



Northwest Territories Legislative Assembly

Standing Committees on Accountability and Oversight and Social Programs

Public Meeting on
Bill 12, Public Health Act
Bill 13, Change of Name Act
Bill 14, Employment Standards Act
and
Bill 15, Liquor Act

June 11, 2007
Fort Smith, Northwest Territories

**STANDING COMMITTEES ON ACCOUNTABILITY AND OVERSIGHT
AND SOCIAL PROGRAMS**

Chairman

Mr. Bill Braden, MLA, Great Slave (Deputy Chair - AOC)

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Mrs. Jane Groenewegen, MLA, Hay River South
Mr. Robert Hawkins, MLA, Yellowknife Centre
Ms. Sandy Lee, MLA, Range Lake
Mr. Michael Miltenberger, MLA, Thebacha

Witnesses

Mr. Louis Sebert, Chair, Labour Standards Board
Mr. Richard Daitch, Deputy Chair, Labour Standards Board
Mr. Trevor Evans, Manager, The Landing Lounge
Mr. Fred Daniels, Town Councillor
Mrs. Lucy Villebrun

Committee Staff

Mr. Doug Schauerte, Committee Clerk
Mr. Robert Collinson, Senior Research Analyst
Ms. Regina Pfeifer, Research Analyst

STANDING COMMITTEE ON ACCOUNTABILITY AND OVERSIGHT
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7:05 p.m.

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DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Groenewegen. I'd like to start with some introductions of the committee and the staff that are here with us, and then I'd like to ask your MLA to offer some opening remarks. Then I have a précis of the bills before us and then we'll open the floor up to the public. To introductions, then. Mr. Robert Hawkins is the Member for Yellowknife Centre; and to my left is Sandy Lee, the Member for Range Lake in Yellowknife; of course, your MLA, Mr. Miltenberger, for Thebacha; and Jane Groenewegen is joining us from the riding of Hay River South. Our staff with us tonight, on the far left is Doug Schauerte, the clerk of committees; Ms. Regina Pfeifer is with our research staff, as is Mr. Robert Collinson. I'm Bill Braden. I'm the Member for Great Slave in Yellowknife, and I'm the deputy chair of the Accountability and Oversight committee.

You are probably aware that this is only part of the AOC committee. Our other colleagues are embarked on a tour of several northern communities simultaneous with our visits to Fort Smith, Hay River, Fort Simpson and Jean Marie River. Mr. Miltenberger.

MR. MILTENBERGER: Thank you, Mr. Chairman. I'd like to, first, welcome my colleagues and the committee staff to Fort Smith. Some of you will recollect some of the folks were here, myself included, not that long ago, about a week and a half ago, about the SCAN legislation and we were given notice that the committee would be back.

These pieces of legislation are important. The Liquor Act, in fact, started consultation back in the 13th Assembly, so that's back in 1996, '97, so it's been a long time in the works. It was very controversial at the time, but now, with two and a half months to go, we're bringing it forward plus the other bills that are before us, all of which are important.

I'd like to thank all of the people that have come out tonight and I look forward to the discussion and we'll all be listening very closely. Committees will be reporting back on the bills and what you say will be noted verbatim and a decision will be made based on that feedback. So thank you all very much.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Michael. Yes, we are passing a microphone among us here. All public hearings are recorded and transcripts are made as will any of the public and of you who wish to come and speak with us. So there may

be a little bit of formality as we go back and forth here. I think what I'll do right now is just get into this. It's only a page and a half, so bear with me. Can everyone hear? Am I speaking loud enough? Okay, thank you.

Last week, our committee heard from Ministers Roland and Dent on their bills, and these bills, there are four of them altogether. We have Bill 15, the Liquor Act. Under the Standing Committee on Social Programs purview are Bill 12, Public Health Act; Bill 13, Change of Name Act; and Bill 14, Employment Standards Act.

This week we are travelling to a number of communities. There are copies of the bills and summaries of them available for you on the back table, so please help yourselves.

We are here tonight to get your thoughts on these bills, which we will report back to our colleagues this August before deciding whether to give the bills third reading. We will also try our best to answer any questions you might have and if we can't answer them now, we will get back to the Ministers and make sure the information comes back to you.

I would like to make it clear that these bills are written by the government. This committee is not here to defend them; we are here to get your input.

I will just briefly explain what is in these bills. Bill 12, the Public Health Act, will replace the law that was written almost 50 years ago and is very out of date. One of the reasons we need to make this change is that if there is ever an emergency like SARS or a bird flu outbreak, we can cooperate with other parts of Canada to manage it. The bill also has more accountability for any orders made by public health officials; orders such as quarantines. For example, there may be time limits on quarantines and people will be able to appeal the orders if they think they are unfair.

Bill 13, the Change of Name Act, will allow people to change their name through vital statistics instead of having to go through courts. This is intended to make the process faster and easier.

Bill 14, the Employment Standards Act, will replace the Labour Standards Act. It includes things that were not formerly recognized in the law before; things like sick leave and compassionate care leave for when a person needs to look after a dying family member. It will also change the process so that only one adjudicator, rather than an entire board, hears appeals from decisions of labour standards officers.

The last bill on our agenda is Bill 15, the Liquor Act. This is a rewrite of the old law. There are several changes to the rules about bars and other licensed premises. For example, if they choose, communities will be able to set rules for hours of operation, patios and other matters, through municipal bylaws. The bill makes it an offence for minors to use false ID to try to get into bars or to buy alcohol, and the bill also increases the fines for minors and licensees who commit offences.

This is but a brief overview of these bills. Several of them, in fact, all bills that come before the Legislative Assembly, are usually subject to some degree of prior

consultation by the government as they prepare the bills, and such was certainly the case with the Liquor Act and the Labour Standards Act. Both of these bills had quite extensive documents that outlined the current situation and were presented to the public for feedback. So a lot of what we see in the bills before us has already been reviewed to a considerable extent by the government, especially with interested parties.

Following this brief overview of the bills, I will now invite anyone who would like to speak to come forward. I know that we have two parties who have identified they would like to make a presentation to us: Mr. Louis Sebert and Mr. Richard Daitch. So, gentlemen, are you making a combined presentation?

UNKNOWN SPEAKER: Yes, we are.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you for coming to our meeting tonight. I'm just thinking, for the ability for people to hear, to hear you as you're speaking with us, it might be a little more helpful if we turned the table a bit to the side. Just like a chess match, then. As long as we're recording, if you could give yourself the microphone, Mr. Sebert. Are you going to start off?

MR. SEBERT: Yes, I'll lead off. I actually have a written submission. Perhaps I can just hand it to Mr. Schauerte at this time. I hope I have enough copies.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, sir. I'll just ask, for the record, if you could introduce yourself and you have the floor.

MR. SEBERT: Yes, thank you very much. My name is Lou Sebert. I'm the chair of the Labour Standards Board. I've been on the board for 11 years and I've been chair for the last year when I replaced Jerry Loomis who left the board. I'm assisted this evening by the vice-chair, Richard Daitch, also from Fort Smith. He's been on the board for the last four years and the last year has been the vice-chair of the board.

We'd like to expand a little bit on the written presentation. First of all, we think there's many good things in this act. There's this concept of mediation and we think that's a good idea. The administration has been moved to labour services. We also think that's an excellent idea; they're set up for that. We also think that it's a good idea that minimum wage has been moved to regulation. As you know, it's, therefore, easier to make amendments to keep up with current times, as it were.

