved.

Oral Question No. 27-43: Members of Citizens' Committee or Family Planning and Birth Control

DR. BARBER: I have one more oral question, Mr. Commissioner. Have you named the people who will be members of the Citizens' Committee on Family Planning and Birth Control?

THE COMMISSIONER: Not as yet.

DR. BARBER: A supplementary question, Mr. Commissioner: when do you intend to name these persons?

THE COMMISSIONER: As soon as I can get to it. That is the naming.

DR. BARBER: Thank you, Mr. Commissioner.

Oral Question No. 29-43: Labelling of Northern and Arctic Products i.e.: Arctic Char, Rankin Inlet, NWT

MR. WILLIAMSON: I have here in my hands, two canned items labelled "Smoked Arctic Char" and "Arctic Char Chowder" which are the products of the Rankin Inlet Cannery operated now by the Department of Industry and Development. As a matter of fact, I have these from Air Marshal Campbell who bought them here in Yellowknife. This is not a question to ask in that I have been trying for some years to deal with this problem of labelling through the normal associations with the people responsible. At this late date it seems something has to be done and that is to ask if something can be done to indicate where these products were actually produced. The only indication of location at the moment is in the following words: "Distributed by Canadian Arctic Producers Limited, 141 Cathcart Street, Ottawa, Canada". There is nothing to indicate, other than the commercial title of the product, that these are the produce of the north and my question is, "Will the Department of Industry and Development please indicate when they plan to bring forth a label which indicates that the products of the cannery are indeed from the Arctic, and from the Northwest Territories. I believe this will be a very important aid to the sales of the product. People want to know for sure they have a genuine article from the Arctic. When do you think this change in the labelling may be possible?

I will have these passed around.

THE COMMISSIONER: Any further questions?

MR. WILLIAMSON: Is there an answer possible?

THE COMMISSIONER: I could not possibly answer at this time.

Oral Question No. 30-43: Consumption in Licenced Dining Rooms and Lounges by persons under age "19"

MR. PRYDE: I have a question which was brought to my notice by a hotel operator in the NWT and it is if a person under the age of nineteen who accompanies his parents or legal guardian into a licensed dining room or licensed dining lounge, can he partake of drink?

THE COMMISSIONER: Under nineteen?

MR. PRYDE: Yes.

LEGAL ADVISOR (Mr. Smith): Can a person --

MR. PRYDE: I will repeat the question for the Legal Advisor. Can a person under the age of nineteen who accompanies his parents or legal guardian into a licensed dining room or licensed dining lounge partake of drink, namely, liquor?

Reply to Oral Question No. 30-43

LEGAL ADVISOR (Mr. Smith): In a licensed dining room, a person under the age of nineteen may drink wine or beer if he is accompanied by his parents.

MR. PRYDE: Does the same apply in a licensed dining lounge?

LEGAL ADVISOR (Mr. Smith): I am not sure, I would have to look that up.

THE COMMISSIONER: The reason I asked Mr. Smith is to try and clean this up as quickly as we can today. Any further oral questions?

Oral Question No. 31-43: Capital Construction in Fort Good Hope and Colville Lake

MR. TRIMBLE: In reply to my oral question regarding programing for capital construction in the Mackenzie Delta area, I notice there is no reference made to the communities of Fort Good Hope or Colville Lake. I wonder if this information could be obtained?

DEPUTY COMMISSIONER PARKER: Yes, Mr. Commissioner.

THE COMMISSIONER: We will see if we can get that information for Council before it recesses. We will not open up the entire thing but just that end. Any further oral question? No further oral questions?

Item 3, Presenting Petitions.

Item 4, Notices of Motions.

Item 5, Motions.

Motion Number 3-43, Mr. Williamson.

MR. PRYDE: Might I suggest we hold over Motions until the other Bills are cleared up and perhaps Members will be permitted to speak on Motions then.

--- Agreed

THE COMMISSIONER: Is that agreeable to everybody?

--- Agreed

Item 6, Tabling of Documents.

Item 7, Continuing Consideration in Committee of the Whole of Bills.

ITEM NO. 7: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS

Bill Number 4-43. Are you prepared to proceed, Dr. Barber?

DR. BARBER: Yes, sir.

THE COMMISSIONER: Council will resolve into Committee of the Whole for continuing consideration of Bill number 4-43 with Dr. Barber in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 4-43, An Ordinance Respecting The Council Of The Northwest Territories. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 4-43, AN ORDINANCE RESPECTING THE COUNCIL OF THE NORTHWEST TERRITORIES.

THE CHAIRMAN (Dr. Barber): Committee will come to order for continuing consideration of Bill number 4-43. We reported progress yesterday but I think we were concerned about Clause 19 of the Bill, Continuing Provision. There has been circulated to you a paper prepared by the Legal Advisor. Have you had an opportunity to read that paper? I will read it for you:

"I have been asked what effect Clause 19 would have on Members sessional indemnities on the date of assent to the Council Bill.

The simple answer is that all Members of Council would be entitled to an indemnity from the date of assent to the Bill until the next polling day calculated at the rate of $7500 per annum.

According to Mr. Williamson, the Chairman of the Committee, it is the intention of the Committee Report that the recommendations contained therein do not apply to the existing Council but to the new Council which is to be elected and appointed in December and January next.

Regarding the existing Council, the Committee intended that the provisions of *The Northwest Territories Act* as they existed prior to the amendment thereto regarding indemnities and allowances were to continue to apply. As evidence of Committee intention, no request was made for additional funds.

This being so, a clause is required to delay bringing Clauses 17 to 20 into force until election day. To do this, it is recommended that the following heading and clause be added to the end of the Bill:

Coming into Force

24. Sections 17, 18, 19 and 20 shall come into force on a day to be fixed by order of the Commissioner.

In addition, it is recommended that section 19 be changed to provide that the indemnities of appointed Members terminate on the date of the next general election. The wording as it is could cause unacceptable problems of application in certain circumstances.

In the result, Clause 19 should be changed to read as follows:

19. For the purpose of the indemnities and allowances payable under subsection 17(1) and section 20, a person who, immediately before the expiry or the dissolution of the Council, was a member thereof shall be deemed to continue to be a member until the day of the general election next following".

Do you agree to the reworded Clause 19?

AIR MARSHAL CAMPBELL: I don't really follow it, Mr. Chairman.

THE CHAIRMAN (Dr. Barber): The question is not whether you follow it but whether you agree.

AIR MARSHAL CAMPBELL: It is only 9:32 this morning.

THE CHAIRMAN (Dr. Barber): Agreed to amended Clause 19?

--- Agreed

Are you agreed to suggested Clause 24?

--- Agreed

Were there any other clauses which were held in abeyance? To my knowledge, there are none. Are you agreed then to Clause 1, the Short Title.

--- Agreed

The Bill as a whole?

--- Agreed

Do you agree I should report the Bill ready for third reading?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 4-43, An Ordinance Respecting The Council Of The Northwest Territories

THE COMMISSIONER: Council will come to order. Dr. Barber?

DR. BARBER: Mr. Commissioner, your Committee has been meeting on Bill number 4-43 and the Bill is ready for third reading, but there were a number of amendments and I would like to get those in order before I report the Bill.

THE COMMISSIONER: Thank you. Bill number 5-43. Are you ready to proceed with Bill number 5-43, Mr. Searle?

MR. SEARLE: Yes.

THE COMMISSIONER: Council will resolve into Committee of the Whole to consider Bill number 5-43, with Mr. Searle in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 5-43, AN ORDINANCE TO PROVIDE MEDICAL CARE FOR RESIDENTS OF THE NORTHWEST TERRITORIES.

THE CHAIRMAN (Mr. Searle): Gentlemen, the clause we left in abeyance, and I think it is the only one, was a redraft of subclause 16(4). I recall Dr. Barber made a suggestion that Clause 16 be redrafted to include the availability of records to *bona fide* researchers. Mr. Smith has provided us - I think everybody has the new amendment.

Delete subclause 16(4) and substitute the following: "(4) Notwithstanding anything in this Ordinance, the Director may furnish information obtained pursuant to this Ordinance and the regulations to a person engaged in *bona fide* research for scientific purposes or to improve administration of this Ordinance, but no information so obtained shall be published or otherwise made public except with the approval of the Director and then only in a form that does not reveal the names of individuals".

Is there any question about that proposed amendment?

DR. BARBER: I am quite satisfied that carries out the intent of my concern.

THE CHAIRMAN (Mr. Searle): In that case, is the amended subclause 16(4) agreed?

--- Agreed

Is Clause 16 as a whole agreed?

--- Agreed

Clause 1, the Short Title?

--- Agreed

The Bill as a whole?

--- Agreed

Shall I report the Bill?

--- Agreed

Report of the Committee of the Whole to Consider Bill No. 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories.

THE COMMISSIONER: Council will come to order.

MR. SEARLE: Mr. Commissioner, your Committee of the Whole has concluded clause-by-clause study of Bill number 5-43, An Ordinance To Provide Medical Care For The Residents Of The Northwest Territories, and Bill number 5-43 is now ready for third reading.

THE COMMISSIONER: Thank you. I don't believe we have yet dealt with Bill number 3-43, have we?

LEGAL ADVISOR (Mr. Smith): No.

THE COMMISSIONER: Mr. Searle, I wonder if you would mind taking the Chair for Bill number 3-43, An Ordinance To Amend The Interpretation Ordinance in the absence of Mr. Simonie?

MR. SEARLE: That is fine, I will do that.

THE COMMISSIONER: Motion to resolve into Committee of the Whole to consider Bill number 3-43. All those in favour? Against? Council will resolve into Committee of the Whole for consideration of Bill number 3-43 with Mr. Searle in the Chair.

--- Council resolved into Committee of the Whole to discuss Bill No. 3-43, An Ordinance To Amend The Interpretation Ordinance. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL NO. 3-43, AN ORDINANCE TO AMEND THE INTERPRETATION ORDINANCE

THE CHAIRMAN (Mr. Searle): Gentlemen, looking at the purpose of this Bill it appears that it is simply to amend the definition of "Magistrate" so that its meaning is restricted only to magistrates appointed under the Magistrate's Court Ordinance. The Bill also defines some useful expressions in order to settle and clarify the meanings when using other enactments in Council.

Turning to the Bill itself, I notice that there is only one clause. I am wondering if there are any questions that Members may wish to direct to the Legal Advisor arising from any of the subclauses of the sole clause under discussion? Question?

MR. PRYDE: I have one small question, Mr. Chairman, and that concerns paragraph (3)(u), "Sureties means sufficient sureties, and the expression security means sufficient security and wherever these words are used, one person is sufficient therefor, unless otherwise expressly required". Could we have some advice on what is meant by "one person sufficiently informed" for those of us who are not lawyers?

LEGAL ADVISOR (Mr. Smith): As I understand it, it must mean that -- I have not researched this, by the way. I accepted this as it is contained in the *Interpretation Act* of Canada but from those words it would appear that there is some difficulty if only one person has security for another and it must be two. Under the Interpretation Ordinance it states that one is enough.

MR. PRYDE: I see. Thank you.

THE CHAIRMAN (Mr. Searle): Are there any other questions? Then may I put the question? Clause 1?

--- Agreed

The Bill as a whole?

--- Agreed

May I report the Bill?

--- Agreed

MR. WILLIAMSON: By all means.

Report of the Committee of the Whole to Consider Bill No. 3-43, An Ordinance To Amend The Interpretation Ordinance

THE COMMISSIONER: Council will come to order. Mr. Searle?

MR. SEARLE: Mr. Commissioner, your Committee has met to consider Bill number 3-43 and it is ready for third reading.

THE COMMISSIONER: Thank you.

DR. BARBER: Mr. Commissioner I can now repeat Bill number 4-43, An Ordinance Respecting The Council Of The Northwest Territories.

THE COMMISSIONER: Proceed.

DR. BARBER: In Clause 4 a Motion was passed in Committee which would have the effect of adding "or other British subjects" to paragraph 4 (1)(a). In paragraph 2(1)(c) a Motion was passed to extend the period of ordinary residency from six months to twelve months.

In subclause 5(7), the words "of the following" and "have taken up ordinary residence" in the last line of page 3, were deleted and the clause now reads: "Any person in the interval between the date of the issue of the writs of election and polling day, changes his place of ordinary residence from one electoral district to another is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he taken up ordinary residence at the time of his application and to vote at the polling station established therein". There is a period after "therein" and the remainder of that subclause is deleted.

In subclause 6(1) the words "in any electoral district" were added at the end of the subclause for clarification purposes.

In Clause 16 of the Bill the word "Member" was deleted because of a conflict with the Jury Ordinance, so this clause has the effect of exempting officers, employees and all persons summoned to attend before the Council or in a Committee thereof, of attending or serving as jurors before any court in the Territories during any session and the words "or Committee of the Council" were added.

Clause 19 was changed, and now reads, "For the purpose of the indemnity and allowances payable under subclause 17(1) and Clause 20, a person who, immediately before the expiry or dissolution of the Council, (a) was an elected member thereof shall be deemed to continue to be a member until the day of the general election next following".

In paragraph 20(c) the words were added "except to a member who lives within reasonable commuting distance of the place of sitting".

An additional clause was added, Clause 24, coming into Force. Clause 24 reads, "Clauses 17, 18, 19 and 20 shall come into force on a date to be fixed by order of the Commissioner".

Mr. Commissioner, there are some changes in the Schedule as a result of the debate, The Schedule of Constituencies as set out in the Schedule to the Bill. The name of "Keewatin" was substituted for "Hudson Bay" and "Eastern Arctic" was substitued for "South Baffin". These changes are on page 4 of the Schedule.

There was a lively debate concerning the boundaries of the constituencies as set out in the Schedule but after this debate the Committee agreed to retain the boundaries as proposed by the Committee on Constituency Boundaries. I thought it was an excellent debate and I now report the Bill is ready for third reading.

THE COMMISSIONER: Thank you. It seems to me under this there was some question in the Committee that Mr. Williamson mentioned that there be --

AIR MARSHAL CAMPBELL: I think Mr. Williamson is going to take it up on third reading.

THE COMMISSIONER: All right. Is this policing the Member --

DR. BARBER: I think "auditing" is the proper term.

MR. WILLIAMSON: I thought the word "vetting" is not being quite so pretentious.

ITEM NO. 8: CONSIDERATION IN COMMITTEE OF THE WHOLE OF MOTION NO. 1-43

THE COMMISSIONER: Item 8, Motion to resolve into Committee of the Whole for consideration of Motion 1-43 concerning the closure of the Hudson's Bay post at Bathurst Inlet, moved by - I think it is already moved, as a matter of fact, so it is just a matter now of Council resolving into Committee of the Whole for consideration of this item. Air Marshal Campbell, would you mind taking the Chair for this? Air Marshal Campbell is in the Chair.

--- Council resolved into Committee of the Whole to discuss Motion No. 1-43, Closing of Hudson's Bay Company Trading Post - Bathurst Inlet. The following discussions were recorded.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION NO. 1-43, CLOSING OF HUDSON'S BAY COMPANY TRADING POST - BATHURST INLET

THE CHAIRMAN (Air Marshal Campbell): Gentlemen, you remember the discussion on this Motion at this Session and the Motion as proposed by Mr. Pryde is: "Now therefore, I move that the Commissioner take immediate steps to establish trading facilities in Bathurst Inlet this summer that would be operated by private enterprise or by a Co-op and that the cost of such operation be subsidized by the Government of the Northwest Territories, if possible".

At that time the Commissioner suggested it was already under consideration and he would like some assistance in finding a solution. I wonder if the Administration would like to make a statement in this regard?

MR. PRYDE: I suggest we call the Administration or witnesses.

THE CHAIRMAN (Air Marshal Campbell): The Deputy Commissioner wishes to speak.

DEPUTY COMMISSIONER PARKER: We have been aware of this problem for some time. Fairly late last fall the Hudson's Bay Company made a decision not to keep a resident manager in the store at Bathurst Inlet and at that time they advised that they intended to continue to service it from Cambridge Bay monthly or perhaps every six weeks.

MR. TRIMBLE: That is the same as when Duncan Pryde was there, isn't it?

- Territorial Offer on Buying up Hudson's Bay Stock and Buildings

DEPUTY COMMISSIONER PARKER: Roughly. This arrangement apparently did not carry on very successfully and we have been advised recently by the Hudson's Bay Company that they intend to close the post entirely, remove the stock by having NTCL take it out and then sell the building. Even more recently, namely, by telegram received this week, they have offered the

Territorial Government the first refusal on both the stock and the buildings. They indicate they have other offers on the buildings. I have not had a chance yet to determine what the other offers are, whether they are for the purpose of having a store or not, but I suspect that the offers are from persons who may want to operate a tourist lodge. That is just a guesstimate on my part. However, this is one piece of information we will have to determine. The Regional Director at Fort Smith in whose region this falls has made the suggestion that the store be continued by asking the Co-operative which appears interested in Cambridge Bay to travel to Bathurst Inlet on a monthly basis and open the store for a set period of time, a day or something like that, each month at a time to be known by the people living in that area.

This could be facilitated due to the fact that the Area Administrator, as part of his duties, makes a trip into that area pretty much on a monthly basis and therefore, they would expect to accommodate someone to operate the store on those trips. The problem, of course, that we must face is this: It is a two-part one. By continuing the store we may well cause the continuation and even the growth of a settlement which is, or which will eventually I suppose, require the normal services which are asked for in most settlements, and this may be good or bad but this decision must be taken.

Secondly, we have to make certain that the Government does not get into a business that it should not be in because we are always told by Members of this Council that we should be very careful in this area.

One other thing that has given us some concern with regard to this proposal is this: The Co-operative at Cambridge Bay is just a newly formed Co-operative and we must be very careful when giving them advice to not put them into a business which might sink them. They are doing very nicely as a new Co-operative and we would not want them to be put into an impossible position as, for better or for worse, The Hudson's Bay Company has not found it possible or economically sound in their view to continue the store operation there. Therefore, we must bear in mind that the store there stands a reasonable chance of running at a loss. This must be balanced against the fact that if no retail outlet is offered to the people living in that area, the likelihood is they will move to Cambridge Bay or Coppermine, and if in either of those places fail to find employment, they will be forced to seek social assistance. Again we find this not a very happy alternative. Just to sum up, we have various problems associated with this, but we do have a solution in mind. A decision must be made very soon, because the Hudson's Bay has served notice as to their intention to move out very shortly, but we have a solution under study, which we are prepared to move on. We would not, at this time, say whether we would take up the Co-op's offer of running this store on a monthly basis or not. We would have to subject this to a bit more study, but this we would do within the next few days. I would be very interested to hear what Council Members would think of this proposed operation.

THE CHAIRMAN (Air Marshal Campbell): Would you mind saying again what the proposal is?

DEPUTY COMMISSIONER PARKER: The proposed solution is that either the Co-operative at Cambridge Bay, or the Territorial Government itself, operate the store on a monthly basis in conjunction with trips the Area Administrator makes into the area while advising the people that the store will be open on certain days.

We have not at any time contemplated asking either ourselves, or the Co-operative to put in a full-time manager.

"Costs" in Terms of Lost Self-Sufficiency

DR. BARBER: I very much appreciate the explanation provided by the Deputy Commissioner. I think that this particular case illustrates the more general problem of the difference between the maintenance of an economic unit and the cost of welfare or social assistance. I think it is a very good case in point. The Hudson's Bay Company, a profit oriented organization, is more concerned about the maintenance of profit than the welfare problem or the general overall health of the population in that area. I can't say as I blame the Hudson's Bay Company for wanting to close down an uneconomic post, but in a general way, I think it is very important for this government and this Council to put into the equation, the cost that would have to be borne by the people of that area if they can no longer maintain themselves in that area. This is really the crux of the problem, not only in Bathurst Inlet, but over many parts of the sparsely-settled north. This is a case where any subsidy which would have to go for the maintenance of this kind of an operation would be, in my estimation relatively cheap compared with the social costs that would have to be borne by a group of presently self-sufficient people who would become somewhat less than self-sufficient by a move to a place where it is easier for us to serve them. Obviously easier for us to serve them, but in their present way of life, in terms of their overall welfare, in terms of the health of their life, it would be devastating if they were required to uproot and move from what is now a self-sufficient existence to one which would be totally dependent upon our handouts. I think the cost of the maintenance of this outlet, regardless of the basis on which it is maintained, must be balanced against the very indeterminate costs of destroying the exising life of a group of largely happy and largely self-sufficient people in this area. To me this cost is fantastically high when compared with the paltry sum that would be required to keep this outlet open. I think it would be tragic if, simply because this was not economic on the surface, this group of people had to be uprooted and destroyed in the process. I repeat, this is a good example of the more general case which we face in this transitional period, the transitional period being a generation at least, the transitional period between a hunting-trapping existence and a hopefully self-sufficient existence based on a high standard of education and mobility and development of genuinely economic employment opportunity in the North or elsewhere in the country. This is a perfect case and I very much appreciate the Deputy Commissioner's statement on it.

THE CHAIRMAN (Air Marshal Campbell): Any further comments?

- Investment in Bathurst not Seen as "the Problem"

MR. WILLIAMSON: I think Mr. Parker made it very clear by his statement. I think it gives Council a good assessment of the situation upon which to offer advice and I think he should be thanked for it. I agree emphatically with what Dr. Barber has just said and I don't propose to repeat remarks that have already been said with such lucidity.

I would like to reassure the Administration, that at least in my opinion - and I suspect there are other Members of the very same opinion - that the prospect of the perpetuation of Bathurst Inlet, as a result of the government taking some initiative to continue a trading operation there, should not be seen as "the problem". I think really perhaps it might be received even if we have to consider the provision of other types of services there, as potentially a far-sighted prescient move. Particularly when we view the alternatives, those people - either they are going to Coppermine or Cambridge Bay, or to the inevitability of the social difficulty derived from the lack of self-sufficiency.

The Bathurst Inlet area is a resource-rich area. Subsidization, as has already been said, is all right if it maintains some people at some level of self-sufficiency. We have seen this sort of decision placed before the Administration in the north in a number of places over the years before. I think as we go across the Arctic, this is just about our last opportunity to avoid making the mistakes that we have made in so many places before with unthinking concentration of the population in areas which are not economically viable, and to the ultimate detriment of the people, this lack of self-sufficiency. We could learn from those mistakes and those experiences by not doing that this time. The Governments of the past have put money into setting up administration operations which often become exercises in taking in each others washing and engaging the services of a few Eskimo people in ancillary tasks throughout the administration offices and dwellings while the rest of the people just have to hang around hoping for an occasional, casual work. We can avoid this in this case — a perfect example is the suggestion that Baker Lake become a major administrative centre. It has already a population of over 600 people, and at the very best no more than 25 percent would be employed in association with administrative development and the rest would hang around looking for work and living on relief. We can avoid that in Bathurst Inlet by not making it possible - impossible for them to do anything else but to go on welfare.

- Establishment of an Arctic Co-operative Federation

As to the responsibility for the running of the store, I suspect that we may have to face some form of loss, and it is an unfortunate thing to saddle the newly-formed Cambridge Bay Co-operative with a proposition that may end up as a loss. I may suggest that if we had been a little more vigorous in the establishing of an Arctic Co-operative Federation, we could possibly by now have developed sufficient breadth of resources across the Arctic to deal with resources like this without saddling one specific Co-operative, and I again call upon the Department of Industry and Development to pursue and encourage and enable and not in any way inhibit the development of an Arctic Co-operative Federation. Let this become a reality as soon as possible so it can handle such problems as this.

- Cambridge Bay Co-operative Take over Operation of Hudson's Bay Store

In the final analysis, I think even with these threats to the economic viability of the Cambridge Bay Co-operative, I would like to see the Co-operative from Cambridge Bay carrying the responsibility for the operation of the store done on a non-viable basis, than having the store in the hands of the administration. I base this essentially on our experience in Whale Cove, where for a very long time the store there was operated by the Civil Service, and only in recent years became a fully

operative co-operative. During the whole of the time that the store was handled by the Administration, there were difficulties simply because of the long distance of communication and because Civil Servants as a whole are not normally skilled and experienced retail merchandisers, and if they are skilled and have that experience they can probably do better for themselves in private enterprise than in the Civil Service. So what we are likely to get is a rather amateur job of merchandising. I think we should, however, stand prepared to save the Co-operative as much as possible from suffering serious financial loss to the point where it might be criminal, by offering Government services to keep closer watch on the accounts of the Co-operative, separating out the cost of the operation of the Bathurst Inlet store, and where through rigorous accounting it becomes obvious that some form of loss is likely to occur, and therefore work to the detriment of the Cambridge Bay Co-operative, then call upon the government to find some form of subvention, which in the final analysis would be a better and more far-sighted investment than allowing the population to drift over to an economically unproductive and socially unhealthy situation in one of the other settlements nearby.

That is my advice, Mr. Deputy Commissioner, that the Co-operative at Cambridge Bay be made responsible for maintaining this retail operation with assistance from your organization in the surveillance of the accounting and especially predictability on any trend toward financial loss, so that at the same time subsidy of the Cambridge Bay Co-operative specifically for the purpose of letting the Bathurst Inlet store, can be brought up in time to keep the population from continuing in a socially and economically unviable position.

- Self Supporting by Hunting the Caribou and Trapping

THE CHAIRMAN (Air Marshal Campbell): Mr. Pryde.

