



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

**6th Session**

**9th Assembly**

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**THURSDAY, NOVEMBER 12, 1981**

**Pages 1 to 29**

Speaker: The Honourable Donald M. Stewart, M.L.A.

# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, NOVEMBER 12, 1981

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. George Braden, Mr. Curley, Ms. Cournoyea, Mr. Evaluarjuk, Mr. Fraser, Mr. Kilabuk, Hon. Arnold McCallum, Mr. MacQuarrie, Mr. McLaughlin, Hon. Richard Nerysoo, Mr. Noah, Hon. Dennis Patterson, Mr. Pudluk, Mr. Sayine, Mr. Sibbeston, Hon. Don Stewart, Hon. Kane Tologanak, Hon. James Wah-Shee

SPEAKER (Hon. Don Stewart): Father, will you read the prayer.

ITEM NO. 1: PRAYER

FATHER LEO BOYD, O.M.I.: Almighty God, from Whom cometh all wisdom and power, we, the Legislative Assembly of the Northwest Territories in session assembled, humbly beseech Thy blessing on our deliberations to the end that inspired by Thy divine wisdom and setting aside all prejudices, private interests and partial affections we may work to the benefit, welfare and happiness of the people and to Thy glory. Amen.

MR. SPEAKER: Thank you, Father. Mr. Clerk, will you ascertain whether the Commissioner is prepared to address the House at this time.

SERGEANT-AT-ARMS: Order.

ITEM NO. 2: COMMISSIONER'S ADDRESS

COMMISSIONER PARKER: Please be seated. Mr. Speaker, Members of the Legislative Assembly, I am pleased to welcome you to the sixth session of the Ninth Assembly, a session which may well be one of the most important in the history of the Legislative Assembly.

Aboriginal Rights In The Constitution

You are meeting in the aftermath of the signing of the constitutional accord in Ottawa by the Prime Minister and nine provincial premiers. As Canadians we can all be pleased that after 114 years of confederation we now have agreed to bring home our constitution, together with an amending formula and a charter of rights. As northerners we have to make clear our disappointment and deep concern that the constitutional guarantee of aboriginal rights has been removed from the patriation package, at least for the time being. Your Ministers intend to press our case for the reinstatement of those rights and we must hope that the First Ministers will be sensitive to the special needs of Canada's aboriginal citizens when the first constitutional conference is convened and this subject is discussed. The deliberations and positions of this Legislative Assembly, along with the continued efforts of the native organizations, should be helpful to the first ministers when they are trying to find a solution to the constitutional question on aboriginal rights. I am informed that native leaders from the North have been meeting with the Hon. John Munro and the Hon. Serge Joyal, the Secretary of State, on the subject of constitutional rights and the guarantee of those aboriginal rights.



### Constitutional Development In The NWT

Members of this House are aware that political and constitutional development in the Northwest Territories is the primary subject for consideration at this session. In keeping with the recommendations of the Assembly last November and last May, the government will be submitting for your approval legislation establishing the administrative arrangements, the question and the timing of the plebiscite on division of the Northwest Territories. Your Ministers have devoted considerable thought and work to the preparation of a plebiscite proposal which is responsive to the collective will of the House.

The Executive Committee hopes, as well, that constitutional development of the North will be considered in all its aspects, including the question of political directions in the Mackenzie and Western Arctic, the further development of responsibilities within community governments and regional structures, the entrenchment of aboriginal rights and the presence and contribution of elected representatives from the North in the process of national constitutional change.

Several of these issues have been raised in the discussion paper recently circulated to all communities and to Members of this House by the Minister of Aboriginal Rights and Constitutional Development, the Hon. James Wah-Shee. Your Ministers will look forward to your collective advice and direction in the preparation of a strategy for constitutional development.

### Distinguished Visitors To The NWT

Since the Assembly last met in Hay River, the Northwest Territories has received a number of distinguished guests. In August, Dr. Michael Kirby, the secretary to the cabinet for federal-provincial relations, accompanied me on an extensive visit to the Eastern and Central Arctic. In July, a delegation of Alberta government ministers, led by the Hon. Hugh Planche, Minister of Economic Development, visited the Delta, Yellowknife and Hay River, accompanied by our Minister of Economic Development, the Hon. Tom Butters. During this visit the Alberta minister for advanced education, the Hon. James Horsman, announced that two permanent scholarships and prizes would be made available for Northwest Territories students undertaking medical study and Dene language and cultural study. We are most grateful to the Alberta government for making this generous commitment to northern students, now and in the years to come.

The Hon. John Munro visited the Northwest Territories twice, in July and August. During his second trip Mr. Munro announced the approval of the Norman Wells oil field expansion and pipeline, subject to a two year delay. The Hon. Pierre de Bané, Minister of Regional Economic Expansion, visited the Mackenzie Delta in August; that month also saw visits of the Minister of the Environment, the Hon. John Roberts, and the Minister of National Revenue, the Hon. William Rompkey. In September, Her Royal Highness the Princess Hasnaa of Morocco visited the North briefly at the invitation of the Prime Minister.

In October we received five members of the United Kingdom parliament, who visited Yellowknife and Frobisher Bay. Their trip to Canada and the North was most timely and it is our hope that they will bring to bear their newly-acquired awareness of the special conditions of the North and of Canada's native people in their debates on the patriation of the Canadian constitution.

### Ministerial Representation At Meetings And Conferences

Your Ministers have represented the Northwest Territories in several key intergovernmental meetings and conferences. In September the Hon. Richard Nerysoo attended the annual conference of Ministers of Northern Affairs in Goose Bay, Labrador, which was hosted by the premier of Newfoundland.

The Hon. Arnold McCallum attended two important meetings of provincial ministers: in Newfoundland where reductions in the federal Social Development budget were discussed; and in Quebec where the main topic was the Young Offenders Act.



The effect of this Young Offenders Act on corrections services in the Northwest Territories is a matter of concern to your Executive Committee. Mr. McCallum was also at a meeting of provincial housing Ministers in Ottawa, the first time that we have been invited to take part in such a meeting.

In the past two weeks, the Hon. George Braden visited Washington, D.C., to outline to American legislators and officials the concerns of the Northwest Territories on the United States restrictions on imports of handicrafts made from ivory, whalebone and certain furs. Finally, last week the Hon. George Braden and I attended the opening session of the constitutional conference in Ottawa, at the invitation of the Prime Minister.

As all members of this House are aware, the pace of resource development has accelerated over the summer months. With the almost weekly start of new oil, gas and mining projects and major expansions of existing oil and gas activities, there is an urgent need for our government to respond to resource developments on behalf of the people of the Northwest Territories and to develop policies and plans to ensure that northern interests are protected and promoted. To address this need, the Executive Committee has established an Energy and Resource Development Secretariat to carry out this important planning and co-ordinating work.

#### Deaths Of Well-Known Northerners

I am moved to note the recent loss of several of the North's respected elders. Elizabeth, better known as Liza, Mercredi, the matriarch of her large and well-known family, died at the grand age of 93 and is being buried in Fort Smith today.

The citizens of that community, and their friends in so many places in the Territories, were shocked to learn of the tragic and violent deaths of Lillian and Herman Pieper early this week. This beloved couple provided leadership and service to northern people over a span of 40 years.

In September, we were all saddened by the accidental deaths of the parents of the Hon. Kane Tologanak and two of their friends. All of these people will be sorely missed.

During this session, a legislative program of 20 bills will be introduced for your consideration. In addition to six new ordinances -- the Archives Ordinance, the Ordinance Amendment Ordinance, the Psychologists Ordinance, the Police Ordinance, the Plebiscite Ordinance, and the Supplementary Appropriations Ordinance -- amendments to 14 existing ordinances will be proposed. While most of these ordinances are of an administrative nature, they are necessary for the efficient conduct of government business. I recommend the passage of each of these ordinances.

#### Progress In The Last Two Years

As you begin this session, I would observe that the halfway point has been reached in the mandate of this Legislative Assembly. The work of this House and its elected Members of the Executive Committee over the past two years has opened up prospects of some fresh and exciting directions for the 1980's. Comprehensive and thoughtful positions have been charted in resource development, in political and constitutional development within the Northwest Territories, and in reform of the Canadian constitution. Consensus government has not meant "do nothing" government. With the valuable advice of the standing committee on finance and the Assembly as a whole, the Executive Committee has identified spending priorities for the next several years. These priorities are now being used in the preparation of our budget for 1982-83, which will be presented to the House in February.

I do not think that anyone can deny that the past two years have seen a great deal of progress toward responsible government. Sometimes I think that those of us who are so much involved in government fail to see the progress we are making. Your Ministers have served the Territories well, and I would invite any student of government to try to find elsewhere in Canada a government and a legislature which has been as responsive to the needs and interests of its people.

