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Yellowknife, N.W.T.

11th Assembly - 2nd Session

**Report of the Standing Committee
on Legislation**

Chairman: Peter Ernerk



COMMITTEE MEMBERS

P. Ernerk - Chairman
M. Angottitauruq - Deputy Chairman
J. Arlooktoo
C. Crow
S. Gargan
I. Kilabuk
B. McLaughlin
Alternates:
T. Butters
D. Morin
B. Lewis

COMMITTEE STAFF

D. Hamilton - Committee Clerk
J. Fournier/R. Hardy, LL.B. - Law Clerk
R. Bushey, PhD. - Researcher
G. Arlooktoo - Member's Assistant
G. Mrazek - Recording Secretary

The Minister, M. Ballantyne explained to the SCOL at the meeting of 29 February 1988 that Bills #8,#9,#12,#13 and #14 all refer to problems in existing legislation that require correction due to difficulties related to court orders being filed late and other complaints received by the Justice Department. The amendments to these Acts are required to ease the process of administration and promote economic development. The Law Clerk concurred that these Bills contained many similar principles.

**Bill 8-88 (1): AN ACT TO AMEND THE ASSIGNMENT
OF BOOK DEBTS ACT**

The Bill was discussed at the SCOL meeting of 29 February 1988 and introduced by the Minister of Justice, M. Ballantyne. The Minister explained that the purpose of the Bill is to amend the existing Act by removing the necessity of requiring a court order for the late filing of documents.

Clause 2, Section 15 of the existing Act, has been repealed. It has been substituted by Section 15. (2), (3) and 15. 1. (1), (2) which allows for "an assignment or renewal statement not registered within the times required in this Act may be registered at a later date."

The Law Clerk added that the Act is concerned with the requirement for a Bank to register their assignment of debt with the court; if not registered within 60 days, an application must be made to the Supreme Court to allow for this registration.

Motion:

Chairman: Move to refer the Bill to the Committee of the Whole.

Moved. M. Arlooktoo

Second. M. Kilabuk

Carried.

Bill 9-88 (1): AN ACT TO AMEND THE BILLS OF SALE ACT

The purpose of the Bill is to amend the existing Act by removing the requirement of a court order for the late filing of documents.

Section 23 of the existing Act has been repealed and is substituted with section 23. (1) (2) which allows for "a bill of sale or renewal statement not registered within the times required in this Act may be registered at a later date." Section 23.1. (1), (2) is also new.

Motion:

Chairman: Move to refer the Bill to the Committee of the Whole.

Moved. M. Arlooktoo

Second. M. Kilabuk

Carried.

Bill 12-88 (1): AN ACT TO AMEND THE COMPANIES ACT

The purpose is to amend the existing Act by removing the requirement of a court order for the late filing of documents.

Section 91 of the existing Act is repealed and is substituted by section 91.(1),(2) where late registration is allowed; subject to section 91.1.(1),(2) which is new, and allows that where a judge is satisfied that the omission or misstatement was accidental, or due to any other sufficient cause, the judge may order the omission or misstatement to be rectified.

Motion:

Chairman: Move to refer the Bill to the Committee of the Whole.

Moved. M. Arlooktoo

Second. M. Kilabuk

Carried.

Bill 13-88 (1): AN ACT TO AMEND THE CONDITIONAL SALES ACT

The purpose is to amend the existing Act by removing the requirement of a court order for the late filing of documents.

Section 6 is repealed and replaced with section 6.(1),(2) allowing that "a writing, a true copy of a writing or a renewal statement not registered within the times required in this Act may be registered at a later date"... " and has the same effect as a registration within the times required in this Act".

Section 6.1.(1), (2) is also new. It allows a judge to order an omission or misstatement to be rectified, on terms and conditions that the judge thinks fit to direct.

Motion:

Chairman: Move to refer the Bill to the Committee of the Whole.

Moved. M. Arlooktoo

Second. M. Kilabuk

Carried.

**Bill 14-88 (1): AN ACT TO AMEND THE CORPORATION
SECURITIES REGISTRATION ACT**

The purpose is to amend the existing Act by removing the requirement of a court order for late filing of documents.

Section 6 is repealed and substituted with section 6.(1). (2) which allows for an instrument or affidavit which is not registered, to be registered at a later date. Section 6.1.(1), (2) is also new. It allows a judge to order an omission or misstatement to be rectified, on terms and conditions that the judge thinks fit to direct.

Motion:

Chairman: Move to refer the Bill to the Committee of the Whole.