MR. PRYDE: Bathurst Inlet has been my home for about five years, and I am familiar with the area and the situation there, and have been for quite some time. Perhaps if I give a little background, I can help those other Members who are not as familiar with the area as I am, to come to some decision here. First of all, the Bathurst Inlet people who number about 80 in total, are nomadic, and they are self-supporting by hunting and trapping. Because they are nomadic and because the government has not yet given those Eskimos proper frame dwellings, the pattern of life in the region has been to move around with the caribou and at different seasons move to different parts of the country to take advantage of trapping and fishing. The very recent history of Bathurst has been, as the Deputy Commissioner pointed out, that the Hudson's Bay Company found it difficult to staff the post. Because of that reason, they were compelled to operate the post as an outpost of Cambridge Bay on a monthly basis May I add here, that far from any blame being attached to the Hudson's Bay Company for the closure of the post at this time, the Company should receive a great deal of credit for maintaining a totally uneconomic post open for so many years. I find it remarkable that a Company like the Hudson's Bay Company can stay in a region such as the Arctic and operate an uneconomic post simply for the benefit of the Eskimo people. This is true not only at Bathurst Inlet, but formerly at Perry Island, Gjoa Haven and many smaller trading posts in settlements in the Arctic and the Subarctic of Canada.

- Hudson's Bay Company at Bathurst Inlet - a Lonely Post

The company deserves a great deal of credit for keeping those small posts open and there are others yet within the Northwest Territories which are still uneconomic and the company operates those for the benefit of the native people. The Bathurst Inlet post, of which I was a manager for a number of years, operates at an annual loss of anywhere up to $15,000. The main reason why the Hudson's Bay Company closed down the post at Bathurst Inlet was not, and I repeat, not because of economic reasons, it was because of personnel reasons. The Company found, as I learned myself when I spoke to Company officials in Winnipeg a few months ago, that they were unable to find a manager willing to live in Bathurst Inlet for any extended period of time because of the total isolation of that individual manager. In the Bathurst Inlet region, the Hudson's Bay manager is the only white man and if he does not speak Eskimo and have an interest in the country around him, it can be an extremely lonely and isolated post.

Now that the Hudson's Bay Company stress in their advertisements, promotions for new personnel, that they are seeking merchandise managers rather than the fur-trading types of men they had in the past and up until the very recent present, the type of man is entering the north now for the Hudson's Bay Company is the type of man, generally speaking, who is not willing to live in isolation. This of course, is completely the opposite of the case in the past when all personnel of the Hudson's Bay Company were expected to live in isolation.

- Post Supplies the "Absolute Necessities of Life"

The reason for the closure of the post was not mainly economic, although undoubtedly that was a factor. The main reason was personnel and the lack of other white people within that region to keep the manager company, but what would happen if the Hudson's Bay Company closed down that post completely this summer as they intend to do, would be that the Eskimos in Bathurst Inlet would undoubtedly be compelled to move to Cambridge Bay or Coppermine. The lack of facilities in Bathurst Inlet would mean that any time any person required a box of ammunition, a few pounds of tea or even a simple package of needles, he would be required to make a trip to Cambridge Bay and return, and the nearest hunting camp from Bathurst Inlet to Cambridge Bay is approximately one hundred and twenty miles, giving a round trip of two hundred and forty miles to obtain the absolute necessities of life.

- No Employment at Cambridge Bay or at Coppermine

I can see no alternative, nor can the Eskimos of Bathurst Inlet, other than moving to another settlement if the trading post is closed down and no other facility established in its place. In the opinion of the Eskimos of Bathurst Inlet themselves, as I learned two months ago on my last visit, no one there wishes to move to either Cambridge Bay or Coppermine. During the years I have spent in Bathurst Inlet and have become very familiar with the people there and what they wish, I learned that the present population of Bathurst Inlet have on many occasions considered moving to Cambridge Bay or Coppermine and have rejected that consideration because there is no employment in Cambridge Bay or Coppermine and the hunting and trapping opportunities of those two settlements are greatly diminished, compared with that which can be obtained in Bathurst Inlet.

- Full Time Manager Needed for Store to Ensure Continued "Old Way of Life"

At present time, the Bathurst Inlet people are living off the land in the old way of life and are self-sufficient. During the period of years that I lived in Bathurst Inlet and right up until last year, not one-half cent of relief was issued to any individual in Bathurst Inlet. This has changed somewhat since the Hudson's Bay Company decided to operate the post on a monthly basis because the Eskimos find they tend to stick closer to the post mainly because they are afraid of missing the plane when it comes in on the once-a-month visit to the region. For that reason alone, there is sufficient evidence before us that a full-time manager will be required in the Bathurst Inlet region. It will not be sufficient to operate the post on a monthly basis from Cambridge Bay. The Eskimos themselves, as Deputy Commissioner Parker has pointed out, have not been satisfied by having the post supplied a manager or a storekeeper on a monthly basis.

What normally happens is that because of weather or other difficulties, the Eskimos may not be able to reach the post in time to meet the plane when it stops there for one or two days every month or every six weeks. What we have found so far has been that the post has been maintained only one day and those Eskimos who were unable to get in to the post must wait another month before obtaining their ammunition or other needs from the trading post.

- Local Radio-Telephone Service at Bathurst

Another disadvantage which will occur if the trading post is closed down would be the lack of radio contact between Bathurst Inlet and Cambridge Bay. The Hudson's Bay post in Bathurst Inlet at the present time maintains the local radio-telephone for the region. They also supervise any medical work necessary or did supervise any medical work necessary for the Bathurst Inlet people. One of the functions of being post manager at Bathurst Inlet, as I and other managers of other posts in isolated areas found, was that we were expected and indeed were quite willing to carry out the functions of a lay dispenser, examining medical cases. With the closure of the post, that will no longer be available to the Eskimo people and in the case of a serious epidemic or even mass starvation which is not at all beyond the realm of possibility in the Inlet, a major disaster could occur in that region.

The fundamental issue which faces us today is not whether we close down a trading post or whether we maintain a trading post. The fundamental issue before us, as Dr. Barber so clearly explained, is whether or not we maintain a people, maintain a settlement.

- Bountiful Game Animals at Bathurst

You may ask whether Bathurst Inlet is an economic settlement or an economic region? And the answer is yes. On many occasions in this Council I have pointed out that the Bathurst Inlet herd of caribou is the largest in the world and the population of caribou at the present time is somewhere in the region of two hundred to three hundred thousand animals, so there is a large number of game animals available for a meat supply within the Inlet. Those caribou are not available around Cambridge Bay or around Coppermine. And the Bathurst Inlet region is also recognized as an extremely good white fox trapping region. Seals and other mammals are also plentiful.

In summary, the game conditions and trapping conditions around Bathurst Inlet are excellent and are quite capable of maintaining the population there for the foreseeable future. Indeed, if any settlement requires to be closed down, it should not be Bathurst Inlet and the Bathurst Inlet people should not be asked to move to Cambridge Bay. It should be Cambridge Bay and the Cambridge Bay people should be asked to move to Bathurst Inlet. There is nothing around Cambridge Bay to provide employment for more than a very, very limited number of Eskimos and there are very little hunting and trapping opportunities around there either.

- Provision of Trading Facilities

The fundamental issue before us here is: Shall we as a Council support the wishes of the Bathurst Inlet people and provide trading facilities there to allow that region to support the present Eskimo population. And in so doing, we are faced also with the fact that if we maintain a trading post in Bathurst Inlet, we shall certainly be establishing a settlement with proper frame dwellings which, I believe wholeheartedly, will be a stable settlement much along the lines of Sachs Harbour. The time will come when that settlement of Bathurst Inlet will require the other facilities which are now available to other settlements throughout the north. In other words, they will require a school and in the years ahead, they will require a nursing station.

We can see that we are now judging whether or not that region should be closed down to the Eskimos there and the Eskimos forced to move to Cambridge Bay or Coppermine where there is no alternative except welfare. I might mention that this is fundamental to the points raised at the previous one or two sessions by the Commissioner, in which he stated that small uneconomic settlements may have to receive a different level of services from the larger settlements. Members of this Council took very strong issue with that because we believe that closing down the small settlements which may be entirely economic from an Eskimo viewpoint, although not from an Administrative view point, would only create large uneconomic settlements. The only advantage to a large uneconomic settlement would be administrative efficiency, in looking after those people from the government viewpoint.

- Training of an Eskimo to Operate the Post

I would suggest, therefore, that the store be maintained in Bathurst Inlet and that that store be staffed by a full-time manager. I would suggest further that if that manager is a white man that that manager go into Bathurst Inlet under contract to train a local Eskimo to take his place. There is little point in sending in a white man if the change-over and the isolation would affect him as it has affected Hudson's Bay managers in the past. A simple solution is to train either a local Eskimo or a Cambridge Bay Eskimo to manage that post on a full-time basis and we must do that by training. In order to train the Eskimo to carry out the functions of a store manager, this government should recommend or should establish a manager in Bathurst Inlet whose primary function is to replace himself with a trained Eskimo.

MR. STEWART: Mr. Chairman, I support the principle of this Motion. As I believe that I have in all the years on this Council on several occasions with regard to Rocher River. The situations are similar and one of the points I think we should make here is that we are speaking of the people of the Northwest Territories, not necessarily Indians at Bathurst Inlet and not necessarily Indians at Rocher River, but the whole people of the Territories.

What we have got to develop is a type of policy not just on the basis of Bathurst Inlet, but an overall -- I think everybody has made various points but we do have a situation in Rocher River and one of them is where the economics are right to maintain a store. There is a store there and we have a situation now developing that the store says "We are closing because if you don't get a school in we can't maintain operation here all the time". These are the points, and on the principles of them, I support the Motion.

MR. PRYDE: Thank you.

THE CHAIRMAN (Air Marshal Campbell): Mr. Fairbrother.

MR. FAIRBROTHER: Mr. Chairman, I also support the principles of the Motion. There are many things that disturb me in the remarks that Members have made, particularly with the trapping or hunting way of life that has been traditional for many years. These people have been largely nomadics and it has appeared that wherever a permanent settlement is set up where we have put in schools, you ruin the nomadic way of life. People become tied to the settlement and gradually move in there and expect to be maintained in the settlement. This has happened in many, many communitites throughout the north. I think we have a decision to make in this way of operating in these communities. If you put in the services, upgrade the communities and put in schools and tie the people there, you ruin to a large extent the nomadic way of life. This is a case in point here. As I understand it Bathurst Inlet, where these people have lived for many, many years, and have maintained themselves and because largely of the freedom from the influence of government and the white civilization, have been able to maintain that way of life.

I suggest we should be very careful before we take any steps that are going to change that. I can see establishing a co-op or assisting with a co-op going into Bathurst Inlet providing these trading facilities so that these people have access to the necessities of life to maintain that way of life, but it disturbs me very much when we are contemplating putting government expenditures in there to start building a community and this is what is being suggested, to put in frame housing, to put up schools in the future, and various things. I suggest you are looking at tying the people somewhat the same as if you moved them to Cambridge Bay or Coppermine. I would think that if a co-op could be established or a trading post on a limited basis to provide these facilities to these people without tying them to that central location it should be done, but to contemplate right now building another community where there is no other economic source, then I think it is the wrong way to go. I don't know what the solution would be. I say I am in favour of the principle of providing these people with the basic necessities, which is a store where they can get food but surely they don't have to have it on a day-to-day basis. But to go any further than that I would have an objection to it. I think that concludes my remarks, Mr. Chairman.

THE CHAIRMAN (Air Marshal Campbell): Thank you, Mr. Fairbrother. Mr. Searle.

MR. SEARLE: Mr. Chairman, could we consider adjourning for coffee or shall I proceed?

THE CHAIRMAN (Air Marshal Campbell): Due to your past practices you make your observations quite clearly and distinctly, so you have the floor.

MR. SEARLE: That is a very nice compliment, thank you. Mr. Chairman, the Motion as put by Mr. Pryde was a request to establish trading facilities in Bathurst Inlet this summer operated either by private enterprise or by a co-op and that the cost be subsidized. Listening to Mr. Pryde he goes a little further than the Motion says in so many words by stating that it should be done on a full-time basis, summer, winter, day-to-day and initially possibly through some white man going in and the understanding that he should get out of there as soon as possible by replacing himself with a native from either Bathurst or Cambridge Bay to run the store on a day-to-day basis to provide the service. The subsidy therefore would be on a day-to-day basis.

On the other hand, we have heard from the Deputy Commissioner who seems to think that one of two things can be done: Either the co-op provide a service from Cambridge Bay as an outpost in Bathurst Inlet to the co-op, or I assume, secondly, the Area Administrator from Cambridge Bay travelling in there possibly on a monthly basis with foodstuffs and sell them on the day he is there and return to Cambridge Bay and a month later to repeat this process. There seems to be, if my assumption is correct, two positions. There seems to be, a very wide disparity between what Mr. Pryde thinks should be done and what the government is prepared at this stage to do.

The discussion, of course, has not suggested what the costs would be regarding one as opposed to the other. I am wondering if my assumption is correct, first of all, Mr. Chairman, that the administration's proposal is that the Area Administrator for Cambridge Bay go into Bathurst or the co-op one or the other from Cambridge Bay. Is that correct that it is from Cambridge Bay they would go in?

DEPUTY COMMISSIONER PARKER: Correct.

MR. SEARLE: We are not facing I take it then a suggestion that we pay chartered costs, say, from Yellowknife once a month and back to Yellowknife?

DEPUTY COMMISSIONER PARKER: No.

MR. SEARLE: I wonder, are there any cost figures worked out yet, Mr. Chairman, by the Administration to suggest, first of all, what it would cost on the basis of the Administration's proposal and secondly what it would cost on the basis of Mr. Pryde's proposal and finally, of course where the money is going to come from because we keep being told there is no money?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I don't believe we have done any costing on running the operation on a full-time basis. I am sure our officers have worked out the cost of operating it on an intermittent or let us call it a regular monthly basis. I know that they will be anticipating a slight loss if the transportation matter can be handled through a regular trip that has to be taken anyway, then this loss hopefully would be quite small.

MR. SEARLE: Using Mr. Pryde's figures that he gave us when the Hudson's Bay Company ran the outpost, he suggested on the basis of there being a full-time management there, that the Hudson's Bay Company took a loss of approximately $15,000 a year.

MR. PRYDE: Up to $15,000 but some years were as low as $5,000, Mr. Searle.

MR. SEARLE: On the assumption that the Government isn't as efficient as the Hudson's Bay, and I hope that does not sound too unfair, and since there has been no costs worked out, I should think we might be looking at a loss on a full-time basis of --

MR. FAIRBROTHER: $25,000.

MR. SEARLE: $25,000 to $30,000 and I should think this is the type of figure we would be looking at to run the thing on a full-time basis. So we have to, I think, accept a figure somewhere in that range for a full-time basis operation and I would be interested to know what Mr. Parker's people have calculated for the itinerant that he suggests, and finally of course where the money comes from. Those are the comments I have. I guess I don't get any response on that.

DEPUTY COMMISSIONER PARKER: The answer to the second question is that the money would simply have to come from some other existing vote where we would reduce an expenditure and we would have to look around to try to find this. The answer to the first is that I will endeavour to get the information for Mr. Searle as to what our estimates would be. I must say the problem has come to us very recently.

THE COMMISSIONER: I think probably there are too many issues in here and what has happened is that in the course of the discussion the question of a school and a nursing station and a settlement and all the rest of it has been injected into it and it is the long-range point of view. I think this confuses everybody. Really I think there should be a committee set up to look at some of that and I have not changed my views as to growth centres and levels of service, one bit. As a matter of fact, I am more convinced than ever, but I know it is foolish on my part to try to interject it into things now under consideration. We have so many things on and if you are going to go into something like this you have to be prepared to have all the facts and be prepared to follow it through and you have to be prepared to see that there is a full consultation at all levels.

As far as that is concerned, that is all I want to say about it. The question at hand is what we should do to supply a means for people to trade, to purchase things, and it seems to us that the solution that seems to be emanating from within the service mentioned yesterday and the day before yesterday, three different departments have interest here and they are confused about it. The opinions of the Department of Industry and Development seem to be winning through and that is that we provide a service, a store service on a regular basis but not on a daily regular basis or a weekly basis but on a scheduled basis and that people will then come together at those times and be able to trade. This is the sort of thing that seems to be coming. Then there is the question of co-ops developing there but it is not the intention of the government to establish a full-time

man to take over the Hudson's Bay store at Bathurst and I don't think we have yet reached the stage as to the answers as to what to do in that area.

It seems to me that we must await the decisions of the committee who will go in there and look at it. They will, no doubt come back with some recommendations on it which Council can look at. It seems to me there is really only the one issue involved here and the other things, just at the moment, I don't think need to be mentioned. I don't think they are part of this Motion.

THE CHAIRMAN (Air Marshal Campbell): Gentlemen, I am sure we can't resolve this around the table this morning. It is the responsibility of the Administration and they have indicated they are conscious of the problem and have come forward with proposals which seem to be in principle that a trading post should be maintained by the Bathurst Inlet people. That, I would think, meets the requirements of the majority of the people around this table as I heard them speak. On the other hand, there is a suggestion that it should be a full-time trading post operated on a full-time basis. I think we are really at the point that we have to leave the problem to the Administration to work out some solution which is reasonably viable on one hand and will provide a reasonable service on the other. Is that a fair summary of what has taken place so far? What should we do with the problem now? Should we report this debate to the Commissioner and the Administration?

MR. PRYDE: Recess for coffee and then carry on with the debate.

THE CHAIRMAN (Air Marshal Campbell): It is not coffee time yet. Mr. Williamson has the floor.

MR. WILLIAMSON: Having agreed with your summary, Mr. Chairman, I think it would be irresponsible at this time to suggest that we remain unconscious of the long-term implications of this particular and specific problem. I must confess that I recognize, as did Mr. Pryde, the problems of a group of people getting into the trading post on a regular basis, if the person coming in only once a month is only going to be there for one day. It might be possible if he was going to be there for three days, or something like this. The long-term implications, I think, require some understanding so we can see what we are getting into.

The long-term implications are, let's face it, this whole question of population distribution or redistribution across the north. The experience so far has shown that concentration of populations in centres, while providing greater efficiency of administration in some ways, has had an accompaniment of a proliferation of other types of problems which have increased expense to the government, essentially social problems. I am sure that the Commissioner and the Air Marshal who recently were in Greenland, have been apprised of some of these problems as they have occurred under so-called "konsentrasionspolitik" of the Greenland government, which they have become convinced is more efficient. But I must point out in my discussions with the Greenland administration in Copenhagen last fall, and with some objective analysts of the situation, there are some reservations in people's minds. There are, now in Greenland, a great number of people suffering from very, very serious social problems in the settlements, settlements which are being

encouraged. These problems are creating as much expense for the government as what is being saved by the diminution of services in the small outlying settlements. In the long-term view of developing a self-sufficient northern population, I think we must, in all responsibility, Mr. Chairman, ask that a concentration policy in the Northwest Territories be evaluated very, very carefully against that experience and against our own experience in Canada so far. There is no major northern population concentration that is not increasing so far.

Certainly, as Mr. Fairbrother has pointed out, there is a little hope with the rapidly increasing population of economic viability and of adequate justification of government expenses if we set up a community like Bathurst Inlet with all the services, but do not do anything but allow the traditional form of hunting and trapping to be the only source of sustenance. We have learned something in recent times of more modern methods of maximizing the existing natural resources. I would suggest that if we commit ourselves to the perpetuation of the Bathurst Inlet settlement --

THE CHAIRMAN (Air Marshal Campbell): I just wondered what your point was.

- Implications of Social and Economic Change

MR. WILLIAMSON: Thank you. I am suggesting that we ask the Department of Industry and Development to include in the plans, new approaches to the maximization of the resources in the Bathurst Inlet area, as well as the on-going trapping. There are other places in the Northwest Territories which can benefit from this experience. Council has heard me present very strongly on several occasions, the wishes of Southampton Island people for the development of a community in the resource rich area of Duke of York Bay, and I don't want this to be lost sight of. There is also a resource rich area in the Wager Bay area, and people are willing to become self-sufficient in these areas, rather than become dependent in the larger settlements. Really what we need is integrated planning on a long-term basis, so that the expenditure of the government and the establishment of services like a school and so on can be justified and supported by modern methods of harvesting the existing resources. So, we are forced to regard the Bathurst Inlet situation as a test case. I do not think we should come to any firm conclusions at this point against the redistribution of the population in the resource-rich areas, nor be completely wedded to the concentration policy until we have thoroughly analyzed the long-term implications of social and economic change, and this integration of the very rapidly growing northern population.

THE CHAIRMAN (Air Marshal Campbell): Thank you, gentlemen. It is time for coffee.

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THE CHAIRMAN (Air Marshal Campbell): Gentlemen, the Committee will come to order. The subject is the requirement for a trading post at Bathurst Inlet.

DR. BARBER: Question.

THE CHAIRMAN (Air Marshal Campbell): We have a few more speakers.

DEPUTY COMMISSIONER PARKER: Will you ask for order in the gallery, Mr. Chairman?

THE CHAIRMAN (Air Marshal Campbell): We have covered the subject I think fairly thoroughly. We have heard from a large number of Members, and they have suggested what they thought the solution is and we have heard what the Administration thinks the solution is, and what the Administration is going to do something about it. Mr. Pryde has the floor.

MR. PRYDE: Mr. Chairman, I believe the concensus of opinion around the table here today is that trading facilities should be maintained in Bathurst Inlet, and the Administration has agreed to that. There is some small dispute about the degree of the length of time such trading facilities would be available to the people in Bathurst Inlet. I would suggest there is only one answer, and that is that we provide adequate trading facilities in Bathurst Inlet. Whether that be on a monthly basis, or a six-weekly basis, or on a full-time basis, would have to be determined. I feel, however, from past experience over the last few months in Bathurst Inlet that supplying trading facilities to the people in Bathurst Inlet on a one-day per month basis is not adequate. This has clearly been shown by the actions of the Bathurst people themselves. It may be that the Government, or whoever handles the trading post, will be required to spend three or four days per month in Bathurst Inlet, whenever the plane goes down. On the other hand, even that might not prove to be adequate, in which case a full-time manager should be established in Bathurst Inlet to operate the trading post. The major advantage of having a full-time manager would be, of course, a much greater degree of service rendered to the Eskimo people as far as their trading requirements are concerned. Secondarily would be the requirement that the Eskimo people also need radio contact on a day to day basis. At the present time, the Bathurst Eskimos cannot operate the radio now established in the trading post. Perhaps this can be overcome by some method which the Administation might bring forward. On the other hand, if a full-time manager is established in Bathurst Inlet, I would suggest that my recommendation be followed namely that if he is a white man, he should train an Eskimo replacement for himself, thereby circumventing the need for a switchover of managers because of the very great degree of isolation within the region. I might further suggest one point, and that is that the Co-op manager at Coppermine is there on a full-time basis, and is paid by the Government. I see very little difference between that full-time manager and a full-time Government paid manager at Bathurst Inlet.

THE CHAIRMAN (Air Marshal Campbell): Mr. Trimble, did you want to say something?

MR. TRIMBLE: Yes, Mr. Chairman, I will make what I have to say very short, because the longer I listen to the discussion around the table, the more questions I write down, and I have got papers scattered all over here, so I have decided not to ask any of them. I just want to say, Mr. Chairman, that the issue

has wandered considerably, and I would not want anyone to think that by agreeing to continue the trading facilities in Bathurst Inlet, that we are deciding in favour of a settlement being established there. If permanent houses are established there then all the other facilities will also be required. I do not think very many of the Members of this Committee, and certainly myself, having never been there, have enough knowledge about Bathurst Inlet to justify us making a decision of this kind. As far as I understand the situation, Bathurst Inlet is not a settlement; it is a region where a group of people live, predominantly from off the land, and according to the figures we have relating to the constituency boundaries, there are approximately 50 people within that region.

MR. PRYDE: How many?

MR. TRIMBLE: 50.

MR. PRYDE: 80, as of two months ago.

MR. TRIMBLE: If there are 80, that increases the figure, but I don't know over what area this is. I don't know what the future for the region is. I have reason to believe there is a possibility of mineral exploration and development there. I don't think that any decision concerning decentralization *versus* centralization can be made in a general sense that would apply to all cases, as the Committee I am sure realizes. I favour very strongly the principle of decentralization. However, I think each situation has to be looked at individually, and a decision based on the merits of that particular situation. I don't think we know enough about the Bathurst Inlet situation to make a decision as to the merits of establishing a settlement. However, I do think that we have enough information to know that a group of people live there in that region and have done so for a long period of time, that they have been living predominantly from off the land, and paying their own way, and that if the trading post is closed down and there is no means for them to get supplies, they would have to leave that area and move into one of the established communities where they undoubtedly will become a burden to the taxpayers and deteriorate themselves through social assistance. Therefore I feel that we should make certain that trading facilities in some form continue, but I don't think we should make any suggestion beyond that. To that end I will move an amending Motion to the Motion that is before us, which will read as follows: That the Commissioner take immediate steps to continue trading facilities in Bathurst Inlet.

I do not feel there is enough knowledge of the situation here for us to decide how it should be done.

THE CHAIRMAN (Air Marshal Campbell): What you are really saying is that this Committee should report that they are in agreement with the establishment of trading facilities in Bathurst Inlet? That is the intent of your Motion?