The special committee on education is, to my mind, an outstanding example of dedicated hard work by a group of MLAs seeking to find a better way to serve the people. I am sure you all look forward with confidence, as I do, to their interim report. I now commend to you for your earnest consideration and wise judgment the business of this House, as I declare open this sixth session of the Ninth Assembly of the Northwest Territories.

---Applause

SERGEANT-AT-ARMS: Order.

MR. SPEAKER: Returning to the orders of the day.

Item 3, notices of motion for first reading of bills. There are no reading of bills for today.

Item 4, tabling of documents.

ITEM NO. 4: TABLING OF DOCUMENTS

Mr. Fraser.

MR. FRASER: Mr. Speaker, I wish to table the following document: Tabled Document 1-81(3), Report on the Impact of Division of the Northwest Territories.

---Applause

MR. SPEAKER: Thank you, Mr. Fraser. Are there any other documents for tabling today?

Item 5, replies to the Commissioner's Address. Mr. MacQuarrie.

Decision To Stand Down All Other Businesses And To Consider Matters Relating To The Constitution Of Canada

MR. MacQUARRIE: Mr. Speaker, I waive my right to reply to the Commissioner's Address at this time so that this House can turn its attention to a matter of grave concern. Instead, I wish to propose that this Assembly move immediately to Item 14 of the orders of the day, to resolve into committee of the whole to consider matters relating to the constitution of Canada, standing down all intervening items on the orders of the day until the proposed subject has been dealt with. Mr. Speaker, I would ask you to determine whether there is unanimous consent for this proposal.

MR. SPEAKER: Thank you. Mr. MacQuarrie has asked for unanimous consent to set aside all items to Item 14, to resolve into committee of the whole to deal with the subject of the constitution of Canada. Do I have unanimous consent?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Any dissension? Unanimous consent has been granted.

---Agreed



We will then turn to Item 14, consideration in committee of the whole of bills, recommendations to the Legislature and other matters, and we will deal with matters relating to the constitution of Canada, with Mr. Fraser in the chair.

ITEM NO. 14: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

---Legislative Assembly resolved into committee of the whole for consideration of matters relating to the constitution of Canada, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MATTERS RELATING TO THE CONSTITUTION OF CANADA

CHAIRMAN (Mr. Fraser): The Speaker has given consent to move into Item 14, consideration in committee of the whole of recommendations to the Legislature and other matters. Mr. MacQuarrie.

Mr. MacQuarrie's Comments

MR. MacQUARRIE: Thank you very much, Mr. Chairman. The process for building a constitution, I feel, should be a measured, patient, broadly-based and conciliatory exercise that pays due attention to history and to the conventions that are produced by history and to principles of democracy that all of us espouse and I believe that if a constitution is built in that way, no matter how widely differing are the languages and races and interests of people, that they can be reconciled; that a proper constitutional building process can bring people together in harmony, not because they are compelled to be together, but because they choose to be together for their mutual benefit, and that such a constitution will bind them together in one strong nation.

Although my colleagues do not entirely agree with my view of the process that has been embarked upon, I do have my view about that process nevertheless. I feel that instead of it having been the kind of process that I referred to, that it has been one of an extremely political nature, relying on legalism, and insensitive to the real needs of the country.

The federal government, having embarked on the latter type of process toward constitutional change in this country, for a period of several months alienated provinces which felt that they had legitimate interests at stake. More recently, however, we see that the process has resulted -- under extreme duress, I might add -- in an agreement between the federal government and nine of the provinces of Canada. But in turn now, the process has betrayed and alienated other parties of interest in this country. I refer to the province of Quebec, the native peoples of Canada, to some federal parliamentarians, and certainly, to the government and the people of the Northwest Territories.

Aboriginal Rights In The Constitution

In this debate this afternoon, although my concerns with the constitutional process are, I feel, broader than those of many of my colleagues -- and I will address those concerns at another time -- I, along with my colleagues, am deeply concerned about the results that the process has produced for native peoples and for the government and people of the Northwest Territories. I deeply believe that the constitution of Canada must record a special place for the native peoples of Canada in some way that is agreeable both to the native peoples and to other peoples in Canada and I believe that such an agreement can be reached if it includes all parties of interest.

We understand that the cabinet -- the federal cabinet -- this morning has reached some sort of decision as to how it will proceed in the matter of aboriginal rights. We do not know what that decision is. It may in fact reinstate a consideration of aboriginal rights in the constitution and if so,



we will be pleased, and if not, then our special debate here is warranted. Even if it does reinstate aboriginal rights, this special debate on the federal constitution is warranted, because there is a very grave concern that the agreement that was produced in Ottawa will thwart legitimate interests of people in these Territories; that the people of the Northwest Territories as a whole are overlooked entirely in the agreement and will find that our constitutional development is not in our own hands. That agreement, as it stands, although we cannot know all of the implications...

CHAIRMAN (Mr. Fraser): Mr. MacQuarrie, I think you may be going a little too fast. I get a flashing light here. If you will just slow down.

MR. MacQUARRIE: Thank you, Mr. Chairman.

AN HON. MEMBER: Mr. Chairman, there is no sound.

CHAIRMAN (Mr. Fraser): The sound is gone. Sorry. How is that? Still no sound? How are we doing? Have you got her back? I wonder if somebody could find Mr. Williams. Try the Snowshoe Inn. We will break for coffee for 15 minutes, until we get this sound back in order.

--- SHORT RECESS

Quebec -- they are very interested in the part of the world where I live. They would like to have Baffin Island part of Quebec. Manitoba and Saskatchewan are undoubtedly interested in the uranium in the Keewatin. British Columbia would love to grab the Yukon. Alberta would be delighted to have the water, and hydro-electric potential alone, that is found in the Mackenzie. So we are now in the hands of the provinces and we are not present, we will not be present when these amendments could take place.

The other matter that is in the hands of the majority of the provinces is the matter of the establishment of new provinces. By implication they have the power to establish new provinces or the power not to establish new provinces. Now, we clearly all agree that eventually, once the Territories are divided or changed in the manner that we determine by public debate, that we will eventually establish provinces in the Northwest Territories, and clearly the Yukon is headed in the same direction.

This group of premiers has had the gall to agree on a formula for amending the constitution and meeting together to discuss these amendments, which specifically excludes this government. This is a matter of the gravest concern, Mr. Chairman.

I need not, perhaps, dwell on the exclusion of aboriginal rights. I am sure some of my aboriginal colleagues will be able to speak more eloquently on this problem than I, but I will mention that one of the reasons that I felt supportive of the original package was because of that historic section having been included. I felt that the presence of the recognition, for the first time, of aboriginal rights would provide justice to the legitimate claims of the aboriginal people to settlement of their outstanding land claims and protection of their aboriginal rights.

So those things are all gone and I believe that we have to petition the Prime Minister and the provinces to give us justice and I will be happy to participate in the motion which has been prepared, calling for the federal government to recognize their responsibility to the native people of the Northwest Territories, and their responsibility to the Northwest Territories which is still in large measure a creature of the federal government. Until this is done I think we should use every means at our disposal to prevent this unfortunate accord from becoming law. I look forward to hearing other Members' comments, Mr. Chairman. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. Mr. Curley.

Mr. Curley's Comments

MR. CURLEY: (Translation) Thank you, Mr. Chairman.

(No translation)

(Translation) They want to do the amending of the Canadian constitution.  
(Translation ends)

Mr. Chairman, I think I am going to speak in English because it is always easier to translate from English to Inuktitut. Mr. Chairman, I have a strong concern with respect to the constitutional package as agreed to by the provinces and the Prime Minister of Canada. The aboriginal peoples of the country, including the Inuit and the Dene and Metis people of the Territories, have worked very hard -- I think they have succeeded in ensuring the agreement within the Senate and House of Commons committee, as far as these clauses were concerned. They were able to at least support the Government of Canada as it pursues its constitutional package.



I sent a telegram the other day because I felt it was very important as a Canadian and as one of the supporters of our native organizations in the country, to the Prime Minister expressing my deep regret and that I felt betrayed that he had sold out the native rights and protection needed by these people to survive as aboriginal peoples of this country. He did it in secret, in camera, by stroke of a pen, after giving them some hope of their place in the Canadian society he decided along with the provincial premiers, which some of the Members have continued to support, as they opposed the charter of rights.

You know, I felt it was a real betrayal of the leaders of the country, because these people have continued to try and struggle for their place in the society. We do not always agree with their practices, principles, but I think if we are going to live peacefully with the native peoples of the country, and the governments are going to live peacefully with the native peoples of the country, we are going to have to give in a bit.