Moved. M. Arlooktoo

Second. M. Kilabuk

Carried.

Bill 2-88 (1): AN ACT TO AMEND THE EVIDENCE ACT

The Standing Committee on Legislation discussed this Bill at the SCOL meeting of 29 February 1988. The Minister of Justice, M. Ballantyne explained that the purpose of the Bill is to amend the Evidence Act so that "health care professionals", that is anyone providing health care in the Northwest Territories, such as doctors, nurses, psychologists, occupational therapists, laboratory technicians and others who are called to be witnesses in civil proceedings, cannot be asked questions concerning proceedings that have taken place before medical peer review committees. They also cannot be required to produce records of these proceedings.

The Minister added that peer review committees want the protection of confidentiality for their meetings. The peer review committee serves as a quality control to protect the integrity of health services. The media and others may feel that the Government is trying to protect the secrecy of the medical profession, the Minister explained; however medical records will still be available to the Courts.

A member asked the Law Clerk whether or not these informal discussions, peer review committees, are now called into court. The Law Clerk agreed to look into this matter.

The Acting Chairman also agreed to inform the Standing Committee Chairman that some members would like to have representation from the medical community and the Bar Association to meet with the Standing Committee on Legislation to review these concerns.

The Clerk of the Assembly will inform the appropriate societies and associations to appear before the SCOL at an appropriate time designated by the Chairman.

Motion:

Acting Chairman: Move to defer the Bill to a later date pending the appearance of witnesses before the Committee.

Agreed.

**JOINT COMMITTEE MEETING OF THE STANDING COMMITTEE ON
FINANCE AND THE STANDING COMMITTEE ON LEGISLATION**

A Joint Committee meeting of the Standing Committee on Finance and the Standing Committee on Legislation was held on 2 March 1988 to discuss Bills related to the financial operations of the Government and the creation of the NWT Energy Corporation. The Bills included: **Bill 6-88(1): LOAN AUTHORIZATION ACT,1988-8(N); Bill 11-88(1): BORROWING AUTHORIZATION ACT,1988-89(N); Bill 24-88(1):PUBLIC UTILITIES ACT(N); Bill 20-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES ENERGY CORPORATION ACT.**

Bill 6-88(1): LOAN AUTHORIZATION ACT,1988-89 (N)

The Minister of Finance informed the Joint Committee members that he wanted the figures that were being discussed to be held in confidence.

The Law Clerk advised that the Bill does allow the Government to borrow money and to loan it to the Energy Corporation. A member moved that the Joint Committee accept the Bill as presented.

Bill 11-88(1): BORROWING AUTHORIZATION ACT, 1988-89 (N)

The Minister of Finance agreed to clarify the meaning of the wording of the Bill, "only one time", concerning the provision for temporary borrowing. The Government has clarified the meaning that the maximum borrowing is \$15,000,000.

Motion:

M. Richard: Move to refer Bills #6 and #11 to the Committee of the Whole.

Carried.

Bill 24-88(1): PUBLIC UTILITIES ACT (N)

The Finance Minister suggested that the Bill could be tabled at a later date in the session so that public discussion could take place.

The members of the Joint Committee meeting agreed and the Bill was tabled by the Government.

A member inquired as to the intentions of the Government to put in the Bill references to the security of subsidization. The Minister, M. Ballantyne stated that the Bill would reflect these concerns. The Minister will also provide definitions for terms such as "rate base" and "book value". They have not been added to the Bill.

The Joint Committee agreed that the Bill should proceed to First reading in the House by 9 March 1988 and that further discussion of the Bill would be taken up in the Committee of the Whole.

Committee of the Whole Consideration of Bill 20-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES ENERGY CORPORATION ACT.

The Minister, M. Cournoyea introduced the Bill to the Legislative Assembly on 28 March 1988 and specified that the prime purpose of the Act was to allow the existing federal power corporation, the Northern Canada Power Corporation [NCPC] to operate under the legislative jurisdiction of the Northwest Territories. It will be a fully integrated power corporation and will be called the Northwest Territories Power Corporation. The employees will be public servants. There will be a board of directors, but the president will not be Chairman of the Board, as the government wishes to segregate the management activity from the board of directors. A capital structure for the corporation will support its long term viability and will meet its social obligations, the Minister insisted.

The Minister also intends to place before the House, in the fall 1988 session, a new Public Utilities Act which will apply to the NWT Power Corporation on 1 October 1989. There will be no power rate increases until 1 October 1989, the date upon which the NWT Power Corporation will become subject to public utility regulation.

