



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 14, 2007
Fort Simpson, Northwest Territories

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

Chairman

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

Members

Ms. Sandy Lee, MLA, Range Lake
Mr. Michael Miltenberger, MLA, Thebacha

Witnesses

Mr. Duncan Canvin, Mayor of Fort Simpson
Mr. Peter Shaw
Mr. Sean Whelly
Ms. Frieda Blythe

Observers

Ms. Delilah St. Arnault, Liquor Licensing Board

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.

DEPUTY CHAIRMAN (Mr. Braden): We'll get underway with our hearing tonight. It is our convention and our practise to open each of our meetings with a prayer, and I'd like to ask Ms. Lee to help us get started tonight.

---Prayer

DEPUTY CHAIRMAN (Mr. Braden): Mahsi. Thank you, Sandy. This is our formal hearing of two of our Legislative Assembly committees, the Accountability and Oversight committee and the Social Programs committee, and we are here to bring four bills that have been proposed by the government on the continuation of our tour of a number of communities. We'll begin with introductions of ourselves and our staff. I guess I would say that because this is a formal hearing, we do have to record our proceedings for transcription, so our microphones are here and it makes it look a little formal, but we'll try to keep these as plain language and in a discussion format to just help us communicate and get through the evening without too many formalities.

Our committee members here are Mr. Michael Miltenberger, the Member for Thebacha; Ms. Sandy Lee, the Member for Yellowknife Range Lake. My name is Bill Braden and I'm the deputy chair of the Accountability and Oversight committee and I represent the riding of Great Slave. I should also say that Michael is a member of the Governance and Economic Development committee and Sandy is chair of Social Programs.

With us tonight are our staff: Mr. Doug Schauerte, who is clerk of committees; Ms. Regina Pfeifer and Mr. Robert Collinson, who are with the research division of the Legislative Assembly. Also accompanying us on some legs of the southern tour here is Ms. Delilah St. Arnault who is with the Department of Finance and is covering specific I guess to the Liquor Act; sorry, with the Liquor Licensing Board from Hay River.

Our committees are here to look into public reviews of Bill 15, the Liquor Act, under the accountability and oversight program, and under social programs we have three bills up for review, that's Bill 12, the Public Health Act; Bill 13, the Change of Name Act; and Bill 14, the Labour Standards Act.

Last week, we heard from the Ministers responsible for these bills, Minister Roland and Dent, and we have held public hearings in Behchoko and Yellowknife. This week, we've been on the road. We have been to Fort Smith and Hay River, and last night we had a very good discussion and meeting with people in Jean Marie River. There is another

group of MLAs who are travelling to several communities in the northern part of the NWT, concurrent with our tours in the south.

Copies of the bills and information summaries are available on the back table.

We're here tonight to get your thoughts on these bills, which we will then report back to our colleagues this August before deciding whether to give these bills third reading and approval.

We will try our best to answer any questions that you might have and if we can't answer them now, we will take your enquiries back to the departments and Ministers and forward answers to your questions. I'd like to make it clear that these bills are written and presented by the government. Our committee is not here to defend them or argue 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 some 50 years ago and is now very out of date. One of the reasons we need to make this change is so that if there is ever an emergency like SARS or bird flu, we can cooperate with other parts of Canada to manage it. We need to make sure these protocols are in place in law. The bill also has more accountability for any orders made by public health officials, such as quarantines. For example, there may be time limits on quarantines and people will be able to appeal these orders if they think they are unfair.

Bill 13, the Change of Name Act, will allow people to change their name through vital statistics through an administrative process rather than going through court. This is intended to make the process faster and easier.

Bill 14, the Employment Standards Act, replaces the Labour Standards Act. It includes things that were not formerly recognized in the law before; things like sick leave, 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 of decisions of labour standards officers.

Finally, Bill 15, the Liquor Act, 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 the rules for hours of operation, patios and other matters through municipal bylaws. This 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.

Ladies and gentlemen, this is a brief review of the bills. I think we can now invite members of the public to come forward and present any comments that they wish on any of these four bills. I guess, for the record, I would ask that you state your name and if there is any organization or affiliation that you have, let us know what that is. I will now open the floor up to those of you who are here tonight.

I'd like to acknowledge that on behalf of the MLA for Nahendeh, we have Nathan MacPherson. Thank you very much for joining us. We know that Mr. Menicoche is in Fort Liard, I think, tonight at a school function. So, ladies and gentlemen, if anyone wishes to make a presentation, the opportunity is yours now.

MR. CANVIN: I'm Duncan Canvin. For the time being, I guess, I'll be here as the mayor of the Village of Fort Simpson, and then we will digress to several other areas later on.

I guess one of the comments that I wanted to offer was the new Employment Standards Act and some of the mandatory requirements that will be prescribed into the act that I take issue I guess as an employer myself as well as a businessperson and also as part of the Village of Fort Simpson. Some of the requirements seem that they were just a rewrite of somebody else's collective agreement. I don't know what input brought some of these mandatory requirements that the authors of the bill decided to write in. I know there was an issue that some of the MLAs were talking about the right of appeal. Well, I know from past experience with other legislation that has this limited right of appeal, the Supreme Court of Canada is not necessarily the logical step. It's very expensive for employers or employees to go to, you know? It would be nice to have that arbitration process that they are replacing now with just taking this step to the Supreme Court put back in place. Normally the employee or the employer has a right to appeal to several levels before they actually take the step to the Supreme Court through arbitration.

Some of the on-call status, I don't know if much thought was given to that. Routinely employers have on-call people and the requirement now seems to be that they are required to pay them full wages even if they're sitting at home doing nothing. In a lot of collective agreements they don't even refer to on call anymore, you're standby pay and that's it. There's no such thing as on call anymore.

Some of the other forms of leave they were talking about, there were some good parts of it. You know, direct deposit and days of rest and stuff like this, but mandatory compassionate leave, mandatory sick leave, the requirements for mandatory bereavement leave and court leave, I see those are wide open for possible abuse by the employee. We have people that some people you don't visit them from year in year out but the minute that person dies, it's a big issue all of a sudden. But because that person fits into the definition of a relative, well, away you go and it leaves the employer short of staff. Most of that is you can see that if they apply this to every employee, it will cause a lot of employers to be short of staff. It just struck me that somebody had taken a would-like-to-have collective agreement and entrenched it into a new law that everybody will have to comply with instead of individual bargaining units attaining these rights through their negotiations with an employer. But that was about it for the Employment Standards Act, for the most part.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin. You've raised a couple of good points of looking for some clarification. The aspect of appeals is something that has generated some comment as well. The aspect that you are inquiring about was whether there are some steps contained in the proposed law that would satisfy that gap

between a complaint or a decision and then going to the Supreme Court. I think Mr. Collinson might be able to help out with a bit of clarification there. Robert.

MR. COLLINSON: Thank you, Mr. Chair. When you're talking about arbitration, there is a provision for the employment standards officer to do our arbitration before it goes to the adjudicator. So that process is in there for arbitration and mediation. Then it would get to the adjudicator and the adjudicator, if they can't reach an agreement on arbitration or medication, then it can go to the adjudicator and the adjudicator makes a decision, which is not subject to appeal. So that's one of the concerns that has been expressed, is the appeal mechanism really isn't there after the adjudicator.

One other thing that you talked about is the on-call status one and that was identified at pretty much our first meeting we had with the Minister, and they have admitted that they've worded that horribly and it's going to be changed to I think reflect what everybody recognizes it to be.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Collinson. It's also our convention when we have these kind of hearings to see if any committee members wish to ask for any clarification or discussion about points you raise. So, Michael or Sandy, is there anything you'd like to follow up with Mr. Canvin? No? Okay. If I may, you have also raised the area of the mandatory leave provisions that are proposed and they've also come up in some other discussions. I guess I wanted to see if I could get a sense from you, Mr. Canvin, do you believe that things like proposed sick leave and bereavement should have sort of a mandatory number of days prescribed in the bill? Are you in agreement with that, first of all, that they should be accepted as something that should be put into law and that we should define the number of days? What would make a better bill in those respects?