There are some areas that we do have concerns about, however, and perhaps I can start off by addressing a couple of those. One of those is the concept of bonding. Now the old act, which needed replacement and, as I say, most of the changes are very good changes, bringing the act up to date, but under section 58 of the old act, and I won't go into the details of it, but it enabled the Labour Standards Board to have certain employers post security or a bond. This didn't happen very often, but would take place if we had an employer that was constantly before the board and constantly found to be not paying their employees. We could, in certain circumstances then, have them post money with the board. I think in the times that I was on the board, that was only done two or three times and the amount of the bond was five to 10 thousand dollars. This

was done very sparingly because it is an imposition on an employer and we would have to justify that decision in a written decision which the employer could appeal if they wished. But I think it might be a good idea for the Legislature to look at the new act with a view to putting something similar in it. As I say, it was used very sparingly but is important.

Under the new act, we, of course, examined the sections dealing with appeals. In particular, if I can find the section when I'm searching for it here, there was a requirement that fees be posted by those employers that are appealing. I think that's section 71 or 72; 71, thank you. I'll find it. Sections 71, 72 and 73 deal with this issue of appeal, and an appeal must be commenced under section 72 by filing a written notice of appeal specifying the reasons for it -- we think that's an excellent idea -- paying the prescribed fee. Now we appreciate that those fees will have to be set by regulation, but we also, in our discussions, think that that's an excellent idea because it would prevent people simply appealing to delay things.

Of some concern and some discussion amongst the current members of the Labour Standards Board was section 71.(1)(c) in the case of an appeal by an employer paying any amount the employer is required to pay under an order appealed from. Now I appreciate that under the next section that the adjudicator can waive or reduce the fees, but in some of the cases we've had amounts appealed from that were in the range of 40 or 50 thousand dollars. Now, typically, the kind of employers that appear in front of us are small employers and we were a little concerned that if they were forced to pay the amount of the award, that might prevent them from filing an appeal. Now, we have to balance that, I suppose, against the concerns that people just file appeals to delay the inevitable. And I do appreciate section (2), but it does say if the adjudicator considers there are extenuating circumstances, we would just hope that if the adjudicator is in that position, that common sense prevails, because we have had sometimes awards of 40 or 50 thousand dollars which were reduced on appeal. I would bet that some of those smaller employers would not be able to post that kind of money to file an appeal.

One of the main changes, of course, in the Employment Standards Act will be that there will be adjudicators rather than a board, and I think I'll let Rick lead off on that issue and I'll follow up.

MR. DAITCH: This is the first time I've ever had the privilege and honour to speak to our legislators as a group, although I have done so individually on occasion. So I'm honoured by this opportunity.

The change in the bill, Bill 14, the proposed change, sections 56 and 57, eliminates the existing board and replaces it by individual adjudicators. This, in our view, the view of the board, is a radical change and not a progressive one. The board itself -- and I've been in committees and boards, commissions, for the last 40 years so I can speak with some knowledge and experience and comparative experience -- is one of the most efficient, effective and productive ones that I've ever been part of. We annually review a great number of files. It's a working board in which every member of the board is required to write decisions. In the years that I've been on the board, not a single one of

our decisions has been overturned by the Supreme Court of the Northwest Territories, which speaks to the quality of our work.

Our own deputy minister, when we met with him about a year ago, also had laudatory remarks about the quality of our written decisions, and our legal counsel considers our board one of the best in the Northwest Territories. One of the things that makes us a competent, productive board is the collaborative process that we use in making decisions. Each decision is carefully heard; it's debated; every member reads it thoroughly, once, twice, sometimes three times. The new members of the board invariably speak highly of the mentoring process that helps them become really good writers of decisions. The whole process of being able to analyze the very complex files that we receive, often with significant submissions by lawyers, and to come to the right and proper decisions and to write them to the degree of professional responsibility that we have to do, really takes about three years to get to the point where we're really competent professionals in this regard. Up to that point, new members are highly dependent on the nurturing and advice of the more senior members of the board. So to replace this board and the corporate knowledge that it has, and when you have people like my colleague Lou Sebert who's been on it for 11 years and knows the history of so many of these cases and very often there are recurrent themes that come up again and again, an individual adjudicator couldn't possibly have this corporate knowledge to be able to rely on, to be able to make a decision that fits in with the past precedents of other decisions and that has the commonality of reasoning and fairness that the history of the collective board would have.

Another sort of aspect of the process of the board is that the collectiveness and the interaction and debate and intellectual stimulation is one of the ways and means that board members become more knowledgeable in the field. We, as a board, have developed a very extensive policy and procedures manual, which I have here, and it explains everything we do, the reasons we do it, and exactly how we do it. An individual adjudicator wouldn't have the benefit of such, and the way this manual has been developed is from the corporate knowledge of the staff and of the senior members. It would be impossible for an individual adjudicator to have this knowledge base and be able to replicate it, regardless of their own personal background.

Another aspect, and perhaps the most important of all, is that the whole process of review and debate and discussion allows us to come to the right decision. Many times an individual member will read a file and come to a conclusion that in the end they have to say, well, I was wrong about that because the input of my colleagues has convinced me that collectively this is the decision we should make. Often these issues are not black and white and they're very complicated and complex. Occasionally, there's a minority decision because things are so balanced that not all of the members of the committee can reach unanimous decision. But in the end, I am really confident, in the years that I've been on this board, that every decision we made was the correct one, and every decision I felt very confident could withstand any amount of judicial scrutiny, and I think so far, at least in my personal history, that's proven to be correct. So while, as my colleague has said, there are many positive advances in this bill, the elimination of the board I think would take a step back.

One other thing I'd like to mention is that when we met with the legal representative of the Department of Justice and asked them a number of questions about it, one of the things we asked is whether there had been a cost-benefit analysis and the answer was no, that the financial aspect of things was not a concern in the presentation and development of the bill. A concern of ours, as not only members of the board but also as members of the public, is that the necessity of getting professional, qualified, competent single adjudicators to solve these things will actually be more costly to the citizens of the Northwest Territories than the present system which is very cost effective. The members of the board do get a small honorarium, but they do a great deal of work to earn that honorarium in writing these decisions. When you take it into really the realm of business where you're hiring people at a standard rate in the field, the cost is going to be very much higher.

So to conclude, I would say that while most of the bill is very progressive, very positive and very needed, this one aspect, the elimination of the board, would be a step backwards for the citizens of the Northwest Territories. Thank you very much.

MR. SEBERT: If I could just expand a little bit on that, I appreciate that with staffing appeals the GNWT went from a three person board to a single adjudicator, but I would say, having dealt with both, those types of decisions and what we see before us in the Labour Standards Board, that these are much more complex and I've always benefited by having the input of other members of the board. The Supreme Court, where our decisions can be appealed to, is expecting very detailed decisions and sometimes when we haven't lived up to that, there have been some commentaries about the shortcomings of some of the decisions. We study those decisions from the higher court very carefully and I would say that the decisions that we're now writing are much closer to what's required at the judicial level than a staff appeal. It's very, very complex work.

Also, too, we have had a very diverse board. We've had many members over the years and while two or three have been lawyers, presently I'm the only lawyer on the board and I'm a little concerned that if it was single adjudicators, perhaps my profession would be overly dominant on the board because I think newer people who didn't have that situation of meeting together with other members of the board would be rather intimidated by the size of the files. Thousands of pages are not unusual in these files and I think we might lose that diversity that we have. We've had people from the teaching profession -- Mr. Daitch -- and businesspeople; all sorts of backgrounds. I think some of that might be lost if we went to a system of a single adjudicator. So I'd just like to add those points to what Richard said, and thank you for hearing us this evening.

DEPUTY CHAIRMAN (Mr. Braden): Thank you very much, Mr. Sebert and Mr. Daitch. You've brought a couple of perspectives that committee hasn't heard yet. I know from at least one Member, Ms. Lee has indicated she'd like to ask you some questions if that's okay. This is our normal procedure here is, for clarity and otherwise, more or less have a kind of a discussion so that we can make sure that we understand the points and make sure that they're well argued when we come to our turn to write our report

back to the Assembly for August. So if there are other Members who have any questions, otherwise I'll give the floor to Ms. Lee.