Canada continues to sympathize with the other countries, the third world countries, the third world countries who have no economic needs to support. Canada continues to give massive aid and the Prime Minister is a champion of that exercise, and here in Canada he made a worse deal than the BNA Act presently has. He sold that right to the provinces, and I felt I was completely betrayed by that, so as a citizen I sent him a telegram that he should try and at least give a little better hope for the original peoples of the country, so I will be looking forward to supporting the motion that will be sent to the Prime Minister and to the provincial leaders. Also, I am concerned that -- you know, we have been talking about the constitutional development of this government in the Territories, and here we sat by and watched the provincial premiers in camera stroke away the constitutional rights of this government. They take it away from here, and we sat there and watched and -- and exercised that right -- going to be taken away. These days, the government of Canada and provincial premiers have a very strong -- in order to survive, I suppose, a provincial government even, you have to have not only a strong constitutional act supporting your powers, but you darn well have to have a strong personality to be able to put some clout into the federal process. It is about time that this government not only sits back and be polite about how the Government of Canada and provincial premiers are building the constitution of Canada; I think this government, regardless how meek it is, how unfortunate we are in terms of resources and manpower, we are going to have to have a much more aggressive -- and develop some kind of strong mechanism to put our case to Ottawa. So I think it is going to be very important during the few days that we ask the Prime Minister to meet with us, to meet with him and point out this concern that we have, directly in Ottawa, because we cannot expect that the Prime Minister of Canada and provincial premiers will ever come up here. So I think it will be important that we do go down.

I would just like to quote the kind of a hope that the native people were at least hoping for in the original package of the charter of rights, part II of the original act, subsection 34(1), and I quote: "The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

I think that that is in keeping with the original section in the BNA Act. That gives them that protection, that the federal government continue to exercise that. A subtitle in the same part of that section 34, subsection (2) says, "In this act, 'aboriginal peoples of Canada' includes the Inuit, Indian and Metis people of Canada."

#### Constitutional Change Subject To Provincial Consent

So that was, at least, a small step in ensuring that the native people have a place in Canada supported by the constitution of Canada. But I today sat here completely confused and hopeless that not only did the provincial premiers succeed in convincing the federal government to stroke the BNA Act as it originally protects the native people of Canada, they are now going to have to be the subject of provincial consent, which will not always be possible,



Quebec -- they are very interested in the part of the world where I live. They would like to have Baffin Island part of Quebec. Manitoba and Saskatchewan are undoubtedly interested in the uranium in the Keewatin. British Columbia would love to grab the Yukon. Alberta would be delighted to have the water, and hydro-electric potential alone, that is found in the Mackenzie. So we are now in the hands of the provinces and we are not present, we will not be present when these amendments could take place.

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CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. Mr. Curley.

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I sent a telegram the other day because I felt it was very important as a Canadian and as one of the supporters of our native organizations in the country, to the Prime Minister expressing my deep regret and that I felt betrayed that he had sold out the native rights and protection needed by these people to survive as aboriginal peoples of this country. He did it in secret, in camera, by stroke of a pen, after giving them some hope of their place in the Canadian society he decided along with the provincial premiers, which some of the Members have continued to support, as they opposed the charter of rights.

You know, I felt it was a real betrayal of the leaders of the country, because these people have continued to try and struggle for their place in the society. We do not always agree with their practices, principles, but I think if we are going to live peacefully with the native peoples of the country, and the governments are going to live peacefully with the native peoples of the country, we are going to have to give in a bit.

Canada continues to sympathize with the other countries, the third world countries, the third world countries who have no economic needs to support. Canada continues to give massive aid and the Prime Minister is a champion of that exercise, and here in Canada he made a worse deal than the BNA Act presently has. He sold that right to the provinces, and I felt I was completely betrayed by that, so as a citizen I sent him a telegram that he should try and at least give a little better hope for the original peoples of the country, so I will be looking forward to supporting the motion that will be sent to the Prime Minister and to the provincial leaders. Also, I am concerned that -- you know, we have been talking about the constitutional development of this government in the Territories, and here we sat by and watched the provincial premiers in camera stroke away the constitutional rights of this government. They take it away from here, and we sat there and watched and -- and exercised that right -- going to be taken away. These days, the government of Canada and provincial governments have a very strong -- in order to survive, I suppose, a provincial government even, you have to have not only a strong constitutional act supporting your powers, but you darn well have to have a strong personality to be able to put some clout into the federal process. It is about time that this government not only sits back and be polite about how the Government of Canada and provincial premiers are building the constitution of Canada; I think this government, regardless how meek it is, how unfortunate we are in terms of resources and manpower, we are going to have to have a much more aggressive -- and develop some kind of strong mechanism to put our case to Ottawa. So I think it is going to be very important during the few days that we ask the Prime Minister to meet with us, to meet with him and point out this concern that we have, directly in Ottawa, because we cannot expect that the Prime Minister of Canada and provincial premiers will ever come up here. So I think it will be important that we do go down.

I would just like to quote the kind of a hope that the native people were at least hoping for in the original package of the charter of rights, part II of the original act, subsection 34(1), and I quote: "The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

I think that that is in keeping with the original section in the BNA Act. That gives them that protection, that the federal government continue to exercise that. A subtitle in the same part of that section 34, subsection (2) says, "In this act, 'aboriginal peoples of Canada' includes the Inuit, Indian and Metis people of Canada."

#### Constitutional Change Subject To Provincial Consent

So that was, at least, a small step in ensuring that the native people have a place in Canada supported by the constitution of Canada. But I today sat here completely confused and hopeless that not only did the provincial premiers succeed in convincing the federal government to stroke the BNA Act as it originally protects the native people of Canada, they are now going to have to be the subject of provincial consent, which will not always be possible,



because the new amending formula says that provinces -- if they include at least 50 per cent of the population or the majority of the provinces, they are going to have to approve the change in the constitution. So there will be a tremendous struggle and I do not think that there is ever going to be a hope of getting nine provinces to agree that the aboriginal rights should be included, or in the future, as far as the amending formula is concerned. For that reason, I look forward to sending the message to the Prime Minister of Canada and the provinces to come to an agreement before the process expires and before the package is sent to England. So, Mr. Chairman, I hope that the Members of this Assembly will give a strong appeal to the government and be willing to go to Ottawa within a short time to bring that case directly to the Prime Minister and other Members of the House of Commons. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Mr. Kilabuk.

Mr. Kilabuk's Comments

MR. KILABUK: (Translation) Thank you, Mr. Chairman. We are very concerned, too, from Baffin Island, regarding the constitution. We cannot speak English and we cannot read in English what is happening in the newspaper, but we hear these things through radio, so we know what is going on. The aboriginal people, the Inuit and the Indians, we are very concerned up north. I saw many reasons, like, when we are not recognized in the Northwest Territories, and are taught that in Yellowknife the government and Executive are representatives -- I started thinking that they are just going to be employees for the federal government without -- and they are going to be pushed around. I started thinking as if the people of the Northwest Territories are put into prison without being able to do anything, and I was very frustrated with this.

We have grounds. We were in the Territories way before anybody came up and we are not very happy with this constitutional package, because we are not included; our aboriginal rights are not included. We should all go to the Prime Minister and have a meeting, or they can come up. They should, I think. We still have time to express our concerns.

Our people are very frustrated with this, we all know. They follow the ordinances or the laws of the Northwest Territories and I think they think that they should not have to follow the laws in the Northwest Territories if they are not included in that constitution and they will not want to do what is being asked of them. They will be wanting to catch animals or wildlife as they want, without following the ordinance, as long as they are not recognized in that constitution. The employees of the federal government or the government will be having a hard time to control these as long as the aboriginal people are not recognized. If they are not included in the constitution, I do not think that we should even be able to meet as a Legislative Assembly and there should not be a Legislative Assembly in the Northwest Territories.

We have to agree with each other that the constitution -- we should meet with these -- the Prime Minister and the cabinet and give them our concerns so that this could be included in the constitution. It is said that Canada is a very nice country and it seems like this is not going to be true if some of the people are not going to be recognized.

I am going to support the motion that will be presented, because I am very frustrated with what has happened with the constitution. These are the concerns I wanted to voice and I will be supporting the motion that will be presented. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Kilabuk.

Mr. Arlooktoo.



Mr. Arlooktoo's Comments

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I am also very touched about the constitution because of my people. They are not very happy with this and they are very concerned about the Nunavut proposal and they have been asking about the Nunavut proposal and if they will be getting Nunavut. They are very frustrated with the constitutional development. They are saying that they will do whatever they want and not follow the ordinances if the aboriginal people are not recognized. For this reason, I am going to support the motion that will be presented. The Inuit do not seem very helpful or useful when -- if this section 34 is not going to be included. We think that we should not participate in any kind of lawmaking or development in the Northwest Territories if we are not included and this is very frustrating for us, when we are not included. This is what my constituents think and this is the reason why I am going to support this.