MR. CANVIN: Well, I would think that, you know, notwithstanding the employers' requirements, because a lot of employers have things that they are obliged to, either through contracts or whatnot, work to carry out and need employees that are going to be there. To make it mandatory, well, I guess it always should be subject to the employer's discretion. A lot of even union agreements are subject to operational requirements; whereas, these seem to wash that requirement right out of the room. There's no you will give the employee up to this many days, and there's an operational requirement that a lot of employers need to be satisfied with.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, sir. Sandy Lee.

MS. LEE: Thank you, Mr. Chairman, and thank you for the presentation. Just a couple of questions on what you have said. Our knowledge is that this legislation is as a result of quite an extensive consultation that's been going on for the last three or four years to review Labour Standards Act, and this Employment Benefits Act is an amalgamation of the old Labour Standards Act and Wage Recovery Act and some other legislation, so they're bringing it all together. I don't know exactly in what form, but there have been some consultations. I don't know if it's through the Chamber of Commerce, and I'm sure with the union on both the employee and employers' side to come up with this package

of legislation. Some of the clauses are mainly aimed at employees and employers who are not normally under the collective bargaining, so this doesn't really apply to government employees or some of the major companies with their own union. We are talking about balancing the interest between employees and employers in the private sector, often small businesses. So obviously we want to do fair legislation where it may require some compromise between employees and employers.

On the issue of sick leave and compassionate leave and such, I have to say I was not aware there are employees in the Territories who do not get sick leave, paid sick leave. I guess I'm just used to the government system. What this law would allow is up to seven days of sick leave unpaid for employees to take. I know some employers feel that employees may feel like they're entitled to it and they'll take them. The check in that system, though, is that it's without pay, so you would think that most people would not want to take time off if they don't get pay unless they're really sick. But it is a change from no days, like silent on that issue and I don't know how employers and employees have been handling it. I'm sure some employers let employees off work if they're sick, it's just that the employers' concern is you don't want to set up a system where employees will use all of those seven days. We may be able to put in some provision there for pattern of absence that may raise a question.

This bill also allows for compassionate leave where an immediate family member is ill and they're in their last days of life or because of a well-known sickness, they can take up to I think eight weeks off for each employee.

I guess my question is, speaking as an employer perspective, is it really that unreasonable? Let me just speak from the employee side, just to play the devil's advocate. Would it really be operationally...Would it create such a hardship to allow employees to be able to take time off for sick if you don't have to pay them for the time off? Is it not a fair balance, or do you think it's completely opening it up for abuse?

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Ms. Lee. Mr. Canvin.

MR. CANVIN: Well, I appreciate that, yes, most of the mandatory leave is without pay. It's a phenomenon that really, in my mind, I would not go anywhere if I wasn't being paid. But for some reason, it doesn't seem to affect an awful lot of employees who arbitrarily just, okay, I'm going, and if you do, don't pay me if you want to either. It's irrelevant. To make it mandatory, from an employee's perspective, it seems like it's irrelevant whether they're paid or not. But to make it mandatory that the employer...You have people that, unfortunately, with one of them, death is not always a certainty. Well, it's certain for the person that dies, but the living have nothing to do with it. To have people in the other cases...Well, like the court one. I thought that was a good idea because maybe they won't always shirk their duties, you know, because they go off to court for jury duty and stuff like this. But the other ones, I don't know why people will just leave their place of employment. It's a phenomena that I think is unique to the Territories, but to make it mandatory that we as an employer have to afford people time with or without pay is I think a bit hard on the employer, it's a bit difficult on the employer.

UNKNOWN SPEAKER: Well said, Mr. Scrooge.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin. Ms. Lee.

MS. LEE: So I have to say I've never been an employee in that situation, or an employer. So do you not get anybody calling in sick? What do you do then right now? Do you let them go if they call in sick? Like, how do you manage that? If somebody calls in sick, then if they're a good employee, they're allowed to come back tomorrow, right?

MR. CANVIN: Oh, yeah. But people don't get paid for it. But you just basically make due, for the most part. I don't even know why; it's something that never struck me as a problem before why you'd make a bill to make it.

MS. LEE: Probably some people brought it up as a problem. I have another question for you on the right of appeal. As we understand it, this change in law will make it so that right now employee/employer complaint or issues that arise that fall under labour law jurisdiction, say the employee takes an employer to the Labour Standards Board, the board makes a decision as a group and there are about five of them right now, and they go through sort of a collective decision-making process and they look at rules under the old act and they will render a decision. If the employer or employee don't agree with it, under the current system they still have to take it to the Supreme Court, because this labour standards process is an admin law process and the next level of appeal is the Supreme Court right now. What this new law does is strengthens that more. They're changing it to a sole adjudicator model. Instead of board members getting together and deciding it collectively, all the board members right now will be appointed as a sole adjudicator and each will render a decision on each case on their own. That would still be subject to Supreme Court decisions. So under the old way or this way still, the mode of appeal or next stage for appeal is with the Supreme Court. What this does, though, is it gives a lot more power to a sole adjudicator and lot more...(inaudible)...to that decision, so it really limits the ability for either the employee or employer to appeal. You can't really appeal on a merit and you're not really going to get a full hearing at the next level; you would only be able to appeal on the sole adjudicator really, really making a terrible, terrible, terrible, unreasonable decision that they stepped out of jurisdiction. I mean, there are merits in that you want to put some finality to this decision so that it's not appealed and appealed and appealed and held back and such, or delayed through the process so that knowing that it's hard to appeal a decision or knowing that you can't really appeal the decision on the merit of it. You can appeal it if you don't like the decision or some of fact of the case was not looked at. Now, I want to ask you if you see any benefits into that process. Have you, in your experience, has bringing some finality to a certain decision like this have been helpful, or giving that sort of power to a sole adjudicator model is something that would help you? I'm talking to you as sort of an employer biased presenter, which is fine because we've had employee biased presenters too and we listen to both sides and we're trying to be fair to both parties. Any input you could put into that to help with our discussion would be very helpful.

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

UNKNOWN SPEAKER: Rebuttal.

MR. CANVIN: I'm just thinking a rebuttal. You know, I guess now you're telling us that you've got separate adjudicators appointed instead of the Labour Board. Instead of the members, it will be just one and you'll live or die by the decision of that adjudicator. Whether or not you get what you want from the adjudicator could ideally depend upon which side of the bed he woke up on that day and not...

MS. LEE: (Microphone turned off)

MR. CANVIN: Well, and then other than that, you take the long and expensive step towards the Supreme Court if you don't agree with the adjudicator's decision. I could see a lot of employees being hampered by that, because that's one of the biggest problems, is the expense that's involved.

MS. LEE: (Microphone turned off)

DEPUTY CHAIRMAN (Mr. Braden): Okay, administrative law and don't get Sandy started on it any more than we already have. I don't think it's so much of a case where if an employee or employee doesn't get the decision they want before they take it to the Supreme Court. A court will come in only if there are failures in due process. The merits of the case are that that decision belongs to the adjudicator, or would, under the new bill, belong to the adjudicator solely and finally. So the Supreme Court is not going to...It's not designed to change a decision based on the same facts. That's not what the appeal process is designed to do.

What we're doing, ladies and gentlemen, we can take these bills in any order or any sequence if there is anything else that anyone wanted to address under the employment standards bill, or if there are other matters that the public would wish to bring forward. Sir.