The commercial and residential power subsidy programs previously conducted by the Government of Canada will terminate on 31 March 1989; and the federal government will no longer be financially responsible for any such electrical subsidization in the NWT.

**Bill 20-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES
ENERGY CORPORATION ACT**

A Joint Committee meeting of the Standing Committee on Finance and the Standing Committee on Legislation was held on 2 March 1988 to discuss this Bill with the Government, represented by the Minister responsible for Energy, M.Cournoyea and the Minister for Justice & Finance, M.Ballantyne.

This report contains the Joint Committee discussions of relevant issues in this Bill. Those discussions of the Bill held in the Committee of the Whole on 28 and 29 March 1988, where the Bill was considered at some length and amended in part are also included.

The Minister, M.Cournoyea introduced the Bill to the Joint Committee by noting that the purpose of the Bill is to amend the Northwest Territories Energy Corporation Act by repealing the title and substituting, "**AN ACT TO ESTABLISH THE NORTHWEST TERRITORIES POWER CORPORATION**". She advised the members that she had not received approval to release the financial figures for the final transfer from the Federal government, as the transfer had yet to be approved by the Federal Cabinet, therefore the figures presented to the members were confidential and not for public disclosure. The NWT legislation must be approved by 31 March 1988, she added.

In the Joint Committee meeting, a member expressed a concern that the draft regulations to accompany the Act were not available. The Minister, M.Cournoyea confirmed that the regulations were being prepared, but would not be available until 31 March 1988. The effective date of transfer is planned for 1 April 1988.

A member requested that the Minister include in the draft regulations the existing rates and the formula for establishing these rates. M. Ballantyne advised the Chairman that draft regulations would be available after the 1st reading of the Bill in the House, sometime after 21 March 1988.

A member was concerned that the Executive Council will act as the Public Utilities Board in the initial period, approximately 18 months. He also pointed out that, except for the debts to the Government of Canada, the NWT Energy Corporation will inherit the debts of the Northern Canada Corporation. The member requested that he would like to see the Capital Structure in regulations before voting on the Bill.

A review of the subsidy programs will be undertaken by the Minister to determine if improvements can be made. It is the Minister's intention to thoroughly examine the rate structure and subsidy schemes now in place before 1 October 1989 and to review options with Legislative Assembly members.

With regards to privatization, the Minister has agreed to develop within six months after closing the agreement with the federal government, an options paper for consideration by the Executive Council. These options will include, amongst others, equity positions which might be held by the private sector in the utility and determining optional arrangements whereby the private sector could finance, develop and own future electric projects in the Northwest Territories. However there has been no commitments made to any private sector company or individuals.

Clause by Clause

Changes to the Northwest Territories Energy Corporation Act have been made to reflect the new title by striking "Energy" and substituting "Power" in clause 3, section 1, "Short Title"; and clause 4, section 2, "Corporation".

New definitions have been added to the Bill: the "cost of service", "equity", "rate structure", and "revenue requirements", clause 4, section 2.

Sections 2.1 and 2.2 are new and indicate that the NWT Power Corporation will fall under the provisions of the Companies Act and the Public Utilities Act. The Public Utilities Act is being repealed in this session of the Legislature and will be replaced with Bill 24-88(1).

A member questioned as to the purpose of this section as the NWT Power Corporation will not fall under The Public Utilities Act for at least the next 18 months. The Director of the Legislation Division replied that this reference was a convenience for future reference and that it applied to the existing and future Public Utilities Act.

The objectives of the Power Corporation are described in clause 7, section 4: they are "to generate, transform, transmit, distribute, deliver, sell and supply energy"; "to supply water and sewage services"; and "to undertake any other activity authorized by the Executive Council". These objectives are extended beyond those described in the existing Northwest Territories Energy Corporation Act.

A member proposed that clause 7 of the Act be amended as follows: after the word "energy", line 3 paragraph 4(a) add " on a safe, economic, efficient and reliable basis"; and further that the word "and" after paragraph 4(b) be deleted; and further that paragraph 4(c) be substituted as follows with "(c) to ensure a continuous supply of energy adequate for the needs and future development of the Territories"; and further, that paragraph 4(d) be added as follows: "(d) to undertake any other related activity authorized by the Executive Council". The Motion was carried.

In clause 8, section 5 is amended and the title " the chairperson" replaces the title of "the president". The authority that "The Minister may from time to time issue or establish" has been replaced by the "Executive Council may from time to time...". Section 10 is amended by a Motion of the Minister so that paragraph (a) now reads "upon the recommendation of the board" after "Minister" in subsection (1) and paragraphs (a), (b) and (c) of section 10 are reparagraphed (b), (c) and (d). Motion was carried.