MS. LEE: Thank you, Mr. Chairman, and thank you very much, Mr. Sebert and Mr. Daitch, for making your presentation to us. You have brought to us a few points that we have not heard before. We had quite good discussions in our public hearing in Yellowknife last week.

I have a question for you with respect to what you had to say about turning this board into adjudicators. Now I have to go back and do more detailed research on that, but my understanding is that all sitting current board members will be appointed as adjudicators, so it will be a group of adjudicators, it won't be a sole adjudicator. Does that not change any perspective on that in terms of the gradual transition and being able to keep up with your corporate memory and such and passing that one? My follow-up question is has there not been a discussion about this issue where you were able to put forward your position on this pro and con during the consultation process? Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Mr. Sebert.

MR. SEBERT: Yes, we do appreciate that...

DEPUTY CHAIRMAN (Mr. Braden): I'm sorry. Just for recording purposes, I'd like to recognize who is coming back and forth so we get the names in the transcript. So, Mr. Sebert, please go ahead.

MR. SEBERT: Thank you. We do appreciate that there will be continuity for the immediate future in the sense that the current members of the board will be appointed as adjudicators. But maybe I could speak a little bit about the staffing appeals, which I also do, is that really there's been very little contact between me and the other staffing appeals officers and I'm a little concerned as new people are appointed or our members drop off that since they won't be meeting together as we do now, that that benefit of having other people's observations will be lost. Certainly for the immediate future there won't be any problem, but our experience is that board members do turn over every couple of years and I'm a little concerned that that common effort and those meetings which are very helpful, that benefit will be lost. Richard, do you want to add anything to that?

DEPUTY CHAIRMAN (Mr. Braden): Mr. Daitch.

MR. DAITCH: Thank you, Mr. Chairman. Yes, section 56 speaks of an adjudicator on a number of occasions, rather than the sense of a collective. One of the things that has drawn the people that are presently on the board to this process is their enthusiasm for, and regard for, collective decision-making. The act, as it's written presently, would attract other sorts of people that would look at themselves as an adjudicator, as the language of the bill states. Therefore, you would get a different process and a different background of person probably; not the sort of collective decision-maker that's used to making decisions with colleagues and...(inaudible)...everything out and working out all the details and they're absolutely sure that they've got it right; somebody that will feel

competent enough to do things individually without consultation. At least that's the fear of the direction that it might take. Of course, a collaborative process with several minds and opinions around a particular issue and close scrutiny collectively almost always comes to the right decision, rather than an individual decision. In fact, some of our new members have told us that on the initial reading of a file, they came up with entirely the wrong decision. But hearing the debate and the sharing of the corporate knowledge and the background of these kinds of issues, they changed their mind because of their mentoring and their enhanced knowledge. So the point is, I think a board will get it right much more often than an individual adjudicator will.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, gentlemen. Anything further, Ms. Lee? Okay, thank you. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I found the presentation very interesting. Thank you for taking time to put it together. The idea of having a board such as this, the Labour Standards Board, comprised of mostly laypeople I suppose in the area of labour law is an interesting concept, and you raised the issue of a cost-benefit analysis. Now, I would imagine that your honorarium per day is not very high and I have to think that this is pretty good value for money in terms of having this process available to people to file applications and appeals. I don't know; the standard government honorarium must be about \$300 a day, \$350 a day, and I imagine if you're going to hire people to do this sole adjudication that I don't know if board members are going to be putting those kinds of hours in for 300 or 350 dollars a day. As Mr. Sebert said, it may be dominated by people of his profession, but I can't imagine there being too many volunteers to work for \$300 a day that are in Mr. Sebert's profession. I mean, I don't know. I think we're very fortunate to have what we have, but I honestly kind of wonder why...Well, you'd have to have an interest in this particular subject to take this up, obviously. So my question is how many people are on the existing Labour Standards Board and how many days per month does it take right now to deal with the right decisions for the volume of applications that come into your office? I'm just curious about that. Thank you.

MR. SEBERT: If I could respond to that, there are five...Sorry.

DEPUTY CHAIRMAN (Mr. Braden): I think it's obvious that Mr. Sebert is speaking here. Thank you. Go ahead, sir.

MR. SEBERT: There are five members on the board. We have a quorum of three, so we've not always been at five. We meet about four to five times a year. Those meetings tend to be about two days. Most members find that there's about two to three days of work outside of those board meeting days before each meeting, so in a year, I mean there may be exceptional circumstances, but maybe 25 or 30 days. Sometimes there are special projects. The policies and procedures manual, for example, was developed in house by Mr. Daitch, so he obviously had to spend quite a bit of extra time on that. But those are the sorts of time that is required. Of course, what happens is you do generally a first draft of a decision, it goes around to all the members of the board, it comes back usually covered with red ink and hopefully gets improved. And some of

these decisions are very lengthy. Fifteen or 20 pages is a little unusual, but we've had them up to 40 or 50 pages, so they are approaching the complexity and length of judicial decisions of the Supreme Court.

MRS. GROENEWEGEN: In terms of value for money here, you're talking about five members at perhaps an honourarium of between nine and 10 thousand dollars per year. I would say the government... You know, if the interest of people to serve on this board is lost due to the single adjudicator model because of the collective effort being somewhat of an attraction to the folks who do this. I agree with you; I think the government should take a serious look at it because we don't buy very many things, in terms of any kind of service or contract, for \$50,000 a year and they may be stepping off a curb here they want to reconsider. So thank you for that presentation and I'll certainly convey that thought in our post-public hearing proceedings. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Groenewegen. I didn't hear a question there, although is there anything you care to respond to? Mr. Daitch.

MR. DAITCH: I certainly appreciate the thoughtful remarks of Mrs. Groenewegen. I'd like to emphasize to our legislators that the people on the board do this sort of work not because of the financial rewards that they receive, but really in spite of the financial rewards they receive, because they passionately believe they're doing something that's right and proper and contribution to the society, and that's the motivation. I don't know that you will find that fully professional adjudicators for whom it's a business decision to take this on will have the same sort of pet motivation. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, gentlemen. If any of committee has anything further, please bring it forward. There are one or two areas that I might like to follow up on. In the consultation process that the government has an it's developing these bills, committee relies to a fair extent on those consultations being fairly thorough and reflecting what interested parties have in mind or would like, and I was wondering whether in developing this did the government's drafters or researchers ask you specifically about this adjudication model that they're looking it. Did you have a chance to debate this with them and present your side of the story to them? Mr. Sebert.

MR. SEBERT: No, I don't think we really did. Certainly over time there had been consultations and I know that a paper had been done up some time ago by Eric Smith, who worked for labour services, and there were various papers that came out as to possible changes in the act. But I don't think until we saw a copy of the act that we realized that they were contemplating this major change.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Sebert. Mr. Daitch.

MR. DAITCH: One thing I found rather surprising when we met with the government lawyer was that we asked how much... Generally when one does research for anything, you do a thorough literature review to look at everything that's out there and take everything into consideration to proceed with your work, and I asked how much consideration was given to our policy and procedures manual that really explains

everything we're about and everything we stand for and everything we do, and the and the answer was none whatsoever, or words to that effect. So it kind of begged the question in mind as to how thoroughly researched this whole bill had been, although again we like to emphasize there are many positive aspects to it.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Daitch. The aspect of going to a sole adjudicator model is one that we're also seeing reflected in another bill that's currently before the Assembly and that's the WCB bill where the Appeals Tribunal is being considered for the same type of model. One of the arguments that we've heard is that because our adjudicators -- and this will be more exaggerated in the WCB's case because it involves personnel from Nunavut, as well -- but when there's a panel of people, it can be more logistically complicated, potentially more expensive to bring everybody into a central place for the meetings. I wanted to see whether this was anything that you might have encountered, Mr. Sebert or Mr. Daitch, in your experience, just in the logistics of pulling together a panel of people as opposed to having one person ready to take on a task. Mr. Daitch.