MR. SHAW: (Microphone turned off)...Sorry, at the discretion of an employer. If the person wishes to take leave without pay to go to his mother's funeral, I realize that's a little expanded, but nevertheless, somebody says, no, you can't or you're fired, I don't believe that that should be the case. There's a lot of stress involved with losing somebody of the immediate family. I know that the immediate family in Simpson seems to certainly stretch out a long way. I mean, you come to our funerals and they fill the gymnasium. Now whether that's because nobody is employed or whether it's because there is a sincere interest in the service...

I didn't have a formal presentation. There were just one or two other minor questions. I know that somewhere in the Liquor Act here it says that we will be able to make further comments through the computer service, but it doesn't give an e-mail. Do you just go to the government and then go from there?

DEPUTY CHAIRMAN (Mr. Braden): There will be ample opportunity after this, up until, first of all, there's a deadline of July 13th to comment on any bill in writing. There will be no more sort of formal opportunity to discuss it, but certainly in writing and by any means you wish directed to the clerk of committees. We also welcome anybody across the NWT to take the matter up with their MLA. That's one of our jobs and I think we would certainly include Kevin Menicoche in this to represent the interests of constituents on committees on these things, or at least make sure that your comments are heard. Mr. Shaw.

MR. SHAW: If I understand you, Mr. Chairman, we will not get a second kick at the cat, so to speak, after we see all the siftings of all the other areas come down. Because we are such a small community, we can see that your ears are going to be tuned to Yellowknife, Inuvik, Hay River, Fort Smith.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. That's a very good point about our process and our procedure. We take back now the comments that we've heard from the public and, among our committees, decide which ones we believe warrant bringing back to the government and saying you haven't got it quite right in this area, or you've got it totally wrong in this area, or to certainly indicate support where they have presented good rules. If the government agrees and chooses to make amendments, those are handled in a process that is public but it is not very timely in terms of getting those new changes back out. Those are probably going to be handled within the last few days of the bill actually coming up in the Assembly. So the process, I guess, of wanting to find out about specific bills, I would urge you to pay special attention to that particular bill as it's moving through the Legislative Assembly. It's not hard to track them. Again, your MLA, through his constituency assistant, could make sure that you're apprised of that. If there is any last minute comment or suggestion that you have, your voice cannot be directly heard, the process is closed, but you can certainly, through MLAs and the committee, make your interest known.

MR. SHAW: I'm just wondering if with modern day computers being what they are, and web pages, if there are submissions with different items...I mean, it's hard for us to comment on something that's said in Inuvik when we don't, or can't, realize what that was. So I'm wondering if that could be posted on a web page of some kind before you...

DEPUTY CHAIRMAN (Mr. Braden): I'm going to give this to Mr. Schauerte. He can give some of the detail on just what's available.

MR. SCHAUERTE: Just as to timing and I think Mr. Braden indicated Friday, July 13th, is sort of a deadline for the receipt of written submissions. Specifically in response to your question about posting the comments heard through the group that's travelling up north; yes, the committees are both travelling but both return to Yellowknife tomorrow, at which time we'll have the Hansard contractors compile the transcripts and we'll make our best efforts to get those posted on the Legislative Assembly's website at www.assembly.gov.nt.ca and we'll have those posted under the committee section probably mid to late next week. I think you did indicate also that the August sitting dates

are essentially the last kick at the can in the life of this Assembly, and the intention is to deal with these four bills during that week and a half in mid August.

MR. SHAW: Thank you. The only other question I had, Mr. Chairman, so far, is I'm just wondering why this was done this late in your tenure. I mean, did you not have something else you could put in there that needed less discussion?

DEPUTY CHAIRMAN (Mr. Braden): Again, a very good question about procedure. Generally speaking, when our Assemblies are elected, at the front end of our four-year term, as a caucus we try to come to some consensus on the bigger and more significant bills and acts that we want to see processed in our four-year term. Right now we're dealing with, yes, a last minute push on some big pieces of work. The ones we have before us, the Liquor Act is certainly the most significant. We also have the WCB Act, the SCAN legislation, there's some still quite substantive work that still lies before us right at the end of our term.

Committee is not directly responsible for that. It is up to the government, up to the Ministers, to prepare and present this material to us. They are the ones who are ultimately the keepers of the schedule. We're not especially happy about bringing big significant legislation out to the public, especially at this time of the year when not a lot of people are available for consultation, but it is the circumstance we're dealing with.

MR. SHAW: Very good. Thank you, Mr. Chairman.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Shaw. Ms. Lee, you had one or two...(inaudible)...

MS. LEE: Thank you. Mr. Shaw, just to be fair, though, it seems like the legislative cycle is four years. It takes that long, believe it or not, because we get into Caucus and we go through all the agenda items that we want to work in in the next four years. This employment benefits legislation act, for example, was on the books from day one and it went through two years of consultation already before they decide to put into legislation, and there are about three people in the government who can actually write these words. So they've had to go through this Employment Standards Act, WCB, the Liquor Act is a huge legislation and they've been consulting on that for, like, 10 years. The Public Health Act has been out for 50 years and that was in the books from the beginning. So this may look like we're pushing things at the last minute, but to even make it this far it was on the books from the beginning of this Assembly. You're just seeing the fruits of our labour for the last four years, just put the best spin on it, and we actually have to fight to have all these on the books so that we get it done before the Assembly is out.

Another thing is I know you want to hear...You may find it beneficial to hear what other community people are saying and that's good too, but we are really interested in hearing about what you have to say. You don't have to feel that your position is well researched and well outlined and well put or highly sophisticated. Just, you know, give us your reaction to what you are hearing. A lot of this legislation in the employment benefits act or Liquor Act or Change of Name Act, Public Health Act, they are very administrative

oriented. They are just cleaning up lots of things that are quite uncontroversial. We are trying to tell you some of the controversial ones like right of appeal, or putting callout pay. There's a provision on overtime where you could get overtime in lieu or get paid instead. Compassionate leave for a funeral or a sick family member is new, but we tried to put it so that it's not too burdensome to employers but it gives some provision for employees. So if you could give us your general feeling on that and then you could be part of...We go back and we put together everything that we've heard from the community and the best arguments for those concerns, and in the end it's our decision as to what to do with that. So to put it simply, the laws before you are going to be the laws in August and for probably many years, unless they're amended. But there is still time for amendments and this is time for you to put your input into it.

MR. CANVIN: Thank you. I'm just always terrified that somebody is going to come down from the mountain with 10 clay tablets, if you get my drift, without a chance for...What may be good for Inuvik may not be good for here, and we would like the opportunity to say, no, you can't do that here. Thank you, Mr. Chairman.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Further to the Labour Standards Act or what's now the Employment Standards Act, yes, a consultation paper was issued in 2004. It might be familiar to some. The Liquor Act, quite a report was issued in 2005. So there is substantial information already and this will be logged on those departments' websites.

MR. CANVIN: I know, in fairness to the GNWT, the website is good. All this legislation is readily available in easily readable format, so you don't have to put your glasses on like I do right now struggling with the length of my arms to see just what exactly it says. So, yeah, I was online earlier and the Employment Standards Act was there, as well as the Liquor Act. I didn't look at the Change of Name Act. What does this just...Do you have any background for this change of name thing?

DEPUTY CHAIRMAN (Mr. Braden): Certainly. For the record, that was Mr. Canvin. There is a summary of the Change of Name Act. I think Regina Pfeifer could kind of offer a brief capsule.

---Interjection

DEPUTY CHAIRMAN (Mr. Braden): Certainly. I'll give it to Mr. Miltenberger first.