Section 11 is repealed and the employees of the Power Corporation "shall be employees of the public service as defined in the Public Service Act."

Section 15 is new and provides for and allows the Power Corporation "to be entitled to a rate of return on its equity equal to the rate of return earned by a private sector utility in situations of similar risk", not withstanding the Public Utilities Act.

Section 15.2(1) is also new and allows that "the rate structure of the Corporation shall be prescribed by regulation", notwithstanding the Public Utilities Act.

Clause 17, subsection 17[1] is amended, adding that interruption of service will be repaired "with due regard for cost and circumstances"; and subsection 17[1][a], has been replaced with the wording, "promptly make repairs".

Section 19.1 is new and sets the limit on borrowing to "not at any time exceed three times the common shareholder's equity of the Corporation".

Section 22 of the existing Act establishing a Utility Program Funding Account has been repealed and replaced with "the Corporation shall, from time to time, declare dividends". "The dividends may be applied to the subsidization of rates for energy or water or sewerage services and related administration costs.", section 22.1.[1] and 22.1.[2]. A member in the Committee of the Whole moved to have the word "may" struck and the word "shall" introduced, in order to ensure that subsidization should be continued.

The Minister, M.Cournoyea moved to amend the motion by adding to section 22.1.(2) the words "the dividends on the common shares shall be applied to the subsidization of rates". The motion and the amendment to the motion carried.

Clause 24, section 34 is repealed and replaced with the continuance allowance that "the federal Corporation shall merge with and continue as the Corporation".

Section 34.1. [1] is new and describes the effects of continuance "on the date that the federal Corporation is continued as the Corporation".

Section 34.3, "rate base" is new and describes "a working capital of \$20,000,000 shall constitute the rate base of the Corporation."

The Minister in the Committee of the Whole moved a motion to clarify section 34.4.(1), (2) by adding after the word "energy", "by the Corporation". The motion carried.

Bill 20-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES ENERGY CORPORATION ACT, as amended received Third Reading in the House on 30 March 1988.

Bill 15-88 (1): AN ACT TO AMEND THE EDUCATION ACT

A STANDING COMMITTEE ON LEGISLATION REPORT ON BILL 15-88[1]: AN ACT TO AMEND THE EDUCATION ACT

INTRODUCTION:

This report is a summary of discussions held with the Government at the SCOL meetings of March 24 and 31, 1988.

At the SCOL meeting of March 31, 1988 members requested that Committee concerns with amendments made by the Government to the Education Act be summarized in a report, in order that members could discuss possible recommendations.

The significant points emphasized by members and the responses by the Government have been documented. Committee members can review the SCOL discussions in order to discuss proposed recommendations. Consideration of this Bill will take place at SCOL meetings in April.

DISCUSSION OF THE BILL:

BILL 15-88[1]: AN ACT TO AMEND THE EDUCATION ACT was introduced by the Minister for Justice and first discussed at the SCOL meeting of March 24, 1988. The Minister, M. Ballantyne, explained that the purpose of the Bill was to amend the Education Act in order to provide for the terms of office for members of a local education authority to be the same as the terms of office for the settlement or municipal council members, in the community in which the education district is located.

Members inquired as to what kind of consultation process was carried out with the communities prior to the introduction of these proposed changes by the government? Was there any consideration given to having elections of local education authorities take place at another time, other than at the time of the municipal elections?

The members explained that this might improve participation and interest on the part of the public in education matters. It would also provide more interest on the part of candidates to run for education positions. At present, many capable candidates wish to run for hamlet offices, for example, and a great many candidates are not available for education positions.

Members also noted a lack of interest in education elections in their communities and inquired as to whether or not the government had looked into the possibility of holding elections at another date, other than the date of the municipal elections. The members also noted that there were other issues that influenced education elections, such as the fact that the Honorarium paid to elected education officials in the communities is low.

The Minister of Justice stated that the changes in the Act had been discussed with some Divisional Boards by the Minister of Municipal and Community Affairs, but that he, M. Ballantyne, was not aware of the SCOL members concerns. His understanding was that the principal purpose of the Bill was to rationalize election costs and to bring the Education Act in line with the recently passed municipal acts.

The Minister further stated that the SCOL members questions and the reasoning behind them were compelling. The Minister of Justice stated that he would prefer to have these questions and related matters of the Bill discussed by the Government Leader, the Minister of Education.