MR. DAITCH: One of the things that may not be completely understood is that our work transpires when we are together and when we are not together. So when we're not together, we are writing decisions, doing peer review, doing policy development and so forth. So our work transpires throughout the course of the year. So the requirement of our being together is only one aspect of what we are doing. So we're not impeded by not being together in the same place at the same time as the work is ongoing.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Daitch. Does that cover it?

MR. SEBERT: I really have nothing to add.

DEPUTY CHAIRMAN (Mr. Braden): Alright. Thank you, gentlemen. Mr. Hawkins has something to put to you.

MR. HAWKINS: Thank you, gentlemen, for your presentation. I have a bit of a cold here, so I'll try to wrap a few things up just before I start coughing. I'm just wondering if this model has been discovered or ventured upon only because of a wishing or a necessity to streamline the process. I'm not necessarily saying that the process that exists right now needs to be correct; I only say as an observation that when you take out multiple voices and maybe multiple minds and multiple rewrites, the challenge then becomes is how long did it take to produce, in an efficient context, a decision and what will change. Anyone in an adjudicating position, you know even in a board position, we all know that trying to break new ground takes a lot of work. I'm just wondering if this process may have evolved because of that. Now, this is not a question for you to answer because I mean obviously the department would have made some type of decision, but I see it as an observation that although your good work in the sense of the collective minds may have weathered any type of successful appeal that's credit to your staking the time and thoughtfulness into the sense of hearing all words that need to be spoken. I mean there's value out there and you've obviously put the time into listening, because to me it seemed evident in the result that no appeal has come forward and

been successful by your type of work that you put into it. So I say that with a compliment to the work that you've invested.

But with respect to that, we also look at the aspect of could one mind make that type of decision. Now, I'm not necessarily defending this bill by no means. I only say that. I just say this more as an observation. I wonder that maybe out of this process it's been boiling to the top of the pot through a simmering process that one mind could streamline what's being done now in a more efficient process. I hope the department wouldn't put value for money on good decisions I mean, because in the long run we will receive no value for money on those types of decisions because the fruits of that labour will result in the fact that they will become appealed and ironically it may be those appeals that will demonstrate that this is not a successful path, so, therefore, are the decisions of quality or value, as indicated before, by taking the time? So I just want you to know that the quality of the process is very important and I like it when a lawyer highlights that you don't necessarily need lawyers to do everyday thinking. I don't mean that in any negative sense; it's just sometimes lawyers will bring forward a process, and a very structured one, and I always like the fact that laypeople bring forward sort of an everyday point of view that I like to think comes to the table.

I recognize your point in the sense of that loss of value, the loss of relationship. And you know what? We don't have to go too far back in our history of talking about the things of team building and things like that where we recognize the individual's work can only carry us so far; whereas, the team effort, the collective effort, always lends us to a further process. I can guarantee that lends us to more frustration at time but, at the end of the day, we've always stressed and learned the value from collective works, and that's for the value of multiple points of view on a subject.

I just want to say I share your observation. It's something I had not noticed, as other colleagues may have pointed out here, and it's an interesting point. I don't see value in the long run for it and the money we save here, to me, may not be realized at all or if ever. So I just wanted to point out that I understand your point very clearly. At least I hope I'm articulating that I understand it clearly. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Hawkins. Any response to Mr. Hawkins' comments? Mr. Sebert.

MR. SEBERT: Yes, it may be that one mind would be more efficient; the issue is how or would it be better. I've written decisions that I've been turned around on by the other members of the board. Jerry Loomis was the chair until a year ago and I made some decisions. The way we do it is we have a discussion, then one person writes the decision, then it's reviewed by the others, and I had some decisions that were very much going in the wrong direction that were corrected by other members of the board who, incidentally, were not lawyers.

I'm not sure where the model of having a single adjudicator comes from, but it may come from southern jurisdictions where these people are full time. I just don't see the quality being kept up if we go to this system as proposed.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Sebert. Committee, anything further? If I may ask one more question, I guess a kind of a clarification of a point that you made, Mr. Sebert, early in your remarks to us, and this had to do with sections 71 and 72 and it had to do with the awards. I guess I'm a little at sea here -- I just want to make sure I understand your point -- where there may be, I guess I gather, a financial barrier potentially to some employers appealing a decision which, of course, shouldn't get in the way of somebody if they have something that they feel is correct. So could you just briefly walk through that? I'd like to make sure I understand your point.

MR. SEBERT: Yes, I'd be happy to. I think the drafters of the act were faced by certain sometimes competing issues. At present, from a tactical point of view, there's nothing to stop an employer simply filing an appeal to gain some time or delay the process. This is, I would say, addressed in 72(1)(b) by making whoever is filing the appeal paying a prescribed fee. I can't imagine this fee would be terribly high, but it would be more than nominal I suppose.

The kind of employers we're dealing with, we generally do not deal with large employers where we don't usually, except in one or two occasions in my experience, we're not dealing with collective agreements. So we tend to be dealing with pretty small employers. Section 72(1)(c) says in the case of an appeal by an employer paying any amount the employer is required to pay under an order appealed from. Some cases I think dealing sometimes with overtime claimed by an employee, there's an award made of 40 or 50 thousand dollars. Under this system as it's set out currently, in theory anyway, the employer would have to pay that to the board before its appeal could be heard. Now, it is true that under 71(2) the adjudicator can waive or reduce the prescribed fee, but it does say that they can do that when there's extenuating circumstances. We're just a little concerned that the norm may be that the employer simply has to pay that kind of amount in, and most of the employers appearing in front of us are not large ones; they're small ones and coming up with that kind of money might be difficult. We do appreciate, however, under 71(2), that an adjudicator, as set up now, can waive or reduce that.

DEPUTY CHAIRMAN (Mr. Braden): Okay, thank you. That helps me a lot. That gives me the point that could be a barrier then. Committee. I think, Mr. Sebert and Mr. Daitch, thank you again very much for your presentation and your remarks to us.

MR. SEBERT: Thank you very much for letting us appear in front of you.

DEPUTY CHAIRMAN (Mr. Braden): There are three other bills before our committee, the Change of Name Act, the Liquor Act, the Public Health Act and, of course, the Employment Standards Act. So now is the opportunity for any other member of the public to step up to the plate and give us your views. There's been considerable play and considerable consultation on the Liquor Act. This has quite a history, I think. We're looking now at the third attempt by Legislative Assemblies over the last decade or so to bring the Liquor Act forward to try to modernize it, and one of the significant things I think about this bill is that the government's approach on it, in very general terms, is to say that there is a much greater degree of control and responsibility that should be

vested at the community level in order to help us manage liquor and the consequences of it in a better way. So there is a marked shift, and one of the things that I am personally interested in hearing from communities is to know or get a sense of is this the right thing to do, is this a good thing to do for the future and the difficulties and the issues that we have in managing liquor? So a couple of discussion points. Mr. Miltenberger, should we take a two-minute break here? If there is anyone who cares to come forward to speak. Thank you, sir. If you could just swing around to the side of the table and we'll help the folks here. If you could introduce yourself for the record, and you have the floor.

MR. EVANS: My name is Trevor Evans. I'm in the Landing Lounge here in town. Currently there is a community patrol in town right now. I know they've got bylaw and they have a few people, and I think that's a great idea. They've been catching lots of people; underage drinkers and stuff. So that's a good thing.

Smoking outside; like people want to have a drink and smoke outside. Can you build an enclosed area for them to smoke at?

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Evans. Just to clarify, the question...Oh, okay, I'm sorry. Had you asked that question and did you want to see if you could get an answer from us now, or do you want to complete your presentation, sir?

MR. EVANS: No, just a question.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Mr. Evans, we may be able to answer some technical questions here, but the bills that are before us are proposed by the government and committee's job is to solicit input but not to sort of defend or argue or debate them. So I guess I just heard a question about smoking or some of the smoking conditions.