MR. TRIMBLE: I think the trading facilities have already been established.

THE CHAIRMAN (Air Marshal Campbell): Is that the concensus of opinion? Is it a further Motion that we report that the Committee is in favour of continuing trading facilities in Bathurst Inlet?

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THE CHAIRMAN (Air Marshal Campbell): I wonder if we could take it one step further and say we want trading facilities that will be on a regular basis of three or four days and on an advertised schedule basis so the people will know it won't be a half-day exercise or a one-day exercise. Do you agree with that?

MR. PRYDE: That is the very minimum that would be acceptable.

THE CHAIRMAN (Air Marshal Campbell): So as not to confuse the people. I will now report.

Report of the Committee of the Whole to Consider Motion No. 1-43, Closing of Hudson's Bay Company Trading Post - Bathurst Inlet

THE COMMISSIONER: Council will come to order. Air Marshal Campbell?

AIR MARSHAL CAMPBELL: Mr. Commissioner, your Committee has been considering Motion number 1-43, continuation of a trading facility at Bathurst Inlet. They have heard the views of the Administration and the Administration have presently indicated they are aware of the problem and they have proposed to give consideration to alternative solutions. In any case, the Committee as a whole is of the view that there should be a trading post continued at Bathurst Inlet and that it should be open for a reasonable period of three or four days at a time and that it should be on a regular basis and further, that it should be advertised so the members of the community will know when these facilities are available.

THE COMMISSIONER: Thank you. Is it now agreeable with Council to go back to Item number 5, Motions?

--- Agreed

Motion number 3-43, Mr. Williamson.

ITEM NO. 5: MOTIONS

Motion No. 3-43: Compensation to Fisherman for Losses Through Pollution

MR. WILLIAMSON: Mr. Commissioner, following the answer given by the Deputy Commissioner this morning in reply to my question yesterday during which he gave assurance of your Government's concern with the matter of compensation in their investigation into its being initiated, very significantly, also his reassurance that there are alternative sources of self-sufficiency that are being set up, I feel that it is appropriate for me at this time to withdraw the Motion with the assurances given by the Deputy Commissioner.

THE COMMISSIONER: Agreed?

--- Agreed

Motion number 4-43, Mr. Trimble.

Motion No. 4-43: Government Expenditures in Unincorporated Communities

MR. TRIMBLE:

WHEREAS it would appear that some Government expenditures in unincorporated communities, particularly road and housing construction of a capital nature, are being handled out of

Yellowknife headquarters and there seems to be little knowledge at the local level of what is taking place;

AND WHEREAS it would appear that tenders are being invited for capital construction projects in such a manner that small local contractors find it difficult to compete;

AND WHEREAS tenders are being invited and contracts left so late in the year that local contractors have no opportunity to arrange for additional equipment, and much of our short summer construction season is being wasted resulting in higher construction costs and poorer quality construction being carried out after freeze-up;

NOW THEREFORE, I move that this Council recommend to the Commissioner that there be greater co-operation and liaison between NWT government departments, particularly the Departments of Industry and Development, Local Government and Public Works, to maximize the employment opportunities and economic development of local people and contractors in each community in regard to government capital and maintenance expenditures".

THE COMMISSIONER: Moved by Mr. Trimble, seconded by Chief Tetlichi,"I move that this Council recommend to the Commissioner that there be greater co-operation and liaison between NWT government departments, particularly the Departments of Industry and Development, Local Government and Public Works, to maximize the employment opportunities and economic development of local people and contractors in each community in regard to government capital and maintenance expenditures".

MR. TRIMBLE: Mr. Commissioner, I am not certain of the amount of money involved in capital work construction projects in the various communities in the north and in maintenance of such things as roads in the North. I have asked for the Appropriation Ordinance but it is not available as yet. However, I do know it runs into millions of dollars.

- Unemployment of Local Skilled People

In various communities there are many local people with knowledge of carpentry work, with knowledge of cat skinning and so forth. In pretty well all communities, we have small local contractors, many of them of indigenous origin, who own equipment such as caterpillar tractors, trucks, loaders, and it seems to me, Mr. Commissioner, that there is some deficiency in marrying the two together. We have a lot of Territorial money being spent on construction projects of various kinds. We have a labour force in the Territories and it seems to me that in most of the small communities the two are not being united, and I wonder what the reason might be. It seems to me that more than anything else, it is probably because various responsibilities rest with different departments and each department is carrying out its own responsibility more or less on its own and there is not, what I would consider to be, an adequate co-operation between them. I do not mean to suggest that they are not on speaking terms or anything like that.

- Establishment of Small Industries

For instance, Mr. Commissioner, I would think that our Department of Industry in its terms of reference would be

concerned about establishing small industry in each community. I realize that it is involved in such things as tourism and game and is making great progress. I realize it is involved in the co-operative movement and larger industries but, Mr. Commissioner, I am very much concerned about the small businessmen in the small communities, small co-operatives, to handle the work that is available there. They are not necessarily trying to develop new industries but to handle the work that is presently there and in many cases, is going to outside companies and employees from outside.

I would like to see, Mr. Commissioner, that is each community when there is "X" amount of dollars to be spent in a year for construction purposes of various kinds that the Department of Industry get together with the Department of Public Works and the Department of Local Government and then decide how many people are in that community who can do the work, how many carpenters, how many construction people there are and try to organize the workers somehow or other to handle the work that is available. I feel that there has been a great deal of progress made in the Department of Local Government and in the various communities, Advisory Councils have been developed and have been advancing, have been given more responsibility and more say in the running of the affairs of the community. However, it seems to be now with capital construction projects being no longer handled at the community level but handled out of Yellowknife that we are working against the principle that the Department of Local Government has been advancing. The headway we have made is, I think being seriously jeopardized by taking away this function that the local councils had and putting it in the hands of the officials in Yellowknife. Certainly this is a very discouraging thing for the local people. It is discouraging for the local administrators because, in many instances, not only do they not have any say as to what is being done, but they have no knowledge of what is being done.

- Tenders - Low Cost Housing Program - Aklavik

I will use Aklavik as an example because I know a little more of the situation there than in the other communities, although I have been making enquiries and I know this situation is general. There are a number of houses under the Low Cost Housing Program to be constructed in Aklavik this year. Last year, the advisory council was involved in this. The local administration supervised the construction of the houses and only local people were hired to build those houses. This year the advisory council had no part in deciding who would build the houses. Some local people wanted to bid on the contract to build these houses and hire local people. They could not find out when the tenders would be invited. They did find out later on they had already been invited and contracts let. There are no knowledge of this at the local level even by the Area Administrator. This, in my opinion, is not acceptable because it means that now some firm, possibly from outside -- I do not know -- will be moving into Aklavik to build these houses and bring in a lot of the employees with them. This is fine for me. I run the hotel there and I might say that way back last winter I had an inquiry as to whether or not I could handle a number of men and I believe this was what the inquiry was for. Obviously somebody in the provinces knew there were houses to be built in Aklavik, that it was going to be let out for tender and that they could bid on this one lump block of houses out the local people did not know.

The result is, Mr. Commissioner, that the local people will be left looking for employment with the firm probably as labourers when many of them could be carpenters. There was no opportunity for a local construction firm to get established and this is where I feel the Department of Industry could move in. The business is there and we know it is there; it is our business. The Department of Industry could step in and say "There is business here so how can we get some men to take over this business?", and if they are successful in taking this year's contract, and possibly next year's contract, then we have got the business established. This could be done in every community.

- Road Construction Tenders - Aklavik and McPherson

The same thing applies with road construction. It is disgraceful, in my opinion, that we have to get a reply as we did today, that in Aklavik and McPherson, the tenders we invited for next week even with things being rushed, the contracts will be let on August 14th. Mr. Commissioner, the summer is almost gone and we have had in the Delta area, regardless of how the weather has been here, a perfect summer so far, and yet nothing has been done. This has been the situation for as long as I have been on Council and I think a lot longer than that. There seems to be no progress made as far as getting construction going earlier. I personally believe that the invitations to tender should be let out even before the money is voted on by this Council. There are adequate safeguards as long as there are no contracts let. If the money is not voted by Council -- and I don't know of a situation yet where it has not been voted -- the contract will not have to be let but surely tenders could be invited even before the money is voted in January and after the money is voted, contracts can be let. If local contractors do not have the adequate equipment to handle the work that is available for the year, they can arrange then to get financing and get the equipment. But the way it is now, we are halfway through the summer and the tenders are not even out. This is not acceptable, Mr. Commissioner. It is being handled out of Yellowknife and in most communities, the tenders for work in that community are being handed out in one block sum, as I understand it, all the roads, airstrips, gravel pads, and so forth. There is no local contractor, certainly not among the indigenous people, who could even bid on a contract to handle everything. Therefore, it means we are doing nothing to develop local industry. We are making it mandatory that we have to accept some bid from some large contractor, probably with his base in one of the provinces.

- Advisory Council Responsible for Contracts

The situation in Aklavik has been that in the past the advisory council was involved and they let out separate tenders for each phase of the road construction contract and for maintenance contracts, and the result was that all of these local contractors got work and their equipment was involved and local people got work. When they needed poles for the roads, they let out contracts for corduroying the road, the trappers got the contract for providing poles for corduroy. If things are going to be handled the way they appear to be, it will mean that all this industry goes to some large construction firms that will move in for the summer and then move out again in the fall and take all the money that we are voting with them.

- Industry Development - Local

I feel very strongly that local industry can be developed in each community to handle the Government business that is in that community, and if the industry is developed in the community to handle the Government business, it is there and available and in a position to compete in private business as well, and I think you will get industry going into these communities this way, small industry that will be successful. Therefore, I feel that the Department of Local Government, the Department of Industry and Development and the Department of Public Works, should be working together in all small communities. The Department of Public Works has the job of getting the work done. I realize this, and I suppose the best job at the cheapest cost. The Department of Industry's objective is to develop industry and the Department of Local Government's objective is to develop local participation in the running of each community. Surely, if the three are working together, the job of each one can be enhanced.

Mr. Commissioner, if there is anything in my remarks that is not correct or too strong, I would welcome the opportunity to see this referred to a Committee of the Whole so the Directors of these three departments can appear before us and advise us as to what is being done and what possibly can be done in the future.

- Government Assistance - Small Local Contractors

MR. FAIRBROTHER: Mr. Commissioner, I rise to support the Member who has just spoken. I will just add one or two points. It seems to have been in the past and this is with the Federal Departments, that it was the belief of the public servants in most cases, that it was up to the local contractor to look out for himself. It seemed to be their sense of feeling that they would assist co-operatives or local people, but in many cases, it seems they did everything in their power to see the local contractor didn't make any money. This is a feeling which I think is fairly prevalent throughout the Northwest Territories. I can't charge the Territorial Government with this because I have never found any indication of it from the Government Headquarters, but it is fairly prevalent in some of your local area offices with the people who were with those Federal Departments and seem to have grown up with this idea, Mr. Commissioner. I don't think that you or your Directors are aware of this feeling in many cases, but I think that Mr. Trimble is certainly pointing up some of the problems and I would like to see some steps taken to form some sort of assistance to small local contractors that they are able to take on some of these small contracts in the settlements where possible. I don't think that - I don't feel the Government should lay out a large expenditure to set anybody up in business; I am not suggesting that, but where it is possible without creating an unreal situation and costing a lot more money to do these contracts than what larger contractors could do them for, I think the situation could be that the Government Departments make what assistance can be made available to these small contractors for these contracts.

- Integration - Reponsible Government Departments

MR. WILLIAMSON: Mr. Commissioner, I wholeheartedly agree with the opinion expressed by the mover of this Motion, and Mr. Fairbrother, specifically in reference to the desirability for integration in the planning stages between the responsible

departments, and also at the operational stages. I don't propose to repeat what has already been said so well, but I would like to say on one important point raised by Mr. Trimble, and that is the thorough consultation with the local people. The Department of Local Government has been making an excellent effort in stipulating self-sufficiency and self-determination, responsibility in the democratic way, in other words, of the people in the communities. They have been encouraged to believe that they are increasing their responsibility and then they are discouraged in some instances to find out that it would appear a matter of lip service as far as the Government is concerned.

- Moving of Administration Building - Baker Lake

In fact, one example is a recent instance at Baker Lake where the administration building was moved from one location to another. The local council was recently elected in an atmosphere of great confidence that they would be taken seriously, and that they would be able to exercise a greater degree of responsibility. Presumably the administration knew about the moving of this building, even though the actual task was in the hands of the Federal Construction Division, the so-called engineers. The administration, however, does not appear to have informed the local council about the plans.

- Gravelling Areas around Eskimo Houses

The local people have made it clear on a number of occasions that they consider a very high priority must go to the gravelling of the areas around the Eskimo houses which were inappropriately located high up the hill in the community and not down near the water where they should be to serve the needs of the Eskimo people. The residential area is a quagmire all through the summer and deeply drifted over the roofs of the buildings in the wintertime. Members of Council have seen this. But for weeks, the entire efforts of the vehicles was concentrated on establishing a huge pad for the administration building in a location not where the local people considered it should be, but down near the water. This pad is so high that the building is way out of line with rest of the buildings in the community. The administration building is quite literally a castle in the air, and no one was asked about it. There is fear that other buildings which are being moved may leave sites which again will be taken over without consultation with the local people. I have nevertheless had reassurance on this from the Deputy Commissioner, and I am very happy to have this. I just offer this example in support of Mr. Trimble's point, that right at this time there is still not sufficient integration between the responsible agencies and still despite all our appeals and efforts, year after year, still no real consultation with the local people. If we genuinely mean what we say about the development of local responsibility, this sort of thing must stop, and right now. Any move affecting the location of buildings, the location of roads, the installation of facilities, which are now said to be of concern to the local council, must be submitted to the councils for their advice before any action is taken. We are not talking about some vague problem here; we are talking about actual instances which prove Mr. Trimble's point. We must strongly appeal to the administration and make sure this thing ceases forthwith.

MR. STEWART: Mr. Commissioner, I rise to support this Motion, I would, however, like to move a correction, not a correction, but an amendment or amending section to remove the word "unincorporated".

MR. SEARLE: And over there is that rural-urban split.

MR. STEWART: And remove the word "small" from local contractors. I believe this problem as stated is not restricted to Aklavik, or any of the small unincorporated areas of the Northwest Territories. Even the largest of the municipalities has this problem. I thought we saw a little -

MR. SEARLE: On a point of order, doesn't Mr. Stewart need a seconder for his Motion to amend?

THE COMMISSIONER: Are you formally amending the Motion?

MR. STEWART: I am just speaking to my amending section.

MR. SEARLE: I thought he was amending it.

THE COMMISSIONER: Proceed.

- Territorial Agreement - Bid System

MR. STEWART: I thought for a while we were making headway with regard to increasing the spending of Territorial funds within the Territories in the local areas and local contracts. It is my belief, however, that in 1969, the latter part of 1969 and 1970, we are right back literally where we started. The contracts are being let, particularly in housing, in large sections, to companies outside the Northwest Territories. I realize the Administration has been faced with a point of economics, the bid system being what it is, I presume we are bound by the bid system under the Territorial Agreement. This leaves a lot to be desired. A study in the United States has indicated that the tender system accounts for 5 percent of the costs of the construction of capital projects. We are still bound by this old antiquated type of system within the Territories and it is not functioning well nor to the benefit of the people of the Territories. There is of course, a second item, and it appears the organization of certain sections of the Territorial Government have had difficulty in being maintained, with the result that many of the Departments were not fully staffed for the full course of the year and a good deal of capital work had to be done as a matter of convenience, and in many instances these contracts were grouped into large mass contracts, but certainly no company I know of in the Northwest Territories would even get the bond to do it, let along cover the full capitalization. This Council has paid lip service to the meat of this Motion. We have spent a great deal of time in this Council Chamber going over the points and yet we find on the dissolving of this Council, really we are not much further ahead then we were when we arrived. I would like to amend Motion number 4-43 in the following manner: Change the title to "Government Expenditures", drop the word "unincorporated", and in the first "Whereas" drop the word "small".

THE COMMISSIONER: Yes.

MR. STEWART: I am looking for "small" and I don't see it.

MR. FAIRBROTHER: In the second "Whereas".

MR. STEWART: I am sorry.

MR. TRIMBLE: Mr. Commissioner, the Motion itself --

THE COMMISSIONER: I am sorry.

MR. TRIMBLE: The Motion itself is not being amended, it is the "Whereas" section, and I am not sure that is part of the Motion and the title is not part of the Motion.

THE COMMISSIONER: I did not do that properly. You are moving an amendment, Mr. Stewart, and really you are only moving an amendment to the "Whereas" part of the Resolution, and I don't think it really alters the Motion itself.

MR. STEWART: Thank you. I withdraw. As long as it is a matter of record, it is not restricted to unincorporated.

THE COMMISSIONER: Question?

MR. SEARLE: Question.

THE COMMISSIONER: I might just say before you put the question, that there are many good points made by Council and I think we recognize this. I suppose Mr. Trimble summed it up best of all when he pointed out the difference between the labour force and the available work.

- Government Projects Channelled Into Labour Force

Somehow, I think this is one of our greatest difficulties, how do you marry the two of them up? We are handling work from Yellowknife and I don't think there is any doubt about it that we are well aware and we recognize that we can do better and we have to do better. We hold a senior staff conference each year and this was the subject of several days' discussion at the conference at Pine Point. We set up a Committee comprised of Mr. Orser and Mr. Ballantyne. They are the only two I can think of at the moment. The purpose of the Committee was to try and find ways of channelling as much Government work into the work force as we could. In other words, they are pressing for the employment of indigenous people. It seems to me that the community is also pressing for the same thing. Maybe approaching it from both ways will have some results.

One thing I can do is to direct the Clerk of the Council to reproduce the remarks of Council here in a folder and see that it is circulated among the departments, to all regional departments, to all area administrators and see that it is published in our own In-Service paper. Certainly to the staff that are in contact daily with the matter. There is no doubt about it, we have to do something. I just wanted to make that remark because I really believe it is timely to keep bringing these things to our attention and we certainly accept it in the spirit it is given. All those in favour of Motion 4-43 signify in the usual manner. Against, if any?

--- Carried

Motion number 5-43, Mr. Pryde?

MR. PRYDE: "Whereas no teacher in the Public Service of the Northwest Territories may engage in partisan work in connection with --" did I get the right number 5-43, Mr. Clerk? My Motion says 9-43.

THE COMMISSIONER: We will give Motion number 5-43, the Indian Claims Commissioner first.

Motion No. 5-43: Aboriginal Rights of Indians and Eskimos

MR. PRYDE:

"WHEREAS the Indian Claims Commissioner in a public speech has stated that the aboriginal rights of the Indians and the Eskimos have not been included in his terms of reference;

AND WHEREAS the United States of America and other countries have already established that claims for compensation of aboriginal lands were just and fair;

AND WHEREAS the Federal Government of Canada does not appear to have set up any agency to establish the validity of claims for aboriginal rights of the Indians and the Eskimos;

NOW THEREFORE, I move that the Council of the Northwest Territories recommend to the Prime Minister of Canada that the aboriginal rights of the Indians and Eskimos be included within the terms of reference of the Indian Claims Commissioner of Canada."

THE COMMISSIONER: Seconder to the Motion? Moved by Mr. Pryde, seconded by Chief Tetlichi.

"I move that the Council of the Northwest Territories recommend to the Prime Minister of Canada that the aboriginal rights of the Indians and Eskimos be included within the terms of reference of the Indian Claims Commissioner of Canada." The Motion is in order.

MR. TRIMBLE: Question.

MR. PRYDE: Just as a note of explanation, perhaps I could explain that I intended to move this Motion at the last Session of Council and as Dr. Barber is also the Indian Claims Commissioner I felt it might in some slight way embarrass him or possibly even convey the impression to the Prime Minister that Dr. Barber had brought forth this Motion at this time or that he has requested some Member to bring it forward and I wish to state categorically that was not the case.

THE COMMISSIONER: This Council has never been worried about embarrassing anybody.

MR. PRYDE: I understood at the last Session that Dr. Barber would not be here for this present Session. However, I am glad to see Dr. Barber is here. I just hope that the Council will support this Motion so that the Indian and Eskimo people of Canada may have their claims examined by the Indian Claims Commissioner.

THE COMMISSIONER: Any discussions?

DR. BARBER: Mr. Commissioner, I feel that I should state most emphatically that I did not have anything to do with this particular Motion and, secondly, I feel I should not vote on it because of conflict of interest.

THE COMMISSIONER: Well stated, Dr. Barber. Further discussion? Question? Those in favour signify in the usual manner. Against, if any? I think it was four. We had better go again. All those in favour signify by raising your hand.

MR. TRIMBLE: A recorded vote, please.

THE COMMISSIONER: Recorded vote.

THE CLERK OF THE COUNCIL: Mr. Pryde, Mr. Fairbrother, Chief Tetlichi, Mr. Trimble, Mr. Williamson.

THE COMMISSIONER: Down, against?

THE CLERK OF THE COUNCIL: Mr. Stewart, Deputy Commissioner Parker, Mr. Simonie, Mr. Searle.

THE COMMISSIONER: The Motion is passed and I believe the vote was 5 to 4, is that correct?

THE CLERK OF THE COUNCIL: That is correct, Mr. Commissioner.

THE COMMISSIONER: The Motion is passed.

Motion number 6-43 is withdrawn. Motion number 7-43, Mr. Searle.

Motion No. 7-43: Salary of a Public Service Secretarial Position

MR. SEARLE:

> "WHEREAS a Public Service position as Secretary to the Deputy Commissioner is being advertised as Senior Secretary with a salary scale from $7,513 to $9,055;
>
> AND WHEREAS such a salary scale is a gross over-payment, a waste of tax dollars and completely out of step with comparable positions of competence in private enterprise;
>
> NOW THEREFORE, I move that this Council recommend to the Commissioner, in the strongest possible terms, that the salary scale of $7,513 to $9,055 advertised in the News of the North of 23 July, 1970, as a Senior Secretarial position to the Deputy Commissioner be reclassified and readvertised at a salary scale of between $5,400 and $6,240."

THE COMMISSIONER: Moved by Mr. Searle, seconded by Mr. Pryde "that this Council recommend to the Commissioner in strongest possible terms that the salary scale of $7,513 to $9,055 advertised in the News of the North of 23 July, 1970, as a Senior Secretarial position to the Deputy Commissioner be reclassified and readvertised at a salary scale of between $5,400 and $6,240".

The Motion is in order. Mr. Searle.

MR. SEARLE: Mr. Commissioner, in making one or two opening remarks concerning this Motion let me say most emphatically that I am not attacking either the Deputy Commissioner personally, nor, of course, any individual who holds the office or position at the present time or any time in the future as a Public Servant and in particular this position as his secretary. There is nothing personal in what I am about to say but I would rather deal with the matter on the basis of principle and that is basically the matter of reasonable pay in relationship to what private enterprise in the area pays.

- Advertisement Re Position of Senior Secretary

Just by way of introduction I should read the advertisement I referred to advertising the position which appears in the New of the North edition of the 23rd. It says:

> "Senior Secretary $7,513 to $9,055 Government of the Northwest Territories Yellowknife, N.W.T. The Deputy Commissioner of the Northwest Territories requires a personal secretary to provide him with a high calibre of stenographic and clerical assistance. Since this is a very challenging position with wide responsibility it requires the successful applicant be an individual with extensive experience in a senior secretarial position. Pleasing personality and ability to meet the public and high initiative are essential characteristics. Minimum education qualifications will be high school graduation followed by a formal secretarial course. A high level of performance in typing, shorthand and transcribing from dictating equipment is essential. Additional training in the fields of public relations, social sciences and Government organization is desirable. Applications including a detailed resume indicating education, experience and demonstrated ability should reach the Chief Staffing Officer not later than August 5th, 1970. Please quote competition No. C10370."

The first point I want to make on the basis of the qualifications is that there is basically the same type of qualification I think anybody would require, particularly, I know, in the type of organization I run. That is our law office of which I am the office manager. Like Gordon Gibson who said he thought he was an expert on liquor because he consumed so much of it, I sometimes get the feeling I could almost qualify as an expert in hiring secretaries. I have had many secretaries in the last eight or nine years and of course I hire and employ regularly in my law office eight or nine right now. It goes further than that. Whenever we are reviewing salaries, filling a position, we canvass the industrial areas in Yellowknife, the banks, the mines, et cetera, to determine what is a going rate and therefore what a good secretary with the type of qualifications outlined here should be paid. In fact, as I stand here I look at one of my former and most able secretaries sitting in this chamber assisting us here.

I have done a little figuring, Mr. Commissioner, and the salary scale quoted here of $7,513 is the low divided by 12 would give a salary of $626 per month. Take the high figure of $9,055 per year and it gives you $758.58 per month. I would like to give you what I feel is higher than the going rate which is what, frankly, we pay in our office for legal secretaries. The low starts at $450 a month times 12 gives you $5,400 per year and that is

how I got that range in there of $5,400. The high is $520 per month and that is how I got the figure of $6,240 in there as the high. I am not firm on the exact amount, if any Member feels I am being too specific, we can alter the dollar figure but what we have done in the past has been less than specific and what the Government basically has done is a waste. It is very difficult to come to grips with the matter of salaries because, as we have already heard this morning from the Commissioner, he is very reluctant, I might go further than that and say, he refuses to give us what an individual is actually paid. I think it is safe to say he is even reluctant to give us the salary scales. As a result, we must resort to the sort of thing I see here which is to wait until a position is advertised -- it seems the only way we can find out what people get paid -- and then deal with the matter on that type of hit and miss basis. I know of no other way of doing it.