MR. MILTENBERGER: Thank you, Mr. Chairman. Very quickly, my recollection, understanding, of the change of name requirement is that the courts, the judges just decided that this is an administrative process that shouldn't be tying up the courts, and they instructed the government to take the steps to have an administrative process that takes it out of the courts and it's dealt with through other government processes but not through the courts, and this law sets out how to do that; take it away from the courts to set up the steps for people and to make it less of a judicial process.

DEPUTY CHAIRMAN (Mr. Braden): That's sort of the purpose and intent, if you want to get into detail. Actually, someone described the bill as actually the manual of how to

do this and it's quite extensive. It's not to say that it's a simple process, but it takes it out of the courts.

MR. CANVIN: Okay, but there's checks and balances built into the system to prevent abuse of people that are trying to avoid detection.

DEPUTY CHAIRMAN (Mr. Braden): Very, very much so, yes. It's shielded in that respect. I understand the requirement for documentation to prove who you are and the names that you've chosen, there's quite a process of screening and verification that goes on behind a change of name.

MR. CANVIN: Even if it's as strict as trying to get a driver's licence, I thought that was a pretty formidable process to go through now, you know?

DEPUTY CHAIRMAN (Mr. Braden): Mr. Canvin, Regina can give you a bit more on some of those concerns. Would you like to hear a bit more about that?

MR. CANVIN: Sure.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Ms. Pfeifer.

MS. PFEIFER: Just one measurement that's put in place, it's like after the registrar general has verified the application, once a change of name is granted there will be notification given to certain authorities like the RCMP or other steps can be described. So that's making another...and those provisions are put in an order to prevent fraudulent or misuse of that opportunity. It's not new that names can be changed; it's just the process has changed from a court to administrative process.

MR. CANVIN: Is there any Gazetting or whatever? I know in Saskatchewan they used to publish the list of people who wanted to change their names and what they wanted to change it to, and this was information that was available to the public.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin. Ms. Pfeifer.

MR. CANVIN: And if that's the case, then I say yeah.

MS. PFEIFER: Yes, that's prescribed to in the act. There has to be a notification given to certain authorities, to the Gazette. The registrar general also can decide that it has to be posted in a paper and that is prescribed. It cannot just slip.

MR. CANVIN: Okay, good.

DEPUTY CHAIRMAN (Mr. Braden): Thank you. Is there anyone else with a question on anything in particular?

MR. SHAW: Oh, I just love a microphone. Peter Shaw back on.

DEPUTY CHAIRMAN (Mr. Braden): Okay, Mr. Shaw.

MR. SHAW: I think the aspect of putting it in the paper, the same as you do for many other things, everything from no longer honouring the debts of my spouse, having her left my bed and whatever, so I think that would be an excellent point. Previously, was this done through the federal government? How much harder is this revision going to be when one applies for a passport?

DEPUTY CHAIRMAN (Mr. Braden): Mr. Shaw, maybe you could give that question to us one more time and I'll see if Regina can help us out.

MR. SHAW: I'm just wondering whether or not the ramifications of this bill would be when I come to apply for a passport.

MS. PFEIFER: Once a change of name is granted, that went through this process, that includes the person whose name was changed can. The birth certificate, for example, is changed. So the primary documents that that person had, the original ones before the name change, they have to be submitted. The person cannot have two sets of primary documents, right? Then the person is entitled to have the name change in the birth certificate. So when that person would now apply for a passport, it would be on the base of the primary documents that are required to apply for a passport.

MR. SHAW: So would the old name still be in the files? I'm just thinking of the current situation with boarding aircraft, et cetera. Obviously there's a loophole there that won't show up on the scanners at the airports.

MS. PFEIFER: No, once your name is changed, when you go through that process of this application and your primary documents have changed, that is then your official name that is on your documents.

UNKNOWN SPEAKER: It's kind of like getting baptized, isn't it?

---Laughter

UNKNOWN SPEAKER: You're pure again.

MS. PFEIFER: That's why that safeguard is built in the notification also to certain...like, the publication but also to certain agencies like the RCMP, for example. That is in order to prevent that somebody can operate with two names. I can give you an exact list. The notice of a changed name has to be given to the Supreme Court, to the RCMP, to the maintenance enforcement administrator and then the regulations that will come into force with this bill, and they also allow that other authorities could be added to that list.

MR. CANVIN: Does it allow the dissemination outside the territory of that information?

MS. PFEIFER: Yes.

MR. CANVIN: I'm thinking of deadbeat dads. You've raised an issue about the maintenance enforcement people.

MR. COLLINSON: There are reciprocal agreements with every other jurisdiction in Canada on maintenance enforcement. So if you've informed maintenance enforcement in the Territories, you have effectively told everybody in Canada in that business.

MR. SHAW: Peter Shaw again. I'm just wondering, have you compared this with other legislation throughout the other provinces and territories, and is ours similar or is there any...

DEPUTY CHAIRMAN (Mr. Braden): Mr. Shaw, one of the steps that's taken with all legislation that's brought before us, virtually all legislation and amendments, is that there are pretty careful screenings of what is on the books in other jurisdictions; are we keeping up with current practice, best practice. This is an important part of law-making: being consistent with other jurisdictions. So to be specific about this one, I could give you to our researchers, but I can assure you that this is a very careful part of what they go through before they bring the work to us.

MR. SHAW: Thank you, Mr. Chairman.

DEPUTY CHAIRMAN (Mr. Braden): Thanks, Mr. Shaw.

MR. CANVIN: Duncan Canvin here again. Would it be out of place to offer a comment on the SCAN? I imagine you've heard it all before.

DEPUTY CHAIRMAN (Mr. Braden): Yes, please. The bill is before committees now.

MR. CANVIN: We certainly have skipped this around a lot of times and it seems like the majority of the people that you see quoted in the paper are opposed to it. We'd just like to know how far along are we towards proclaiming this act.

DEPUTY CHAIRMAN (Mr. Braden): It has essentially finished its public review process. I think it's fair to say that what you've heard or read reflected in the media is quite consistent with what's come before committees. I would offer that there's almost universal acceptance of the need for some additional options or methods or a community to see that action is taken when bootleggers, when drug deals, when gambling houses take hold, and I guess the routine or the normal practice of the police and the courts takes so long to get action. I know in my own riding in Yellowknife, I've dealt with a crack house that was in place for about four months before the regular police investigation was strong enough that they could take action and arrest people. The communities want to deal with things faster. Essentially, this SCAN process was a way of doing that without going through...It's not a new way of charging or convicting people of those offences. There are already ample laws in place. This was a way of removing that threat or that behaviour from the community through eviction.

So where the need to do something is well established, there are broad concerns for a number of areas in this bill. People just feel it hasn't been developed well enough. For instance, for people who would come under this kind of surveillance or find that they were facing a community service or an eviction order, there's virtually no avenue for appeal. There were a number of concerns about the discretion and the depth of

investigation that could be undertaken by this new investigative team into people's private lives and information and affairs.

I won't try to give any more examples, but to say that there are enough concerns about these flaws, or these gaps, in the bill that we're going to be recommending that what this...Oops, just a minute. We haven't decided yet, but, I'll leave it at this, that there are considerable cautions and concerns about the bill as it stands right now. It will be reported back to the Assembly, at least.

MR. SHAW: Mr. Chair, Peter Shaw again. I can't voice my sentiment strongly enough to say that this not only Draconian, it kind of takes you back to 1937 in Europe and I think it's a shame. We have investigators; we have RCMP; we have social services; now because you ran over somebody's cat four years ago, all of a sudden they're going to invoke this. I mean, everybody deserves their day in court, be it a crack dealer, and I'm not going out on the limb for anybody in that category. But I think you're throwing out the baby with the bathwater, sir. We enjoy a very fine life in Canada. I think we don't appreciate it most times, but this sounds like a little South America to me and it's a terrible thing. It's good if it's in good hands, but if it falls by the wayside, look out. Thank you, Mr. Chairman.