Also, Peter Ittinuar, the ITC President, and Charlie Watt were talking about this on the radio when we were in Cape Dorset. Some of the people in my constituency do not know what they are going to be doing and some of them are saying that they are not a part of Canada anymore. In view of this -- I just want to make this brief, because I want to give my points. We are not happy because of what has happened and this is all I am going to say right now. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Arlooktoo. Mr. Appaqaq.

Mr. Appaqaq's Comments

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I will not speak too long about the constitution. I think that all the people in the Baffin area and Hudson Bay area are not happy. It seems like we are not living anymore, although we still are. Because of this -- the exclusion of the aboriginal people or the Northwest Territories is very frustrating. We were not even asked by the federal government about our concerns or our thoughts and I think this is very wrong for them to exclude us. I understand now that they are only thinking about part of Canada and not all of Canada. They are not even thinking about the money that has been raised, that has been gotten from the Northwest Territories by the southerners.

It was very satisfying to see the progress before, but right now it is very disappointing for the people -- for us. I think we will have to go to Ottawa or ask the Prime Minister to come up to resolve the constitution. We know that we cannot solve this ourselves. If this is going to continue in the future, I do not think there should be any Legislative Assembly because the employees in the Northwest Territories will just be employees of the federal government. I think this is what is going to happen.

We have been in the Northwest Territories for a long time and because of the constitution I think that that people will want to do whatever they want and not follow the ordinances or laws that are set out. This is all I have to say for now. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Appaqaq. Mr. Evaluarjuk.

Mr. Evaluarjuk's Comments

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman. I cannot say any more, because the other Members have said it, but we do have a feeling about the constitution. When we first heard -- I think a lot of people in the Northwest Territories had the feeling, especially in my constituency, around Igloolik, Pond Inlet and Hall Beach and other places -- and it is a major concern in the Baffin region.



My constituency, even if we went through CBC and voiced our concerns -- there is little else that we can do except that we believe that if a lot of Inuit, if the majority of the Inuit support something for themselves, this would help. I think there are about 700 signatures to Peter Ittinuar concerning the constitution, concerning the exclusion of the aboriginal rights. If this is not going to be brought back before us here, I would not want to go on with my membership in the Legislative Assembly.

Maybe we should ask the Prime Minister to come up and if he does not want to come up -- after we hear from the Prime Minister -- maybe we should go on after we hear from the Prime Minister. If we do not hear from the Prime Minister I do not have very much else to say, because the other Members have already said what I have said.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Evaluarjuk. Mr. Pudluk.

Mr. Pudluk's Comments

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I am going to make this brief. We know that all the people in the North are very hurt by this and frustrated by the constitution. We all know how much we are touched or hurt by that constitution. I would like to say for my constituents the things I worked hardest for.

The students from six to 14 years old were asking the older people about the aboriginal rights; if they were taken from the people, what would happen to us? Would we go back to igloos or would we go back to cold places to stay? The younger students and kids were asking these questions to their elders. We were not the only ones -- the adults were not the only ones concerned about this. The children were touched by this too.

What was mentioned before -- I agree with all the things that have been said before. We are the representatives of the Northwest Territories and the people that we are representing are very frustrated with this.

I think that we should support the people who are trying to get the aboriginal rights back into the constitution. I think that we will have to support them, whether we approach them or by other means, because I think that the only way we can get the aboriginal rights back into the constitution is that we unite together and try and get it back. If we are just going to be sitting in the House and trying to deal with laws and that, I think that we will have to concentrate on the constitution.

We do not agree, because we were the first people who occupied the Northwest Territories. I think it has been four or five years now that I have tried to make a reply to the Commissioner's Address. I said that the northerners had a very hard life when they moved to the Northwest Territories and that a lot of the Inuit died on their way up here, because of the hardship to survive. I think that about 6000 or over -- over 6000 years have gone from then.

Keeping that in mind, I will support getting the aboriginal rights back into the constitution with all my powers.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Pudluk. Mr. McLaughlin.

Mr. McLaughlin's Comments

MR. McLAUGHLIN: Thank you, Mr. Chairman. The political jurisdictions dealt with by the BNA Act as originally passed by the British parliament divides various authorities between the federal and provincial governments. The two areas which relate closest to this Assembly and to the people we represent deal with aboriginal rights and the territorial lands where we live.



Under the BNA Act as it exists the federal government clearly has jurisdiction over both these areas. Aboriginal rights were enshrined in the charter of rights originally proposed by the present federal government. As well, there was some guarantee that territorial governments would at least be heard if future amendments to the constitution would affect us. Even then I was concerned that aboriginal rights were not very well defined -- as I mentioned in previous debates in support of Mr. MacQuarrie's motions -- and I was upset that future amendments to the constitution, which might lead to provincehood for the Territories, could be prevented by a majority of provinces, or even more disturbing yet, by 51 per cent of the general Canadian electorate in a plebiscite.

Now, this most recent accord is, of course, worse yet for the people of the Territories, not only because aboriginal rights were removed from the charter but also, because now only one third of the provinces could block future constitutional development toward autonomous government in the Northwest Territories. Both of these areas which were entirely under the jurisdiction of the federal government now fall into the domain of the provinces as well. Due to the fact that two thirds of the provinces would have to agree to any future change in the constitution if it passes in its present form, they would in fact have to agree that we get autonomous government in the Northwest Territories. Right now we cannot even get through to one government in Ottawa. How are we going to convince eight governments in the South when we cannot even get through to the present bureaucracy in Ottawa as to what our hopes and expectations are for the future?

During previous debates on this, Members may remember that I thought that putting the aboriginal rights section in the charter without clearly defining it was a trick. It really bothered me because in the Northwest Territories, for example, the Inuit people, their presence in the far North and the fact that those people are Canadian citizens has been used by the federal government around the world at international conferences in order to gain Canadian sovereignty over these islands. I would never have dreamed that what they would have done could be worse than they have done, but this big stab in the back they have pulled now is far worse than any trick that I thought they might have been pulling when they put aboriginal rights in the constitution without clearly defining them.

I was concerned that there would be second-class Canadians in the provinces that did not have the right for a veto and I pointed out that we were third-class Canadians. Well, now there would only be first-class and second-class Canadians, but we will be the second-class Canadians and we will not even have as much as we did before when we were going to be third-class Canadians.

I always thought of myself as a Canadian first and a resident of the Northwest Territories second, but I do not want to be a second-class Canadian. We cannot separate -- I do not think it is probable that the Northwest Territories can any way separate from Canada like Quebec or the western provinces are able to threaten, but I think if we all get together and stay together on this issue and make it our main issue we can somehow get over this problem. I think we have got to unite in this House and forget about the differences, which I really think we can settle ourselves up here. There are differences between us, but I think we can settle them ourselves up here.

AN HON. MEMBER: Hear, hear!

---Applause

MR. McLAUGHLIN: I think we only have one enemy right now and it is the federal government and their blatant, disgusting and ridiculous giving away of their responsibility. They have traded away a responsibility given to them and we have to go after them for that in any way we can.



CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin.

---Applause

Mr. Noah, please.

Mr. Noah's Comments

MR. NOAH: (Translation) Thank you, Mr. Chairman. Section 34 of the BNA Act that they repealed, I am not very happy with either. I am not very happy with it because the aboriginal people of the North whose territory it is are thinking that even though there are 40,000 or 50,000 people -- we have been here even when the Northwest Territories was not called part of Canada. One of the reasons why I am not happy is that only nine premiers of Canada have signed the constitution. They seem to be the only ones that -- the representatives of the provinces, they have taken out the section. They have not even been to the Northwest Territories and they do not know how here in the Northwest Territories the native people have lived. It just seems like it is an example, that they are just visiting, and when they come in the day before, I am not very happy with this.

I would like to comment on something else I have been thinking about on this subject. We are elected in the Northwest Territories and we are 22 Members of the Legislative Assembly. We cannot really solve something when our people, the people that voted for us, say we cannot. They should also be like that -- the premiers of Canada should consult before they make a decision and they should not have decided for us either. We are not a province yet here in the Northwest Territories. The nine provinces should not have made any decisions for the people of the Northwest Territories. We are 40,000 or 50,000 people here in the Northwest Territories.

The subject of aboriginal rights, section 46 -- I feel that -- what are we classed as? Are we still Canadians? Can we still vote as Canadian citizens? Are we entitled to vote as a Canadian citizen or right now are we considered as nothing? Maybe the aboriginal rights word has been diluted and it is just like we, the people of the Northwest Territories, even though we are Canadians, we could just be thrown out or forgotten about. Maybe it would be better if I stepped aside from being a Member of the Legislative Assembly, because I have lost my status by the nine provinces. I am used to expecting that the premiers of the provinces could help the people of the Northwest Territories but I had another think coming, that they would just dilute the people -- the aboriginal people -- recognition of the aboriginal people.