I also think that this is a particularly good example to pick Members of Council; simply because we have here before us the men responsible for this decision. One of the men whose secretary this is going to be and he can, I assume, on behalf of the Administration, give us this answer. I suggest to you, therefore, gentlemen, Members of Council, Mr. Commissioner, that if you look at the salary scale that it is approximately $1,300, that is the low part of it, approximately $1,300 being paid above the high in industry, this $7,000 -- I have lost it. The Scale starting at the low of $7,513 is approximately $1,300 over the high I have quoted and the high of $9,055, of course, takes you nearly $3,000 or $2,800 over the high paid elsewhere in industry. For heaven's sake, we are getting to a stage way out of proportion. That is to say nothing of the subsidized housing and other fringe benefits if the girl is not otherwise married and living with her husband in the city. Try another couple of grand for that if she is single. It just seems to me that when we get to the stage of all benefits included, we are looking at the girl and paying her something in the nature of $11,000 for a steno-secretary, a position which is not a policy or decision-making position, there is no executive responsibility -- I could see this for an Executive Assistant, but for a senior secretary, gentlemen, we are getting way off base, because when you start approaching benefits included $1,000 a month bracket, it is getting quite out of line.

My position, therefore, is simply to point out to you that in this day and age when we are looking for "X" number of dollars for Bathurst Inlet and we are looking for money for needed services and we start seeing salaries paid like this that are way out of whack with what is otherwise paid in the same area in private industry, it is obvious to me where the saving in funds can come from.

- Government Salary Scales and Positions Examined

I think, gentlemen, further that we have to be a little dilatory when it comes to estimates. I know I have learned something. I have learned, if I return, when I look at the next estimates and where it says eight positions and just a lump sum for salaries, I am going to ask for the salary scales and the positions to see if when you add them altogether they make sense so we can examine each position and make a decision as to whether it comes even within the ballpark of what is being paid elsewhere. We have not done that, we have authorized this sort of thing and we have to bear the responsibility, but I am prepared now to make one stab at correcting one obvious incident and to guide myself

in the future by asking for salary scales, identified as to position -- not salaries identified as to persons -- salary scales as identified as to positions and start dealing with this matter of salaries on that basis.

I suggest that we have not really given much time to this and now that we have, of course, our Public Service Association dealing with negotiations and this sort of thing and I do believe these people are outside that system, by the way, I do not think they are unionized. Now that we have that, and we don't as a Council take a hold of this thing and give the Administration some direction for their negotiations, then we are on a run-away dog sled, sitting there happily saying, "Isn't this a nice trip?"

Thank you.

THE COMMISSIONER: Mr. Fairbrother?

MR. FAIRBROTHER: Mr. Commissioner, I am certainly in sympathy with what the Member is trying to do. However, my experience and my knowledge in this matter is very, very limited. As a Member of this Council and this legislature who is routing the money, it concerns me very much. However, before I could support this Motion, I would have to know the figures of what, for instance, a pool secretary in the Government is being paid.

MR. SEARLE: Try and find it out!

MR. FAIRBROTHER: Without the salary scale, this is impossible. Certainly if the figures quoted by Mr. Searle are correct, and I assume they are, that in private industry this is what is being paid, then before we could make a move of this type, we would have to know what pool secretaries or secretaries to the Directors' pay scale would be because I assume that this type of secretary to the Commissioner and the Deputy Commissioner would come more or less within the same sort of a position scale. It certainly must be higher than the secretaries in the pool or even perhaps the secretaries to the Directors. Without that kind of knowledge, there is no way I can support the Motion as it stands but I certainly support the principle of the Motion.

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I have a number of points I would like to make. The first point is that the Member for the Mackenzie North may find this difficult to believe but there was an error made in this advertisement. It escaped me when it was put out during this Session. I was aware of and approved the wording of the advertisement and, in fact, approved the figures that were used. However, upon checking into it, I find in fact an error was made and the position was advertised at a figure somewhat in excess of what is actually being offered and in excess of what had been approved, I do not propose to play games with this Council and, therefore, I want to inform you what the range should have been and what it will be corrected to, depending on the results of this debate. The proper range is $6,885 to $8,358, which is a reduction in the neighbourhood of $700 per year over the one advertised.

DR. BARBER: Would you give us that again?

DEPUTY COMMISSIONER PARKER: $6,885 to $8,358. This rate was established as a result of the bargaining session which carried on for some length of time with the Public Service Association, and previous to that time, that is, previous to 1 April, 1970, the rate would have been some $300 less, or roughly 5 percent less.

It is true that the person who acts as my secretary is, as is also the case with the Commissioner's and a number of other people, these people are not members of the Public Service Association. They are excluded because they are part of what we consider to be a confidential unit. However, we feel that it would be entirely improper and, in fact, impossible for us to employ persons if they were not placed in money brackets that bore a close relationship to those brackets established through the proper bargaining procedure and, therefore, the ranges reflect the results of the bargaining procedure which has been carried out.

I would like to point out to Mr. Searle that there are many, many more stenographers and secretaries in the service of the Territorial Government than there are in his business and it becomes necessary for us to establish levels. As Mr. Fairbrother has stated so well, this figure naturally is one of the most senior -- it is a figure for one of the most senior secretaries and it is considerably above those in the other ranges. The ranges run roughly from first, a stenographer who is employed through various stages of experience to a senior stenographer and the next step is to the secretary of a department head and then to the position which my secretary occupies. This in itself forces a certain amount of inflation and I recognize that. However, you must also recognize that this is a single position. I do question the figures quoted by Mr. Searle as to the top level of $520 a month being offered locally for senior secretaries in Yellowknife. I feel he is low in that figure.

My next point is that I think he has been completely unfair in his quoting of a rough figure which he uses "two grand" for the extras and the value of living allowance.

MR. SEARLE: I wouldn't know.

DEPUTY COMMISSIONER PARKER: This is considerably in excess of actual facts.

My final point is I can supply the figures which are paid to secretaries in this category in the provinces. In Alberta, a similar secretary would earn -- and I am using the top of the scale in each case and I am using my corrected figures -- would earn approximately $75 per month less than here. In Edmonton, the secretary to a City Commissioner would earn $15 per month less than here. In Calgary, a similar position, roughly $70 less. The Federal Government pays some $1,100 per year more than the Territorial Government does. In other words, the Federal Civil Service has bypassed us some long time ago and we have not maintained contact with their wages.

THE COMMISSIONER: Any further discussion?

MR. PRYDE: Mr. Commissioner, I intend to vote in support of this Motion, but before doing so, I think it would be helpful if Members of this Council obtained and obtained NOW the salary scales for other stenographers and secretaries within the headquarters in Yellowknife. I think that would be very helpful to Members of this Council.

THE COMMISSIONER: Further discussion?

MR. PRYDE: Could I have an answer to that, please?

THE COMMISSIONER: I told you that I would consider this. You have to give me time to think this out because I want to make this clear. I don't want to get into this discussion -- not that I can't, but I don't have the old fire burning inside me. First, I have to think this out because Yellowknife is a small community as is Fort Smith and Inuvik and these other places. We have to balance out what the results are of people's salaries and ranges and names and the rest of it. It is very simple in a small community to fit them together, release them to the general public.

Secondly, I no longer am the sole decision-maker in the things involved here, and I tell you they can be pretty nasty if they want to be. I would have to consult with them if there is any objection from that point of view,

then I will have to make a decision. I promised you I would consider it and it may well be after thinking it through and looking at it, we will table the whole thing, everything, but I have not had the chance to think this out since the question was asked this morning. That is the only answer I can give you at this time.

Mr. Parker has told you the salary range of the secretary in question and I think that is the best I can do just at this moment.

MR. PRYDE: Mr. Commissioner, I do not feel that Members of this Council can properly vote on this Motion unless they have access to that information and until that time, I suggest a vote on this Motion be held over.

THE COMMISSIONER: Further discussion? I am sorry, you spoke once, Mr. Fairbrother.

MR. PRYDE: And I would so move.

THE COMMISSIONER: Is there a seconder to the Motion? Further discussion?

MR. TRIMBLE: Mr. Commissioner, ---

DR. BARBER: Are we discussing Mr. Pryde's Motion?

THE COMMISSIONER: We are now on the original Motion by Mr. Searle and Mr. Trimble has the floor.

MR. PRYDE: On a point of order, with Mr. Trimble's permission, I didn't intend to speak to this because I had hoped to gain access to those records. If they are not readily available, I wish to speak on this Motion for a moment.

THE COMMISSIONER: Well, I am not going to cheat you out of your right to speak or use a Rule of Council which I could use, but if there is no objection, Mr. Trimble, I suggest you waive for a few minutes your position and let Mr. Pryde proceed.

MR. PRYDE: Thank you, Mr. Commissioner, and thank you also, Mr. Trimble. Mr. Commissioner, the salary being paid here to an individual is indicative of the high salaries being paid by the Public Service throughout the Northwest Territories. I would suggest that Mr. Searle stated the case very well. He said there had been many other examples of gross overpayment for the work done for the same type of positions in the Government, which are carried out by members of private enterprise. I would like to support this Motion on that basis. I have seen many, many advertisements in the News of the North concerning appointments in the Public Service of the Northwest Territories, and in almost each case they have been exceedingly high. I agree with Mr. Searle's second "Whereas" which reads: "Whereas such a salary scale is a gross overpayment, a waste of tax dollars and completely out of step with comparable positions of competence in private enterprise". I suggest, sir, that the Public Service of the Northwest Territories should not over-ridingly base the pay scales on what is being paid in southern Canada, but should provide an adequate and reasonable amount for services rendered in the Northwest Territories. If private industry can obtain secretaries and stenos for an amount much less than what is

being paid by the Government, then the Government should fall in line with private industry in the Northwest Territories and pay similar scales of salaries. I don't need to add that it is mainly the Government of the Northwest Territories who is causing inflation in the Northwest Territories. As the biggest employer, we find the Government of the Northwest Territories pays labourers 70 to 80 percent more than labourers are paid in private enterprise and we find the same situation with many other positions advertised in the News of the North and other papers throughout the Northwest Territories. I would suggest if the scales of salaries to Public Servants are so high that they are grossly overpaid, and I believe that to be the truth, and I don't intend to be facetious at all about this. Certainly in my experience of observing people working in a Government office, on numerous occasions find many of the staff not doing any work. I would therefore wish to support in the strongest possible terms this Motion of Mr. Searle's, although it only concerns one particular case, but it is indicative of the general overpayments to the Government of the Northwest Territories' Public Servants.

MR. TRIMBLE: Mr. Commissioner, I feel that the Council Members would be acting irresponsibly to pass this Motion setting a pay scale for a secretary without knowing what the pay scales are for other secretaries holding similar positions within the Territorial Public Service. For instance, if we by this Motion restricted the pay scale for the Deputy Commissioner's secretary's salary lower than the salary for the secretary of a Director, I think that would be irresponsible.

MR. SEARLE: It would be a good start.

MR. TRIMBLE: Mr. Commissioner, it seems that we are placed in a position where we have to take such an irresponsible stand in order to get the information that we require. It does not seem to be forthcoming otherwise. I am not beyond acting irresponsibly.

MR. PRYDE: Well said.

MR. SEARLE: Hear, hear.

MR. TRIMBLE: I therefore will support the Motion unless this information is forthcoming. I do feel, though, Mr. Commissioner, that this Council has to assume responsibility for the pay scales that we see in the Territorial Public Service. This Council is directly responsible for not only allowing, but encouraging and providing for the pressure group that has been referred to, the Trade Union in the Territorial Public Service. Without our Ordinance such a group would not exist, and we have set up a situation where the Public Service deals with the Territorial executive on salaries, and this Council is not involved in any way, shape or form, and as we are now finding but and should have realized before, do not even have the information available to us as to what the scales are.

Territorial Government Responsible for Inflation in NWT

The taxpayers in the Territories have no control over this, and it seems, have no knowledge of it. The taxpayers can elect in opposition to this Government, but they cannot elect this Government. This Council permitted this and provided for it and we are responsible. I think this Council is responsible in other ways. I have insinuated many times and spoken directly several times about the fact that the Public Service pay scales were considerably too high and that this Government was responsible for inflation in the Northwest Territories, more than any other organization, and I say more than all other organizations put together, and yet Council seems to have done very little about it. I remember a couple years ago when I refused to vote in favour of the budget because this Government refused to give the Committee information as to the amounts of subsidies, the scale of subsidies for housing of employees of this Government living in subsidized housing, and it seems to me that I was the only one who voted against the allotments on this point. The rest of the Council was agreeable to let the Administration and the Executive hide this information, and it becomes very disturbing, Mr. Commissioner, that after we permit this sort of thing, how we change and say something has got to be done, and pick out one particular advertisement for a position. I think we have to look at the whole situation and it is now too late for this Council because we are going out of office and I expect the next Council will become enlightened at their last session and become as concerned about the situation as we are. The Administration is undoubtedly counting on this. Gentlemen, I feel we should put something on record for the benefit of the Council that is coming in. I hope there will be a few of the existing Members here to carry on ---

THE COMMISSIONER: There is no doubt in my mind.

MR. TRIMBLE: --- and endeavour to see that there is some holding of the rates of pay in the Public Service, because I certainly feel that with the pay scales and the various subsidies, that we are definitely contributing and directly causing inflation in the Territories, making an impossible situation for private enterprise and I feel it is the responsibility of this Council to do something about it.

I would hope that in consideration of the January main appropriations that something will be done. I would certainly hope that at that time, there would be a careful examination of what has happened over the year and particularly what has happened since the Motion of the last Session asking that there be no increase in the number of Public Servants from the present level. While we were advised, I believe, that the previous intentions of the Administration was to increase by some 400 or so employees, I would hope that the next Council in January takes a close look at this to see if there has been an increase or not. Certainly if this Council does not do something about it, then the people in the Territories have no control whatsoever over how their Administration is run and how their tax dollars are spent.

THE COMMISSIONER: Further discussion?

Territorial Government Wage Scales Equal to Outside

MR. STEWART: Mr. Commissioner, I agree in part with the intent of this Motion, but I find myself thinking that we are kind of like shooting fish in a barrel. We have only got one fish in the barrel. I could not support the Motion with the figures as laid out in the Motion itself. I think some of us, or some of you, got carried away in the matter of the Territorial Government causing inflation by paying a reasonable wage in the Northwest Territories. I think we have often said companies coming into the Territories should pay at least an equal wage to that being paid outside of the Territories, and I think you will find that your wages, your wage scales paid by the Territorial Government with regard to labour and other factors, are the same as or less than being paid outside, and I don't see how we could be called upon as a responsible Council to sit here and say they are paying too much money. You have picked a specific instance in this particular Motion and possibly there is merit in it, but the overall suggestion that the Territorial Government Civil Service is being overpaid, I would say this is not correct. To my knowledge, and I am current on wages being paid outside, because our company has to pay labour rates, we are next to Pine Point and these rates are not as much, and in most cases, they are less. Are you suggesting we could pay less than is being paid outside with our cost of living being higher in the Northwest Territories? I think they must be out of their cotton picking tree around here. There may be in the Civil Service of the Northwest Territories, overstaffing, but certainly wages should not come into this. It is a matter of competence on the job. A secretary can be worth $10,000 if you get the right one. I know this, there are a couple around here who can certainly keep you away from the Commissioner and the Deputy Commissioner on the telephone, if they don't want to talk to you.

DR. BARBER: Hear, hear.

MR. STEWART: Although there is some merit in trying to find out what is being paid, I certainly can't agree this is the way to do it. I cannot support this Motion.

DR. BARBER: Mr. Commissioner, my sentiments are very similar to those expressed by the previous speaker. I think it is a mistake for this Council to get involved in the highly specific aspects of the salary of one particular individual in the Public Service. I think it is our business to consider the pay scales of elsewhere, and I think it is our business to be very concerned about the tax level and about the expenditure level, but I don't think it is our business to pick on one individual and with all due respect to Mr. Searle, this Motion was proposed prior to his question about getting

the salary scales for the entire Civil Service. I think it is totally unfair and grossly unfair to both the Deputy Commissioner and his secretary, to single out this one position and to come down as hard on it as the previous debate has indicated. I think we would involve the Council in an endless round of consideration if we commenced to go on a position by position basis through the entire Public Service. This is not our responsibility. I repeat it is our responsibility to be concerned about the level expenditure, it is our responsibility to be concerned about the pay scale, but it is not our responsibility to dig at each position. Secondly, I am somewhat dismayed by the express of opinion about what salary scales are and about what the relationship is between salary scales here and salary scales elsewhere. Members of the Council asked with some vehemence this morning that you provide us with information about the salary scales in the Canadian Government. I have not heard similar expressions about industry, and before I would make a decision on this I would like to see both. I don't believe in making a decision on one side of the equation and I would want to see hard evidence about the salary scale paid in industry.

On the specific case, my experience in fairly large organization not dissimilar from the kind of organization which this Council is responsible for, would indicate to me that a salary range of $6885 to $8358 for a senior secretary in a confidential position, would not be out of line, and I am reporting on one organization only, the salary scales of which I happen to know a great deal about.

A third point I would like to make concerning an operation and organization as large as the Territorial Government, I think it is a mistake to consider that the operation of an organization of this magnitude can be compared with the operation of a small business or a single law office, or a doctor's office. The kinds of devices that must be used to establish an organizational structure like this Government and the pay scales that have to be established; the kinds of organizational devices you have to resort to are considerably different in an organization this size from an organization of a relatively smaller size and of a totally different character. I repeat I am as concerned as any Member about the over-all ceiling of expenditures and I think it is our responsibility to concern ourselves with the salary scale at the appropriate time. Government expenditures are put before us for our consideration. I think we would be establishing a very, very dangerous precedent to pick out one particular salary and come down hard on that in an attempt to regulate the operation by picking on one single salary and I intend to oppose the Motion.

THE COMMISSIONER: Any further discussion?

MR. SEARLE: I was not going to say anything, until Dr. Barber was so unusually vehement as to bring this down to the personal level. His suggestion is a rather hard attack by myself on the Deputy Commissioner and his secretary as persons. I thought I had made it quite clear through my initial remarks I was not directing my comments to the Deputy Commissioner as a person nor to his secretary, both of whom I like and both of whom I have gotten along well with and both of whom I think are competent. There is no attack on him as an individual at all but I am saying that the salary for a secretary should not be $8358.

Of course, it does make some slight difference to the debate to have a corrected figure which brings it down some $700 a year less than advertised, both in terms of a minimum and a maximum. That is certainly one point. Notwithstanding that, however, the low figure is still $1445 more than the minimum I previously referred to in my Motion as the going rate here and the maximum is some $2118 higher than the maximum that I referred to here. I appreciate Dr. Barber's other point that law offices and probably business in Yellowknife generally is pretty small potatoes compared to the bigness of Government in the Territories but it is from the businesses that the Government draws on for secretaries and everyone else. There should be some relationship to the business community in which Government is situated because otherwise it can throw the whole economy of that city or town completely out of whack and yet still be in step with Ontario or Ottawa. I would like as much as anyone else to deal with all Government salaries and all ranges all at once, but we have already found out what happens when we are met or when the Administration is met with the request to do that. We are frustrated.

I also said that I bear the responsibility, as each Member does, I accept that. I say I have been wrong in the past, as has this Council generally, the way we have enacted estimates without any regard for salary scales, we have not demanded the salary scales to back up the positions quoted to us. I hope I am around the next time to make sure and certainly I will if I am reappointed but because of this I probably won't be the Chairman of the Finance Committee. It should be one of the most important requirements to know what these positions are. That is my position. To sum up, I regret that this is the last day of my last session with Dr. Barber and that we are leaving on such a basis but I hope he has his normal capacity for forgiveness and I also hope I have.

THE COMMISSIONER: Gentlemen, don't lose your cool. The Motion before the House is Motion 7-43. All those in favour signify by raising your right hand. Five. Against? Six. The Motion is lost.

Motion number 8-43. Mr. Pryde.

Motion No. 8-43: Protection of Hunting and Trapping Rights of Indians and Eskimos

MR. PRYDE:

WHEREAS most Indians and Eskimos in the Northwest Territories still depend on hunting and trapping as a way of life and a means of livelihood; and

WHEREAS the hunting and trapping grounds of such people may be disrupted by the commercial exploitation of minerals with a consequent loss of income and food to the native people; and

WHEREAS many Indians and Eskimos have expressed serious concern over the exploitation and disruption of their lands, particularly when such exploitation has been permitted by the Federal Government of Canada without consultation with the native people involved; and

WHEREAS the most recent case of such nature has concerned the oil exploration on Banks Island, NWT the hunting and trapping grounds of the Sachs Harbour Eskimos;

NOW THEREFORE, I move that the Council of the Northwest Territories strongly express their concern to the Prime Minister of Canada and request that he take the following steps to protect the hunting and trapping rights of the people of the Northwest Territories;

(1) immediately ban any further oil exploration on Banks Island, NWT until full consultation has been carried out with the Sachs Harbour Eskimos and agreement reached (2) permit no further oil exploration or mineral exploitation on any lands now being used for hunting and trapping until such time as the hunters and trappers of these lands have expressly agreed to such course and (3) establish a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals.

THE COMMISSIONER: Thank you, Mr. Pryde. The thought occurs to me, I take it this is identical or similar to the Coppermine conference resolution which the Eskimo people - I am sorry - the people at Coppermine passed and sent to the Prime Minister?

MR. PRYDE: It is roughly the same but it comes from ---

THE COMMISSIONER: What I am trying to determine is — is there a seconder to the Motion?

CHEIF TETLICHI: I second it.

THE COMMISSIONER:

> "NOW THEREFORE, I move that the Council of the Northwest Territories strongly express their concern to the Prime Minister of Canada and request that he take the following steps to protect the hunting and trapping rights of the people of the Northwest Territories;
>
> (1) immediately ban any further oil exploration on Banks Island, NWT until full consultation has been carried out with the Sachs Harbour Eskimos and agreement reached,
>
> (2) permit no further oil exploration or mineral exploitation on any lands now being used for hunting and trapping until such time as the hunters and trappers of these lands have expressly agreed to such course,
>
> (3) establish a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals".

I am afraid I have to ask for the question. You are now moving this as a policy for this Council, is that correct?

MR. PRYDE: That is not correct, sir. This is a recommendation to the Prime Minister of Canada.

THE COMMISSIONER: If we pass this as a recommendation of Council to the Prime Minister, then this is the policy of Council?

MR. PRYDE: Yes.

THE COMMISSIONER: What you are doing is not only are you passing it on, you are saying "I second the decision of the people of Coppermine", but you are saying this is now the policy of the Council. Okay. It has been moved by Mr. Pryde and seconded by Chief Tetlichi and the Motion is in order. Proceed.

MR. PRYDE: Mr. Commissioner, this situation arose long before there was a meeting of the Eskimo people of Coppermine. I have raised the point in the last two Sessions of this Council and I would like to state, as I mention here, the Indians and Eskimos of the Territories still depend in large part on hunting and trapping as a means of livelihood and unless there is some degree of protection from outside commercial exploitation of lands being trapped and hunted

by the native people of the Territories, then there will be a disruption of their way of life and of their livelihood.

- Consultation with Sachs Harbour Eskimos re Oil and Mineral Operations

The intent of this Motion and indeed the operative part of this Motion is not to ban oil exploration nor is it intended to ban mineral exploitation. What I propose to do is see that no oil exploration and no mineral exploitation should be carried out on trapping and hunting lands until a full consultation has been carried out with the native people of these particular lands. A case in point as is well known by this Council, now concerns Sachs Harbour and I will raise that in some detail in a moment. What I propose is that those lands in the vicinity of a settlement which are used by hunters and trappers should be closed to oil exploration and to mineral exploitation until the people there who live off the land have been consulted and considered, and their agreement to such a course has been sought and given. What we have found several times in the past has been that commercial companies, i.e. oil companies or mining companies, will go into a region, carry out drilling work which affects trapping and hunting to a substantial degree without the least consultation with the native people and it is little wonder that many of the native people express their deep concern and worry and fear about the effects of such exploitation on their livelihood. So would any Member of this Council in the same position.

- Damage to the White Fox from Seismec Shocks

One need only examine the settlement of Tuk where seismic explosions and the establishment of a drilling rig caused great concern among the people there. Those people claimed that unavailability of whales was due to such explosions. On the same level, one gentleman from that settlement, Mr. Charlie Ruben, has advised me that he has obtained photographs of white foxes which have come out of their burrows with both ears streaming with blood and other foxes have been found dead at the mouths of their burrows, due mainly, according to the Eskimos to seismic shocks. Yet the settlement of Tuk has gained no benefit, no employment from the establishment of the oil drilling rig only 50 miles from their settlement and that drilling rig is right in the heart of prime trapping country, according to the Tuk Eskimos. The same situation may come about on Banks Island and at this time I would like to read into the record the telegram sent from the Sachs Harbour Eskimos ---

THE COMMISSIONER: I hate to interrupt but it has been tabled. You requested it be tabled.

MR. PRYDE: In that case I will read just one small paragraph: "So that your government appreciates the seriousness of this situation the people of Sachs Harbour hereby give clear warning that they are quite prepared to take whatever action is necessary to protect the community and environment".