DEPUTY CHAIRMAN (Mr. Braden): Thank you very much, Mr. Shaw.

MR. CANVIN: Duncan Canvin again.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin.

MR. CANVIN: I know we discussed it and we found it...Mr. Shaw didn't give us as much depth as we thought, because it's likely outdated in the inquisition.

---Laughter

DEPUTY CHAIRMAN (Mr. Braden): Off with their heads.

MR. CANVIN: It's about the same line of thought. You could rise up and say I think that person's a witch and they'd be hauled off without any process and be burned or, you know, put into the water and if you float, you're a witch and you'd be taken off and stoned. So what the heck chance could you have? But, yeah, basically I know council said this is just like the inquisition. There doesn't seem to be any...(inaudible)...of fact that seems to...you seem to reach a certain level of certainty. Reasonable and probable grounds, we used to call it, to believe it could be the idle ramblings of somebody that just didn't like you and that person would have no recourse. I know some of the small communities where pettiness abounds, every other person could become a bootlegger only to replace by themselves the bootleggers. I know the government, they seem big on these crack dealers. Well, I don't believe that the problem of hard drugs is prevalent in the Territories. Maybe in the big city of Yellowknife it is. I think for us smaller communities, it's a very dangerous piece of legislation.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin. Ms. Lee.

MS. LEE: Thank you, Mayor Canvin and Mr. Shaw. I just wanted to hear you out, because we wanted to get the full scope of it. I just wanted to let you know that we travelled to many communities on that bill but, understandably, we can't go to every community. We had a hearing in Yellowknife; we had one in Inuvik, Tuktoyaktuk; we had one in Holman Island, Ulukhaktok; we had one in Colville Lake and we went to Fort Smith, and in every community we heard concerns about the fact that in small communities there are people who disagree with things and they don't want this to be used against somebody unjustly, especially the fact that the tips will be confidential. It's not unanimous, but confidential. So the identity of who's filing a complaint against you will never be known. Some of the important things that we value is that we want to be able to face the accuser. The accused wants to know who the accuser is and be able to defend themselves before they are prosecuted.

Another thing is the fact that the punishment is only eviction. If somebody is doing something that horrible, they should be convicted criminally and that's one of the reasons. Although you could kick somebody out of their own house for 90 days and there's no right of appeal. It's an administrative law process, so you don't get a full hearing on that, you can only apply to the Supreme Court within 10 days of getting an eviction notice to vary that order. But I just wanted to hear what you had to say, because it sounded like you were paying attention to it and you were giving some thought to that.

In terms of the process of this bill, after all those hearings, we've had a couple of meetings in Yellowknife to go over what we heard and we will be making that finding public at our August session. Formally speaking, when you report the bill back to the House, that means it's ready for third reading. I think right now there's a real question as to whether that will be the case. Chances are we will like the government to do more work in this area to address the issue but not exactly in the process that the government is proposing.

One of the things the government is proposing also is that these investigators will be located in Yellowknife. There will be about \$1 million ongoing cost, and then about \$250,000 initial cost and these investigators will be armed, they will be retired RCMP officers and so on and so forth, and then all the communities have to call a 1-800 number in Yellowknife to call the SCAN officer. I mean, there are lots of different issues there, so that's where the bill is. The future of the bill is in question right now, so we don't think it's going to be proclaimed as law until we could address all those issues.

MR. SHAW: Peter Shaw again, Mr. Chairman. That very much concerns me, what you've just said. To be evicted from your own house due to malicious rumours or whatever at 40 below with a zero vacancy in a town, without trial or not even something to go in there and say, hey, wow, what are we doing here. I mean, then you have to rent another house which if the person is guilty of it isn't going to change anything; all it's going to do is spread the problem. Then, secondly, then you have to maintain the house that you were just evicted from. I just can't see the government going down this

route. I hope it dies on the Order Paper, as they say in federal politics. Thank you, Mr. Chairman.

MS. LEE: (Microphone turned off)

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Shaw. That was Ms. Lee.

MR. WHELLY: I'd like to make a comment.

DEPUTY CHAIRMAN (Mr. Braden): Okay, sir.

MR. WHELLY: Sean Whelly, private citizen here.

DEPUTY CHAIRMAN (Mr. Braden): I'm sorry; Mr...

MR. WHELLY: Sean Whelly.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Whelly. Please go ahead.

MR. WHELLY: I guess the reason I'm here tonight is I was out on the street there in Fort Simpson today and I got into a little conversation with somebody about this proposed SCAN legislation. I'm sort of against it, but this other individual told me, he says, well, if you're not doing anything wrong, then you've got nothing to fear. I thought about that and I say, yeah, well, if that's true, I guess then everybody in jail must be guilty, right? But we know that that isn't quite true. There's always some people in jail that are innocent, so it doesn't quite make sense to me. I just think that there's enough laws existing that if the communities themselves were really concerned about what was happening in their own communities, they'd stand up instead of hiding behind an anonymous telephone call and they'd take charge of what was happening in their own community. I just am very dead set against this law. It just, to me, doesn't make sense; it would be a waste of a million dollars as far as I can tell. It won't do anything. I mean, I like living in a free country and I don't even know if this would stand up to a Charter challenge, but to me it sounds like somebody would take it to court. Certainly not the poor people who are evicted, because in the small communities outside Yellowknife, even under the legal system the way it is, the poor people are disadvantaged already. Sandy, you're a lawyer; the people in the little communities here when they get charged with something, mostly they just plead guilty. Why? Because they can't afford a lawyer, or else it's just too much trouble, or, you know, the legal aid guy comes in and talks to them five minutes before the court happens and tells them you might as well just plead guilty. Well, that's the way the court system works now. So now we're going to add onto that type of thing, it just doesn't seem that that adds to my freedoms or anybody else's. Now, that's on the SCAN.

On the Liquor Act, I guess my one comment there is if you want to address the issues of drinking in the North, why don't you get to the root causes of alcoholism instead of trying to tackle through legislation what comes at the end here? Let's fund alcohol programs; let's reach out to the kids and make sure that they know that there's other things besides alcohol. If people are out there buying booze from bootleggers, that means that

the system is failing somewhere. But the bootleggers are meeting a need, aren't they, I guess. It may not be the need that we want to see met, but there's something wrong with the system when it's happening. So I don't think putting a \$25,000 fine onto, well, perhaps an old lady in a small community that's just trying to sell a bottle to get an extra 30 or 40 dollars for grocery money is the way to go. Now, I've been told that, no, that will never happen; no, the judge will always use his discretion. I'm thinking, well, the MLAs should use their discretion and just not pass a law like that, because it's potentially possible that that could happen and it wouldn't really fix the problem. That's kind of what I'm thinking.

The cost to the society if you actually charge somebody with \$25,000 in one of these communities, they aren't going to have the \$25,000 to pay that fine, but they're going to have to go jail for about two years. Well, we've had people in this community that have killed people when they were drinking and got two years less a day. So it's all out of proportion, the penalty. I don't know; do any of the MLAs know what the penalty is for bootlegging in Edmonton or Alberta, because I'm sure it's probably about \$200, not \$25,000. So by a factor of 100, we're imposing this law on ourselves. Sure, we're a colony so now we've got to ape our colonial masters as we start to move towards self-government. We used to be over administered before, but now we're going to make sure we do a better job than even the federal government ever did on us. We'll come up with the harshest, most outrageous laws and rules on ourselves. It doesn't make sense.