The Prime Minister of Canada, I feel he should have more power because he has been appointed by Queen Elizabeth. He should have been the one to make the decision, because it just seems that the Prime Minister of Canada is the leader of Canada. I feel now that he is just like a turkey. The Prime Minister should be the one to be blamed because it seems like he abandoned what he has to do and the premiers and the ministers of the provinces seem to be the ones running the country. I am not very happy about this. I am just thinking, are they doing it criminally? Maybe they are jealous because we have lots of oil and gas exploration and they are finding it up here and the people are starting to find minerals up here. Maybe -- I am not saying that they are jealous now, but I am just thinking that maybe they are jealous because of all the resources that they are finding here in the Northwest Territories.

The ITC, Inuit Tapirisat of Canada, ICNI, Inuit Committee on National Issues, and COPE, Committee for Original Peoples Entitlement have been negotiating and have got into some agreement with the federal government and they have worked very hard to resolve this, the business of aboriginal rights, and they have taken it out of section 34. It will seem that we will be a different people because of those nine provinces. If I were to be in a province I would say that they should not be elected during the next provincial election, and I want to say that I do not want them to be elected again if they are not going to be helping their

fellow Canadians. It will be much better in the next federal election that they are not elected. Maybe if they were not born at all it would have been a lot better. I am not joking, but I am just saying this is how I feel. I am not happy with this at all and we are not happy in my community.

Lastly, Mr. Chairman, the people of the Baffin region and the Keewatin -- it would be a lot better if they do not take their children out of the schools. Because the native Members of the Assembly will be worked upon -- I am not through with my term in the Assembly yet. The aboriginal rights -- I think they should be taken back. If they just do not take their kids away from the schools, maybe they could petition the ITC, because with the help of ITC or talk with Peter Ittinuar and Dave Nickerson -- send a petition down. It would be a lot better not to take their kids out of the classrooms instead. We are not criminally inclined to do stuff like that, the people of the Northwest Territories. I do not want to see kids taken out of schools right now.

I heard that the Baffin region people took some kids out of their schools and I heard that in the Keewatin that is what they are going to go through. I do not want this to happen, because education should not be stopped, because the young people cannot do anything about this, even though they are taken out of school. This is what we are supposed to be debating, the elected people of the Legislature.

The natives and the non-natives who are elected here to the House should deal with this and if the people of our community really want to get this thing done, they should get petitions and send them down to Ottawa, and this should help them a lot more, instead of taking their kids out of the school. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Noah. We will take a 10 minute coffee break, and I have Mr. Sibbeston next and Mr. Braden and Mr. McCallum.

---SHORT RECESS



CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum. I have Mr. Sibbeston first on the list. Mr. Sibbeston.

Mr. Sibbeston's Comments

MR. SIBBESTON: Mr. Chairman, I am pleased that this Assembly has taken the opportunity at the earliest time possible to deal with the issue of the Canadian constitution particularly as it relates to the matter of aboriginal rights, and the requirement of provincial consent in future constitutional changes for the Northwest Territories.

Constitutional debate, of course, has been with us for the last year or so, and as a Canadian, I am generally glad that the federal government has been able to come to an agreement with the majority of the provinces. I, too, feel that it is unfortunate that Quebec was not able to be accommodated; but in general ways, I guess, the whole country has made some progress toward getting its own constitution. I, like other native people in Canada when the details began to leak out as to the precise nature of the agreement, was surprised and shocked that the provisions of aboriginal rights in section 34 had been left out of the constitution. I was surprised especially in light of the fact that the native people, the Inuit, the Indian people in the South, the Dene and the Metis people had gone to great lengths it seems to get aboriginal rights placed in the charter of rights at the committee stage. It seems, too, the federal government at the time that this was done applauded itself greatly that it was going to protect the rights of the native people.

Negative Type Of Provision In Charter Of Rights

Since learning about the news of the exclusion of aboriginal rights when the constitution has come down, I have had a chance in the last while to go into some detail as to precisely what has happened and I would like to just review the situation as I understand it. It seems that section 25 in the proposed charter of rights that had been presented by the federal government to the Supreme Court of Canada is still in there. There is some provision for recognition of aboriginal rights but generally, if you look at section 25 which is still in the charter of rights, it is a negative type of provision. It simply states that all of the guarantees in the charter shall not be construed to abrogate or take away from any aboriginal treaty or other rights or freedoms that pertain to native people and it particularly mentions the royal proclamation and any rights that native people may acquire through land claim settlements.

One may think this is some recognition of native people and native people maybe ought to be happy, but as I said, it is a negative type of statement and later on -- with the present exclusion of aboriginal rights and the provision now for the provinces to add their consent to any definition of aboriginal rights, in the future aboriginal rights may be of very limited and narrow type of meaning. So this is why section 25 in the future, after the federal government and provinces get through with the finding, may not be of much substance and this is why I think native people are very concerned.

Concern Of Metis People

Section 34, which has been in the constitution as proposed by the federal government and presented to the supreme court, has now been removed and section 34 is a very positive type of statement. It just says that the aboriginal and treaty rights of aboriginal peoples of Canada are hereby recognized and affirmed and that is a much more positive and forceful statement recognizing the rights of native people in Canada and now this provision has been excluded from the newly agreed to constitution and this is why native people are so alarmed. That provision also provides that the aboriginal people of Canada includes Indian, Inuit and Metis people of Canada. The Metis people in Canada I think would be particularly concerned because they had fought quite hard to be included under the definition of aboriginal people. Now it seems all of the happiness or the contentment that had been derived a number of months ago has been swept away.



The effect of the new agreement is that the government and the provinces do agree that in the future there will be a constitutional conference to deal with defining and outlining the rights of the aboriginal people in Canada, but as you can expect, when this is done any definition of aboriginal rights will have to have the agreement and consent of two thirds of the provinces. So I think native people can expect that if this were to happen, their rights would be very largely reduced and put in the very narrow, and this is why I think native people are so concerned. The federal government, of course, has not recognized aboriginal rights. They have been the government in Canada that has paid its due respect to the native people. However, some of the provinces in Canada have a history of not dealing as fairly with the native people and some provinces in fact have not even recognized that native people have aboriginal rights. Provinces like British Columbia are notable for that.

#### Native Rights Will Be Curtailed

Mr. Chairman, if the constitution as it has been agreed by the federal government and the provinces is to go into effect, I feel that the native peoples' rights in Canada are going to be extremely curtailed and the people, of course, in the Northwest Territories are, to a large extent, native and therefore the rights of people of the North will be severely curtailed. The native people, up to now, up to this time, have been dealing with the matter of aboriginal rights on a fairly positive and hopeful basis. In the North here, a number of native groups have undertaken negotiations with the federal government to resolve the aboriginal rights issues. In the case of the Inuvialuit in the Mackenzie Delta, they have come to one agreement, and the Inuit people through their organization, ITC, Inuit Tapirisat of Canada, and the Dene people through the Dene Nation, have begun negotiations of their aboriginal rights. To date native people have taken a very broad view of aboriginal rights.

In the case of the Dene people, who I am familiar with and who I represent in my constituency, their definition and view of aboriginal rights extends beyond simply hunting and fishing. It extends to the belief that the Dene people do have some political rights, that they have a right to a government in this part of the North. They have a right to a government in the style and tradition of the Dene people. They also believe that their aboriginal right includes things like land and resources. So native people until now have taken a broad view of aboriginal rights. The federal government to an extent has come along and given some recognition to this view. So I am very concerned because all of this may change.

#### Political Rights Of Native People

In the new constitution aboriginal rights will have to be defined and agreed to by the provinces. The definition of aboriginal rights may be a lot more narrow and it may be limited to things like hunting and fishing on a stated piece of land, let us say a reserve. This is why I am so concerned. I am also concerned because at the moment the native people, the Dene people in this part of the North are in the process of negotiating aboriginal rights and just in the last few days have made public a proposal for a public government in this part of the North. I am concerned that if a narrow view of aboriginal rights is taken, the government and the provinces will not permit the native people to view or to consider the political rights and things like government as part of their aboriginal rights.

Now, with respect to the other matter concerning the Government of the Northwest Territories, up to now the Northwest Territories has been a jurisdiction of the federal government. The federal government has the power to create new provinces and to make changes in provincial boundaries. Now, in the new constitution, the matter of new provinces, things like the aspirations of the Inuit people for Nunavut and the Dene people for Denendeh, will be subject to the provinces. Also it seems, by implication in the new agreement, the



provinces are given provision or are given power to extend their boundaries north of their present boundaries. There is also no provision for the Government of the Northwest Territories to be involved in constitutional discussions in the future. So it all means that the aspirations of organizations like COPE, Committee for Original Peoples Entitlement, ITC, the Dene Nation, will go for naught. It seems our whole future now may be tied up with having to get the agreement and consent of the provincial governments, and we all know that some of the provinces have a view on extending their boundaries north so it is not likely that they would agree to people in the North being acknowledged as having their own provinces.