The SCOL deferred discussion of BILL 15-88[1]: AN ACT TO AMEND THE EDUCATION ACT until the next meeting so that the Minister of Education and his officials could explain the changes and respond to the concerns of the Committee members.

The SCOL met with the Minister of Education and his officials on March 31, 1988. The Minister explained that the main reason the Government introduced these amendments is to reduce Education election and administration costs by tying in education and municipal elections together. If the elections were separate the cost to the local education authorities to hold an election would be significant, according to the Minister: approximately \$1,500 for a Hamlet election, \$5,000 for a community the size of Iqaluit and approximately \$20,000 for a city. The Department of Education does not have a budget to hold separate elections. Overall, the Minister estimates that if local education authorities held separate elections the cost for the Northwest Territories would range between \$150,000 to \$200,000.

The Department of Education could provide more advertising of elections and increase incentives, he added. In order to increase consciousness, the Minister will be raising the Local Education Authority [LEA] honorariums by 10% next year. Cultural Inclusion funds will also be doubled.

A member insisted that the purpose of holding separate elections was to increase the possibilities of more people running for elected positions.

The Minister noted that according to section 5.2(1) of the LOCAL AUTHORITIES ELECTIONS ACT the Minister could choose a date other than the date for the municipal election to hold education elections. However, the Minister insisted that the LEA would have to pay for the election administrative costs from their budgets.

A member suggested that the elections for education authorities could be held earlier than the municipal election, if that vote was taken at the advance poll, for example.

Another member suggested that having education elections at the beginning of the school year, when interest in education is high, should be considered.

The Minister noted that the changes in the proposed Act would take place for this Fall. Although the members suggestions had some merit, the Minister believes that an advance poll or early election in the Fall for education positions would be confusing to the voters and might discourage voting on two separate dates.

Clause by Clause Discussion of the Bill

In reference to section 5, "Term of Office", a member observed that staggered terms of office would not be allowed. He believed that this could disrupt the continuity of work. He wished that staggered terms could be introduced. The Minister insisted that in his experience there is never a time that all serving members are replaced in an elected body and that he supported the Bill as it stands.

Some other members stated that they would be raising this question with the Government again at a later date. The Acting Chairman of the SCOL meeting, suggested that approval of this Bill be deferred for review at another date; that a report be prepared for the members concerning the discussion of the Bill; and that the members review their concerns so that proposed recommendations to the Government can be discussed at the next meeting of the SCOL.

Members agreed to defer approval of BILL 15-88[1]: AN ACT TO AMEND THE EDUCATION ACT and to discuss it at a later date.

**Bill 21-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES
PUBLIC SERVICE ASSOCIATION ACT**

The Minister of Justice, M. Balantyne, met with the SCOL on 8 March 1988 and stated that the purpose of the Bill is to amend the existing Act by changing the name of the "Northwest Territories Public Service Association" to the "Union of Northern Workers".

The title of the existing Act is repealed and substituted with "AN ACT RESPECTING THE UNION OF NORTHERN WORKERS" - and may be cited as the Union of Northern Workers Act.

Clause By Clause

Sections 3 thru 7 and 8 thru 11 are amended by substituting, "Union", for "Association".

Motion

Chairman: Move Bill 21-88(1): AN ACT TO AMEND THE NORTHWEST TERRITORIES PUBLIC SERVICE ASSOCIATION ACT to the Committee of the Whole for consideration.

Move: M. Arlooktoo

Second: M. Gargan

Carried

Bill 28-88(1): AN ACT TO AMEND THE JUDICATURE ACT

The Minister of Justice, M. Balantyne, introduced the Bill and stated that the purpose was to increase the number of judges of the Supreme Court from two to three judges.

Motion

Chairman: Move Bill 28-88(1): AN ACT TO AMEND THE JUDICATURE ACT to the Committee of the Whole for consideration.

Move: M. Arlooktoo

Second: M. Gargan

Carried

Bill 19-88(1): LIQUOR ACT

The Minister of Justice introduced the Bill to the SCOL on 8 March 1988 and explained that the purpose of the amendment was to prevent the challenge of prohibition restrictions in some twenty-five communities.

The Law Clerk questioned whether or not sections of the Bill were open to appeal under the Charter of Rights. The Minister stated that this may be possible, but the Government will continue to proceed with the legislation as written.

Motion

Chairman: Move that Bill 19-88(1): LIQUOR ACT (A) be referred to the Committee of the Whole for consideration.