No more direct warning to the Government of Canada has ever been expressed from a settlement in the Northwest Territories. Those words from the people of Sachs Harbour are in expression of the very deep concern that they feel for land they believe to be theirs, for a livelihood they have followed for many, many years and for a life which has provided an adequate income for everyone there.

- Conservation Ground for White Fox

I might point out that in Sachs Harbour the Sachs Harbour Eskimos do not trap the entire Banks Island region. The northern one-third of that island has been declared off limits to the Sachs Harbour people themselves by themselves because the top one-third of the island is a prime breeding ground for the white fox. They deliberately and of their own volition instituted a form of conservation to ensure that they and their children will have good trapping opportunities. No government agency, no other person instituted that conservation. It came clearly from the Sachs Harbour people themselves.

- Letter from Sachs Harbour Community Association to Minister of Energy, Mines and Resources

I wish to quote from a letter now from Purdy & Ostrowercha, barristers and solicitors acting for the Sachs Harbour Community Association. This letter has been addressed to the Honourable J.J. Greene, Minister of Energy, Mines and Resources in Ottawa:

> "For years although the trappers are entitled to trap the entire island, they have imposed upon themselves severe conservation measures in order to protect and preserve their industry. They have prohibited any of the trappers from trapping in the northerly third of the island which is used as a breeding area - that is for the white fox. In addition, they have restricted the number of trappers who can operate on the island and in some cases have even prohibited relatives and registered trappers from moving in so as to prevent any decline in the number of foxes on the island. There is great concern that the activities of the oil exploration crews will disrupt or destroy the trapping on the island and therefore will destroy the Sachs Harbour community itself. Promises of employment with the exploration crews are not satisfactory to most native people on the island.
>
> Although many of them have experienced living off the land and can earn ten thousand dollars or more a year working a five-month season of trapping, few of them have any formal education or training and could be nothing more than common labourers if they were employed in another industry.
>
> We accordingly urge you to give top priority to an immediate investigation of the effects of oil exploration on the wildlife and trapping industry on Banks Island and to prohibit any oil exploration activity on the island until such time as a study has been made and proper effective regulations for the exploration of the island, if any should be made at all, have been enacted."

- Continued Seismic Work on Banks Island

Mr. Commissioner, at the last Session of Council I asked a substantial number of questions in regard to oil exploration on Banks Island and one of those questions concerned seismic work on the island. The answer given to this Council by the Administration, who presumably had received that information from the federal government, was there would be no seismic work. I learned from another letter from the Sachs Harbour people that that is not the case.

THE COMMISSIONER: That was the answer they gave.

MR. PRYDE: That was the answer I was given. It is a matter of record.

DEPUTY COMMISSIONER PARKER: My recollection of the answer was that any work that was contemplated would not interfere with trapping activities.

MR. PRYDE: On the contrary, if the Clerk of the Council cares to refer to the record, I asked if seismic lines would be cut for a start.

MR. TRIMBLE: What are you going to cut them for?

THE COMMISSIONER: How do you cut a seismic line? We will not pursue that point.

- Letter from Sachs Harbour Community Association on Proposed Reduction of Seismic Damage

MR. PRYDE: I was referring to the seismic blast at the time of the last Session and I quote now from a letter from Sachs Harbour dated 7th July, 1970:

> "Some consideration has been given by the oil exploration companies in relation to reducing the surfacial damage and noise. Seismic shocks will be generated by a weight and driven by hydraulic ram on a boom aboard a caterpillar tractor. However, if the results obtained this way are not satisfactory, charges will be placed in the ground and exploded in the conventional manner. The vehicles to be used are: four, four-wheel Rolligan 4460's; one, six-wheel Rolligan 6650; and three, foremost Sure-go vehicles, and possibly the Cat.

Mr. Commissioner, I don't think I need to add much further about the Sachs Harbour community except it is very obvious to all Members of this Council and the general public who have been following the Sachs Harbour and Banks Island situation, that there is a tremendous amount of concern by the Eskimos of that region regarding oil exploration. Until consultation has been carried out with the people there, an immediate halt to oil exploration should be instituted, and the same situation occurs in other regions.

In the second part of my Motion I do not say that no mineral exploration should be carried out, but no mineral exploitation - the difference being that in staking for minerals, generally speaking, no harm is done to the land. In many cases, a simple staking of the land does not generally mean that actual exploitation of the minerals will be carried out. If any exploitation of minerals is intended, then the companies or the government involved should consult with the native people whose trapping lands are being disrupted.

My third and last point may be expressed in one sentence; compensation should be given to those trappers and hunters who have had their livelihood destroyed completely or ever disrupted in any way, and that compensation should come from either the government or the companies involved.

THE COMMISSIONER: Gentlemen, two people have indicated they wish to speak and probably more. There is still one more Motion and a number of other items on the Order paper - Third Reading of Bills, Assent to Bills, Members' Remarks, and Prorogation. If there is any chance that we could get finished, I would suggest that we recess for an hour and a half for lunch and return at 2:30 p.m. Is this agreeable?

--- Agreed

--- LUNCHEON ADJOURNMENT

2:30 p.m.

THE COMMISSIONER: Council will come to order. We will continue our discussion. Mr. Fairbrother had the floor.

MR. FAIRBROTHER: Mr. Commissioner, I would like an amendment to the Motion to remove subsections (2) and (3) of the Motion.

THE COMMISSIONER: Is there a seconder to the amendment?

DEPUTY COMMISSIONER PARKER: I second that.

THE COMMISSIONER: It has been moved and seconded that subsections (2) and (3) of Motion number 8-43, be deleted.

MR. FAIRBROTHER: The reason I have done this is that I know nothing about the situation going on in Banks Island and as the Members express it, if there is a serious possibility of this denning area on the northern part of Banks Island being damaged and the foxes killed out, then I think something should be done about it immediately. I think the responsible department in your government should look into this immediately and if this is the case, we will go to the Prime Minister with all possible speed. However, in our part of the country and in this part of the country, we have found that the oil exploration has not damaged the trapping and hunting. Quite on the contrary, it has done good.

- Suggested Advantages from the Oil and Mineral Industries

All through the forest lands, it seems that where the roads have been made, the animals, the moose, the bears, the game animals are all coming along these roads and they are finding this is one of the few places where there is grass growing among all these timbered places. It also opens up trails that the trappers and hunters can travel on with their skidoos in the wintertime to get into the trapping areas. Before they had to be flown or go by dog team and they can now travel by skidoo easily through the forest for hundreds of miles, where before it was absolutely inaccessible. For that reason, I would certainly not want to see any ban on the oil exploration because of possible damage to this hunting and trapping area in the forest part of the Northwest Territories. On top of that, the oil industry and mineral exploration have brought millions of dollars into the country and in our part of the country they are making every effort to employ as many natives as they can. The Department of Education, and I believe the Department of Industry, have been sending a lot of the Indian people from our part of the country out to school both for exploration and other work and at the present time in most of the communities along the Mackenzie River, or at least the Upper Mackenzie River, with the possible exception of Fort Providence, there is very little unemployment of people who want to work. The main unemployment is

from people who do not want to work, or do not want to work on a full-time basis. We have experienced the difficulty of many of these people who have been trained with oil exploration groups, they will work with these oil exploration groups in the Territories in the wintertime, but when these companies move back to the provinces in the spring, these people will refuse to go with the companies even though they are offered employment in the south with the exploration companies. So for these reasons I would move that subsections (2) and (3) be deleted and we restrict our concern to Banks Island which seems to be the major concern at this particular point.

THE COMMISSIONER: Any discussions?

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I support the amendment and in fact it was one that I intended to make myself, and I am very pleased to see the Member make it. I think that I have very, very great sympathy for the Banks Island people in their wish to preserve their hunting and trapping rights, and I think we should lend our support to their words which they expressed very recently. I think that going beyond that at this time weakens the endeavour of the Motion, the intent of the Motion, and it weakens the immediate need. Furthermore, it expands it to such an extent that it then puts the whole thing into question. If this Council were to turn it down, turn this Motion aside, they would then say we would not be supporting the Banks Island people. If we were to support it, we would be placing a very, very strong hindrance in the path of mineral exploration. I realize the term "exploitation" was used. However, if the company feels they may not proceed beyond the status of staking claims to exploitation, then they won't take that first step. I think the Motion as amended is now a good Motion.

THE COMMISSIONER: Further discussion?

MR. TRIMBLE: This is on the amendment, I presume?

THE COMMISSIONER: Yes.

MR. PRYDE: I am speaking now to the amendment. I might suggest to begin with that I was fully aware that subsections (2) and (3) may weaken the Motion in regard to Sachs Harbour alone. I was quite fully aware of that. On the other hand, there appears to be no policy set forth be either the Territorial government or the Federal Government with regard to mineral exploitation and oil exploration on Eskimo and Indian hunting and trapping grounds. We have many times in the past heard the federal government say they were concerned with the conservation of the north, the ecology of the north and the rights of the native people living in the north. I suggest this has not been carried out by the federal government to any degree whatsoever. By passing this Motion and by retaining subsections (2) and (3), we would cause, or at least hopefully cause, the federal government to actually fulfill some of the promises and intentions which they have stated.

I noted the remarks of Mr. Fairbrother with interest, but I would like to point out that there is no ban at all on oil exploration or mineral exploitation, none whatsoever, except in lands actually being used by Eskimos and Indians as hunting and trapping grounds. There are immense regions of the Northwest Territories which are not being used as hunting and trapping grounds by the native people. This Motion would have no effect whatsoever on those lands. It would only affect those lands on which some people, particularly

the native people, are actually making a livelihood from and no other land throughout the Northwest Territories. There is no way that subsections (2) and (3) can be regarded as creating any kind of a ban on that part of the Territories not being hunted or trapped. The vast majority of all land in the Northwest Territories would be unaffected by this Motion as it presently stands. I don't think that Mr. Fairbrother, at least when he was speaking to the amendment, seemed to realize this fully. I may be wrong, but it did not appear to come out that way when he spoke to this amendment. I appreciate in the southern part of the Mackenzie that oil exploration by cutting seismic lines and so forth through the woods, would help trappers and would probably help the animals also. Nonetheless, if a seismic line cuts through a trapper's trap line, I suggest it would not help him very much. Therefore, with those few remarks, I must stand to oppose the amendment to the Motion, although I do agree that there is some merit in Mr. Fairbrother's amendment and the statement made on this Motion by Deputy Commissioner Parker.

THE COMMISSIONER: On the amendment.

AIR MARSHAL CAMPBELL: Mr. Commissioner, I find myself in a quandary here. Here we are proposing to send a recommendation to the Prime Minister, which in the first instance, as far as the main Motion is concerned, is to immediately ban further oil exploration on Banks Island and secondly permit no further oil exploration or mineral exploitation on any lands, et cetera. In the case of the amendment that will allow number (1) to go forward and allow number (2) to be cancelled and number (3) to be cancelled, I am in complete sympathy with the remarks made by Mr. Fairbrother in substance, although his end product I don't agree with. I think there is a case - I don't think we can turn back progress. We are progressing in the north, there are millions of dollars coming into the north to support these particular explorations, and I think it should continue. On the other hand, I don't support the third recommendation, and that is that hunters and trappers be compensated where their livelihood has been disrupted, et cetera, and for that reason I find myself in the position to oppose both the amendment and the main Motion.

MR. TRIMBLE: Mr. Commissioner, this is a difficult Motion to speak to, both the Motion itself, and the amendment that is before us. It is something like the Motion we had at the last Council Session concerning the transporting of oil through the Northwest Passage.

I know what my constituents would like me to say on this Council. I think I would win a lot of publicity, and a lot of favour in my constituency being primarily Indian and Eskimo, if I made a lot of noise demanding that we outlaw all exploration, all seismic lines, and went into detail as to the harms that have been caused, such things as have been referred to me quite recently where trails in the bush were blocked by fallen trees from seismic lines and traps were covered up and so forth. I think that I would win the favour of a lot of people I represent by saying such things, not so much because that is the right position to take, but because they are ill informed and are not in a position to evaluate the situation, both present and as it will affect the future.

I was determined when I first came on this Council and my position has not changed, that I will not stand up here and say that which I think will fall with acceptance upon the ears of

my constituents unless I definitely agree with that position. We have, in the time we have been on Council, spoken at some length and taken up a good deal of time about the need to develop this country of ours, to bring industry here. We have spent a good deal of time arguing that the resources of the Territories and the control of these resources should belong to the people of the Territories at some time in the future. We have requested the federal government to keep some form of accounting of these resources for when that day should come.

- Need to Expand and Develop Resources of the Territories

I think we all realize that if the Northwest Territories is ever to arrive at a place where it can support itself, there has to be a greatly expanded development of our non-renewable resources. If we ever want to have any real control over the running of this country, then this country has to produce a reasonable amount of money to pay its own way. This can only be done through the development and exploitation of the non-renewable resources. I am very definitely concerned about the effects of seismic operations on the livelihood of the Indian and Eskimo people. Seismic lines have done a certain amount of harm to trap lines to the trappers and the hunters. They have done a certain amount of harm to the tundra. They have also, as I think the Member from Mackenzie River pointed out, done some good. In some cases, they have made transportation through the bush easier.

- Task Force on Conservation

I don't think a proper approach to the problem would be to suggest a ban on further development. I personally believe the proper approach should be the one that the Federal government have taken of showing concern and studying the effect of seismic operations in the past of establishing regulations and controls for the future - and I support this action very strongly. Because of my feelings in this regard and also the feelings of Chief Tetlichi, both he and I have accepted appointments to the Minister's task force on conservation which is starting July 27th, next Monday, and will be going into the Delta area and I hope also to Banks Island, along with, as I understand specialists in the oil industry and specialists in the field of conservation to study the effects of seismic and other exploration work in the Delta area.

- Proper consultation with Eskimos of Banks Island

In the past, we have made recommendations as to what the policies and practices should be in the future. I don't think to suggest an outright ban is the proper way to proceed. I certainly agree 100 percent with the principle as laid out in this Motion to consult with the people involved. I regret that there has not been proper consultation in the past and I would hope that the Government of Canada realizes this and will undertake to correct this discrepancy of the past. I cannot go so far, though, as to suggest, as I think possibly the Motion does, that the complete agreement has to be received before approval is given. There is very little room left for negotiation.

I do agree that the Indian and Eskimo people, who are living off the land and are definitely being affected, have to be informed and consulted about what all is going on. I think the Eskimo people of Banks Island have not, because of lack of consultation, been adequately informed. Therefore, because of this, Mr. Commissioner, I cannot, as Air Marshal Campbell has suggested, support either the Motion or the amendment. I do not agree fully with the first point which would be left in the Motion. I do, however, agree with the third point that there should be a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals. In the amending Motion this would be removed. I agree with this, whether it be Banks Island or any other place. I think if the livelihood of hunters and trappers has been jeopardized or hindered in some way, that they should be compensated. They established an industry, or mean of making their livelihood, and the Government has permitted and authorized through the issuing of permits those actions which hindered or jeopardize their livelihood and therefore, there should be compensation. How one arrives at this compensation is certainly not for me to suggest.

When we consider the question of Banks Island and to use this as an example, because this is what is definitely referred to, Banks Island is a vast area. I was looking at a map before coming to the Session this afternoon and it is somewhere in the neighbourhood of thirty to thirty-five thousand square miles, approximately two hundred and sixty or seventy miles in length. I suppose that is about twice the size of Prince Edward Island.

- Resources of Banks Islands for Use of All Canadians

I wonder if, as residents of the Territories and as Canadians, we could be considered justified in recommending that the complete use of this vast area should be at the complete discretion of, I think it is, one hundred and twenty people. This is something that we have to consider. If we go into the subject of aboriginal rights and so forth, the subject becomes even more involved because I believe if we were to investigate the Eskimo people who are on Banks Island, we will find that through their fathers' side, a great percentage of these people are undoubtedly of European ancestry and immigrated from Alaska. Then we must also consider that these people moved to Banks Island within the last twenty years, I believe mostly under the influence of the Department of Northern Affairs and National Resources for the purpose of harvesting the white fox resources on Banks Island.

We have to ask ourselves, are we justified in taking the position and recommending to the government of Canada that this vast area of land should be preserved strictly as a trapping area and not otherwise disturbed unless the trappers who are there agree with it. The same thing applies to the rest of the Territories, Mr. Commissioner.

I realize what I say is not a very wise political thing to say. However, I have little concern about that. One thing is certain, Mr. Commissioner, that I am not very anxious to appear on this Council to express points of view that I cannot agree with and points of view that I think would ultimately not be in the interest of the people that I purport to represent.

Trapping is a very important means of livelihood at the present time for a lot of people and, I suppose, for the people of Banks Island more than any other people in the Territories — possibly more than any other people in the world. How long this will continue, I don't know but I do know that the Northwest Territories is going to be developed whether we like it or not, but I think we should like it. I certainly hope that the indigenous people of this country will develop with the Territories and will find within this generation, a place in the economic and the social life of the Territories, and that they will not be left behind for being different than the rest of Canadians simply because they are of Eskimo or Indian or Metis status and because they have been trappers or their parents were trappers.

Changes are coming about. I think we have to recognize this. I think we have to be concerned about preparing our people for the changes that are coming about so that they are not left behind. I don't believe that we are going to accomplish this if we place too much emphasis on our past and our present ways of life. I feel that the reserves in the south, the Indian reserves, and the present economic condition of the Indian people in most places in the south can give us an indication of what the situation will be in the north another fifty years from now, if we treat the Indian and Eskimo people in the north the way the Indian people have been treated in the south fifty years ago and up until the present time.

- Need to Prepare for Exploration and Development in the North

Therefore, I feel, to sum up, we should concern ourselves with minimizing the damage that has been done to the country, negotiating ahead of time with the people involved to get their opinions and their expertise controlling the exploration work and trying to prepare our people and gear the exploration work

and development in the Territories so that it will be of the greatest economic and social advantage to the indigenous people. To pass either the Motion or the amending Motion, I feel we would ultimately be working to the detriment of the Indian and Eskimo people. Therefore, I cannot support them.

MR. SEARLE: Mr. Commissioner, I agree 100 percent with what Mr. Trimble has said and that may, of course, come as a bit of a surprise to him. I don't know that I have ever before agreed entirely with him but on this occasion I am very pleased to say, Mr. Trimble, I agree with you 100 percent.

Similarly, I agree with what the Air Marshal has said. In view of this, I am prepared to move an amendment to the amendment. That is simply instead of striking subsections (1) and (2) of the Motion, my amendment to the amendment would instead — I suggest instead of striking (2) and (3) as moved by Mr. Fairbrother, my amendment would be to strike (1) and (2). That is, in a word, the essence of my amendment to the amendment to the Motion.

MR. FAIRBROTHER: On a point of privilege, Mr. Commissioner, as I moved the previous amendment, this does not carry with it — I would like to see the mover of this amendment put in something here if they are going to take the first section out, then there will be something else put in to let the Territorial government go in and at least investigate this thing. If he could do that, I would like to see it done.

THE COMMISSIONER: It has been moved by Mr. Searle that the amendment to the amendment which would, in effect, strike subsection (1) and (2) and leave subsection (3) in the main Motion. Is there a seconder to the amendment?

Moved by Mr. Searle, seconded by Mr. Trimble. Any discussion?

MR. PRYDE: Mr. Commissioner, I believe we could simplify this Motion if we considered parts (1), (2) and (3) individually rather than have a Motion to cut out (1) and (2) and another Motion to cut out (2) and (3). It seems very confusing to me. I would suggest we take the amending movers and just ask that each portion of this be examined and voted on individually.

THE COMMISSIONER: Unfortunately, this is not a report and cannot be taken seriatim. It is a Motion and when you make Motions and you make them multiple, you have to run that risk. I say this not to chastize you but merely to point out that I know of no way in Motions that a person has made dealing with a point-by-point — you either amend it or substitute it or have an amendment to the amendment and it has to be that way. I am sorry.

MR. PRYDE: I am not suggesting there will be no amendment.

THE COMMISSIONER: I am just saying there is no way I can comply with your request in the form of a Motion. I appreciate what you are trying to do and I realize you are trying to simplify it, but, unfortunately, that is the way the rules are.

Are you ready to vote?

DEPUTY COMMISSIONER PARKER: Question.

THE COMMISSIONER: All right. What we are voting on first is the amendment to the amendment. The amendment to the

amendment will be as follows: "Now therefore I move that the Council of the Northwest Territories strongly express their concern to the Prime Minister of Canada and request that he take the following steps to protect the hunting and trapping rights of the people of the Northwest Territories: (3) Establish a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals".

Everybody understand that?

MR. TRIMBLE: I presume if the amending Motion to the amendment passes, it will carry the Motion?

THE COMMISSIONER: I am afraid it is right. If it passes, then I am afraid it carries the Motion. If there is any doubt about that, I would be quite prepared to put the Motion again as amended, but it strikes two subsections (1) and (2), and you can't bring it in and vote on it again. I am certain I am right on that. All right.

MR. PRYDE: Mr. Commissioner, this places Members of Council in a very difficult position, and I think it is procedural here, rather than the intent. If we support the idea that we wish a policy of compensation to be established, we cut out subsections (1) and (2), and on the other hand if we vote against it, we are voting against subsection (3), which is really going to ball up the entire works.

THE COMMISSIONER: Not necessarily. You know you can defeat both amendments, the amendment to the amendment, and the main amendment, and then start it again. That is quite within your rights. The Motion does not - the two amendments are defeated, then you go back to discussion of the main Motion, which you have the right to sum up on the main Motion.

MR. PRYDE: Can I make an amendment to the amendment to the amendment?

THE COMMISSIONER: No, it is impossible. You are only allowed two amendments.

MR. FAIRBROTHER: If the Motion as amended that we are ready to vote on now, which strike out numbers (1) and (2), I gather then this will be the policy of the Council. Could the Commissioner give his assurance that your government would look into the situation on Banks Island and see what the possibilities are?

THE COMMISSIONER: If it will help at all, I am going to Banks Island.

MR. FAIRBROTHER: The reason I ask this is, it will depend on how I vote for the Motion any assurance I can have from the Commissioner on this point. If you completely cut this out and have this Banks Island thing on a Motion as amended and amended again, I would like to see this happen, because I think it should be looked into, even though I would not want to see this perhaps as a policy.

THE COMMISSIONER: I think we have to initially say so, but this decision of Council is what we are trying to establish. I can't sit here and give a commitment. What we need to do as an Administration later on may vary but we would transmit this information, as we do everything else, to the Prime Minister, as a recommendation of the Council of the Northwest Territories.

MR. TRIMBLE: On a question of privilege, I wonder if I might suggest that if Council wished, it could recommend to the Minister that the question of Banks Island be referred to his task force of which Chief Tetlichi and I are members, to consider in their efforts concerning conservation next week.

THE COMMISSIONER: I don't see anything wrong with that. I am certain on a thing this delicate, whether it is passed or defeated, or whatever you do with it, that we could ask for the right to give Notice of Motion on the Motion and go right through it.

MR. WILLIAMSON: Mr. Commissioner, do I understand from your reply concerning Banks Island, that in effect this is indicative of your interest and the interest of your offices, in keeping a watching brief on these kinds of problems on behalf of all the indigenous people in the Northwest Territories, and when necessary, taking the appropriate action?

MR. PRYDE: They haven't done it before, Mr. Williamson.

MR. STEWART: Mr. Commissioner, not being an expert in the English language, I am not sure I understand what is left in this thing in subsection (3). Can somebody tell me what is meant by "or destroyed by the commercial exploration"?

THE COMMISSIONER: I think what is meant here is establish a policy of compensation to trappers and hunters whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals. It does state the purpose. Before we get all wound up here, remember now, it is the amendment to the amendment and if it carries, then I am not putting the first amendment, but I will put the Motion as amended to you. Okay? Are we agreed?

--- Agreed

All those in favour of the amendment to the amendment signify by raising your right hand. Eight. Agaist? Two. The amendment to the amendment is carried. Now, on the Motion as amended, which would be as follows: "Now, therefore, I move that the Council of the Northwest Territories strongly express their concern to the Prime Minister of Canada and request that he take the following steps to protect the hunting and trapping rights of the people of the Northwest Territories; establish a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals".

All those in favour of the Motion as amended signify by raising your hands. Against, if any?

--- Carried

While you are sort of composing yourselves due to the action in this regard, could I refer to Motion number 9-43, Mr. Pryde.

MR. FAIRBROTHER: On a point of order, could you inform me how this last Motion came out? I think we got lost completely. I thought we voted on the amendment to the amendment and that carried the Motion?

THE COMMISSIONER: I have to write the letter and I am not lost. I know exactly what I am going to do. I am going to write a letter to the Prime Minister and I am going to say: "The following Motion was passed by the Council of the

Northwest Territories and it is recommended for your consideration" and I shall then put two or three "whereases", and "Now Therefore be it resolved, I move that the Council of the Northwest Territories strongly express their concern to the Prime Minister of Canada and request that he take steps to protect the hunting and trapping rights of the people of the Northwest Territories and establish a policy of compensation to hunters and trappers whose lands and livelihood have been disrupted or destroyed by the commercial exploration or exploitation for minerals".

MR. FAIRBROTHER: Thank you.