So, in conclusion, I do think that the future looms quite darkly before us, all of us that are northerners. It seems too, that in the last few days Bill C-48 has been passed by parliament, and is now I believe at the Senate stage. As you know, this bill asserts federal control and ownership of all lands in the Northwest Territories which it calls "Canada lands". So it seems we are getting it from all angles and directions, Mr. Chairman. I am concerned, and I hope you are and obviously most of the people here are.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Mr. McCallum.

Hon. Arnold McCallum's Comments

HON. ARNOLD McCALLUM: Mr. Chairman, I want to participate in this particular discussion dealing with the recent agreement signed by the federal government and nine of the 10 provinces. I think as has been indicated that after such a long time, many Canadians were very much in agreement with the kinds of aspects of agreement that did take place, with respect to the patriation of the constitution. I have always believed that as a country we should have our own constitution in our own country. I believe that there should be an amending formula. There should be some way to take into consideration the kinds of changes that must be made as the country grows. I believe in the charter of rights for people and I abhor the deletion of those particular rights that affect many of the minorities in this country. I abhor the non-recognition of the Territories. However, Mr. Chairman, I cannot agree with some of the remarks that were made previously that our enemy is just the federal government and I say that regardless of the party in power. As my colleague across the floor indicated, we have finally come to realize that we do not have just one enemy in this country. We have a number of enemies and they number at least seven or eight because the provinces, at least six or seven of them, forced that kind of agreement so that the proposed constitution would be able to be patriated.

It is indeed unfortunate that the federal government would have to give up our concerns, the concerns of a great number of other people, in order to get that agreement among the other 10 provinces and in point of fact, only an agreement with nine. I have always held the belief that there has been a federal policy, a position, about treating us as mushrooms. Now I believe it is not just at the federal government level, it is country-wide, and I need not tell you what that treatment of the mushrooms or the mushroom syndrome is.

I believe that in a democratic federation such as we have, that all citizens regardless of wherever they live should be able to participate in government. I always felt that any kind of preambles to constitutions would say that the legitimacy of the institutions and laws of a country are founded upon the will and consent of the people. I have always felt that constitutional reform would honour the contributions of the original inhabitants of the country. It would honour those who have built the foundations of the country and those whose endeavours through the years endowed its inheritance.



Agreement Not Sought

I say to you, Mr. Chairman, and to other Members of this committee, that we in the North are still building our country. We are still building the foundations. Our will and consent has never been asked nor given. We have no role in the reform process. We have attempted by address, by talk, by motion to give that kind of concern, to make the kind of concern that we have known to the federal government and to the provinces. We have attempted to do this in many instances. It is inconceivable to me that people in other parts of the country would agree to discuss certain matters that affect us, including territorial limits, territorial authority, existing territorial authority, without our particular agreement, without our particular presence, without our particular indication of how we feel.

We had some idea under the BNA Act and its amendments of how we would progress. It was never carefully defined but we had some idea. Section 146 said that we could make address. Now we are told by the provinces that the club is full, there is no room for nobody else nohow -- I made it a triple negative so it should work -- they do not want any more members. In fact we do not have any say in, not only the alteration of the size of the Territories but in fact that the present form could allow an amalgamation and we will still have no say. We could disappear into the existing provinces and I say that in an area that is unique, in an area that has different people, in an area whose people have their own desires and hopes and aspirations to join the Canadian confederation, that is not good enough. We are as democratic as any other legislature in Canada; as democratically elected as the federal Members of Parliament and the other and various provinces. We have no say in any further, any subsequent discussions on any kind of change that will occur in our constitution. I do not hold to that. I believe that we should have a say. We have heard people today express their concerns and express them very well. I do not intend to be kept in the dark as a mushroom. I do not intend to leave unless people intend I should, but I intend to plead here to attempt to get our say in the kinds of discussions that will formulate the new country that we will have.

However, if the federal government and the provinces -- because again it is the provinces as much as it is the federal government -- if they are saying by inference in their particular agreement that we are to remain wards of the federal government, I say that it is not good enough to imply that. I say they should make a definitive statement that we now know our place, that we will live in the Territories regardless of race, and not only that, but the aboriginal peoples across this country now know their place as well. I say that is not good enough. Even if they do make a definitive statement to that effect, and I am sure they will not, then I think we should again come together and make a concerted effort, not only with the federal government but with the other provinces, to bring forth our particular views. In my view it is no longer acceptable to remain wards. If Canadian government institutions and laws are for all Canadians and are to be based upon the will and consent of the people, and if democratically-held elections signify effective participation, then the country in all its parts, not just the federal government, but the country in all its constituent parts, must recognize and must formally accept that we have a place and a role to play in it.

We as a Legislature must emphatically demand as others before us have, that we are not to be excluded from provisions of this particular bill and agreement and possible constitution nor shall we be excluded from further and subsequent meetings held to discuss any changes that will be in that constitution. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. McCallum. Mr. Braden.



provinces are given provision or are given power to extend their boundaries north of their present boundaries. There is also no provision for the Government of the Northwest Territories to be involved in constitutional discussions in the future. So it all means that the aspirations of organizations like COPE, Committee for Original Peoples Entitlement, ITC, the Dene Nation, will go for naught. It seems our whole future now may be tied up with having to get the agreement and consent of the provincial governments, and we all know that some of the provinces have a view on extending their boundaries north so it is not likely that they would agree to people in the North being acknowledged as having their own provinces.

So, in conclusion, I do think that the future looms quite darkly before us, all of us that are northerners. It seems too, that in the last few days Bill C-48 has been passed by parliament, and is now I believe at the Senate stage. As you know, this bill asserts federal control and ownership of all lands in the Northwest Territories which it calls "Canada lands". So it seems we are getting it from all angles and directions, Mr. Chairman. I am concerned, and I hope you are and obviously most of the people here are.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Mr. McCallum.

Hon. Arnold McCallum's Comments

HON. ARNOLD McCALLUM: Mr. Chairman, I want to participate in this particular discussion dealing with the recent agreement signed by the federal government and nine of the 10 provinces. I think as has been indicated that after such a long time, many Canadians were very much in agreement with the kinds of aspects of agreement that did take place, with respect to the patriation of the constitution. I have always believed that as a country we should have our own constitution in our own country. I believe that there should be an amending formula. There should be some way to take into consideration the kinds of changes that must be made as the country grows. I believe in the charter of rights for people and I abhor the deletion of those particular rights that affect many of the minorities in this country. I abhor the non-recognition of the Territories. However, Mr. Chairman, I cannot agree with some of the remarks that were made previously that our enemy is just the federal government and I say that regardless of the party in power. As my colleague across the floor indicated, we have finally come to realize that we do not have just one enemy in this country. We have a number of enemies and they number at least seven or eight because the provinces, at least six or seven of them, forced that kind of agreement so that the proposed constitution would be able to be patriated.

It is indeed unfortunate that the federal government would have to give up our concerns, the concerns of a great number of other people, in order to get that agreement among the other 10 provinces and in point of fact, only an agreement with nine. I have always held the belief that there has been a federal policy, a position, about treating us as mushrooms. Now I believe it is not just at the federal government level, it is country-wide, and I need not tell you what that treatment of the mushrooms or the mushroom syndrome is.

I believe that in a democratic federation such as we have, that all citizens regardless of wherever they live should be able to participate in government. I always felt that any kind of preambles to constitutions would say that the legitimacy of the institutions and laws of a country are founded upon the will and consent of the people. I have always felt that constitutional reform would honour the contributions of the original inhabitants of the country. It would honour those who have built the foundations of the country and those whose endeavours through the years endowed its inheritance.



Agreement Not Sought

I say to you, Mr. Chairman, and to other Members of this committee, that we in the North are still building our country. We are still building the foundations. Our will and consent has never been asked nor given. We have no role in the reform process. We have attempted by address, by talk, by motion to give that kind of concern, to make the kind of concern that we have known to the federal government and to the provinces. We have attempted to do this in many instances. It is inconceivable to me that people in other parts of the country would agree to discuss certain matters that affect us, including territorial limits, territorial authority, existing territorial authority, without our particular agreement, without our particular presence, without our particular indication of how we feel.