So while you put the old lady in jail for bootlegging, you can take her whole family and put her in social services' care at what cost. Throw the old lady in the jail for a couple years at what cost. I see a \$40 million new courthouse is proposed in Yellowknife, new correctional centres and everything else. This whole system starts feeding on itself. On what? Put some aboriginal people in jail? Put some more in jail? You know? For offences that we're treating them 100 times harsher than you do down in Alberta. Let's take a look around and tackle the real problems. Let's not just put more and more laws on ourselves, harsher and harsher laws. I don't think that's the way to go. Thanks.

DEPUTY CHAIRMAN (Mr. Braden): (Microphone turned off)...and attitude and approach of the communities. I guess from a fairly high elevation here, I think a realization that we have is that this law is not going to provide any magic solutions or instantly change something for the better. It is a piece of essentially administrative and enforcement law. Mr. Whelly, you're absolutely correct and you reflect the views of many, many other northerners when you say what are we doing to address the causes of alcohol and substance abuse; the housing, the impacts of violence, the behaviours and the standards. We passed a motion in the Legislative Assembly in the last session, seeking for ways to, what we termed in a motion, to denormalize the abuse of alcohol. For instance, binge drinking is a normal practice across the North, especially among young people. It's totally unacceptable that this should be normal and acceptable behaviour. How can we turn that around? How can we take the example that we believe we're setting with tobacco? A lot has been done to denormalize tobacco. Smoking isn't cool anymore. At least it's not as cool as it used to be. These are the kind of things we seek to change and you've reflected that for us.

I wanted to offer one perspective on the bootlegging idea, and this is where I commend you to have a look at the consultation document that was prepared for this in 2005. It covers a lot of this stuff and shows the depth, research and investigation that was undertaken. Some jurisdictions, the fines for bootlegging can be as high as \$50,000 for an individual and \$100,000 for a corporation. So we're not up at that level in these suggestions. I don't know what jurisdictions those are. But I think by increasing the penalties that a judge may apply, the \$25,000 isn't an automatic fine for granny in Nahanni if she's selling the bottle.

---Laughter

That's a phrase...

UNKNOWN SPEAKER: She can't afford her power bill.

DEPUTY CHAIRMAN (Mr. Braden): Granny gets used in a lot of different context here. The judge has the discretion always to apply a penalty according to the circumstances. But I think what we're doing here is sending a signal certainly to the public, people who are committing this crime and to the judiciary, that we want to see more severe penalties. That is the desire of these provisions. Mr. Whelly.

MR. WHELLY: I guess just back to the issue of proportionality, in relative terms, here we are, we're going to raise the fines to \$25,000 on selling booze. Why aren't we raising the penalties on selling crack cocaine and everything else at the same time? I read in the News/North last week that, actually, drinking is going down in the Territories; that more people are staying at home, there's less people drinking at the bar. Now it's true there's got to be problems out there, but in a time when it seems as though people are perhaps becoming more accustomed to drinking in a more social manner perhaps, I mean you've got binge drinking and everything all over the place, but I don't really know how fines of that size could help anyone. Because if you do catch somebody and actually give them a fine like that, we, the taxpayers, are paying for something which a 19 year old up here can perhaps be given the money, he might go and get his friend a bottle, now he's under this law. That means that my kid could come under that law and it seems like now I'd have to rely on the legal system to make a good judgement, when I'm relying on the MLAs to make a good judgement and say, no, I don't need those kind of laws in my community. It just seems too much; it's overkill; nothing being done about drugs, it just seems about booze, and what are the real problems in the communities. I don't see this as one of them, not one that needs special attention all of a sudden.

DEPUTY CHAIRMAN (Mr. Braden): (Microphone turned off)...if you choose to be much more proactive in the way liquor is being made available in your community: the hours of sale, the days of sale, some of these minimums and maximums through plebiscite, and an easier plebiscite process. Communities are being offered the chance to take much more control. The government is saying we realize the kind of cookie cutter idea, one size or one set of rules fits all in the North does not work. It's a very interesting approach and it's something that I've been anxious to hear from communities, do you feel this is a good move, is it the kind of thing that your community

would really undertake and look for ways so that you could make your own provisions, your own rules about some aspects of the way liquor is managed. I have Mr. Miltenberger who might carry through on that theme.

MR. WHELLY: If I could just...

DEPUTY CHAIRMAN (Mr. Braden): Sure, Mr. Whelly.

MR. WHELLY: ...hit you with one last thought there. I guess if bootlegging is such a problem -- and I mean we make laws to address problems, right? -- if it is, why is it in this legislation that you don't allow wine and beer to be sold at perhaps other establishments besides liquor stores, in which case the bootleggers have competition now so if people who legitimately want liquor outside of the regular hours can get it? That would be a way of addressing the problem without the big giant stick, yet that was glossed over. Let's just go like this with the big thumb instead of perhaps allowing people to drink more in a regular social manner, like people down south can go to a wine and beer store. I mean, there's grocery stores here that could perhaps offer beer sales, off-sales. It seems like a solution.

We have cigarette laws, but we don't throw people in jail for continuing to smoke or buying a pack of cigarettes after hours or something that like, and yet that seems to all be working through education and, you know. I don't know.

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

MR. MILTENBERGER: I just want to provide some sense of maybe comfort, that this particular bill is just one of the instruments that we have as we struggle with the issue of the alcohol, which is probably one of the biggest problems we have in the Northwest Territories. It removes people from their senses, from their families, puts them in jail, causes babies to be born damaged. When we've been touring around, many people have focussed on this and really want harsh penalties. We've been told that a lot of the stuff here is far too lenient by many people in the communities. But the issue is that we recognize that the need to denormalize the use of alcohol, the same way we've done with smoking, is absolutely critical; the prevention piece. Health and Social Services is committed to 1 percent of their budget put towards prevention I think by the next business budget cycle, and we're discussing around the table about that's probably a good idea for Justice and Education and these other departments that are involved in this area as well; that if we're serious about this, we can't just be fixing things when they're broke because we won't have enough time or money or enough legislation or police or treatment centres or...(inaudible)...So we see this as one piece, but we recognize clearly that we have to work and improve the other services. This fundamentally comes down to initially a personal choice; the issue to drink, what you drink, if you're going to smoke, if you're not going to, if you're going to eat the wrong foods and not exercise and all those things that have negative impacts that we all pay for as a society. We know, you know that we're not going to legislate morality, we're not going to legislate personal choice. Our challenge still is, as a government, drinking rates have come down, but they're still significantly above the national average. The

concern is it's coming down in some specific parts of the demographics, but in others, the issue of binge drinking and the other kind of alcohol abuse is there and it's probably even growing. This is a very complex issue. This is one piece. We'll try to come up with a balance not to be punitive, but to recognize -- and it ties into SCAN -- the desire to be able to catch the bad guys; not the granny from Nahanni, but the guys that we have in Fort Smith, for example, that I know that have no visible means of support that drive big trucks, and sleep all day, and golf all afternoon, and stay up all night.

UNKNOWN SPEAKER: It's sad for the politicians.

---Laughter

MR. MILTENBERGER: And that there's a desire to be able to come to grips with those. SCAN is not the way to do it; I agree with you wholeheartedly. I've been against it since it came out. The issue is how do we get the tools to catch these bad guys. But more importantly, they won't be there if people don't want their services. They're meeting a need, as Mr. Whelly said. So the minute people stop buying alcohol and stop doing crack or whatever, those guys will be gone. But the challenge is that we have an insatiable, prodigious appetite for every substance that seems to be deleterious to our health. That's our challenge for the kids, for the adults, for the families, there's a party upstairs, the kids drink in the basement, the parents who drink. So this is one piece and we know we have other work to do, so just so you are making sure that you recognize it. We recognize that that's an issue and we're not just putting all our eggs in this one narrow piece of legislation. Thank you.