MR. EVANS: No, I understand. It's about the bills and the act and everything like that, yeah. Yeah, I'll write something up and send it in instead.

DEPUTY CHAIRMAN (Mr. Braden): We welcome the discussion. In fact, we find we usually get a bit more out of discussion than out of a one-sided written presentation.

MR. EVANS: Sorry. A lot of my customers want to have a cigarette and a drink outside, and I was just wondering if you could have an enclosure, like at JJ's they smoke out on their patio and stuff like that. I got a thing from the fire marshal saying that that was illegal or whatever. But if you built an enclosed area, can you drink outside and smoke?

DEPUTY CHAIRMAN (Mr. Braden): Okay, alright. Maybe we'll just see if we can canvass and get a bit of an answer here for you. Just stand by. Mrs. Groenewegen can take this one.

MRS. GROENEWEGEN: There could be WCB ramifications for the question that you're proposing and I don't work for the Liquor Licensing Board. We have someone here who does, though, you might want to talk to later on. But if you're proposing that this is not allowed under this act to have like a patio type of arrangement where people could...If you would like us, as a committee, to incorporate that suggestion into our deliberations, we could receive that as a comment or a suggestion and make note of that. As to further research as to what the existing rules are vis a vis the fire marshal, the Workers' Compensation Board, because of the staffing issue, or the liquor rules themselves, the Liquor Act themselves with respect to an outdoor patio, we could certainly research that and find it out for you. But if that is not a provision under that and you would like to suggest that it should be, that is certainly a comment that we will receive from you and a suggestion. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Groenewegen. Mr. Evans, anything further that you'd like to present to us?

MR. EVANS: Yes, I'd like to make a motion that patios be allowed to smoke, as part of the legislation or something.

DEPUTY CHAIRMAN (Mr. Braden): Alright. Thank you. Thank you, Mr. Evans. We continue to welcome anyone from the public on any of these four bills.

MR. DANIELS: I was here last week so I couldn't help myself but coming back up again.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you for coming back, sir. For the record, could you introduce yourself and you have the floor. Thank you, Mr. Daniels.

MR. DANIELS: Fred Daniels, concerned resident, town council. Just briefly looking at this, there is a few things that have to be probably corrected in there or taken into consideration. I think not opening Sundays is pretty good here. I think the act pretty well clarifies that where if you need to open Sundays, well, you simply write to the Liquor Board and they give you those provisions. I guess what I'm afraid of is that all of a sudden every Sunday they're open now. In a small community like Fort Smith and other small communities, you really don't need that. I think if you're in a bigger city that probably pertains to bigger cities such as Yellowknife. You know, you may want to look at that. But for our smaller communities here, I don't really think we need that.

Your hours of opening are pretty good right now. I think they're open until 2:00 and then you've got to be about by 2:30. So I mean those are pretty good.

I'm not sure, if you're giving the power to the municipality, say, on your Sunday openings and all that and the biggest thing is when it comes to entertainment, is it going to say what kind of entertainment you have in there? I kind of wouldn't want the municipality just saying that because of the people that are in the liquor business here, that could put them in an awkward spot of what kind of entertainment they want to bring in here. It would probably leave that to themselves. I think it works pretty good right now.

I think when it comes to bootlegging, what you want to do there is try to defer that activity from happening. So one of the ways of probably looking at it is taking your liquor store hours and probably moving them up another two hours. So actually they're open, say, until 10:00. So that's already two hours that your bootlegger is not going to operate. In other places where there is lounges or bars that do have off-sales, I believe right now they're open until 10:00. So what you may want to do there is probably put it up to 12:00, giving your customers more time to get their case of beer or whatever it is. You may want to change that number from one to go to maybe two. I remember back when I was 19, you'd go to the PC and you could pack as many as you basically wanted out of there. But by restricting hours and restricting the amount of alcohol that's coming out of your licensed premises, what you're really doing is giving a bootlegger that much ammunition now. So they're closed at eight o'clock, so I better stock up by then because I have customers coming. So what you want to do is put more money in the people's pockets who's in businesses, rather than put it in the bootlegger's business. So that is probably one way of looking at it.

The other thing here, too, which is, okay, the bootlegger, the first fine is going to be \$25,000 and the second, \$50,000. Now, obviously, the bootlegger is not going to have that amount. But what you don't have is what is the outcome if he doesn't pay that? What is that jail time he's looking at there? That is not in here. That is still left up to the court system. So what happens if you have a JP or a judge that's on a good day and says, well, six months house arrest versus your \$25,000 fine, where's the justice in that? You know, you're not doing any justice at all. You're not helping the act out. What you want to do is put down a specific jail time. You're going to do that whether you like it or not; that's the offence. But you don't have that written in here. So I guess I'm just trying to tighten it up so it doesn't fall through the court system; there's cracks.

The other thing that you have in there, I'm not sure about the transporting of your alcohol. I believe if you're in the Territories, then you have to buy from the Territories. That's pretty straightforward, I think.

Your other ones that basically when you're in the business of your liquor business, whether it be a liquor store or a nightclub or whatever it is, it's basically up to the owner when a woman is carrying a child that the owner could say, no, I'm not going to serve you. But to me, that's still not strong enough. It should be mandatory if a pregnant woman comes into your establishment and wants to buy liquor, then, no, you can't do that, you can't sell it. Because if you're still providing that lady with alcohol, then who's responsible for that child that she's carrying at the end of the day? You know, we've got to be more responsible than this. If you're pregnant, you can't drink; that's it. And it's against the law to sell you booze. You know, it should be that plain if we want to prevent other problems coming down the pipe later, because it's not fair to that child when he's being born, you know? So that has to be really strengthened up.

There's the other thing, too, that with your youth -- I believe I just seen it here -- there's a \$200 fine for your young offenders of drinking under age, I believe it is. Yeah, trying to get in and probably consuming liquor. The second offence is you're 500. But there needs to be another add-on to that and that's not only pertaining to your liquor store

owners and your nightclub owners, but what it has to pertain to is what happens if an adult goes to the liquor store and buys that child liquor and gives it to him? We've already had one death here in the past. I think there was probably two, but one recently where a kid froze to death on...(inaudible)...Hill. And an adult did buy that child alcohol. So what happens to that when it goes to court? It is not written here. So when that happens and this adult goes to court now, you shouldn't be coming out with a slap on the wrist. He was involved that youth's death. So something has to be more stronger here. If you want to prevent it, then hit it hard; don't do the slap on the wrist because it ain't going to prevent anything. All you're doing is just creating more work for yourselves and the more harder a community. So that also has to be taken into place.

Customers will be allowed to bring their own wine into licensed restaurants and have the unfinished bottle of wine recorked so that they could take it with them. Well, my thing is...I'm not sure on that one because you have family inside the restaurant and yet you're bringing wine there and you're kind of drinking it with them. I think it's probably up to the establishment; if they're licensed, then they will do that, they'll have a separate spot I'm sure of doing that. But to recork a bottle of wine after you drink it and then give it back to the person who is now half cut or feeling good, maybe driving home, well, that's open possession right there. The bottle's been open. You can't do that. You can't recork it and give it back to them; it's illegal, if you take a look at the law. It's an open bottle. So it's kind of going backwards. So if you do decide that is okay for people to bring their wine there and reopen it, then the bottle should be left there, whether he took one drink or three drinks or half the bottle. It's just illegal to give him back his bottle and take it home. Because there you've got a person who is probably feeling good by now. He's probably impaired by now, and then you're giving him that half bottle. It's wrong, you know? If he drinks it, then leave it there and that's your laws.

