

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
6TH COUNCIL, 38TH SESSION**

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REPORT OF THE NORTHWEST TERRITORIES ACT
AMENDMENT COMMITTEE

INTRODUCTION

This Committee was established by the Commissioner pursuant to a motion passed at the 37th Session of the Territorial Council. It consists of Mr. Mark Fairbrother, Dr. Lloyd Barber and the Commissioner as Chairman.

The Committee was charged with the responsibility for examining and making representations on the following matters:

1. The question of an executive council for the Northwest Territories.
2. The question of a legislative assembly for the Northwest Territories, including the problem of indemnity and allowances for members of Council.
3. Other matters regarding the Northwest Territories Act which in the opinion of the Committee require examination and change at this time.

The approach adopted by the Committee was the examination of the recommendations contained in the Carrothers Commission Report in order to ascertain what progress has been made to date and to recommend what action is required, particularly by way of amendments to the Northwest Territories Act at this time, and what might be left for future consideration.

DIVISION

The first matter considered was the question of the division of the Territories. The Carrothers Report specifically did not recommend division. There was nothing in the Carrothers Commission study that this particular question should be reviewed again in five years. The Report recommended that "the political, economic and social development of the Northwest Territories be subject to public review in not more than ten years hence and that provision for the review be incorporated in the Northwest Territories Act."

This Committee recommends therefore that the Northwest Territories Act be amended now to provide that it be subject to public review not later than the year 1976.

COMPLETED ACTIONS

The Carrothers Commission Report made certain recommendations in respect of which action has been completed. These are as follows:

1. The seat of the Government has been transferred from Ottawa to Yellowknife pursuant to an Order of the Governor in Council effective May 1st, 1967.
2. On September 18th, 1967, the Government's administration established itself in Yellowknife.

2. The Legislative Assembly

The name of the Council of the Northwest Territories is recommended to be changed to the Legislative Assembly of the Northwest Territories.

3. Size of Legislature

The Carrothers Commission Report recommends that the Legislative Assembly be composed of eighteen members - fourteen elected and four appointed. The sudden enlargement of the Council from the present seven elected and five appointed members is most realistic. The existing Council should remain in being until one year after the life of the present Council which expires in the summer of 1970. The amendment to the Northwest Territories Act should authorize the Governor in Council to extend the life of the present Council for one year to enable the definition of new constituency boundaries for the fourteen elected members. This could be accomplished by a special committee appointed by the Council. Such a Committee would take into consideration the need that indigenous northern people have representation on the Council though this should not specifically be part of the Committee's terms of reference. When the task is completed, the Governor in Council could authorize the proclamation bringing the amendment into force enlarging the Legislative Assembly to eighteen members, of which fourteen are to be elected members, to be followed by a general election in 1971.

4. Executive Council

This Committee considers that the Carrothers recommendation regarding the creation of an Executive Council must, of necessity, be implemented.

5. Voters

It is recommended that the Act be amended to extend the franchise to persons who have reached the age of nineteen years. The other qualifications of voters should remain the same.

6. Life of the Legislature

At the present time the life of the Council is three years unless sooner dissolved by the Governor in Council. The Carrothers recommendation is that the maximum term of the legislature be extended to five years but should normally be dissolved in four years. This Committee does not think this is practicable in a representative type of government. Until a form of responsible government is adopted, this Committee recommends a four year term with power given to the Governor in Council to extend the term for a period not exceeding one year upon recommendation of the Minister.

7. Members Indemnities

The Carrothers Commission recommended that the Council have power to set the indemnity of its members upon the recommendation of the Commissioner. The Northwest Territories Act, by section 12, sets out sessional indemnities and expenses to which members of the Council are entitled. We concur in the Report's recommendation. The inflexibility of the indemnity provisions of the Act is causing problems which were recognized in the Report.

8. Other powers of the Legislative Assembly

The Report recommends that in addition to the powers that the Council has at present, it has all the powers of a provincial legislature with certain exceptions as set out on pages 11 and 12 of the summary of the Report. Among these recommendations are that it not be given power to amend its constitution, that its powers in relation to financial matters remain as they are, that

OTHER ACTIONS

1. Economic Development

This Committee endorses the creation of a Northwest Territories Development Board and Northwest Territories Development Corporation as recommended by the Report in the form suggestion therein. The implementation of this recommendation need not require legislative action since its value will depend largely on the effort and thought required to make the recommendation effective. It is noted that the Board should be composed of representatives of Federal and Territorial Government administration and the Economic Council of Canada. This would enable close coordination of Federal and Territorial Governmental economic activities in the Northwest Territories.

2. Federal, Provincial and Inter-Provincial Conference

This Committee is of the opinion that every effort should be made to ensure the participation of the Territories in Federal, Inter-Provincial and Federal-Provincial Conferences to assist the evolution of the Territories towards responsible government. There are many conferences which deal with inter-provincial cooperation in many fields within the legislative ambit of the provinces and also in matters dealing with Federal-Provincial relations. The Territories must begin to participate if it is to travel the road to some form of responsible government.

3. Transfer of administration of Eskimo and Indian Affairs

This Committee notes that jurisdiction over Indians and Eskimos is a Federal responsibility. It is also noted that a viable administration is very difficult if parallel programs are evolved to deal with Indians, Eskimos and others in view of the very high percentage of native people in the Northwest Territories. This Committee is of the opinion that agreements and other necessary arrangements must be entered into with the Federal Government to enable a common approach to be made to all people equally in the fields of education, social and economic development. This relationship is evolving provincially and the Territorial Government ought to participate in this evolution.

DEFERRED ACTIONS

There are a number of recommendations in the Carrothers Report in respect of which at the present stage of development in the Territories, action is not possible or practicable. All of these remaining recommendations will require Parliamentary implementation at the appropriate time.

1. Designation of Ordinances as Statutes

This should be deferred until the Territories has achieved responsible government.

2. Renewable Resources

This Committee considers that the time is not appropriate to assume the management of forests and water power.

3. Land Titles Act

This Land Titles Act of Canada is legislation which is more appropriate as an ordinance since it comes within paragraph 13(h), property and civil rights, and paragraph 13(w), matters of local and private nature. The Land Titles Act does not deal with the disposition of Federal Lands but is primarily designed to regulate the transfer of land ownership from one private person to another. It is therefore more appropriate that this become an ordinance. The Committee recommends that the Land Titles Act be repealed as it affects to the Territories to be replaced by an ordinance.