- Motion No. 9-43: Amendment to Section 30 of the Public Service Ordinance

MR. PRYDE:

WHEREAS no teacher in the Public Service of the Northwest Territories may engage in partisan work in connection with any election of a member of the House of Commons or a member of the Council of the Northwest Territories without being liable for dismissal, demotion or suspension; and

WHEREAS such partisan work is a fundamental right of most teachers throughout the provinces of Canada; and

WHEREAS no member of the House of Commons or of the Council of the Northwest Territories is directly or indirectly involved in the Administration of the Public Service of the Northwest Territories; and

WHEREAS the right to engage in partisan work for such members is not permitted under Section 30 of the Public Service Ordinance of the Northwest Territories;

NOW, THEREFORE, I move that Section 30 of the Public Service Ordinance be amended by deleting the present subsection (2) and substituting the following new subsection: Every person other than a teacher in the Public Service of the Northwest Territories who violates subsection (1) is liable to be dismissed, demoted or suspended.

THE COMMISSIONER: Before proceeding with this, I must point out to you that if this Motion passes, that does not mean it happens. What it means is that the Administration would then bring in a Bill which would be discussed at the next Session. There are two ways to do this; either the individual Member taking the initiative on his own, presents a Private Member's Bill; or he would, and I assume this is what the mover is doing by presenting this Motion, ask the Administration to bring in a Bill that would delete the particular section which has the effect of excluding the teachers from that section thus allowing them the right to take political action. The Motion is moved by Mr. Pryde. Is there a seconder?

Moved by Mr. Pryde and seconded by Mr. Searle that: "Section 30 of the Public Service Ordinance be amended by deleting the present subsection (2) and substituting the following new subsection: 'Every person other than a teacher in the Public Service of the Northwest Territories who violates subsection (1) is liable to be dismissed, demoted or suspended'". The Motion is in order. Mr. Pryde.

MR. PRYDE: Mr. Commissioner, I would like to begin my speech to this Motion quoting Section 30 of the Public Service Ordinance. It is a short Section.

MR. SEARLE: On a point of order, I should say I seconded that Motion on the understanding that Mr. Pryde would be brief.

THE COMMISSIONER: It may be a short speech.

MR. PRYDE: It depends on the number of amendments to the amendment that may occur to confuse other Members. Section 30, subsection (1): "No employee shall engage in partisan work in connection with any election for a Member of the House of Commons or a Member of the Council of the Northwest Territories". Subsection (2): "Every person who violates subsection (1) is liable to be dismissed, demoted or suspended". Subsection (3): "No person shall be dismissed, demoted or suspended for a violation of subsection (1), unless the alleged violation has been the subject of an inquiry at which that person has been given an opportunity of being heard personally or through his representative". The purpose of my Motion, Mr. Commissioner, is to amend subsection (2), so that teachers in Public Service of the Northwest Territories may take part in partisan work for a Member of the Council of the Northwest Territories and the election of a Member to the House of Commons. I have learned this is a fundamental right most teachers have throughout the provinces and I believe Dr. Barber mentioned this the last time I brought it up when the Motion concerned all Public Servants. The only point I need bring out at this time is that no Member of the House of Commons and no Member of this Council either directly or indirectly is involved in the administration of the Public Service in the Northwest Territories, and therefore, there should be no conflict of interest if a person within the Public Service who happens to be a teacher wishes to take part one way or the other in the election of a Member to this House or the House of Commons.

DR. BARBER: The debate this morning would not indicate that.

MR. PRYDE: One point on which I remain uncertain is that if this Motion were carried, would a teacher in the Public Service be allowed to run for the Council of the Northwest Territories without resigning his position in the Public Service? If the answer to that is yes, I have an amendment waiting here which some other Member may wish to move which would make certain that no teacher could run and still remain within the Public Service. I don't think there is any doubt in any Council Member's mind that a person in the Public Service should not be allowed to run for this Council and remain in the Public Service, although apropos that situation, it is of interest to note that in the past we on this Council have had Public Servants actually serving on this Council. I just put that in as a note, because we have had certain appointed Members of the Public Service serving on this Council. However, if we can receive the advice of the Legal Advisor, as to whether or not a teacher could stand as a Member of the Council of the Northwest Territories, without resigning from the Public Service, then I am prepared to make no further comment to this Motion.

THE COMMISSIONER: Further discussion?

MR. PRYDE: I will sit down until this is cleared up if we can receive the advice of the Legal Advisor on this point.

LEGAL ADVISOR (Mr. Smith): I don't think I can give you any advice without taking it under advisement and rendering an opinion.

MR. PRYDE: That being the case, I am prepared to allow this Motion to proceed, but I would request that if the case does occur, that because of this Motion a member of the Public Service can run for election, an amendment be brought forward to ensure that he cannot run as a Member unless he resigns his position within the Public Service. That could be left over until the next Session.

DR. BARBER: As I remember, this was brought up before in this Council and as I recall the Motion was defeated. The difference between teachers in the Northwest Territories and in all the provinces is that teachers in the Northwest Territories are Public Servants, they are servants directly of this Government and whereas teachers in the provincial jurisdictions are the servants of the local school boards. They are not the servants of the provincial legislatures and provincial governments. I recall at the time this was brought up previously that I opposed it on that ground and I continue to oppose it on that ground. Frankly we would have a very dangerous situation in hand in the Northwest Territories if we permitted Public Servants, that is, employees of this Government, whether they be teachers or employees in any office throughout the Northwest Territories, to engage in direct political action.

If, as and when school teachers are employed by local school boards or by local administrations, then I think this situation is obviously a great deal different but I oppose the principle of Public Servants of any kind being engaged in parties in political action, that is, direct employees of the Legislatures and the Government. For that reason I will oppose this Motion.

AIR MARSHAL CAMPBELL: Question.

THE COMMISSIONER: Mr. Trimble.

MR. TRIMBLE: I support what Dr. Barber has said and for the reasons that Dr. Barber gave. There is one "Whereas" section in this Motion that I would like to question and that is where it states: "No Member of the House of Commons ... is directly or indirectly involved in the administration of the Public Service of the Northwest Territories". I sincerely wish that this was the case, but I believe all Members realize that the head of this Administration really is the Government of Canada through the Minister of Indian Affairs and Northern Development to whom you, Mr. Commissioner, are responsible. I think we have to at least acknowledge that the Government of Canada, certainly the Members in the Cabinet and directly the Minister of Indian Affairs and Northern Development are involved in the Administration of this Government.

MR. FAIRBROTHER: Mr. Commissioner, Dr. Barber covered most of what I wanted to cover and that was the teachers being hired by school boards, but the one other point I would make you have to be very careful with it but I think this is what it would be - would be direct discrimination among these Civil Servants and I think that would be very dangerous.

THE COMMISSIONER: Any further discussion?

AIR MARSHAL CAMPBELL: Question.

THE COMMISSIONER: All right.

MR. PRYDE: Just two points, Mr. Commissioner. First, Dr. Barber is right in many of his comments, but on the other hand in southern Canada under the provincial method of administration, the legislatures also perform as the executive arm and here we don't. There is no connection at all between this Council and the actual Administration of the Government.

The other point, the one raised by Mr. Trimble should be taken within the context of this Motion. A member of Parliament for the Northwest Territories is not directly involved in our Administration and that is the only member of the House of Commons we are directly concerned with in the context of this Motion. There is no way at all in which Mr. Orange, our present member of Parliament, can be said to influence or in any way be involved with the administration of the Public Service and the Government of the Northwest Territories. Thank you.

THE COMMISSIONER: All those in favour of Motion 9-43 signify.

MR. PRYDE: Recorded vote, please.

THE COMMISSIONER: Mr. Remnant, proceed.

THE CLERK OF THE COUNCIL: Mr. Pryde, Chief Tetlichi, Mr. Searle.

THE COMMISSIONER: Against?

THE CLERK OF THE COUNCIL: Air Marshal Campbell, Mr. Fairbrother, Deputy Commissioner Parker, Mr. Simonie, Mr. Trimble, Dr. Barber and Mr. Williamson.

MR. PRYDE: I have a feeling the vote was lost, sir.

THE COMMISSIONER: Yes.

DR. BARBER: Persevere.

- Telex From the Department of Indian Affairs and Northern Development

THE COMMISSIONER: Unlike the cat, you don't have nine lives.

I have a telex here. It points out that there is a problem with regard to the passing of the new Bill, Bill C-212 in that it has no retroactive affect and therefore the existing Council which was elected for a life span of three years in Council is therefore not entitled to the four year as contemplated in the new provision. It is just a technicality but the advice from Ottawa is that they would appreciate a Motion from this Council dissolving the Council on August 3.

May I have such a Motion?

ALL MEMBERS: No, no, no!

DR. BARBER: We will vote ourselves back into office.

THE COMMISSIONER: "FOR GREATER CERTAINTY HOWEVER IT IS CONSIDERED TO BE PRUDENT TO DISSOLVE THE COUNCIL BEFORE ITS LEGAL TERM EXPIRES ON AUG 4/70 AND I AM PREPARED TO RECOMMEND TO THE MINISTER THAT THIS BE DONE EFFECTIVE AUG 4/70. IN KEEPING WITH THE SPIRIT OF THE PROVISION OF THE NEW SUBSECTION 8(2) OF THE NWT ACT I CONSIDER IT ADVISABLE TO CONSULT WITH THE COUNCIL ON THIS MATTER OF DISSOLUTION BEFORE THE REQUISITE SUBMISSION IS MADE TO THE GOVERNOR IN COUNCIL WOULD YOU THEREFORE DURING THE NEXT COUNCIL SESSION FORMALLY SEEK THEIR VIEWS AS TO AN OFFICIAL DISSOLUTION EFFECTIVE AUG 3/70 THE COUNCIL VIEW SHOULD BE EXPRESSED BY RESOLUTION CLEARLY RECORDED IN VOTES AND PROCEEDINGS IN THE USUAL WAY".

I believe to comply with the request what is needed to clear the decks I would ask for a Motion to that effect.

DR. BARBER: On a point of order, Mr. Commissioner, it seems to me we must have unanimous consent to put a Motion at this time, don't we?

THE COMMISSIONER: Some of you guys are getting a little too smart for me! Under the rules of procedure this is absolutely correct. Is there unanimous consent?

ALL MEMBERS: Nay, nay, nay!

THE COMMISSIONER: No unanimous consent? Is there any objection?

MR. PRYDE: Yes.

THE COMMISSIONER: I am not sure what this will mean to the procedure, but from a serious point of view it seems to me to be the proper thing to do, to give unanimous consent and move a simple Motion. I thought I would pass the information down.

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I guess you would call it a point of privilege. The serious reason behind all this is that there may be some question, as the Legislation we have laboured over for the last several days could be cast into question if this Council has not indicated clearly that it has been consulted with regard to dissolution as a Council. I appreciate that it appears to be a very frivolous request. However, it is far more serious a matter than that. It is the work of persons with legal training who have indicated that the matter might be called into question, namely, the Legislation might well be called into question by some persons if this is not raised with this Council and if this Council does not at least indicate that it has been consulted in the matter of its own dissolution.

MR. PRYDE: Mr. Commissioner, on a point of information, in what way could the Bills, et cetera, placed before this Council, be called into question by anyone else? We are the Council of the Northwest Territories and I presume the Bills that we have passed here in the last few days will stand legally.

THE COMMISSIONER: I am in a quandry now, Mr. Pryde, in that I am not a legal mind and I don't know what is behind this other than to say that there is a feeling or a thought, or an opinion - let's put it that way - that someone might at some stage question or raise this question and then it

could then be taken through the Courts, I suppose. It would be a sad thing if after the election is over if one of the candidates was unsuccessful on this point, so just to prevent this the Department has suggested to us that we do this and then this will clear it right up and there will be no further problems.

MR. PRYDE: I suggest this Council challenge the Department's opinion.

THE COMMISSIONER: Well, I don't think really there is anything to be gained by that. This is what they require or feel they require and Ottawa, I assure you, will not suffer. The one to suffer will be this Council and I won't say that Ottawa couldn't care less. I would not say that at all, but on the other hand it is this Council and it affects this Council and I would hate to have it on my shoulders to be the responsible one because a situation that in six months time could cause people an awful lot of inconvenience and could cost us tremendous expense and could bring about some very, very hard feelings. This is what could happen and elections are very strange things. I have seen people lose elections on less than this.

MR. SEARLE: On a point of order, I submit you have been debating a Motion we declined to give unanimous consent to here.

THE COMMISSIONER: Is there some way or other we can bring it back to reality? Do I have consent to deal with the Motion at this time.

--- Agreed

I take it you refuse, Mr. Pryde?

MR. PRYDE: That is right, sir.

THE COMMISSIONER: I am afraid I would have to call Council tomorrow and I will have to call it the next morning until I give Council the opportunity to be able to deal with this. I cannot deal with it any other way. If one Member insists on holding it up, I think the other Members are prepared to consider it then I find I have no other alternative but to do this. This is a very unfortunate situation. I can't see it any other way. At least you should have the right to deal with this. If you decide to go aginst it, that is your prerogative but really what you are doing, is doing what I, have tried and pleaded with other Members of Council to allow to give the underdog a chance to state his case and I asked Councillors not to abuse the rules to trick a person or anything like this. If this is your position, Mr. Pryde, I am afraid there is no other way I can handle it. I can't see any way out of it. Perhaps you would like to recess for coffee and talk about it. We will recess for coffee.

--- RECESS

THE COMMISSIONER: Council Members take their seats please. Before we went for coffee I was attempting to get unanimous consent to revert to Items 4 and 5, which deals with a Motion I had been requested to ask of Council and that Motion would be that in view of the possible problem or the opinion of the Department that there may be a problem developed over a technicality in the fact that the new Act extends the life of the Council - I am sorry, I will say that again - the new Act states the life of the Council elected at that time is four years while the old Act under which this Council was elected, provided for a term of three years.

There is the possibility that someone unknown may or may not wish to challenge the election of the new Council next December or early next year, and they recommend to us that we get a Motion of this kind.

I would ask Council Members now to give unanimous consent to allow this Motion to be put before you. Do we have unanimous consent? One Member refuses, the one from the Western Arctic and the only other alternative I can do is to see this gets before you is to not prorogue Council today. On Monday we will have to meet again at which time the Notice of Motion will be prepared and at that time I will ask for unanimous consent. If I can't get it, then I will have to recess again until Tuesday and on Tuesday the Motion will be put before you and you will have the opportunity to vote for it or against it. Does everyone understand this?

MR. PRYDE: Understood.

THE COMMISSIONER: I regret this, Council Members. However, the rules of Council are such that I can do nothing else. I have no other alternative.

- Order in Council from Governor General

I have an announcement here that I would like to put before Council. I regret that this has only just now come in, but it is an Order-in-Council that has been passed by His Excellency the Governor-General-in-Council on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to the *Territorial Lands Act*, who is pleased hereby to transfer to the Northwest Territories the administration of all right, title, and interest of Her Majesty in the lands described in the Schedule hereto, together with the buildings thereon, and it is signed by the Clerk of Privy Council, Mr. Robertson. It says:

> "HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL, on the recommendation of the Minister of Indian Affairs and Northern Development, pursuant to the *Territorial Lands Act*, is pleased hereby to transfer to the Northwest Territories the administration of all right, title and interest of Her Majesty in the lands described in the Schedule hereto, together with the buildings thereon.
>
> SCHEDULE
>
> ALL AND SINGULAR that certain parcel or tract of land situate, laying and being in the vicinity of the City of Yellowknife, in the Northwest Territories, more particularly described as follows, all topographic features hereinafter referred to being according to the fifth edition of the Yellowknife map sheet number 85-J of the National Topographic System, produced at a scales of 1:250,000 by the Army Survey Establishment, Royal Canadian Engineers, at Ottawa, Ontario:
>
> COMMENCING at a standard rock post marking the fortieth base line at the northeast corner of section 36, township 156, range 4, west of the fifth meridian, according to plan 42922 in the Canada Lands Surveys Records at Ottawa, said post being at approximate latitude 62°36'50" and longitude 114°34'30";
>
> THENCE easterly along said base line to its intersection with the westerly bank of Prosperous Lake;

THENCE in a general southeasterly direction along said bank to its intersection with the northeasterly boundary of lot 879, group 964, according to plan 55517 in said Records, the last aforesaid intersection being at approximate latitude 62°32'10" and longitude 114°08'50";

THENCE southeasterly along said boundary, about 146.5 feet, to a standard post marking the most easterly corner of said lot;

THENCE south along a line having an azimuth of 180°00' to its most northerly intersection with the banks of the chain of lakes and streams flowing, by way of Moise Lake, into Wool Bay of Great Slave Lake, the last aforesaid intersection being at approximate latitude 62°19'30" and longitude 114"08'50";

THENCE in a general southwesterly direction along the northerly banks of said chain of lakes and streams to the northerly bank of said Wool Bay;

THENCE in a general westerly direction along the northerly banks of said Wool Bay and Great Slave Lake, passing around the northerly end of Yellowknife Bay, and continuing along said northerly bank of Great Slave Lake to its most northerly intersection with a line having an azimuth of 180°00' from the point of commencement, the last aforesaid intersection being at approximate latitude 62°22'00" and longitude 114°14'30";

THENCE north along the last aforesaid line to the point of commencement;

TOGETHER WITH the whole of Latham Island in said Yellowknife Bay;

SAID PARCEL AND ISLAND containing together about 220 square miles;

SAVING, EXCEPTING AND RESERVING thereout and therefrom all mines and minerals whether solid, liquid or gaseous, and the right to work the same;

SAVING, EXCEPTING AND RESERVING thereout and therefrom all lands and buildings shown as reserved for any department of the Government of Canada or the Northern Canada Power Commission in the Territorial Lands Property Registers in the Water, Forests and Land Division of the Northern Economic Development Branch of the Department of Indian Affairs and Northern Development, at Ottawa;

AND SAVING, EXCEPTING AND RESERVING thereout and therefrom the beds of all bodies of water and the water rights connected therewith."

All of this land is transferred over to the Commissioner of the Northwest Territories in keeping with the policy of the Department of Indian Affairs and Northern Development to transfer Federal lands from the Federal Department over to the control of the Commissioner of the Northwest Territories. This is the first of what we hope will be many transfers of land in keeping with the request of the Council.

--- Applause

DR. BARBER: Mr. Commissioner, that legal description eluded me and I wonder if you could indicate in lay language exactly what land that is?

AIR MARSHAL CAMPBELL: How many square miles?

THE COMMISSIONER: Yes, it is right here. I will pass this map around to you. Perhaps over the weekend I will be able to draw it out for you.

All right, Item 9, Third Reading of Bills.

ITEM NO. 9: THIRD READING OF BILLS

Bill number 1-43, Mr. Searle.

- Third Reading of Bill No. 1-43: Controverted Elections Ordinance

MR. SEARLE: Mr. Commissioner, I move Third Reading of Bill number 1-43, An Ordinance To Amend The Controverted Elections Ordinance.

THE COMMISSIONER: Moved by Mr. Searle, seconded by Chief Tetlichi that Bill number 1-43 be read for the third time. Any discussion. Ready for the question? Question being called. All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 2-43, Mr. Pryde.

- Third Reading of Bill No. 2-43: Financial Administration Ordinance

MR. PRYDE: Mr. Commissioner, I move Third Reading of Bill number 2-43, An Ordinance To Amend The Financial Administration Ordinance.

The purpose of the amendment is to fix a time when the report of Territorial accounts for the previous fiscal year must be laid before the Council This requirement is necessary because of an amendment to *The Northwest Territories Act*.

THE COMMISSIONER: Is there a seconder? Do you have a problem, Mr. Searle?

MR. SEARLE: On a point of order, did you ask Mr. Pryde to state the purpose of the Bill in Third Reading?

THE COMMISSIONER: If there are any amendments to it, that is what I wanted to know.

MR. SEARLE: Oh, fine.

THE COMMISSIONER: Seconded by Air Marshal Campbell that Bill number 2-43 be read for the third time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 3-43, Mr. Simonie.

- Third Reading of Bill No. 3-43: Interpretation Ordinance

MR. SIMONIE: Mr. Commissioner, I move Third Reading of Bill number 3-43, An Ordinance To Amend The Interpretation Ordinance.

THE COMMISSIONER: Moved by Mr. Simonie, seconded by Mr. Searle, that Bill number 3-43 be read for the third time. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 4-43.

MR. TRIMBLE: On a question of privilege, I believe there is an amendment to this Bill being presently drafted by the legal advisor. I wonder if Bill number 4-43 could be put over?

THE COMMISSIONER: Have you completed the work on Bill number 4-43 yet, Mr. Smith?

LEGAL ADVISOR (Mr. Smith): Not yet.

THE COMMISSIONER: I don't imagine there is any hurry.

MR. WILLIAMSON: That Bill number 4-43 is still under discussion ---

THE COMMISSIONER: It is not under discussion. I am sorry, but Mr. Trimble said he was not able to give it Third Reading as yet. He is waiting for some material from the legal advisor and I would imagine until he reports the Bill as ready for Third Reading, we cannot do this. I am sorry to be so technical today.

MR. WILLIAMSON: So you are not even calling it at this time? We will wait.

DR. BARBER: On a point of order, Mr. Commissioner, Bill number 4-43, I understand is my Bill, not Mr. Trimble's Bill.

MR. WILLIAMSON: Is that a point of privilege?

THE COMMISSIONER: Are you going to go into Committee again? Or do you feel that you can report it out when you have the amendment?

DR. BARBER: Would you give me a moment to consult with my colleagues on this matter, Mr. Commissioner?

THE COMMISSIONER: May be you should consult with your lawyer.

DR. BARBER: An *ad hoc* task force has been appointed to produce the necessary amendment. I am sure they will do this task with dispatch, unlike the Council of the Northwest Territories.

THE COMMISSIONER: All right. We will put this on the Order paper, Mr. Remnant, for Monday. I wouldn't want you all to feel you had wasted your day.

MR. STEWART: There may not be many of us here by Monday.

THE COMMISSIONER: Bill number 5-43. Is there any reason for not proceeding with Third Reading of Bill number 5-43? Mr. Searle?

- Third Reading of Bill No. 5-43: Medical Care Ordinance

MR. SEARLE: Mr. Commissioner, I move Third Reading of Bill number 5-43, An Ordinance To Provide Medical Care For Residents Of The Northwest Territories.

THE COMMISSIONER: Thank you. Moved by Mr. Searle, seconded by Mr. Stewart that Bill number 5-43 be read for the third time. Is there any discussion?

MR. FAIRBROTHER: Mr. Commissioner, at this time I would like to say that I have had a little time to study this Bill since it has been in Committee, and the more I look at it, the more pleased I am that it was passed.

THE COMMISSIONER: Thank goodness there is some kindness left in the world!

Any further discussion? Question being called. All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 6-43, Air Marshal Campbell.

- Third Reading of Bill No. 6-43: Justices of the Peace

AIR MARSHAL CAMPBELL: Mr. Commissioner, I move that Bill number 6-43; An Ordinance Respecting Justices Of The Peace, be read for the third time.

THE COMMISSIONER: Moved by Air Marshal Campbell, seconded by Mr. Stewart, that Bill number 6-43 be read for the third time. Any discussion? Question. All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 7-43, Mr. Trimble.

- Third Reading of Bill No. 7-43: Judicature Ordinance

MR. TRIMBLE: Mr. Commissioner, I move the Bill number 7-43, An Ordinance Respecting The Superior Courts And The Administration Of Justice, be read for the third time.

THE COMMISSION: Moved by Mr. Trimble, seconded by Air Marshal Campbell, that Bill number 7-43 be read for the third time. Any discussion? Question. All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 8-43, Mr. Stewart.

MR. STEWART: I didn't do this particular Committee.

- Third Reading of Bill No. 8-43: Magistrate's Court Ordinance

DEPUTY COMMISSIONER PARKER: I move Third Reading of Bill number 8-43, An Ordinance Respecting Magistrates And The Magistrate's Court.

THE COMMISSIONER: Very good. Moved by Deputy Commissioner Parker, seconded by Chief Tetlichi, that Bill number 8-43 be read for the third time. Any discussion? Question being called. All those in favour signify in the usual manner. Against, if any?

--- Carried

Bill number 9-43, Mr. Fairbrother.

MR. FAIRBROTHER: I did not Chair that Bill, I believe Mr. Searle did.

THE COMMISSIONER: Oh, Mr. Searle, of course you did.

- Third Reading of Bill No. 9-43: Petroleum Products Tax Ordinance

MR. SEARLE: Mr. Commissioner, I move Third Reading of Bill number 9-43, An Ordinance To Amend The Petroleum Products Tax Ordinance.

THE COMMISSIONER: Moved by Mr. Searle, seconded by Deputy Commissioner Parker, that Bill number 9-43 be read for the third time. Any discussion? Question. All those in favour signify in the usual manner. Against, if any?

--- Carried

AIR MARSHAL CAMPBELL: On a point of order, Mr. Commissioner, I am from Missouri and if I understood correctly, the Chairman of Bill number 4-43 reported it ready for Third Reading and I don't quite understand why we are not having Third Reading.

THE COMMISSIONER: Did you say you were from Missouri? Maybe it is catching. I asked the Chairman if he was ready to move third reading and he said he wasn't. He wants to get some additional information, and that is fine.