So there is a lot of good things in here, but it just has to be stiffened up a little, especially on the ladies that are carrying children. That law has never been really tackled, like, head on the way I think it should be tackled. I know my wife is getting into a lounge here and that is one of the concerns that we brought up, and basically said, well, it's up to the owners not to serve them. And they said, well, that's exactly what they're going to do, is we're going to refuse to serve them. However, they could take you to court. Well, so be it. Then I guess we go to court, because I believe in that. That thing has never been tackled before. So on that one, I'm really strong against, is if the lady is pregnant, you simply can't serve them. It's against the law to serve them and that's just clear. Anyway, those are some of the things that I'll leave you with again, and I'm not sure what other ones will come next week.

---Laughter

It's been an enjoyment talking to you.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you, Mr. Daniels. Mrs. Groenewegen would like to address some of the points that you brought up.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Yes, that's an interesting philosophy you have and, I mean, I respect what you're saying with respect to women who are carrying children. You made reference to the fact that that issue has never been tackled before. Actually there was a very highly publicized case not too many years ago. I don't think it was alcohol; I think it was a woman who had had several children who had been impaired or harmed by I think it was glue sniffing. In was in the Prairies somewhere. I mean I can't give you the exact precedent, but they wanted to put her in jail because I think she was on about her sixth child and she was continuing with this habit while she was carrying a child and it went to the courts, it went far in the courts and the outcome was that she had...It was a Charter issue and she had a right to be doing what she was doing; whereas, the fetus did not have any rights. And that's what it came down to. I'm giving you the simple, short version, but that's what it came down to. I've heard this discussed amongst some people who are in the medical profession who deal with the outcome of children who are born with handicaps and disabilities as a result of substance abuse, and they're saying what you're saying: We want to tackle this subject again head on in the courts. That the conundrum and the difficulty, just as a side note, is that when it comes to abortion, a fetus is not considered to have rights and so you can't have it both ways. You cannot give an unborn child rights when it comes to abuse of alcohol or drugs and the impact that will have on it, and have it both ways and say then that same unborn child has rights because that would, I suppose, essentially fly in the face of our rules around abortion. So that's kind of what it came down to. But I do very much respect...I mean, if there was some way of preventing women of abusing alcohol and other substances during the time they were pregnant, we, as a government, would be so in favour of that. I'm just not really sure what it is when it comes to alcohol and drugs. Thank you.

MR. DANIELS: Well, it's easy to say that, but, you know, there are people that are yelling of rights and that. They're not the ones that have to raise that child. They're not the ones that have to go through day in and day out and everything, so it's easy for them to say that. But when you're right there hands on and you're a mother and you're responsible for that, you know, and society looks the other way, then I have a problem with it, you know? It's like these people saying that the hardcore criminals, well, they could be rehabilitated. Well, you just can't do it to some of them, you know? And where are they when they're committing crimes? They're in their house all cozy and everything, but yet an elderly person here is getting robbed and getting beaten up and when they go to court, then they say oh that poor guy had a rough life and he could be rehabilitated. Well, he can't be. I mean, face it. You know, some people just can't be rehabilitated and that's where the law has to get stronger. Who speaks for the old-timer that just got beat up, you know? Nobody does. Well, what about his rehabilitation? Is he ever going to be the same? Well, no, he's not going to be the same. He's probably going to be in a coma for the rest of his life now. But yet these do-gooders that sit out there and, oh, the poor kid, poor this and that. Well, they had an opportunity there. So, thanks. Perhaps I'm too hardcore sometimes. I just gotta tell it like it is.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Daniels. However hardcore or otherwise, we welcome your views, and anyone else's, to the bills before committee.

Mr. Evans, we welcome you back. Coming back for seconds is always welcome here in committee. Go ahead, is it Terry?

MR. EVANS: Trevor Evans.

DEPUTY CHAIRMAN (Mr. Braden): Trevor. Trevor Evans. Go ahead, please.

MR. EVANS: Just to expand on what Freddie said about the bootlegging and stuff like that, like in Alberta you can buy liquor right 'til 2:00 or 2:30, whenever it closes. I'd like to make a motion to maybe put that in the new legislation you guys are writing up and that would kill a lot of the bootlegging and stuff.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you.

MR. EVANS: I'd like to include hard liquor and beer or wine or whatever they want to buy just to a later time.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Alright. Thank you. Thank you, Mr. Evans. The general idea, then, is rather than give the bootleggers that much extra opportunity, have it available through a legal supply. I think that is one of the provisions that would be allowed under the community control. This is something that could be managed under a bylaw, that your town or any community could decide what its standards are, enact it as a bylaw and then it becomes enforceable along with any other law in your community. That's very much the kind of thing that the government is advocating in a very wide area within this bill, is that communities can, if they choose, undertake to restrict or open up the hours for off-sales. I think Mr. Daniels mentioned a couple things like entertainment, Sunday opening. These are all at the control of the community. I don't think in general the bill or the new law would set any new or more open standards; in fact, they would probably more to the effect set minimums and it would be up to the community then to open them up if they chose, or restrict them even more.

There was also a question about penalties for bootlegging, that an individual would be subject to a fine of \$25,000 and/or one year. So those are the newer penalties there. Subsequent penalties for an individual would \$50,000 and/or one year. So the consequences, the cost of doing business for bootleggers is going to go up. Thank you. Mr. Evans, please go ahead.

MR. EVANS: One more question. Thank you. It says you can apply for a liquor importation certificate. Does that mean you can apply for a certificate and then go to Edmonton and buy a truckload of beer?

DEPUTY CHAIRMAN (Mr. Braden): I think one of our learned research folks could give you an answer to that. Mr. Collinson.

MR. COLLINSON: Actually, that just applies to individuals; it doesn't apply to corporations. So if you wanted to bring some booze in, you'd have to pay the taxes and everything else. Licensees would still be required to buy through the regular channels.

DEPUTY CHAIRMAN (Mr. Braden): Thank, Mr. Collinson. Mr. Miltenberger.

---Interjection

DEPUTY CHAIRMAN (Mr. Braden): Right, yes. We're just picking up on all the points that have been brought up. One of them regarded the idea that if a restaurant allowed, and they would have to apply for it, it's not automatically given in the new bill, a restaurant would have to apply for authorization to allow someone to bring their own bottle in and then if it's not all used, to cork it or reseal it. The patron can take it away. The new provisions in the act, though, require that you must put it in the trunk of the vehicle or I think in some place that is not accessible to the driver. So that is allowed in the new bill.

MR. EVANS: Is there any time frame for these new legislations to be implemented?

DEPUTY CHAIRMAN (Mr. Braden): Thank you. That's a good question. We anticipate bringing this bill back in August, of course, to debate it at second reading and if it meets our approval with amendments, it will become law at that time. However, coming into force would probably be about another year. The department or the government has told us that it's probably going to take about a year to write all the regulations or the small detailed rules that allow this to happen. So it's going to be the summer of next year before this would potentially be implemented.

MR. EVANS: And the control that the municipalities are going to have would come into effect after that?

DEPUTY CHAIRMAN (Mr. Braden): That would all be simultaneous. At some point, the government says, okay, we've written our rules, they're approved, and then the Commissioner would be able to enact the new law.

MR. EVANS: Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thanks. Good questions, Mr. Evans. Welcome to committee, ma'am. For the record, please state your name.

MRS. VILLEBRUN: Lucy Villebrun.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Villebrun.

MRS. VILLEBRUN: There's a couple of things that I wanted to bring to your attention. I'll start off with the maximum fines for underage drinkers to use false ID or to buy any liquor. To be honest with you, I think that the fine of \$200 is extremely lenient, because of the fact that \$200 nowadays means nothing to kids nowadays. It's too bad that they weren't stiffer. I totally agree with the fines for the bootlegging, but I'd like to see the maximum fines at \$500 for the first offence and \$1,000 thereafter. These fines right now are very lenient.