Moved: M. Butters

Second: M. Gargan

Carried

**Bill 16-88(1): AN ACT TO AMEND THE HOME OWNERS'
PROPERTY TAX REBATE ACT**

The Minister of Justice, M. Balantyne explained that the purpose of the Bill is to amend the existing Act in order to bring it into line with the Property Assessment and Taxation Act.

Clause By Clause

New definitions, "municipal taxing area" and "municipal taxing authority" have been added in various sections: for example, clause 4, paragraph 3.1(a) and (b) have been repealed and "municipal taxing authority" has replaced "village, town or city".

Motion

Chairman: Move that Bill 16-88(1): AN ACT TO AMEND THE HOMEOWNERS' PROPERTY TAX REBATE ACT be referred to the Committee of the Whole for consideration.

Move: M. Kilabuk

Second: M. Arlooktoo

Carried.

**Bill 22-88(1): AN ACT TO AMEND THE PROPERTY ASSESSMENT
AND TAXATION ACT**

The Minister of Justice, M. Ballantyne, introduced the Bill before the SCOL on 24 March 1988. The purpose of this Bill is to amend the existing Act by allowing municipal by-laws providing exemptions from taxation that are passed prior to October 1 of any year, to apply in that year and subsequent years, subsection 75(4). A minor error is being corrected: subsection 91(1) is amended to read "...the tax payable is sent by the collecting authority".

Move

Acting Chairman: Move that Bill 22-88(1): AN ACT TO AMEND THE PROPERTY ASSESSMENT AND TAXATION ACT be referred to the Committee of the Whole for consideration.

Moved: M. Arlooktoo

Second: M. Gargan

Carried

Bill 23-88(1): AN ACT TO AMEND THE PUBLIC SERVICE ACT

The Minister of Justice, M. Ballantyne, explained to the SCOL on 8 March 1988 that the purpose of this Bill is to amend the existing Act to provide a mechanism for employees to change bargaining agents and to provide for exemption on the payment of dues for religious reasons.

A Government representative explained that the P.I.P.S. union challenged sections of the N.W.T. Public Service Act as unconstitutional because of the lack of freedom of association. The Legislation Director advised that section 42(1) has been struck out and to remedy this, the intent of the rest of this section was put in other areas of the Bill.

A member asked if the Law Clerk had examined Court decisions in reviewing the matter of the exemption of union dues. The Law Clerk had not.

Clause By Clause

The existing Act has been amended in the following way. Subsections 42(1) and (2) are new and define the "bargaining agent". The "general bargaining unit" is defined to mean all employees, except for employees in the "teachers' bargaining unit", medical practitioners, dentists and those employees, "in the opinion of the Minister", who serve in the capacity considered to be "managerial or confidential". The teachers' bargaining unit are teachers as defined by the Education Act and include employees hired as substitute teachers.

The Union of Northern Workers is designated as the bargaining agent for the general bargaining unit. The Northwest Territories Teachers Association is designated as the bargaining agent for the teacher's.

Subsection (1.3) is new and gives the Minister the authority to designate the association as the bargaining agent to represent the general or teachers' bargaining unit.

Provisions are made, subsection (6.1), for recognizing a new bargaining agent.

Section 45.1 is new and allows for a "check off" in the collective agreement for the collection of membership fees of the bargaining agent and "amounts equal to those membership fees" of those who are not members of the bargaining agent.

No monies deducted, section 46.(1), can be paid directly or indirectly to a political party or candidate for political office. There is also a provision allowing the "check off" fees or amounts of an employee to be deducted from the salary, to be paid to a charitable organization selected by the Minister in consultation with the employee and the bargaining agent, section 46.1.(d). The Law Clerk informed the SCOL that this section was not in conflict with the Election Act.

Motion

Chairman: Move that Bill 23-88(1): AN ACT TO AMEND THE PUBLIC SERVICE ACT be referred to the Committee of the Whole for consideration.

Moved: M. Angottitaurug

Second: M. Gargan

Carried

**Bill 26-88(1): AN ACT TO AMEND THE RESIDENTIAL
TENANCIES ACT**

The Bill was introduced by the Minister of Justice, M. Ballantyne on 8 March 1988 before the SCOL. The Minister explained that an oversight occurred when the Act was passed at the last Legislative Assembly concerning the calculation for late payment of rent. The Bill is being amended to more clearly specify how the penalty will be calculated.

A member questioned as to whether or not Housing Associations were included under this Act. The Minister replied that they were; and the Housing Associations will decide if there is to be late penalties for rent from their tenants.

Motion

Chairman: Move that Bill 26-88(1): AN ACT TO AMEND THE RESIDENTIAL TENANCIES ACT be referred to the Committee of the Whole for consideration.