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However, if the federal government and the provinces -- because again it is the provinces as much as it is the federal government -- if they are saying by inference in their particular agreement that we are to remain wards of the federal government, I say that it is not good enough to imply that. I say they should make a definitive statement that we now know our place, that we will live in the Territories regardless of race, and not only that, but the aboriginal peoples across this country now know their place as well. I say that is not good enough. Even if they do make a definitive statement to that effect, and I am sure they will not, then I think we should again come together and make a concerted effort, not only with the federal government but with the other provinces, to bring forth our particular views. In my view it is no longer acceptable to remain wards. If Canadian government institutions and laws are for all Canadians and are to be based upon the will and consent of the people, and if democratically-held elections signify effective participation, then the country in all its parts, not just the federal government, but the country in all its constituent parts, must recognize and must formally accept that we have a place and a role to play in it.

We as a Legislature must emphatically demand as others before us have, that we are not to be excluded from provisions of this particular bill and agreement and possible constitution nor shall we be excluded from further and subsequent meetings held to discuss any changes that will be in that constitution.  
Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. McCallum. Mr. Braden.



The other area that I am extremely concerned about is in the area of aboriginal rights. It would appear that the provinces would want to have a great deal of say in terms of defining and to what extent aboriginal rights should apply in their provinces. I feel in the end that there would be limitations imposed and the aspirations of the aboriginal people in the provinces would be jeopardized a great deal. I think that it is federal responsibility. The federal government should retain that responsibility for aboriginal people. So those are the two areas I am extremely concerned about.

#### Right To Determine Political Direction

Also, the federal government has indicated that they would want to hold a conference to consult with the aboriginal people in Canada but having said that, there is really no guarantee beyond consulting aboriginal people. So I feel that the rights to determine our own political direction in the North should really remain with the residents of the Territories and we want to have an opportunity to negotiate with the federal government in this area. I really do not feel that the provinces should be given any opportunity at all to interfere with the political evolution process of the Territories. We are the ones that should determine our own blueprint for the North. I do not think that the provinces are in a position to understand the aspirations of the people of the North, and having said that, I think that we respect our right to protect our interest. At the same time I do not think they should be given the opportunity to interfere with our right for self-determination and self-government in the Northwest Territories. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Ms Cournoyea.

#### Ms Cournoyea's Comments

MS COURNOYEA: Thank you, Mr. Chairman. I have heard since I came here a number of concerns about who has deserted who and who is abandoning who at this time. I guess I am of the firm opinion, and I have been consistent in this, that the aboriginal people have their protection only under the British North America Act. There is no provision in the Northwest Territories that guarantees aboriginal rights. There are vague policies and grandiose statements but there is no real legislation that has been passed to enshrine this. As for being surprised at the events that took place, I am not at all surprised. I am surprised that others are.

When section 34 was put into the constitution, the native people of Canada were happy and elated and I suppose it would have stayed there if in fact the national Indian representation did not shoot off Prime Minister Trudeau's ass soon after they got section 34, and after being party to the agreement. I imagine if I were the Prime Minister and I was negotiating with the provinces and there was no political gain to retain section 34, it would have been not that difficult to put it aside. The political manoeuvring of national Indian representations was supposed to ensure for their people the retention of section 34. If they in fact had made that agreement with the federal government and the Prime Minister, they should have stuck to it. Instead they agreed, they consented and they were happy at section 34 until a very few weeks later.

#### Political Interests Benefited

Now why is it surprising that the Prime Minister, in his judgment in dealing with the premiers and the premiers, being astute politicians, and looking after their own interests, would not see the benefit of taking that section away in their negotiations? It is not surprising to me that they would argue with the Prime Minister that "Look, you are not losing anything because you do not have the Indians supporting you when you go to England, so why leave it in there?"



It is more important that you have the provinces on your side than the aboriginal people because they are not supporting section 34 anyway." Now, it seems to me when you have a good thing you should hold onto it, not accept it and deny it at a later time. You should stick to your word. To be surprised that someone else was able to manoeuvre and manipulate the political gains for their own need, that is not surprising to me.

Now, let us take the aboriginal people of the Northwest Territories North of 60. I believe right now Minister John Munro has offered, through the Prime Minister, that we can retain section 34 in full for those natives North of 60, but it seems to me that our aboriginal brothers in other sections and tied to the provinces feel that they would rather negotiate a watered-down 34 to include everyone, and I wonder if that is good political finesse. The motion as it stands indicates that whereas the agreement would have profound effects on the aboriginal peoples of the Northwest Territories and the Government of the Northwest Territories who were not parties to the discussions or agreement; well, let me tell you, we were party to those discussions previously.

#### Precedent May Be Set

For the organization COPE, we supported the patriation on the basis that section 34 would stay in and pass for people North of 60. Now, in terms of that, I believe the Indian Brotherhood of the Northwest Territories or the Dene Nation should in itself support the fact that if we are able to get section 34 in full, we should consent to that. On the basis for our brothers in the South, perhaps a precedent would be set and that we would have something. As for the provinces coveting the Northwest Territories and moving their boundaries north, I do not believe that is a new idea or a shocking idea. I think the Canada West Federation has coveted and expressed that desire from a long time back, but as for the constitution coming to Canada, or being enshrined and dealt with in Canada, I think the aboriginal native people, under the present circumstances are far better off making sure that the constitution stays exactly where it is.

In the past few weeks we have been dealing with Minister John Munro in regard to Bill C-48 where we have merely asked if in fact the provision in Bill C-48 takes away from 7(1)(a) land -- this is land that has been agreed to in the agreement in principle of the COPE agreement -- whereby we receive full rights to surface and subsurface, and we have been asking him if he would ensure that Bill C-48 does not take away what they have given us in the agreement in principle. Now, for two weeks Minister Munro has not been able to clarify that question, so I think that is indicative of what the federal government is willing to do in terms of settling the land rights question among the native people, particularly of the Northwest Territories.

I believe that we as the Northwest Territories may have an ability to gain more protection for native people because we are not a province; and I am happy today that we are not because we may have been in the same situation as the Indian or Dene and as the Quebec Inuit. I really do not know whether in fact that this Northwest Territories Legislative Assembly really does support native rights in a meaningful way. I have heard a lot of words and a lot of speeches that they do, but it seems to me when it comes right down to making a decision on detail, there are not many people who are willing to stick their neck out. The aboriginal people of the Northwest Territories are the only ones that have the legal and moral right to demand these rights. Others who are in the Northwest Territories do come from the provinces and I do not know how long they are going to stay in the Northwest Territories.

#### Section Should Remain Intact

So the fact that we indeed have a problem now on section 34, I wonder if we could at this time be even more clear that the possibility of a motion would indicate that the constitution should not be in fact patriated until section 34



for the aboriginal people North of 60 is fully intact. I believe that we have the ability to fight for that detailed provision. I believe this is within our scope and within the jurisdiction of the Northwest Territories and the Yukon Territory. I would like to see that if we are going to put forth a provision for the meeting with the Minister, rather than saying that nothing should happen until a meeting takes place, rather section 34 should be guaranteed for North of 60 before any patriation or constitutional change takes place.

Right now it seems the Queen in all her majestic or far away power has more of an ability to protect the native people and I would like to say that until such time as the provinces and the Northwest Territories really do have something in detail in terms of what they are willing to support, we should just make sure the constitution stays just there.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Ms Cournoyea. Mr. Tologanak.

HON. KANE TOLOGANAK: Thank you, Mr. Chairman. I have a bit of difficulty speaking because of my cold, but I am sure you can make me out.

CHAIRMAN (Mr. Fraser): Would you move your mike a little closer, please?

HON. KANE TOLOGANAK: How is that?

CHAIRMAN (Mr. Fraser): Very good, thank you.

HON. KANE TOLOGANAK: The people in the North -- I would like to carry this discussion tomorrow, Mr. Chairman, because I am having difficulty speaking.

CHAIRMAN (Mr. Fraser): Mr. Tologanak, I think after the discussion here there would be a motion and you would probably be able to speak to the motion tomorrow, I do not think we will get it finished tonight.

Hon. Kane Tologanak's Comments

HON. KANE TOLOGANAK: Well, Mr. Chairman, I will attempt to speak a little bit now, then. The people in my area, the Central Arctic, have been talking to various people in the last couple of days and despite the problems they have understanding -- they are shocked -- but are pleased to be able to understand the kind of discussions that are happening and agreements that have been made by the Prime Minister and the nine provinces, especially being provided information in Inuktitut by CBC from Frobisher Bay in Rankin Inlet. I thank CBC for that, but only for that part.