DR. BARBER: I was being helpful to one of the Members of the Committee that met on a portion of this particular Bill. Through an inadvertence, an aspect of this problem should have been included in the Bill and was not, and in fact as the Chairman I am ready for third reading at the present time, but now I will move that Bill number 4-43 be given third reading.

THE COMMISSIONER: Did you get the information that you --

DR. BARBER: I understand my colleague is now ready to make a contribution to the debate on third reading.

THE COMMISSIONER: Moved by Dr. Barber, seconded by Air Marshal Campbell that Bill number 4-43, be read for the third time. Any discussion.

- Third Reading of Bill No. 4-43: Council of the Northwest Territories

MR. WILLIAMSON: Mr. Commissioner, your Committee on Indemnities, in consultation with the other Members of Council, recommended that under Clause 18 of Bill 4-43, there be included a requirement that Council have set up for itself a Committee to deliberate upon, where necessary, the travelling expenses of Members of Council, so that in effect, Council has a check through its own Members upon the way in which the travel allowance is expended. Through some inadvertence this recommendation does not appear in the present legislation and in my discussion with the Legal Advisor, it would seem advisable to give him time to consider this rather carefully, as there may be implications which do not appear immediately. The suggestion is therefore, that by the next Session there appear for the consideration of the new Council, either a report or an amendment to this Ordinance whereby a Committee of Council would be set up to deliberate upon, where necessary, Members' expense accounts. The delay will not cause any difficulty in that there will not be any expenses incurred by Members under this Bill until the new Council has met, and so it would seem, I am advised, quite appropriate to ask for this amendment to be introduced at the next Session of Council after the Legal Advisor has had time to carry out this direction.

THE COMMISSIONER: Further discussion? Ready for the question? All those in favour signify in the usual manner. Against, if any?

--- Carried

I will pass over Item 10.

ITEM NO. 11: TIME AND PLACE OF THE NEXT SESSION

Item 11, the question of time and place of the next Session. I think it would be Yellowknife, and I suppose it would be some time in February. I am uncertain of this as a result of the election and perhaps someone could move that the site be Yellowknife, and the timing be left to the Commissioner, and I would appreciate it and then we could call it in line with the legal time. I don't need unanimous consent for this.

DR. BARBER: I would be pleased to move, Mr. Commissioner, that the next Session be held at Yellowknife at a time to be at the discretion of the Commissioner. I would also ask a question regarding this. Is it known now precisely when the time of the election will be?

THE COMMISSIONER: Deputy Commissioner Parker, have you --

DR. BARBER: My reason for that question is that following the passage of Bill number 4-43, I have been looking at the Constituency map with a great deal of interest and wondering which Constituency I might select as one suitable for my candidacy.

--- Applause

THE COMMISSIONER: I am sure you will be amazed at who turns up.

MR. WILLIAMSON: Some of us may not be too amazed at all.

THE COMMISSIONER: I can only say this, Dr. Barber, that I have to get this Council over first. When road blocks are thrown in your way, it is sometimes very difficult, but I would hope it would be the 20th of December. This seemed to be --

DEPUTY COMMISSIONER PARKER: Monday, the 21st.

THE COMMISSIONER: The 21st. It would seem to be that this would be the date most suitable to most people in the Territories.

MR. STEWART: Mr. Commissioner, this election time might prove a little difficult and in the municipalities I believe elections are on the second Monday in December. There will not be elections in Smith, Hay River or Yellowknife at that time.

MR. SEARLE: Difficult running two campaigns simultaneously.

MR. STEWART: It is confusing for those who wish to sue you!

--- Applause

THE COMMISSIONER: If you wish to share some of those seats you hold, I can lend you a couple of candidates.

MR. STEWART: They are not of the necessary quality for our region.

THE COMMISSIONER: I don't think they are either, but that is not the point. On the Motion - sorry, is there a seconder to Dr. Barber's Motion? Seconded by Mr. Stewart that Council be called into Session in Yellowknife at the discretion of the Commissioner. This would be understood to be next year somewhere around February. Any discussion? Question? All those in favour signify in the usual manner. Against, if any?

--- Carried

ITEM NO. 12: MEMBERS' REMARKS

Item 12 might be a good thing to turn to now. Members' Remarks. Any Member who wishes to avail himself of the opportunity to speak now - or would you prefer to keep this on the Order Paper for Monday or Tuesday so you will have time to think it over?

MR. PRYDE: I suggest Monday, sir.

THE COMMISSIONER: Any suggestions? Anyone wish to speak at this time? If not, -

- Members' Remarks - Dr. Barber

DR. BARBER: Mr. Commissioner, I would like to speak. I don't have a prepared speech. I have given some thought to this whole question, in the last two days. I had intended to discuss my experience on this Council, not in detail but briefly. I am somewhat dismayed at the present set of circumstances that we have gotten ourselves into for one reason or another. I am quite concerned that this Council which has met with a greater or lesser degree of good humour greater or lesser degree of acrimony and bitterness from time to time over the last three years, could fade into the woodwork on a rather disconcerting note. I have attempted throughout my experience on this Council to be available whenever possible. This has not always been easy for me, as you know. I have a variety of other responsibilities and duties and have not been able to get to every day of every Session, but I have done my best. Frequently this has been at my personal expense and the expense of my wife and children so that I could fulfill my responsibilities to the University of Saskatchewan, and still attempt to fulfill my responsibilities to the Government of Canada and the people of the Northwest Territories within the terms of reference of my appointment to this Council. I will not be able to be here on Monday or Tuesday. I am very, very disappointed and disconcerted that I will have to leave this Council under this particular set of circumstances. I would like to make a personal appeal to the Member who denied unanimous consent for us to consider what is really not a matter of great moment, a technical matter, but a matter which could conceivably cause this Council, this Government and the Government of Canada some considerable embarrassment. Conceivably it could cause an individual Member of this Council considerable embarrassment. I know that the particular set of circumstances makes me feel very, very badly at this particular point in time, and I would like to ask the Member on a very personal basis, a personal appeal basis, if he is prepared to reconsider his previously stated position so we could wind-up this Council on a happy and positive note, rather than on a disconsolate, negative and whining note.

MR. TRIMBLE: Hear, hear.

THE COMMISSIONER: Any other Members wish to speak at this time?

MR. WILLIAMSON: Mr. Commissioner, I naturally feel sad at this time that this Council, which I feel has been a very good group of friends, should come to the end of their active association. I felt that I should make some parting statement and I would have liked to have this in the context of the whole of the Council's final remarks. Unfortunately, we do have a procedural problem here, but the pressures upon me are such that I feel I must speak now, if I may. It is believed by some ancient peoples in the world that nothing matters quite in his life so much as his manner of leaving it, and people prepare accordingly. That could apply to the Council. We are leaving this Council which will come to an end, if not today, sometime next week, and I feel it would be very nice indeed if we could make our departure a gracious one. I will try to make my leaving of this Council gracious, as now leave I must, and I promise you, sir, a brief speech.

THE COMMISSIONER: It won't be for lack of words.

MR. WILLIAMSON: I think the myth of my length of speech making has been very successfully exploded by the Honourable Member from the other side of the Chamber here.

MR. PRYDE: From Hudson Bay.

- Members' Remarks - Mr. Williamson

MR. WILLIAMSON: You anticipate by a few months, but I make no apology about the amount of time that I have spoken about the Central Arctic or Keewatin, as this Council obviously wishes, because Keewatin was, and there is no question about it, the forgotten and neglected part of the Arctic, not having had the substantial attention of developments that had become part of the program in other parts of the North under the previous Federal Government. If by having won a reputation by talking a lot about Keewatin, I have done a little to redress that lack of knowledge and interest in Keewatin, then I am happy and I certainly make no apologies for having spoken. Certainly over this time, I think we can say that Keewatin has become a little less neglected and in all fairness, as much as I have raised its problems and said that Keewatin needs further attention, in all fairness we must give credit where it is due and say that over the last five years there have been substantial improvements in Eskimo housing, in the health program, in the enabling of the development of Local Government, in the extension of airstrips, in arts and crafts and in the development of the education program, public works, communications and transportation.

Even in education in which I had a very substantial interest, I must say certain improvements have taken place. The quality of the teachers has improved, the turn-over of teachers has declined considerably. We are building a nucleus of professional northern teachers who are veterans of the North. The Adult Education Program in the Central Arctic has become, I think, an example and inspiration to many of the parts of the country and a very important part of the total program of education in its broadest sense.

This is not to say that nothing remains to be done. The housing that has been provided is not altogether satisfactory. The way in which it was provided was not altogether satisfactory. The local people were not sufficiently involved in the work, and the work done was not properly done by the people who were brought in from the south.

We still need facilities such as a nursing station at Repulse Bay and a full public health program in the field there. Airstrips at Whale Cove and Chesterfield Inlet still need to be extended. Genuine action in enabling genuine local government and genuine self-determination remains a need in many parts of the Keewatin. There is much to be done in improvement of the education system - teacher training, which is still something we have asked for and asked for again - be extended so that the people are more effectively informed about the society and the culture to which they come as teachers. We still need a regional high school. We still need the development of an Eskimo academic elite as it were, to provide leadership for the Eskimo people in the future. We are still anxious to see the development of the open area program in the classrooms in the schools. There is still a great deal to be done to improve the curriculum to the point where it, while giving access to the rest of Canadian society and the academic world,

genuinely reflects the realities of the Arctic environment and no longer by inference, at least, devalues the reality of the Eskimo culture of which the children are the living vehicles.

In summary there is much yet to be done, sir. There is still a great deal to be done in economic development, and on this note I should ask the people concerned with the economic development in the North whether they be Federal or Territorial, to consider the possibilities of the extension of pipeline facilities from the western North to the coast of Hudson Bay. Now, I understand this is a matter of enormous expense from the Feasibility Report, but if we can look far enough ahead, I wonder if it is not feasible to look at the effects that a pipeline going up the Mackenzie River then to Edmonton and in a fairly lightly settled part of North America where there is a pipeline going to Hudson Bay, gives ready access immediately to the very heavily populated part of central North America, to the railhead at Churchill and the even more heavily populated and large markets of the eastern seaboard of North America by way of Hudson Strait through the Northwest Passage, and incidentally, most of these waterways are open for a much longer period.

I think a pipeline, certainly for gas, is needed in the future for oil, too. The Hudson Bay coast may be an economically feasible idea. I know in the long-distance future that these ideas have to be brought to the attention of the people.

Of course, sir, my greatest concern is, and will continue to be and always has been for the majority of the people in the North and more specifically, the Keewatin, the Eskimo people. We realize that the Eskimo population is growing very rapidly. In twenty years, it will be twice its present size and at the present time even, there is not enough economic opportunity for the existing population. Only by effective education will they have the social and economic mobility in the North and across the country to be a self-sufficient group of people.

I call upon more people who will have responsibility for the lives of the Eskimo people to genuinely work at the development of Eskimo leadership and to work with the Eskimo people with respect. Only by thoroughly understanding the culture of the Eskimo people will the people be able to work with respect. As long as people deal in stereotypes, trite sayings, easy off-the-cuff judgments, and rumour, they will not get to understand the people properly. This is a different culture. This is a sophisticated thoughtful group of people. They are not sophisticated in technology but certainly in philosophy and must be understood in depth and not superficially.

The Eskimo people have a right to full involvement in the life of the Northwest Territories in the future. They have a right to full participation in the political life which affects the existence of all the population and they have a right to participate, be respected, not manipulated by other powers of other cultures in positions of authority at the local levels or at higher levels. Everyone should, in all responsibility, develop knowledge of these people and their sensitivity. If this does not happen, Mr. Commissioner, I can quite competently predict that the future of the Eskimo people is indeed, tragic. We could very well have a population twice the present size a generation from now which would be a social and economic burden to itself and to all of Canada. The next five years is the crucial time. This will be the turning point, this is the last chance. I remember saying this four years ago at Resolute Bay,

"We don't have much time", and since then we have tried to catch up with this deficiency and the misunderstandings of the past in our relationship with the indigenous people.

I ask, as I come to the end of my service in this Council, have we succeeded? Well, yes, to some extent we have succeeded. We will never succeed to the extent that our aspirations lead us, but I suspect we will have succeeded partially. There are still problems of attitude and misunderstanding throughout. I have been so hopeful that when we brought the Government of the Northwest Territories into the Northwest Territories that we would have a Government, even at Headquarters, more sensitive to the realities of life and cultures in the Northwest Territories. I must say that the Government in Yellowknife has some distance to go to really achieve this objective. We have had many hopes, some of them raised and some of them satisfied. We have had many battles, but as I listen across the Northwest Territories now, certainly in Keewatin, I hear some notes of despair in that so far it is felt that Yellowknife has not become sufficiently sensitive to the realities of the Arctic.

There are, after all, relatively few people in the Government in decision-making positions here in Yellowknife who have spent any great length of time with the Eskimo people over the years of their lives and have developed the detailed knowledge which, I think, is important for appropriate decision-making. Certainly we have decision makers who are disciplined and will respond well in an instrument of administration and power. Of course, all information and all responsibility flows directly through the apex of the triangle here in Yellowknife. I have even heard some people in the Arctic areas wonder if we were right in our Homeric battle to prevent the Northwest Territories being divided. We tried so hard because we believed in a united Northwest Territories, and some people have said to me in recent times, "I wonder if you were wrong in that battle you fought".

In the Keewatin, Mr. Commissioner, the vast majority of the people are Eskimo, well over 95 percent are. They have listened for years to white people going through the old routine of saying, "We are here to help you for a short time, to show you the way and to put you on your feet and then we will simply work ourselves out of the job and it will be all yours". Then they have watched the same people staying on, building up their own operation and showing very little genuine willingness to act out the spirit of what they said.

Mr. Commissioner, I believe that if we are genuinely and not simply giving lip service to the principle of providing the indigenous people with the right to participate in government, the opportunity to become effective in their affairs, then we must do what we say. I do not suggest that we go in for any form of tokenism. I do suggest that we must work on giving the Eskimo people every opportunity and every form of encouragement and training and information so that they can become effective in their government and not simply symbols.

My part of the Arctic, sir, is essentially Eskimo country and I believe that it is only right that if at all possible the voice of the people in that part of the country should come from the midst of the society which is in the majority. This is a matter of conscience that I think all of us should consider, at least one should not impose one's own feelings upon other people which I will say I have been considering very seriously. I believe, genuinely and sincerely, that a voice speaking from the midst of the Eskimo society should be more respectfully listened to and more effectively heard than a voice speaking from association with, but not from within, the Eskimo society.

I must say, sir, that over the last four years, I have been privately working to help enable this, performing, encouraging and doing all I can to encourage the development of Eskimo men who can be effective in the political and constitutional life of the Northwest Territories. For me, this is a matter of conscience. At the end of this term for some of us who have been very closely associated in our work for the people of the Northwest Territories, this is the time of saying farewell to friends. None of us can have gone through the experiences of the last four years, the conflicts, the reconciliations, the earnest attempts at doing the right thing, working very hard in our constituencies and our homes, our studies and in this Council to do the right thing. We cannot have done this without developing some sense of association, some sense of brotherhood perhaps. And so naturally one feels sad to see this association cease. It is a unique group of people occupying a unique place in time. The succession of people who have had an important impact on the development of life in the Northwest Territories should never be forgotten.

We should never forget, for example, the quiet, sensitive, dedicated, deceptively tough man who helped to get this great momentum towards self-sufficiency started. We should never forget Mr. Ben Sivertz, who was the Commissioner of the Northwest Territories when many of us here first became associated, and with his dedication and determination, he was a beacon to move us in the direction in which we have gone. Very often history provides a country with the right man at the right time and over the last three years, we have seen an incredible achievement in the moving of a whole administrative machine and the development of a whole Government almost from scratch, out of Ottawa and into the North and into effective working conditions despite the necessity for a little assistance from our friends in the Federal Government.

Most people would agree that there are very, very few people in Canada with the energy and determination, the ambition, the drive, such as that provided by the leadership of Stuart Hodgson, in bringing the Northwest Territories Government to its present state of development. I personally would like to thank the Commissioner, and each Member of this Council individually, for the pleasure and the honour of associating with them in the work we have had in common in the Northwest Territories. Although we deal with large issues, I feel that we should call upon our successors, whatever else they do, never to forget the simple people, the vulnerable people, the individual people, who collectively make up the unique collection of cultures and communities in this unique part of the country.

I want to thank with affection every Member here for their participation and their contribution to the improvement of life in the Northwest Territories, and for a very inspirational and worthwhile human association which will remain through the years a very valuable and enriching and worthwhile experience in my memory for the rest of my life. I don't think we shall ever forget the people in the Territories when we remember what we have done for them. I thank you, Mr. Commissioner, and all of the Members.

--- Applause

THE COMMISSIONER: Mr. Pryde?

MR. PRYDE: Mr. Commissioner, my comments are not of a general nature, but concerning your request for unanimous consent to move the Motion which you hoped to move a few moments ago, and I wish to advise that I am prepared to withdraw my denial and thereby give unanimous consent to your Motion.

THE COMMISSIONER: Thank you, Mr. Pryde. Item 4, Notices of Motion.

ITEM NO. 4: NOTICES OF MOTION

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I wish to give notice that at the soonest appropriate time I will make the following Motion. I move that this Council agrees to its dissolution by Governor-in-Council on August 3rd, 1970.

THE COMMISSIONER: Thank you. May I have unanimous consent for the Motion to be now presented before Council?

--- Agreed

DEPUTY COMMISSIONER PARKER: I move that this Council agrees to its dissolution by the Governor-in-Council on August 3rd, 1970.

THE COMMISSIONER: Thank you. Moved by Deputy Commissioner Parker, seconded by Mr. Stewart.

MR. PRYDE: Is this the opportunity to speak to the Motion?

THE COMMISSIONER: Yes.

MR. PRYDE: I would like to clarify a point, and that is why I denied unanimous consent to this Motion earlier on this afternoon. I did so because I strongly object to members of the Administration leading Members of this Council astray. The issue at stake here today was not that legislation examined by Members of this Council would not be passed. The issue at stake was this: Under the old Ordinance, Members of this Council were elected for a term of three years whereas under the new Ordinance which came into effect when Bill C-212 was passed in the House of Commons, the life of the Council was extended to four years. If Members of this Council, under the new Northwest Territories Act as amended, had refused - and still have the opportunity of refusing - to pass this Motion so that the Motion is defeated, it would mean that the length of term of this present Council would be extended to four years. That was the issue, there was no other issue, and that is why I denied unanimous consent. I felt that the answers given by the Administration in support of the Motion, or reasons given why the Motion should be passed by this Council, were misleading. They may not have been deliberately misleading, but they certainly were misleading. With those remarks, I am prepared to vote on the Motion.

THE COMMISSIONER: Further discussion?

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I rise to apologize for misleading Council, if this has been the case. The advice I had from the Legal Advisor in Ottawa was that various Bills that we have been considering might be cast into doubt. Mr. Smith has told me that this in fact was not the case, and I have not had an opportunity to check that, but I think the situation is as Mr. Pryde has outlined, namely, that the length of time of the life of this Council is the question. However, my advice had been otherwise. I apologize if I misled Council. I had no intention of doing that.

THE COMMISSIONER: Ready to vote? All those in favour signify in the usual manner. Against, if any?

--- Carried

ITEM No. 10: ASSENT TO BILLS

Turning to the Orders of the Day, Item 10, as Commissioner of the Northwest Territories, I assent to Bills number, 1-43, 2-43, 3-43, 4-43, 5-43, 6-43, 7-43, 8-43 and 9-43.

Item 12. Do any Members wish to make any remarks at this time?

ITEM NO. 12: MEMBERS' REMARKS (Continued)

- Member's Remarks - Mr. Fairbrother

MR. FAIRBROTHER: Mr. Commissioner, I wish to address the Commissioner and the Council of the Northwest Territories for the last time. It makes me very sad to do so because I have very much enjoyed my association with the Council and yourself, sir. It has been my decision not to run again, before coming to this Session, as I think you knew, sir, but I must say that probably with the changes to the Northwest Territories Council Ordinance, it will be many years before there is a Member again who sits in this Council from Mackenzie River, and I think that a Council Member for a considerable time to come will come from Hay River. Granted it is not a constituency, but I think this is where the Council Member will come from, but whether it is bad or whether it is good, I think will depend on the individual Member, but I think that the people of the River are not going to be very happy with the solution that was arrived at by Council. However, the Council in their wisdom saw fit to pass the Bill as it is and that is where the case stands at the present time.

I would like to publicly thank my friend Air Marshal Campbell, who has sat alongside of me for the last two and a half years in Council and has given me much guidance in Council and has assisted me greatly in performing my duties here as a Council Member. Without his assistance and guidance, I am sure I would have fumbled into many more pitfalls than what I have, and I would have embarrassed myself more times than I did. Be that as it may, I was dependent on this assistance and the guidance he has given me. It has been one of the greatest experiences of my life to have been associated with this Council and having sat as a Council Member. It has given me pleasure to serve the people of the Northwest Territories and more particularly the people of the Mackenzie River district during my term of office. As you know, I arrived on Council by a rather unfortunate means, the death of a previous Council Member, who would have served Council, and the people well, had he lived to take his seat on Council. So with these remarks, Mr. Commissioner, I would like to thank you personally for the help and assistance you have given me, all the Officers of the Council and also the people of your Government who have been directly associated with me, for the assistance and help they have given me as long as I have been in Council. I hope to be able to continue my association with Council Members as a private citizen and the same thing with the Government, not as a Council Member, but as a constituent, and as a member of the Northwest Territories citizenry. With those few remarks, Mr. Commissioner, I thank you again for your help and guidance and wish the new Council of the Northwest Territories and your Government every best wish for the coming years.

--- Applause

THE COMMISSIONER: Any further Members wish to speak?

- Member's Remarks - Air Marshal Campbell

AIR MARSHAL CAMPBELL: Mr. Commissioner, I would like to rise at this particular time to say a few words, very few. I would like to say that as far as I am concerned, this has been a very satisfying experience to have served on this Council, not only on this Council but on the previous Council. It has been a satisfying experience for me primarily because of the individual who have sat around this table and the friends that I have made in the Northwest Territories. Sometimes we think we have not made as much progress as we perhaps should have, and then on

the other hand, I think that progress has been extremely good. It has been good because of the Members who sit around this table work together as a team. We have had our honest differences. We have not held any rancour and as a whole it has been a team work job. When we go back into history, you will remember Mr. Commissioner, and Mr. Trimble will remember some five years ago the Government of the Northwest Territories consisted of a door with a name on it, "Government of the Northwest Territories" and behind that door, as you can remember, there was a Co missioner, a secretary and a messenger. You look at the state of affairs today and the structure we have in the Northwest Territories for governing this country has all happened in the space of about three and a half years, and I think you must agree upon such reflection, that it has been extremely good progress, progress that the Council could be proud of and progress you can be proud of. I hope that the future of the Territories will continue to develop and progress, and I am sure with the dynamic leadership you have provided in the last three years that this will be the case.

Finally, Mr. Commissioner, I would like to say again how much I appreciate the friendships and the friends I have made in the Territories and I wish them well.

--- Applause

DR. BARBER: Whether or not I have the right to speak again depends on a ruling concerning whether stepping from 12 to 10 and back to 12 again gives me another opportunity. As a matter of privilege, may I speak, Mr. Commissioner?

THE COMMISSIONER: I had not noticed you.

--Member's Remarks - Dr. Barber

DR. BARBER: This time or last time? I don't have much to say, although first of all I would like to say that what we saw this afternoon is an indication of the kind of thing that has gone on in this Council for the three years I have been associated with it. We have had, as the Air Marshal has said, honest differences of opinion and which have not long been held and not with rancour and bitterness. I would like to thank my colleague across the table currently from the western Arctic for his willingness to revise the position he held on a matter of principle and which he held very strongly. I repeat this is the kind of thing that has been happening to honest people in the last three years but generally we heard our differences, fortunately, I think, for the people of the Northwest Territories.

Like Air Marshal Campbell, I appreciate the rate of progress that has been made in the last three days. As I said at a banquet earlier this year, the rate of change in the Northwest Territories has been unbelievable in the last three years. The changes by and large I think have been for the better. I remain very optimistic about the future of the Northwest Territories and in this respect I guess I am a confirmed Northerner. I have yet to meet a Northerner who is pessimistic about the future of the Territories and I share this optimism. There are some dangers inherent in the present situation, the rate of change that has been established in the last three years cannot, in my estimation, be sustained or ought not to be sustained. I think we have done a remarkable job in focussing the attention of the rest of Canada on the Northwest Territories, Mr. Commissioner.

Undoubtedly the Arctic Winter Games, the whole Centennial Year has been a booming success. It has, I think, accomplished or is in the process of accomplishing one of the objectives you set forth and that is unity in the Territories. It is one of the things we fought so hard for, one of the most important battles we have won, and we won it, collectively and together. I think your efforts in this regard to unite the Territories and focus the attention of the rest of Canada on the Territories have been remarkably productive.

It was suggested to me by some colleagues on the Council that if the Commissioner found himself out of a job that he could easily find a job as an impresario presenting productions which would attract the attention of the world and I am inclined to agree with the comment that was made. When I was a member of the Royal Commissioner on Governmental Administration in Saskatchewan we received a letter from a civil servant to the effect that with reference to the government machinery, that the machine must not only be built and made to run, it must be put in gear and made to move. We have done a remarkable job, I think, you Mr. Commissioner, the Council, your Executives, your staff, in building and making a lovely machine. The job of making it move continuously and constantly for the betterment of the people of the Northwest Territories is, I think, the job which must occupy your Government and the next Council. I repeat I am optimistic. I am optimistic that the Indian and Eskimo people of the Northwest Territories can participate as full partners in the action taking place here.