Moved: M. Butters

Second: M. Kilabuk

Carried

Bill 32-88(1): AN ACT TO AMEND WORKERS' COMPENSATION ACT

The Minister of justice, M. Ballantyne, met with the SCOL on 7 April 1988 to introduce the Bill and explain that the purpose for the amendment was to raise the level of compensation for the Year's Maximum Insurable Remuneration from \$36,800 to \$40,000, as an adjustment for the cost of living.

A member asked if hunters and trappers recently covered under this Act would be eligible for the Maximum Insurable Remuneration. The Minister replied that they would be.

Clause By Clause

The Act will come into force on 1 July 1988 for determining benefits payable "in respect of an accident that occurs on or after that date", section 2. The act shall come into force on 1 January 1989 "for determining the amount of the assessable payroll of an employer for the year".

Motion

Acting Chairman: Move to refer the Bill to the Committee of the Whole for consideration.

Moved: M. Butters

Second: M. Gargan

Carried

Bill 17-88(1): AN ACT TO AMEND THE LABOUR STANDARDS ACT

The Minister of Justice met with the SCOL on 7 April 1988 to discuss the Bill. The purpose of this Bill is to amend the Labour Standards Act to include certain provisions respecting managers and domestic workers in the areas of work, including: hours of work, overtime, holiday pay, maternity leave and other matters.

The Minister explained that this Bill would provide minimum protection for workers in the Northwest Territories, including domestic workers and bring this jurisdiction in line with other areas of Canada. Changes include the designation of the standard hours of work, provisions for maternity leave and holiday pay calculation, which has been clarified. Regulations to accompany the Act will be included at a later date.

A member asked if a consultation process had taken place. The Minister replied that it has been extensive; and that no major concerns have been reported.

Clause by Clause

Subsection 3(1), "Application of the Act" is repealed and replaced with similar wording, including a new paragraph, 3(1)(d), which now includes in the Act "...those domestic workers defined by regulation". A member requested that the Government provide a definition and list of those occupations which are classified as "domestic workers" in the Act. The Minister stated that he would finalize a list and bring it back for inclusion in Regulations.

Subsection 3(2), "Exception", which excluded domestic servants, trappers, commercial fisherman, students and managers, for example, is now repealed and substituted with a new subsection 3(2), which excludes only "...employees who are employed primarily in a managerial capacity."

Section 31, "Where holiday pay not required" has been revised and now includes (d) "where the employee is on maternity leave".

Subsection 32.1.(1)(2)(3)(4) and 32.2(1), section 32.3, subsection 32.4(1), subsection 32.4(2), section 32.5, 32.6, 32.7, 32.8, 32.9 "Entitlement to maternity leave" provisions are new. They allow the enactment of maternity leave provisions related to: notice given to the employer to request leave, lengths of leave, extending and shortening of leave, leave without notice, leave after delivery, medical leave, leave to continue, resumption of benefits, suspension of operations of an employer, employer prohibitions, onus on the employer and the powers of the Labour Standards Officer.

A member asked the Minister if the Government would consider allowing the application of leave to also apply to adoptions, especially with regard to infants. The Minister replied that the Government will require time to research this matter and may amend the section [32.1.] to accommodate leave for those persons adopting infants.

The Acting Chairman asked if the rights of the husband should also be clarified especially with regard to concerns under the Charter of Rights. The Minister replied that he would look into this and may make amendments to the Bill in the next year, once this issue has been researched.

A member observed that in section 32.1.(1)(c), "Entitlement to maternity leave", a certificate required for maternity leave entitlement without pay, must be provided by a "qualified medical practitioner". Since many communities do not have resident doctors, can a local nurse test for pregnancy and provide the certificate. The Minister replied that he would look into this matter and make amendments to the Bill when the Bill comes before the House.

Another member noted that in section 32.1.(2), "Length of leave", if changed from 17 to 20 weeks would allow for eligibility under the UIC. The Minister replied that the Government may consider this change, including changing section 32.1.(3) "Leave may be extended" from "six" to "nine" consecutive weeks.

Section 5, "Standard hours of work" has been amended from "...eight hours in a day and forty-four hours in a week", to "the standard hours of work for an employee are eight hours in a day and forty hours in a week". Subsection (2), which designated the standard hours for certain employees, such as miners, to "not exceed one hundred and seventy-six hours in any period of four consecutive weeks" is also repealed.