It's too bad that they didn't address increasing the drinking age limit from 19 to 21. I'll tell you, there's a lot of kids that are drinking and they're very irresponsible. There's more youngsters drinking more than ever and they're binge drinking. I'll give you a couple of examples. There was a young girl who dropped at the baseball diamond about three weeks ago and it was because, you know, she was out drinking. There was no school that day. I believe it was a professional development day or something like that, but they had no school. These kids started drinking at the dugouts and they started, you know, mid-afternoon. By 9:00 that afternoon, that little girl dropped and thank God that another boy was sensible enough to use a cell phone. Even though he was going to get caught, he phoned for help. And this little girl, thank God that nothing happened to her, too. She had too much to drink. Then I had a mother tell me that her son was grounded for a month because him and his other little four buddies downed a 40 ounce in 20 minutes. They were trying to outdo one another. Then there's a lot of impaired drivers and, I don't know, you have some agencies that... Well, two words come to mind: condone or overlook the behaviour because there's certain individuals that can drive drunk in this community. On May 21st, 2007, in the early morning hours, a vehicle was found hanging over the boardwalk and two young males unconscious inside of it. They drove from McDougall Road, turned right on Mill Street and went right through. Now, when I'm talking about the boardwalk, I'm talking about the landslide. They smashed right through, and thank goodness that, once again, their back tires got hung up because it's quite steep there, they could have rolled. So it's too bad that the drinking age limit wasn't addressed.

Another thing that came to my mind was bootlegging. I guess it is a problem in every community; more so probably in the smaller communities where they don't have the liquor stores or whatever. But as I was saying before when I came up here about a week and a half ago, when I go to any reserve to buy cigarettes -- well, I don't smoke so I don't buy cigarettes, but I'm just giving you an example, or gas -- I am regulated by the federal government. And I found out it's not five cartons per week, it's two cartons that I'm limited to buying each week and 300 litres of gas. So if there's such a problem, I thought how come the government can't limit their liquor sales.

So this last one here, I don't agree with bringing your own wine bottles to wherever you're going to go eat or whatever. I think you just make do with what's there. I mean it seems that each time Alberta comes up with something, Northwest Territories doesn't have a mind of its own, they follow Alberta. So does this mean now that in your theatres in Yellowknife, that you guys are going to allow to start serving liquor there too? Because that's what Alberta is doing. It was on the news a couple of nights ago. I know, as a mother, I will not bring my boys to watch the movies anymore if that's what's going to go on. I just don't think it's appropriate for families. That's all I wanted to say.

DEPUTY CHAIRMAN (Mr. Braden): Thank you very much, Mrs. Villebrun. Does any committee member wish to speak to any of her points? Mrs. Villebrun, Mrs. Groenewegen or perhaps other committee members would like to ask you about some things you brought forward, if it's okay.

MRS. VILLEBRUN: Yes.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. This is government legislation and I can't really say I was a big part of the discussion that went on when this legislation was drafted, but the one about bringing your own bottle of wine to the restaurant has absolutely got me stumped. Like, I cannot imagine restaurant owners or vendors or licensed premises wanting people to bring their own wine there. I mean, everybody knows you can't make money on your food; you make money on the alcohol sales. And so why...I mean, well, then, if we're going to let people bring their own wine, well why not just let them bring their own supper too? You know, let's put it in a brown bag and everybody can just bring their bottle of wine and their brown bag lunch and in they go. I don't understand what the thinking was behind this. Like you said, maybe it's just Alberta does it and it's monkey see, monkey do. But if you're going out for dinner...

MRS. VILLEBRUN: I know, but let's not forget, I don't know if they're aware of this but there's a corking fee, too, involved. In Alberta, it must be, I don't know, I think it was 15 when it was first implemented.

MRS. GROENEWEGEN: Anyway, it's a very odd piece of this legislation and, like I said, I don't really know what its origin was and who thought it was a good idea, but I think it's most peculiar.

MRS. VILLEBRUN: I just think that liquor is too readily available. It seems to be everywhere, you know? I mean, I don't care myself, in my own personal opinion, I don't care to participate in things where there's liquor involved. I don't know. I don't even go to weddings that I'm invited to. You know, that's my own preference. But I'm thinking family wise, I just can't understand how they justify starting to serve liquor in a theatre now, for example. I thought I might as well mention this because it seems that they're following what Alberta is doing, so does that mean that all our theatres will become liquor establishments too?

MRS. GROENEWEGEN: We passed a motion in the Legislature to try and denormalize the use of alcohol, and one of my colleagues in the Legislature said alcohol is such a part of life, the social fibre of the North. I mean, it's probably everywhere but we notice it more here. This is where we live, so let's talk about here. He said, you know, when you're celebrating, alcohol; when you're feeling bad, alcohol. Like, every possible conceivable function that you could think of, milestones, everything, it's just so integrated in there and somehow we have to get away from that thinking, because it's no wonder the kids think it's normal.

MRS. VILLEBRUN: Exactly.

MRS. GROENEWEGEN: It's no wonder the kids...You know, they just don't have the responsibility or the maturity to know what's dangerous, where the line is, what the limit is, because somehow as a society we've made alcohol an integral part of social behaviour. Again, it's not something I really fully understand. I do respect people who drink responsibly and that's their choice. I'm not sitting making a judgement call about

that. But the message that it sends when it becomes a part of every activity, like you said, now if they move it into movie theatres I mean that's almost unbelievable, but I suppose it could happen. Why do we put alcohol on such a pedestal? Do people need it to feel good about themselves? I don't know. I don't know what the motivation is. But I think, as a society, we need to say that's not normal. We need to stand up and say, sorry, like you said, I refuse to go to that event if there's alcohol there. It's going to take a whole lot of people saying that to denormalize this. And it's happened with smoking; we've watched it. It has become quite unfashionable.

MRS. VILLEBRUN: Yeah, but look at what the government does with their Butthead Program. I like that program. It's everywhere, you know? Why can't we do that with alcohol with the kids, too?

MRS. GROENEWEGEN: We talked about that in the Legislature and one of the Members said we should come up with a slogan that says Don't Be a Boozehound. You know, have sort of a mascot, you know, with the bleary eyes and the big red nose. I'm not trying to make light of people who do have a problem with alcohol. I mean, you know, but we do need, as a whole community, to try and, like I said, make it less a part of our lives and we welcome anybody's input or advice or assistance with that.

MRS. VILLEBRUN: See, where I was coming from with this card, like controlling sales, each person is given like a credit card, the size of a plastic credit card, and then you've got your bar code at the back and they track you, how much you purchase. It's just that, you know, if I was buying alcohol and I was limited to whatever, I don't know, let's just give an example, three cases of beer per week. Boy, I'm going to think twice before I buy an underage drinker a case because, hey, I've only got two cases left to buy for myself. That's where I was coming from. Then a sense that I can't walk in and order 40 cases without justifying why I want those 40 cases, you know?

MRS. GROENEWEGEN: Yeah, restriction. I want to ask you a question. Restriction or limitation or rationing is one school of thought on addressing the consumption of alcohol as a control thing. I just want to ask you what do you think of this idea. Now, people say that part of the attraction is -- and for kids, as well -- is the fact that it is forbidden and, therefore, somehow that becomes a draw, that becomes an attraction to that because you're not supposed to do that. So, therefore, I mean if you're ever going to be rebellious, it's probably when you're young, right? I mean probably. Anyway my question to Mrs. Villebrun is this: What do you think about the idea of throwing it wide open? Lessening the, kind of like you said, forbiddenness of it and then maybe people will go crazy for a short while and then people will say, no, that was no fun. Kind of like reverse psychology. It's like the kid eats too much of something, but, unfortunately, with alcohol it could really do some serious harm in the process. But that is another school of thought, is loosening the restriction to make it less appealing. I'd like to know what you think of that idea. I'm not condoning that; it's just a school of thought that's out there.

MRS. VILLEBRUN: So basically, though, what you're saying is let these kids that are under 19...

MRS. GROENEWEGEN: (microphone turned off)

MRS. VILLEBRUN: Oh, okay. But I think that...