I am optimistic that solutions to many of the most serious problems like the lack of economic opportunity, wages, and employment will be overcome in the same spirit that the Government has been created and made to run.

Like previous speakers, I owe a great debt of gratitude to my colleagues on this Council, to you, the Deputy Commissioner, and the senior officials of the Government. I cannot recall any experience I have enjoyed any more than I have enjoyed my experience on this Council and I must reiterate what the Air Marshal has said, it has been, maybe because of the quality of the people I have been privileged to work with over the last three years. I will miss you as a Council and I hope to participate in the development of the Northwest Territories through my consultation with Indian people concerning their rights and privileges under Treaties 8 and 11. I won't say goodbye. I will merely say that I will be back but in a different capacity. In saying that I wish to thank you very much for having made my time on this Council both rewarding and most productive. I will never forget these three years.

--- Applause

THE COMMISSIONER: Any other Members wish to speak?

<u>- Member's Remarks - Deputy Commissioner Parker</u>

DEPTUY COMMISSIONER PARKER: Mr. Commissioner, I rise only to say that it has been a very great pleasure to work with each and every Member of this Council, not continuous pleasure, but very nearly continuous pleasure. Speaking now from the Administration side which is one of the other types of hats I must wear, we have tried to respond and I can certainly pledge to you that it is our intention to obey the wishes of Council to respond in every possible way that we can and to make sure, as Dr. Barber has said, that the machinery which has been created wins. This is of absolute paramount

importance and to this end we must make our best efforts. I would like to also pay a special compliment to those Members who have served this Council from outside the Territories. It is pretty easy for those of us who are resident here to have a very strong attachment and dedication to the Northwest Territories because, after all, it is our life and we live here, but it is a wonderful thing to see men come in and give us their time and their great energies and abilities to assist us and at times to put us back on the rails, at times to chide us and at other times lead us and once in a while to simply sit back and bear with us.

I am sorry that Gordon Gibson was not able to be here at this time and, of course, my remarks include him as a person who made a very, very great contribution. I wish Dr. Barber every success in his very, very difficult role and we do look forward to seeing him here again. I know that Air Marshal Campbell will be back, at least as a visitor, and we certainly would have high hopes in perhaps even a more official capacity.

ALL MEMBERS: Hear, hear!

DEPUTY COMMISSIONER PARKER: One other of the appointed Members but a resident here, Chief John Tetlichi has not spoken loudly or at length but when he has spoken he has spoken with authority and with common sense. To him I think we owe a debt because he has represented the Indian people and he has also represented Northern people. He has never been too narrow in his views.

MR. PRYDE: Hear, Hear!

DEPUTY COMMISSIONER PARKER: Once again I would like to say it has been a great pleasure and I know some of us, maybe not even me, but some of us will be together again and I look forward to that time. Thanks to you, my heartfelt and good wishes to you who carry on with other work.

--- Applause

THE COMMISSIONER: Any other Members wish to speak?

- Member's Remarks - Mr. Trimble

MR. TRIMBLE: Mr. Commissioner, I feel I should say just a few words before we part because we will not be together again as a Council. I would like to express my appreciation to the other Members whose association and friendship I have had over the last three years and in some cases four or six years, as well as to yourself, Mr. Commissioner, as I consider you a Member of this family.

I agree with the Air Marshal concerning the progress of this Territorial Government. At the time we first appeared on this Council six years ago which, as he said, was represented by one room in an Ottawa building and now is the Administration of the whole of the Northwest Territories located in the Northwest Territories as it is today.

There is much that I am not satisfied with and I have made this abundantly clear over the years I think, and I have no intention at this time of making reference to any of the things I am disappointed with, within the Administration, within the Council, within the Federal Government and of decisions concerning the future development of Government in the North and the pace at which this Government should develop. I do feel that I should mention that it seems to me over this period of time I have noticed that the indigenous people of our Territories, Indian, Eskimo and others - have been drawn closer

together. When I first came North some 14 to 15 years ago, there seemed to be some very real bitterness among some of the people, particularly the older Eskimo people against the Indian people and the Indian people against the Eskimo people. I think this has probably been true among the Indian people and their relationship to other tribes. In my opinion, Mr. Commissioner, that has been changing. When I first came on Council there was a certain amount of bitterness between the people, some of which was fostered by the Government through different programs governing Indians and governing Eskimos and governing the other people, Metis and otherwise.

Welfare was a good example where it was administered under different policies and programs, and by different people. In a community such as Aklavik where you had Indian people, Eskimo people, Metis people and all other types of people this is not a good situation. This has been changed. Now we have a situation where we have one policy governing the people in the North regardless of their ethnic origin, and one Administration taking care of the people. In my experience and in my opinion this has been a very progressive step. The people are more and more looking at themselves as Northerners and not as individual races.

I fear there is the possibility, because of internal rumblings that this situation may be changing. It disturbs me very much because I feel I am part of the indigenous people of this country. It gave me a great deal of satisfaction when I was in Fort McPherson for instance, to have an Indian person say I am one of them because I am married to an Eskimo. I don't think a few years ago this would have been the case. I am concerned about the people of the North being Northerners, regardless of their ethnic origin, regardless of Treaties or aboriginal rights. I do not suggest that the aboriginal rights or the Treaties should be ignored. I do not apologize for the Federal Government having ignored them in the past and I certainly hope that these rights will be brought to a head, these claims will be met head-on and satisfactory solutions arrived at in consultation with the people involved. I sincerely hope and advise those persons in the Territories who have claims to aboriginal rights, that they be concerned not with generations to come having continuing claims to royalties and things which will continue for generations to come, to not separate themselves from the rest of the Northerners and the rest of Canadians. There should be nothing that will set them aside as something different from the rest. This has been the case in the past without these claims because of the *Indian Act* and because the Eskimo people were considered as wards of the Government of Canada - different from other people I ask you and I ask them, did this work to their advantage?

Now, it is true that in the North, most of the Northern people have been associated with the white man's civilization, the white man's type of economy and industrialized way of life only for a short period of time. But we can look at the situation in the provinces where the Indian people in the provinces were there before the white man came and they grew up alongside of the white people in this country and today, for the greatest part, the Indian people have been left behind, very sadly left behind. I personally feel it is because they have been considered and treated as something different. I remember as a boy after the war when there were a great number of people emigrating to Canada referred to as "Displaced Persons". Many of them coming with nothing, could not speak the language, were as poor as any Indian people, but they were not specially treated and because of this, they have become Canadians and fitted into our economic and social life the same as everybody else. But

because of protection, the Indian people have been left behind and this concerns me as I look to the future, because as I said, I consider myself as part of the indigenous people of this country.

I want to see settlements made, but I want to see the people requesting these settlements and the settlements being made in such a way that they will be geared to elevate the indigenous people of this country to the same economic, social and other levels, as are other people in the Territories. I personally believe that this can be done. I believe that the economic deficiency of the indigenous people can be overcome through settlement of the Treaties and through settlement of aboriginal rights. I sadly fear if the settlements are made on a continuing basis because of race, over generations to come, that we will perpetuate the differences which have existed between the indigenous and other people in this country.

I realize the words I now speak are not accepted widely among the indigenous people, at least among those who are vocal among the indigenous people. But I am not sure all the rumblings we hear necessarily represent the feelings of the majority of the people any more than the rumblings in Quebec represent the feelings of the people of Quebec.

I have no desire to see my wife considered as something different than other Canadians or that my children being half-breed because they have an Eskimo mother, and I think I can say my wife is more Eskimo than most of the Eskimos in the Territories. A study has been underway in the Mackenzie Delta to determine those Eskimo people remaining who are of true Eskimo blood and it seems her family is one of the very few. I don't want to see my children with continuing rights that separate them from other Canadians because I don't think it will work to their advantage. I do feel that in years to come if the indigenous people are treated differently, they will continue to be an economic burden on the rest of society, they will continue to be among those on the lowest pay scale in this country and they will be no further ahead. I am certain that with the social development of this country, there will be such things as a guaranteed income, that every family will get and indigenous people will continue to be, at the bottom of the economic scale at the same time, because of advantages of royalties or such things.

I strongly fear that in generations to come the attitude of the average Canadian will have turned to one of resentment and disgust of the indigenous people of this country. I don't want to see that.

I feel, Mr. Commissioner, that I should at this time state my intentions so far as future participation on this Council is concerned, as to whether or not I intend to present myself for re-election. It has been a difficult decision to make. My own family does not want me to run again because they prefer me to be at home a little more often. There have been a number of friends here in Yellowknife and in other places who have felt, and expressed their feelings to me, that they believe I have contributed somewhat to this Council and hope I would run again. But even more important to me, there have been a number of people within my own constituency for whom I have a great deal of respect and who have asked that I continue to offer myself to represent them. I feel it is only right to these people and others that I make my intentions known.

Therefore, Mr. Commissioner, I wish to announce that unless some unforeseen circumstances change my position, I will be offering myself for election in the constituency of Lower Mackenzie.

--- Applause

I have stated, Mr. Commissioner, my feelings concerning the indigenous people of this country in regard to aboriginal rights and treaty rights, because I feel since the constituency is composed substantially of indigenous people, mostly Indians with a few Eskimos, that they should know my feelings on this subject. I cannot stand before Council to say what I feel people will want to hear unless I feel that what they want to hear is what is right and then I can represent that point of view.

Whether or not I return to this Council is up to the constituents. I hope, Mr. Commissioner, that the future Councils and myself, if I am here, will strive to accomplish our own responsibilities, to seek to develop the best Government for the Northwest Territories that is possible and that we will not wander afield into Federal responsibilities. The Indian claims and aboriginal rights are between the Indian people and the Eskimo people and the Government of Canada and I feel that our position, rather then politicking on these matters which really are not within our own responsibility, we should be, as I think, more of the enlightened people giving advice to these people with regard to the course of action they should choose.

A final note, Mr. Commissioner, concerning the Council itself. I feel the Council has been developing. When I first came six years ago, there were four elected Members representing only the Mackenzie and in 1966, two years later, largely at the instigation of the then Council, the franchise was extended to all of the Northwest Territories with three additional seats being provided. Now, we see another change where ten seats are being provided and a reduction of one of the appointed Members. I think this is progress. It may not be as fast a progress as we would like to see, but it is progress. I am optimistic, Mr. Commissioner, that the progress we have seen will continue and I sincerely hope that we have returned to this Council the high calibre of Members that we have had over the last six years to carry on this progress.

Thank you.

--- Applause

THE COMMISSIONER: Any further Members wish to make any remarks at this time?

- Member's Remarks - Mr. Searle

MR. SEARLE: Mr. Commissioner, I am going to be very brief because I think the Air Marshal and Dr. Barber are going to step out any moment now into their airplane, but I would feel a little remiss if I did not publicly acknowledge the tremendous contribution that various people here have made. I won't go into very great length because, of course, I have said an awful lot already at that private dinner we had and they all know already how I feel about them and how much I do value all of their friendship and I know that we will see more of you, Dr. Barber. I wish him well, as Mr. Parker stated, in his endeavours in his new job as Indian Claims Commissioner. I think he is going to need an awful lot of good friends in that job and I think he can rely on any of us and all occasions if he would just like to skip across that sixtieth parallel, we will be there and back him up.

I am hopeful Air Marshal Campbell will accept reappointment if it is offered and I know for one, I am going to do everything I can to make sure it is offered, though I am sure I won't have to. I am sure the Government of Canada really recognizes the tremendous things he has done.

--- Applause

MEMBERS: Hear, hear!

MR. SEARLE: The thing that has really impressed me about this Council, Mr. Commissioner, has been the number of people who have a feeling, a real honest concern for the people of the North. As I sat and listened to Lyle, I remembered that here is a man who is married to an Eskimo woman and is engaged in business in a small settlement who really knows the people and has through that union become one of the people. I looked across at my friend Duncan Pryde who is married to one of my gorgeous secretaries, and I think, too, how he is of the people and has this feeling for the Indian people.

I look at my right and see Mr. Simonie, the first elected Eskimo Member and I look at Chief John, our first appointed Indian Member. I look around at the rest of the people here and at Mr. Stewart with many, many years dealing with all kinds of people in the North at levels of government and in business when he was a Fisheries officer, Mr. Fairbrother, of Fort Simpson, and of course, last but not least, I see my good friend, Bobby Williamson down here, really a person whose abiding concern has always been that of the people. We have two Members who speak Eskimo - pardon me, three - two white men who speak Eskimo and Simonie, of course, who speaks that language.

If you really look at so many of the individuals around this table, you will see how in so many ways there is brought to this discussion a real deep abiding concern for the original people of the Northwest Territories, the Indians and Eskimos. This is the golden thread in all our discussions that has run through everything that has been done by this Council. That concern - those experiences are drawn on in everything - there is one wish I do have for any new Council that is elected and it is that somehow, some of those candidates elected are people like some of the men I have mentioned with this tremendous concern. I certainly hope that in Mr. Williamson's constituency and due to the fact that he is retiring from Territorial politics, that the Keewatin does come up with a man who has this tremendous

concern he has displayed. I know that I have often given him a bit of a bad time, but I think there has been a balancing force over the years when the Members tend to take the business, industry or resource type of approach. I know I have often been thankful for that balance which has been offered.

With those words, I think I should conclude also by stating like Mr. Trimble, I too will be running again. Mr. Trimble seems so popular in his constituency that he gets in by acclamation and he may do that again. We will probably fight like blazes again, but I hope like Mr. Trimble, to be back.

--- Applause

THE COMMISSIONER: Mr. Pryde?

- Member's Remarks - Mr. Pryde

MR. PRYDE: Like Mr. Searle, I feel I must say a few words before departing from this Council, because I feel I would be remiss in my duties and indeed in my pleasure, in not saying a few words about this Council. Literally speaking, this Council has changed my life. It has got me married for one thing.

DR. BARBER: It was hard work.

MR. PRYDE: It was easy for me. That is quite true, for if I had not been a Member of this Council, I am quite sure I would not have met my wife, and I am quite sure also if Council Members here had not made a Motion that I go out and look for a wife, I might not have found her. I would like to say though, on this last day of the last Session of this Council, how much I have enjoyed the company and the experience of the other Members of this Council. It is really a sad moment and I am not given to too much sentiment, I am not really a sentimental person, not too often anyway. I believe in being practical, but when I look around this Chamber and I see men like yourselves, you Mr. Commissioner, and the Members of this Council who worked with me here and sometimes for me in that last three or four years, I feel really sad that I will be leaving this Council, because it is not my intention to run again. I feel there is no Member of this Council who is irreplaceable and even though we take our work very seriously, I know that Members themselves do not take themselves too seriously. They are a fine group of men and my honest feeling is that I have learned much more than I have taught on this Council. I have learned from men like Mr. Searle and Mr. Trimble, who are the only two Members who have so far stated their intention to run again, so I won't mention the other names.

When I look now at the changes that have occurred in the Territories since I came to serve on this Council for the Western Arctic, I find them truly remarkable. I know in the fifteen years I have been in the North, there have been some really tremendous changes, some remarkable changes, but particularly among the Eskimo people in the Eskimo settlements. It is my belief that the Eskimos as we know them today, will cease to exist in my lifetime, and in some ways the change from the hunter-trapper type of life will be good for the Eskimos. In many ways some of the very fine qualities the Eskimos now possess may be lost. I hope not. One thing is certain, that with the growing sophistication amongst the Eskimos and amongst the Indians of the

Northwest Territories, we will undoubtedly see more native people serving on this Council and I believe that is a good thing. It is something that Members of this Council and this Government have been aiming at for some time now.

MR. WILLIAMSON: Hear, hear.

MR. PRYDE: I, have no worry or fear whatsoever that the faces which may appear around this table may be brown rather than being white, because I feel that if the majority of the elected Members of this Council are Indians or Eskimos that they will feel the same concern for the white people of the Territories, as this Council has felt and demonstrated so many times over the past few years for the native people.

I do feel that we will grow together and the term "Indian, Eskimos and others" will be lost in the years ahead, although it won't be lost in one or two years, but the time will come when the people up here will be Northerners. There will be no ethnic names, certainly ethnic names will not be necessary. I feel very optimistic when I look ahead to the future of the Territories, although I realize that the years ahead might not bring the changes which we all desire. Time alone does not alter the course of events. Only people will alter them. Nonetheless, progress will come and it will come because of the type of men who are now serving on this Council. It will come because the men who serve on the Council of the Northwest Territories will realize they are working for the North and not working for themselves, which I believe has been the keynote of this present Council, at least since I began serving on it. I have found no Member so interested in himself or his own constituency that he placed himself or his own constituency above the needs of the Northwest Territories. I say that with humility in my voice, because if I didn't mean it, I wouldn't say it. This is what I have observed over the years that I sat on this Council. I don't think there can be any other legislature in Canada with the calibre of men and the knowledge and the background and experience of the North country and of the inhabitants of the Northwest Territories than the men we have around this Table. I believe they are all true Northerners, and I believe it has been a very great honour on my part to have served with them. Thank you.

--- Applause

THE COMMISSIONER: Any other Members wish to speak?

COMMISSIONER'S PROROGATION ADDRESS

If not, I take it that we have reached the last item of business and those Members who have not taken the opportunity to speak will be back here in February to take a chance, at that time. I have been sitting here listening to all of you speak of your experiences on Council and some of the nice things that you said about each other and the Administration and about myself. One advantage is having the last word, you know - I learned that from my wife - that reminds me of a story I told at a meeting the other day. I don't often tell stories in Council, but this is about three fellows who were on a train in London. On the English train, you get a little cubicle you just step into, and no one ever seems to talk. These three fellows had been riding this train for years and finally one fellow dropped his newspaper and he said, "My name is Smith", and he said "British Army, Brigadier General retired", and he said he was married and had two sons and they were both at Cambridge. He put his paper up and about half an hour later the second man put his paper down and he said his name was Farnsworth and he was also in the British Army, was a Brigadier General and was retired and he was also married and had two sons and they were at Oxford. Finally the third fellow put down

his paper and he said his name was "Grimes, Sergeant Major, British Army, retired" not married, two sons - Brigadier Generals!

--- Applause

I think back to some years ago, the 27th Council of the Northwest Territories, when the two senior Members here, Air Marshal Campbell and the Dean of the Council, Lyle Trimble, first joined the Council, and I suppose it is the long association with these two that it has formed a very strong bond between us. Another thing that perhaps you should know is that these two people started way back when. Lyle takes the skin off me and Hugh puts it back. You were the first ones who talked me into coming to work for the Government. Back when Council came here to Yellowknife in 1965, I had no intention of coming to work for the Government. I rejected three offers and they suggested that they felt someone should accept from within the Council. It was the first opportunity we had ever had and they asked me if I would accept and I finally said yes. They offered support and I must say that through the years they have never failed to come through with their support, and they have never failed to come through with the criticism either - that is to be expected.

The last three years in my opinion have been very productive for the Administration, very productive for the Government and very productive for Council, and we have come a long way. We have made a lot of gains and made a lot of mistakes, and nobody knows that better than John Parker and myself. We have learned from a lot of the mistakes. Some of them, I am afraid, we have not learned from yet, and we are going to have to either learn very quickly or I imagine they are going to take some more skin off us at the next Session of Council. You know, when you come to work for the Government or the Administration, you give up your right to criticize. You are supposed to be a statesman and you are never supposed to lose your temper, and I sometimes long for the old days when I was busily engaged in Vancouver in inciting riots and revolutions and holding up the mail like Jesse James and I think if it hadn't been for the fact that I was a Member of Council I may well be there right now getting stamped along with the rest of them. Really when you think about it a little bit, you see tremendous changes that have transpired and you realize that it has been over a period of Councils. The first Council which Lyle Trimble and Air Marshal Campbell talked about was soon joined by Bobby Williamson, Duncan Pryde and Simonie. They were the ones who thought of the changes, they were the ones who put the thing into motion as far as the planning was concerned. It was this Council here who has made it all possible, and it is this Council here that oversaw that it was all put into effect. They have been up against a lot of odds and I think you are all to be congratulated for the manner in which you have handled yourselves. I have a long association with most of you, and I certainly hope as many as possible will come back. No one likes to see people leave. I realize that people in this Chamber here, will never ever really all be together again at the same time, but that is one of the things of history and I do believe that as many as possible, if they are fortunate, might be elected, and it is here that I would like to give you a little advice. I would suggest if you lay before the people the plans that you have laid before this Council and you remind the people of the great changes that have transpired in the Territories here, in other words, if you campaign on your record, you will be surprised at the response the people will give you, because I think I know the people of the Territories very well, and I think they

appreciate what has happened.

For my own part, I will not be running in the election. I will be back. I have heard rumours that I will be leaving the Territories soon. This is not so. I have had, I must tell you, some very attractive offers, and it only stands to reason once your name and the Territories is as popular as it is now, that people would seek you out and offer you other forms of employment. For my own part I rejected these, I feel that there is still an awful lot that has to be done and the little contribution I can offer I will continue to make. I have no plans to go anywhere other than back to the office on Monday morning.

--- Applause

This has been a great year and I certainly thank all of you Members of Council for making it possible, for bearing with the Administration when they planned out the Centennial Year. We talked first about Arctic Winter Games and people said it would not be possible and then we decided to present the invitation to Her Majesty The Queen and none of these things would have been possible had it not been for this Council. I think it has been a tremendous year and it is a year that will probably go down in history for many, many generations to come. We realize better than anyone else that we can't compete again this year on the basis of colour and on the basis of people coming in and therefore what we are going to do is withdraw from the public eye, so to speak, as an Administration and get back into the hard work of going around to the communities, staying at the people level and seeing how this Government works.

It seems to me, now is the time for all of us to rededicate ourselves to the job we originally started out to do and that was to bring the Administration in here and to encourage, develop and educate the people so they could run their own affairs. This objective has not changed one iota as far as I am concerned. We have a united territoriy and we have now, I think, a people that are becoming united, becoming closer oriented, and they know what can be done as a result of this. I think it is a great thing to demonstrate to the people what they can do if they put their minds to it. We have won some great victories over these last three years. God only knows we did. You probably have no idea how close some of them were, they were real cliff hangers and you have no realization what perhaps the odds were against you. I am not going to go into it and don't think I ever will but I just want you to know that you really won a tough fight and I think you had a lot of support on that part of the Minister and certainly the Prime Minister of this country.

I want you to also realize that right now the Northwest Territories is the "In" thing. On the outside if you can talk about the Territories, say you have been to the Territories, that puts you in the front row of a conversation and this no doubt is because the Territories is on everybody's lips. It is an exciting place, the curtain of mystery that has surrounded it for so many years has now been drawn back and people are looking in and glad to see what is going on. We will see people now over the next four or five months coming in in droves because Her Majesty has been here and people will come here to see what she came here for and what she saw. I would not be a bit surprised if for the rest of the year it will continue to be a popular place to be.

You know, everything changes. This is what happens in the modern world. Things change on the basis of what is the new fad and it is for this reason that we have to strike while the

iron is hot and we did go all out and put out very good books, good pictures, good material and we put forth the best possible image that we could to people from outside the Territories because those memories that they have of the Territories and the North are lasting memories. The first memory is always the one that lasts the longest and it is for this reason we have gone all out to get the best coverage we could in the news, get the best coverage we could in the press and put forward our best side. People in the south are always concerned about this Council, always concerned about the image of the Government. I believe that the Council will be recognized and will be given greater responsibility and authority on the basis of the success of the Administration and I believe that with the support of Council, the Administration will be able to achieve greater things. This is where the two work together and too, they have their cheques and balances but they are really twins working together until that day that Council has not a greater say, but complete direction as an Administration. How far this is around the corner is anybody's guess but I think that if we can make a success as an Administration and with the support of the Council, the guidance and the leadership of the Council of the Northwest Territories as a united group over the next term of office - four years - we will be ready to move on and say to the rest of Canadians that we truly have the capability within the Northwest Territories to have a greater say and run our own affairs.

I want to wish you all the very, very best. I want to wish you the greatest success and all the luck in the world. You have been a very kind bunch to work with and I have very much enjoyed the association with you. I want to thank you for all your courtesies to me and to my wife but more important than that, your courtesies and kindness to the staff here who have worked so hard to serve and please you and have tried to carry out those things that you have directed them to do. You know, these fellows here never get a chance to speak back and I have often wondered what people do sitting here day after day, week after week, session after session, just what they really think and wonder if it is like the things I often wonder about. I look at Duncan Pryde and wonder what Duncan would sound like if he didn't have that Scottish brogue. On the other hand I look at Bobby Williamson and I wonder what he would look like without that beard. I would give $100 to anybody who shaves that beard off so I could have a look at him - unfortunately they don't have false beards like they have toupees. Good luck on the campaign trail. I look forward to working with as many of you as I can in the next session of Council. To those of you who do not seek re-election and those of you for one reason or another who will not be able to accept an appointment to come back on Council, I think history will show that you are truly, truly the fathers of the development of the Northwest Territories and that you have certainly carved a page out in the history of the development of Northern Canada, second to none.

With those remarks I now wish to officially prorogue this the forty-third Council Session of the Northwest Territories.

--- Applause

---PROROGATION