We feel very outsmarted in a way, because we were led to believe that section 34 was going to be there and when the real crunch came down, that the provinces pushed the Prime Minister to sign the agreement without the real participation of our people in the Territories. Perhaps, Mr. Chairman, then, I will speak more to the motion if there is an improvement in my voice tomorrow. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Tologanak. Is there anybody else that wants to speak to the -- Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. I do have a motion to put and just a moment before that, I would like a last opportunity to comment on one point that was raised with respect to premiers. I must say that I would not absolve them of blame, but at the same time I do not cast them as villains either, because I would remind Members that the provinces represented by those premiers had legal rights -- not ordinary legal rights, but constitutional rights that were being ignored in the federal government's process of constitutional renewal. They were as deeply alarmed at that fact as we are now, and I think that we cannot blame them entirely for attempting to act to protect those rights.



It must be very clear that the mess we have now -- and I think it is a mess -- in my opinion has resulted from the actions of the Prime Minister and the federal government who have been willing to deal with one party at the expense of another; that the removal of aboriginal rights has been seen as a betrayal and, indeed, in a sense it is, but I would remind Members that that matter was inserted into the package when the Prime Minister was attempting to do an end run around the provinces and was scrambling for other support and therefore it is not surprising that he threw it back out again when he thought that he had better support in the case of nine provinces.

It ought to be remembered that the Prime Minister has always had the power to convene a constitutional conference with premiers, with aboriginal peoples, with representatives of the territorial government, with everybody who has an interest in the matter, but he has chosen not to do so. So, the simple truth is that it is the process that is rotten and I would say that anyone who is inclined to support the process in any aspect need not be terribly surprised when that process leaves him at a disadvantage. I believe that all of us have to be concerned about all rights in the country if we hope to have a constitution that protects all rights.

Having said that, I would like to reaffirm my absolute solidarity with my colleagues on the matters that are contained in the resolution that I will present, and I would like to say now that it is a resolution that results from the actions of a caucus committee which was set up this morning and which was chaired by my honourable colleague from Frobisher Bay, Mr. Patterson. I personally would like to thank him for his leading role in ensuring that this discussion took place and in drafting the resolution.

Motion Requesting Meeting With Prime Minister Before Constitutional Agreement Put Into Effect

Mr. Chairman, I move, seconded by the honourable Member for Frobisher Bay, the following resolution.

To the Right Hon. Prime Minister of Canada and to the provincial premiers; to Members of Parliament Dave Nickerson and Peter Ittinuar and Senator Willie Adams; to the Leader of Her Majesty's loyal Opposition and the leader of the New Democratic Party in the federal parliament:

Whereas an agreement on the constitution of Canada between the federal government and nine provincial premiers was reached on November 5th, 1981;

And whereas the Legislative Assembly of the Northwest Territories is particularly concerned that the agreement excludes recognition of the rights of the aboriginal peoples of the Northwest Territories;

And whereas the Legislative Assembly is further particularly concerned that the agreement would make the matter of future constitutional and political developments in the Northwest Territories the subject of provincial consent without territorial representation;

And whereas the agreement would have profound effects on the aboriginal peoples of the Northwest Territories and the Government of the Northwest Territories who were not parties to the discussions or agreement;

Now therefore be it resolved that the Legislative Assembly of the Northwest Territories urgently requests that the Prime Minister meet as soon as possible with the Members of the Legislative Assembly of the Northwest Territories to discuss their constitutional concerns either in Yellowknife or at a place convenient to the Prime Minister and further earnestly requests that the Prime Minister of Canada take no further steps to put the recent constitutional agreement into effect until the meeting with the Legislative Assembly of the Northwest Territories has taken place.



CHAIRMAN (Mr. Fraser): We have a motion on the floor. To the motion.  
Mr. MacQuarrie.

MR. MacQUARRIE: I have no need to speak further, Mr. Chairman.

Progress Toward Unity In NWT

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. Patterson, as seconder of the motion.

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to congratulate my colleagues in the Assembly for so eloquently explaining why this emergency debate needed to take place. I think our Assembly has made great progress toward unity in the Northwest Territories. We have worked closely with native associations and have heard from other interests in the Northwest Territories. We have settled on principles of public government and public decision making for our constitutional and political future. All this effort will have been wasted if we leave our future in the hands of resource-hungry provinces and an unsympathetic federal government.

There is nothing more important, Mr. Chairman, that we can discuss than this matter. All our other important business during this session is of lesser importance. This is an offer that I believe the Prime Minister cannot honourably refuse and from the mood of my colleagues today, some of whom feel so strongly about this matter, they talked about resigning and discontinuing the work of this Assembly, I feel confident in saying that if we are not given the requested meeting by the Prime Minister and if moves are taken to proceed with the package in parliament or to send it overseas, I feel confident that Members of this Assembly will travel to Ottawa and force the issue. Therefore, I am happy to second this motion, which ultimately makes a very reasonable request for a hearing before these matters affecting our future for all time are settled and I am confident all Members will support the motion. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. Mr. Curley.

MR. CURLEY: Thank you, Mr. Chairman. I certainly am going to support this motion. I think it is a realistic one and I think it is one that all the Members of the Assembly would be safe to support, because it has a case and has an objective. I think this is the way this Assembly should have always been, rather than attempting to condemn the federal proposal, mainly because of our differences in principles. I believe principles are important but you cannot get anywhere with them, because we are in the business of the law, and if you just continue to stick to your principles, nobody is going to get anywhere. They create a kind of person and government maybe, but they will not get anybody anywhere if they just stick to their principles. I think that is where the provincial premiers went wrong. They continued to try and block the issue and therefore did not make any progress.

Objective Must Be Pursued

It is in this day and age we have to be progressive, we have to be determined, and we have to passionately pursue an objective rather than just sitting on the kinds of resolutions and motions that we have had made during the history of this Assembly. I would hope, as we pass this resolution, that not only will we sit on it, we will pursue it passionately until we get an objective, rather than just going on reviewing how bad was the process that went on. We are in a very difficult world. We just cannot expect that the principles that we have valued in the past will get us anywhere we want. We have to move ahead, and I support the motion and expect that the constitutional Minister and the Leader of the Elected Executive Committee Members will pursue the case day by day, even if they have to call the Prime Minister every hour. Thank you.



CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question is being called. All in favour?

MR. MacQUARRIE: Could we have a recorded vote?

Motion Requesting Meeting With Prime Minister Before Constitutional Agreement  
Put Into Effect, Carried

CHAIRMAN (Mr. Fraser): A recorded vote has been called, Mr. Clerk. To the motion. All in favour, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Evaluarjuk, Mr. Arlooktoo, Mr. Kilabuk, Mr. Patterson, Mr. Pudluk, Mr. Tologanak, Ms Cournoyea, Mr. Curley, Mr. Noah, Mr. Sibbeston, Mr. McCallum, Mr. Wah-Shee, Mr. Braden, Mr. Nerysoo, Mr. McLaughlin, Mr. MacQuarrie, Mr. Stewart.

CHAIRMAN (Mr. Fraser): Thank you. Against, please stand. Abstentions, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Appaqaq.

CHAIRMAN (Mr. Fraser): Thank you. The motion has been carried with one abstention.

---Carried

MR. MacQUARRIE: Be it noted that Mr. Fraser is in the chair and Mrs. Sorensen is not in Yellowknife at the present time.

CHAIRMAN (Mr. Fraser): This concludes the debate considering matters related to the constitution of Canada. Is there any further business? Is it the wish then that I report progress?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed.

---Agreed

---Applause

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF MATTERS RELATING TO THE CONSTITUTION  
OF CANADA

MR. FRASER: Mr. Speaker, your committee has been considering the matters related to the constitution of Canada, with one motion being passed with one abstention.

MR. SPEAKER: Thank you, Mr. Fraser. It will remain on the order paper, to be brought in again with the proper action being taken by Members. It is still not concluded. It is a report of progress at this time, so depending, I presume, on what may transpire from the Prime Minister's office in the next few days, you may wish to go back into committee of the whole on the constitution and the way is still left open to do that. Mr. Clerk, announcements, please.

CLERK OF THE HOUSE (Mr. Remnant): Yes, Mr. Speaker. I believe Members are aware of the invitation they have received for dinner this evening at 7:00 p.m., the Caribou Room, the Yellowknife Inn. There will be a meeting tomorrow morning at 11:00 o'clock of the standing committee on legislation in Katimavik A. A soup and sandwich lunch will be provided.

ITEM NO. 15: ORDERS OF THE DAY

Orders of the day, Friday, November 13, 1:00 p.m., Explorer Hotel, Yellowknife.

1. Prayer
2. Replies to Commissioner's Address
3. Oral Questions
4. Questions and Returns
5. Petitions
6. Tabling of Documents
7. Reports of Standing and Special Committees
8. Notices of Motion for First Reading of Bills
9. Notices of Motion
10. Motions
11. Introduction of Bills for First Reading
12. Second Reading of Bills
13. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Matters Relating to the Constitution of Canada
14. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., Friday, November the 13th.

---ADJOURNMENT



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