MR. SHAW: I'm sorry.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Shaw. We'll just carry on in a bit of an order here. Thank you, ma'am. Would you give us your name and you have the floor.

MS. BLYTHE: I'm Frieda Blythe and I work here at the school and I'm here for no official capacity. Talking about the drinking and bootlegging laws, I presume that the reason that they're put in place is mainly because you have dry communities and you have people driving in with truckloads and they want ways to deal with that and the communities want ways to deal with that. We're not specifically wanting one person bringing in one bottle. Has there ever been given any thought to raising the legal drinking age, purchasing age whatever, to 21 to match the funding that's given to schools which ends at 21? We find oftentimes, because our schools have funding up to the age of 21, that the peer group that kids hang around with is anywhere from 14 to 21. As soon as kids reach 19, they have access to alcohol. You referred to students or a 19 year old being given a little bit of money to purchase the alcohol, should he be held accountable for that? Well, maybe not; but, at the same time, it is a really serious problem within the schools and within our youth. Ninety percent of the alcohol I'm sure that they are getting I am sure is from 19 to 21 year olds. So that means that because that peer group interacts together, that they have easy access to alcohol and we're seeing a big problem with it. So if that age sort of matched the high school age. So at

22 you can be expecting to be leaving high school in many of our communities. You can oftentimes be gone before that, but we allow students to attend school until they're finished their 21st year. That's when they run out of funding. Once they've left the high school, oftentimes they move to a different peer group; they start hanging out with the 25 to 30 crowd. But as long as they're within the school building, they're very, very intimately related with our younger students and I think it would make a big difference in our communities.

DEPUTY CHAIRMAN (Mr. Braden): Thank you very much. I think Sandy Lee would like to engage and maybe have a bit of explanation for you on that.

MS. LEE: Thank you. Thank you, Ms. Blythe. I'll be really brief. This point has come up in a number of other situations and it's something that we need to give more thought to. It's just that we are having to consider this against other realities, which is the fact that Alberta's drinking age is 18; you could get married at 18, I think, or even less, at 16 with the consent of parents. You could actually be married, have a job and have kids and not be 21. I mean, some 21 year olds are in high school but some are doing lots of other things and to say that they can't drink or buy is an issue that we need to consider in your suggestion. But I could tell you that it's come up before.

One thing that you may want to know is the fact that under this act there is severe punishment for those who provide alcohol to minors. So those were 19 and 21. Even if they're allowed to get alcohol, if this law passes, there's a fine of \$25,000. Right now it's \$10,000. There's a recommendation to up that to match any other bootlegger, because bootlegging is bad but bootlegging to minors should be as bad if not worse. We don't want to put everybody in jail, but I think this is an enforcement side of the issue. They'll have to be, like Michael said, it's other issues. We may not address your concern with the age, but we will have to address it in other ways to make sure that everybody knows that supplying alcohol to minors is a huge issue.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Sandy. Did you want to engage?

MS. BLYTHE: It's Frieda Blythe again. I understand the \$10,000 fine and the \$25,000 fine and to some degree that's a pretty rough thing to have a kid start out life with. So if somebody gives my child 25 bucks and he thinks, well, I'm going to roll the dice and think I'm not going to get caught and he goes and buys a bottle and suddenly he's starting out life with a \$25,000 fine it's pretty steep. And he deserves it; that's the law, he got caught, c'est la vie. But at the same time, it's a pretty steep thing to be handing a kid at that age and whether we like it or not, peer pressure is a tremendous thing. If you've just suddenly turned 19 and many of your friends are 18; you've been hanging around forever and you go and do that...I mean, we tell kids they shouldn't be driving 120 miles an hour down the road too, and they still do it because they think it won't happen to me. So I think sometimes removal of that temptation has just about as good an effect as making it a big fine. So I mean you simply just can't buy booze.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Ms. Blythe. To Mr. Shaw.

MR. SHAW: Peter Shaw again. Several things come to mind with the drinking age. I think there's a great deal of thought out there that says at 18 there's still a little bit of parental control. Also the fact that many of the people that drop out of school and don't have the education are the ones that are going right back to your bootleggers, because that's the only place they can get it. It's unfortunate that, in this country, you can go to war in Afghanistan but God help you if you want a beer. I think that's most unfair. While we have control over the youngsters, if you haven't got it on them by the time they're 18, I suggest to you the horse has left the barn.

With my tourism hat on, I can't possibly count the number of times that we have the Europeans coming in to go into the Nahanni National Park. Because of the flight, et cetera, it makes it very hard for them to bring a bottle of wine or a beer, et cetera, and they are just horrified that we're living 300 years behind the times. I'm always at a loss to tell them why. I mean, why is it that we can only buy off-sales when the liquor store is open? Well, obviously, if the bloody liquor store is open, you go to the liquor store. It's way cheaper. But on the other hand, why can't we have that during normal business hours and then when Duncan opens his store, then we'll go to Duncan's store. It's just a real shame to see people come all that way, spend all the money on the outfitters where a wee touch of the head o'laddy, would be really enjoyable after you've been canoeing all day. So there you have it. Thank you, Mr. Chairman.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Shaw. Are there any other remarks or comments to anything before us? Mr. Canvin. Are you Mr. Canvin...

MR. CANVIN: This is Mr. Canvin now.

---Laughter

DEPUTY CHAIRMAN (Mr. Braden): ...or is it Your Worship?

MR. CANVIN: What I was wondering about, following on Peter's comments about this off-sale, did anything get done? I never tripped over that part, but it's contained in the regulations and the regulations, I see, aren't going to be rolled out until just about the day that this thing gets the dubbing and made into law. I was just curious if anybody has any thoughts on that, because that was one of the weird oddities; the tics of the Northwest Territories. I think it's about the only region that doesn't allow off-sales outside of the time that the liquor store is open, and you think how stupid is this. But it still goes on and it's been going on for the last 30 years.

DEPUTY CHAIRMAN (Mr. Braden): Okay. Thank you, Mr. Canvin. There are others more learned than I on this, and correct me if I'm wrong; I think the way the law is proposed is that it will be status quo. Yes, new regulations are anticipated and would take about a year. So while this act could potentially be passed in August, it won't be rolled out until probably July of next year once the new regs are written. A significant change for something like off-sales is that the communities can, if they choose, have a discussion, create a plebiscite and set the hours for what they deem to be responsible

off-sale hours in their community. Anything further to add, Regina, on what position does the new bill take on off-sales?

MS. PFEIFER: Municipal councils will be able to pass bylaws that specify certain that's now regulation. So the areas that would be included in that is hours.

---Interjection

MS. PFEIFER: It's section 54. What the act does, it gives certain rights to communities that are municipalities, and what is included in that, that if you would like to change the current setup for these areas, you could pass a community bylaw that would deal with the following: hours for licensed premises; operation on Sundays and holidays; areas of licensed premises, for example like patios; and the off-premises too, but only off-premises sale of beer. That will remain that it's only beer.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Regina. Mr. Shaw.

MR. SHAW: (Microphone turned off)

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Shaw. Your point there, it's an indication of just how difficult it's been for the legislators and the communities to grapple with this. This is the third significant attempt in I think a little over a decade to try to bring a new act to the stage we have it now. This is a significant achievement if you rack it up against the others. So this has not been an easy exercise. But the depth of consultation I think has been quite good; it gives us confidence to say we have a reasonably strong piece of legislation so far. Does it reflect things that work for everybody? No, and that is very much one of the reasons that the government is suggesting let's give communities some authority to allow these kinds of licences. I don't know; would the act, as proposed, allow a hotel to become a vendor and offer that kind of thing? I don't think it goes that far.