The "Maximum hours of work" limited to "not exceed ten hours in any day and fifty-four hours in any week..." has been amended in section 6 to read, "an employer may require or permit an employee to work more than the standard hours of work provided that the total hours of work for an employee do not exceed ten hours in a day and sixty hours in a week". Subsection 6(2) is repealed.

The Acting Chairman pointed out that an employer could require workers to put in a 10 hour day and a sixty hour week under this legislation. The Law Clerk added that the terms of employment set out in the acceptance of the employment agreement would determine the daily and weekly work agreement. The Minister explained that overtime would be paid after eight hours in a day and over forty hours in the week.

Section 12, "Exception where general holiday in a week", has been amended to include, where a week contains a general holiday, for the purpose of calculating overtime "... the standard hours of work shall be considered to be eight hours in a day and thirty-two hours in that week;" and the calculation of overtime "shall not include the hours worked by the employee on the general holiday".

Section 12.1., "Regulations respecting domestic workers" is new and allows that the hours of work and overtime for domestic workers may be prescribed by regulation.

Section 16 paragraph (g) is new and allows the Commissioner to prescribe by regulation "minimum wages for domestic workers or types of domestic workers."

Section 27, the "Calculation of general holiday pay" is repealed and substituted with a revision.

Section 28(2), "Holiday that is a non-working day", is new and describes how employees shall be paid when a general holiday falls on a non-working day.

Section 39.7, "Lien and charge on property" related to unpaid wages and their priority for payment, is repealed and revised to clarify the lien and charge on property provisions. Section 39.7.1.(1)(2)(3)(4), "reciprocal enforcement of certificates" are new. Section 39.14.1.(1)(2), "Associated corporations" and section 39.14.2, "Appeal"; and 47 (f.1) to (f.7) providing for authorization by the Commissioner to make regulations respecting domestic workers and maternity leave are new.

Motion

Acting Chairman: Bill 17-88(1): AN ACT TO AMEND THE LABOUR STANDARDS ACT be moved to the House for consideration and amendment by the Government.

Moved: M. Arlooktoo

Second: M. Crow

Carried.

Bill 27-88(1): ACT TO AMEND THE ALL-TERRAIN VEHICLES ACT

The Minister responsible for Government Services Mr. Kakfwi met with the SCOL on April 14, 1988. He explained that the purpose of this Act is to amend the existing All-Terrain Vehicles Act in several ways. The Act requires that no person shall operate an all-terrain vehicle that has three or four wheels on a highway within a municipality or regulated area unless there is motor vehicle liability insurance, a "certificate of registration" and an attached "licence plate" which has a "valid validation sticker attached".

The Bill states further that "No person under 16 years shall operate a special all-terrain vehicle on a highway", section 6.32. The person operating or riding on a special all-terrain vehicle on a highway must be wearing a "prescribed helmet...securely fastened by a chin strap." No more than two persons are allowed to operate and ride on the vehicle. And the certificate of registration and the insurance card for the vehicle must be in the possession of the driver or passenger, section 6.5.(1).

To issue a certificate of registration to an owner of a special all-terrain vehicle, the Registrar of Motor Vehicles must be satisfied that the applicant is the owner; and is a NWT resident or has a place of business in the NWT; and submits an insurance card proving that a motor vehicle liability policy has been obtained. The Registrar may refuse to issue a certificate of registration to an owner who has a fine outstanding or who has a judgment of a court in any jurisdiction outstanding for damages against the owner arising from a traffic accident.

There are procedures prescribed for the transfer of ownership of the special all-terrain vehicle, section 6.42.-44. The Registrar may cancel the certificate of registration if it is believed that no motor vehicle liability insurance is in place, section 6.51.

In the case of an accident involving a special all-terrain vehicle, the RCMP under certain conditions, can impound the vehicle, section 6.52. The person named on the certificate of registration, or if there is no valid certificate of registration, the owner of the special all-terrain vehicle may be held responsible for certain violations, section 6.53.

The Minister stated that although he believed that certain groups may be opposed to these changes and find them restrictive, these changes are made in the interest of safety and the protection of the public.

A member of the Committee asked if many communities had implemented by-laws for ATV's. The Government replied that many have, but others have not.

The Chairman of the Committee raised concern that this issue would best be dealt with after consultation with community representatives. More instructional information on safety and good driving habits are required, for example.

Another member asked how would this Bill be enforced? The Minister replied that this would be done by the RCMP and By-Law officers.

The members of the Committee decided to discuss the Bill in the Committee of the Whole should the government decide to proceed. The Committee also decided to discuss the Bill during Committee meetings to be held after the Session, in order to receive community input.