MRS. GROENEWEGEN: (microphone turned off)

DEPUTY CHAIRMAN (Mr. Braden): Mrs. Villebrun, they're trying to keep something for recording here, so to Mrs. Groenewegen's point, what to the value then of relaxing standards and I guess helping people get used to more responsibilities.

MRS. VILLEBRUN: I think they're too relaxed and this is why we're sitting here tonight. That's just my point of view. That's just, you know, like, what I was thinking anyway.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Villebrun.

MRS. VILLEBRUN: Okay, thanks.

DEPUTY CHAIRMAN (Mr. Braden): Would you mind staying with us? Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I don't have a question, but I just wanted to add thank you very much for your presentation and we can always count on you to come to us...

MRS. VILLEBRUN: Come up here.

MS. LEE: ...when we come to Smith and this is good. Just so that my understanding and, obviously, we, as a committee, are not here to defend any of the legislation; we are here to get input. But on your point about...I think the important point about this legislation is a lot of provisions are within the community's control, so all these provisions here, it's only if the community accepts those choices and communities will have to have meetings and gatherings on that, understanding that this Liquor Act has been trying to be amended for the last 20 years almost. I mean it takes forever to open up a Liquor Act. So there are lots of provisions in there, but it doesn't kick in unless the community agrees to do that. So in fact it allows communities to be very restrictive.

One of the biggest concerns from communities was that where they wanted to prohibit liquor, plebiscite rules didn't work for them because you needed to get 60 percent and then you had to get the majority of people showing up, instead of saying whoever shows up, 50 plus one majority, and that sort of thing has changed. So every other item is in there, too; most of them. It would be only if the community wants it but because we can't open it up every five years, provisions are there if only the communities want it.

Also, the second one about the Alberta example, I think Alberta is a bad example for us and I don't know if this Liquor Act tried to follow them, because they're quite privatized in Alberta. And Ontario is more privatized. You could get liquor there in corner stores and things. Ontario you can, Alberta you can.

MRS. VILLEBRUN: Quebec.

MS. LEE: And I think Alberta is more liberalized, too, because they're more private. But we are more restricted. This law does restrict more. And that theatre liquor thing, yeah, it's not here.

MRS. VILLEBRUN: Can these suggestions, though...

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Mrs. Villebrun, go ahead.

MRS. VILLEBRUN: Are they brought back forward to...Like, this is not set in stone, right? So for example, my recommendation on maximum fines. Has anybody other than me had concerns? Yeah? Okay.

DEPUTY CHAIRMAN (Mr. Braden): We haven't finished the hearings. We would certainly make sure, Mrs. Villebrun, that your thoughts are brought forward. The penalties proposed are increases from what was there before, so you're advocating that we should get stronger. That's exactly the kind of thing that we're here to listen to.

MRS. VILLEBRUN: Okay. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Mrs. Villebrun's remarks about the drinking age just prompted me to look up the consultation document that was circulated, and the note that's here is that it did come up in the consultation but it was very evenly balanced to increase the age or decrease it or leave it the same, so the suggestion was leave it at 19, that seems to be the middle point. Mr. Hawkins has a remark.

MR. HAWKINS: Thank you. Hi, Lucy. Our chair pointed out the area I was going to mention on. One thing we would do, just from my observation, I'm not an expert by no means in this area, but my observation is we'd now be creating two other age groups that would be interested in sort of illegal drinking. I'm not necessarily saying they're going to run out and drink illegally, but now we're going to have to account for two more brackets of ages in that sense. I don't know if there's any value in it. I appreciate your point of view. From my point of view, I'm not sure that there's any value at this time to make any adjustment. I mean, we're very fortunate that our youth can't just sort of run across the border in a 20-minute drive to go somewhere where they're younger. When I attended university in New Brunswick, the American kids used to come across because they were able to drink at age 21. You know, looking back, I'm in my mid-thirties now, and looking back I can only imagine the types of problems that may have occurred through that process, that we were getting a bunch of kids from Maine in regularly. I guess what I'm saying is we're very fortunate we're not near a district that the age gap is different. Creating a big disparity, we also have to look at the age of majority and those types of things, and recognizing what are we really doing. At this time, I know I'm comfortable with the age of 19. It's a good suggestion, it's a valued suggestion, but what types of implications are we now going to deal with on top of that?

Just one last point, 18 is the youngest in Canada. I think it would be a strange dichotomy to start adding, unless it was more consistent. Then again, I mean, we could lead, but the Northwest Territories isn't quite known for leading in legislation. It's not

very progressive; it's takes a position of following a lot of districts, as you rightly highlighted. Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Hawkins. Mrs. Villebrun.

MRS. VILLEBRUN: Just for clarification, we do have a jurisdiction problem right now. The 18 year olds from town here go over to the golf course and that's where they do their drinking, so they've got a year's head start here in Fort Smith.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mrs. Villebrun. For the record, I'd just like to acknowledge with the visitors here with us tonight is Mr. Dave Nickerson, a former Member of Parliament for the Northwest Territories. Welcome, Mr. Nickerson. Coming back for seconds here, Mr. Daniels.

MR. DANIELS: Just for clarification, I just want to know if I heard you right. Under the maximum penalties of individual bootlegging, you had the first line at \$25,000 and that was a year imprisonment. Then the second offence you had \$50,000 and/or one year imprisonment. Did I mishear you?

DEPUTY CHAIRMAN (Mr. Braden): No, you've got that correct, Mr. Daniels. Oh, just a moment here. Okay. For the record, we'll give it to Regina Pfeifer and, of course, it is detailed in the copies of the bill.

MR. DANIELS: We are missing a year.

MS. PFEIFER: For the second offence or a subject offence, the maximum fine is \$50,000 and/or two years in prison.

MR. DANIELS: You just had stated one and we're short-changing a year here.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Daniels. We've got that one corrected for the record. Ladies and gentlemen, one more call for any comments or submissions to any of the bills before us. Mr. Evans.

MR. EVANS: Trevor Evans again. About the bootlegging and stuff, it's regulated right now, you can buy one case of off-sale. If it was regulated where you were allowed to buy one bottle, like after the bar instead of going to the bootlegger and buying whatever they buy, that might be a deterrent as well from the bootlegging, regulating how much off-sales you're allowed.

As far as raising the age, I don't think that's a great idea. You're going to have a bunch of young people drinking and driving and getting killed and stuff like that. If anything, it should be lowered to 18. That's all.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Evans. Ms. Lee would like to comment to that.

MS. LEE: Mr. Evans, I'd like to ask you a question because this suggestion has come up before and you operated a licensed premise. You're saying that if we increase the hours of operation for the businesses to sell liquor or do off-sales that that would decrease the bootlegging. The bootleggers will still buy those, too, and they could bootleg after you guys close. So I just want to know if you can tell us what evidence shows that if the established operations operate longer, then you would reduce bootlegging.

MR. EVANS: Well, it would be regulated; you'd only be allowed one bottle or one case. It's 2:30 in the morning, you probably don't even finish the bottle, you know?

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you, Mr. Evans. I'm just looking at Regina here. Is the volume for off-sales or in fact at liquor agencies, is the volume of product that people can buy something that would be within community control? No. Okay. The answer I'm getting is no, so that may not be as straightforward an answer. But you're advocating some limits at the point of sale.

MR. EVANS: Yes.

DEPUTY CHAIRMAN (Mr. Braden): And we can certainly plug that in.

MR. EVANS: Thank you.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Evans. I think, ladies and gentlemen, it's closing time.

AN HON. MEMBER: Last call.

DEPUTY CHAIRMAN (Mr. Braden): Closing time, last call for committee. Thank you for coming out to help us out with these bills tonight. We're off on the road to communities to the west for the next three days. Thank you, ladies and gentlemen, staff and committee. Good night.

---ADJOURNMENT