---Interjection

DEPUTY CHAIRMAN (Mr. Braden): Anyway, there is some more flexibility in here, but not to the extent...I know from living in the Yukon, they're pretty liberal over there. Ms. Lee.

MS. LEE: Thank you. On your points, that's really interesting to me, because just on the issue of off-sale hours, we heard it in Fort Smith from bar owners or bar operators to consider extending the off-sale hours to the same time as bar closing time. This is another aspect of this. He felt that would reduce bootlegging, because off-sales stop at 10:00 but bars are open until 2:00. I guess these people who buy the off-sale stuff goes out and bootlegs or sell it to somebody else; I don't know. But this whole issue brings me to think about the notion that maybe freeing the sale of alcohol more, instead of restricting, could make it less desirable for people. Not on the rest of Canada, but the world standard; I mean, in many places around the world, you could go and get alcohol from grocery stores or whatever and it's not seen as something so prohibited and something more so desirable. I think we, as a committee, received an article that

speaks to an experiment done especially with aboriginal people in Greenland, where they really try to free up the restrictions. For the first couple of years it was not good; but 10 years later, they're really noticing a reduction in harm done by alcohol abuse. I don't know if we have the time to really think about that. I think this legislation in general is going toward restricting more, or giving more powers to communities to go dry if they wanted to. But when you go that way, it's hard to keep things out. Prohibition of alcohol has been tried before and it never worked; and even if a community declares themselves dry, there will be bootleggers. It seems to me that you're making an argument that restricts where you could get off-sales encourages bootleggers, restricting what hours you could get off-sales encourages bootlegging. Sometimes to get them out of business could be that people could buy legitimate alcohol more freely and I don't think our process allows for that sort of in-depth discussion about it. Or our problem is seen to be so severe that we may not be able to open up for the short-term harm perhaps but longer-term gain if it gets done with alcohol...Not gain, but longer-term benefit. There's some thought that if you just open it up and have alcohol available everywhere, it won't be so mystified and people won't feel the need to binge drink or to bootleg and all that. Anyway, it's something we need to think about I think.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Ms. Lee. Mr. Whelly.

MR. WHELLY: Just to switch gears a little bit on this legislation, on the employment standards.

DEPUTY CHAIRMAN (Mr. Braden): Yes, sir, go ahead.

MR. WHELLY: The one concern I have, and I must admit I don't know too much about it but I do see that there are some new provisions regarding the employment of young persons, those aged 16 and under, or under 16. I'm thinking now what are the penalties for breaking that, right? Like if I hire my kid and he's 15. I hope that those rules aren't going to discourage young people from being able to take jobs, because that is part of getting a young person to turn into an adult, is wanting to work. If we set up any rules that discourage that in any way, outside of protecting their personal safety, they we've got to watch it. I don't think that students working at the Northern Store is a big problem. I don't think we have child labour happening here like a problem like Mexico or something. So if young people want to work, we should be doing everything we can to encourage it as long as they can stay in school. You know, there's certain things and I don't know, like I say, I don't really know too much about it.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Whelly. You've picked up on an area that reflects some change. I think we were going from 17 to 16 in terms of some age categories, but Mr. Collinson is, I think, our resident expert on that and could provide with you with a bit more of the context there.

MR. COLLINSON: Thank you. Yes, you're correct, Mr. Chairman; it went from 17 to 16, recognizing, of course, that some kids finish high school at 17. They are 17 when they graduate. The restrictions will be on the lines of safety. So children 16 years and under won't be allowed to work construction, brush cutting and a few other dangerous

occupations like that. There's restrictions on the hours they can work. To ensure they do well in school, they can't work past certain hours, they can't work past certain times for safety issues. They can't work the midnight shift at the gas station, for example. They can work until I think it's 11:00 at night and that's it.

MR. WHELLY: What are the penalties for that?

MR. COLLINSON: The penalties for doing that are laid out in the act. Just a second here; I'd have to look them up, I don't have them off the top of my head.

DEPUTY CHAIRMAN (Mr. Braden): While Robert is looking that up, one of the aspects of this is that there is some room for making arrangements that can be accommodated as long as the labour standards officers are contacted. A given situation that may be a little bit off page or that there's some concern about, the labour standards officers, that's their job; they can be there to help both employers and the workers sort out these areas of uncertainty. So I'd like to think that the act reflects that there can be flexibility in these working arrangements, and it's not necessarily all black and white.

MR. WHELLY: I guess just a little tongue in cheek comment here, but have the MLAs considered increasing the fine for MLAs for put in erroneous housing claims? A little self-leasing.

UNKNOWN SPEAKER: Up to \$25,000.

DEPUTY CHAIRMAN (Mr. Braden): Thank you for the question. A strict, by the book answer, the part of our organization responsible for that is the Board of Management and they, in effect, operate under the rules and guidelines that, in effect, all legislators get together to agree on or is applied to us. It's a matter of great concern that what happens to one or two Members may cast dispersions and reflect on all of us. So we certainly do take it as a tongue in cheek matter. But the consequences are up to us and they focus at the Board of Management level.

I think Robert has a little more information and can refer you to where the penalties are outlined in this new Employment Standards Act, Mr. Whelly.

MR. COLLINSON: It's section 97 and if you're in contravention, a corporation is liable to a fine not exceeding \$100,000. An individual is fined not exceeding \$50,000 and to an imprisonment for a term not exceeding one year, or both.

---Interjection

DEPUTY CHAIRMAN (Mr. Braden): Yeah, I don't know; there's a level of detail here and those fines are maximums. Again, in all of these matters, the judge has the discretion to exercise his discretion depending on the merits of the case. But I think if, at least, Robert, you could supply what are the specific sections of the bill that detail that, and then if there is any further questions, jump them in through your MLA or

through the Clerk's office and somebody can get back to you with more specific information.

MR. COLLINSON: So labour matters for youth is covered under part 5 and it starts with section 44, basically going on to 45. Unless there is approval from the employment standards officer, you can't employ youth under the age of 16 for clearing, brushing trees, constructing, reconstructing, repair, altering or demolishing any work in construction including the preparation and laying of foundations. Then there's restrictions on the hours that young people under the age of 16 can work, unless there's dispensation from the employment standards officers. That would be working between the hours of 11:00 p.m. to 6:00 a.m. the next day, and when the youth is required to attend school except when he or she is engaged in a work program that's part of the curriculum. So if you're doing work experience or job share or working in the apprentice SNAP program, those are all types of activities that kids under the age of 16 could do during the day and that's the basic stuff. Everything else will be set out in regulation; more clarification on what construction is and things like that.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Collinson. Are we concluded with our comments or questions? Oh, I'm sorry; Mr. Canvin, please go ahead.

MR. CANVIN: Peter just mentioned to me it's my job to say thank you.

---Laughter

So we'd like to thank you for coming to Fort Simpson and hearing some of our concerns, and hopefully we feel like we've been justly heard.

Just on a side note in response to Sandy's itinerary. We were also included in the SCAN consultation, but they didn't wait around long enough to hear what we had to say, because I was running about 15 minutes late and no one was there. Anyway, thanks a lot for coming and we appreciate at least that maybe our voice is heard somewhere.

DEPUTY CHAIRMAN (Mr. Braden): Thank you, Mr. Canvin.

---Interjection

DEPUTY CHAIRMAN (Mr. Braden): Oh, okay. Your community is hosting that next year. Thank you again. You know, you've asked earlier about seeing just where and how these bills might be amended before they finally get into the Legislative Assembly. Please track those with us. I won't make any commitments to get back to you; it would probably be impossible for us to do that. But on inquiry, you can get response very quickly if you want to track anything specifically.

Thank you everyone. Thank you, committee and staff, and goodnight.

---ADJOURNMENT