



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

6th Session

9th Assembly

HANSARD
Official Report

FRIDAY, NOVEMBER 27, 1981

Pages 105 to 136

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, NOVEMBER 27, 1981

MEMBERS PRESENT

Hon. George Braden, Hon. Tom Butters, Ms Cournoyea, Mr. Fraser,
Hon. Arnold McCallum, Mr. MacQuarrie, Mr. McLaughlin, Mr. Noah,
Hon. Dennis Patterson, Mr. Pudluk, Mr. Sibbeston, Mrs. Sorensen, Hon. Don Stewart,
Hon. Kane Tologanak, Hon. James Wah-Shee

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Before I get into the orders of the day, I would just like to remark for the record that some of our Members are still involved in the battle that we have been having with Ottawa and the provinces and we expect to have a full House again back here by Monday or Tuesday of next week.

Item 2, replies to Commissioner's Address.

Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

Mr. MacQuarrie.

Question 13-81(3): Copy Of Report On School Board

MR. MACQUARRIE: Thank you, Mr. Speaker. I have a question for the Minister of Education. Mr. Minister, some of my constituents who are employed by Yellowknife Education District No. 2 and others who are ratepayers and whose children attend school in that district have asked me to secure a copy of Mr. Joe Coady's report on the operations of that school board. I have asked the school board by phone and the answer was "no". I wrote a letter to the school board and asked them again and the answer is "no". I cannot have it. I now ask you, Mr. Minister, will you give me a copy of that report so that I can turn it over to the people to whom you are responsible for the operation of schools?

MR. SPEAKER: Mr. Minister.

Return To Question 13-81(3): Copy Of Report On School Board

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. May I say at the outset that I do believe in open government and I regret that I am not able to comply with the Member's request for reasons which I will state.

It is true that a report was done into the situation at the schools in the separate school board when there was some concern about the quality of education there earlier this year. Because I had some difficulties in gaining co-operation from the board in having the report and the study undertaken, particularly instructions to employees and board members not to co-operate with the department's efforts to look into the situation, I met with the board and

came to an agreement with them whereby the report would be carried out and they would co-operate on the condition that the report be submitted to me and handed to the chairperson of the separate school board and that release would be at that chairperson's discretion. I am not willing to go back on my word given to the board at that time. All I might say further, Mr. Speaker, is that I am satisfied that the education needs of the residents of that education district are being adequately satisfied. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. MacQuarrie.

Supplementary To Question 13-81(3): Copy Of Report On School Board

MR. MacQUARRIE: Thank you, Mr. Speaker. Yes, is the Minister of Education telling us then that, although he believes in open government, his sense of personal honour is more important than his belief in open government, because it is only a personal promise that stands in the way? It would be my opinion that revealing the results of a public inquiry -- this would be in the nature of a question to them. Has the public, through the Government of the Northwest Territories, paid for that inquiry, and if so, it seems to me then that it is a public document and does the Minister not feel that because of that, he ought to release it? I will not use up all my questions today. I will pursue the matter again tomorrow if the answers are not favourable.

MR. SPEAKER: Mr. MacQuarrie -- Mr. Patterson, with regard to that particular question and the wording of it, I would suggest that you may only wish to deal with the last part of it and that is the part that dealt with, "Is it publicly financed?"

Partial Return To Supplementary To Question 13-81(3): Copy Of Report On School Board

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Yes, the public, through the Department of Education, incurred some costs, although not extensive costs, associated with the preparation of that report. Thank you.

MR. SPEAKER: Thank you. Oral questions. Mrs. Sorensen.

Question 14-81(3): Willingness To Table Report On School Board

MRS. SORENSEN: Mr. Speaker, my question is also for the Minister of Education. It concerns the same topic. The question is, Mr. Minister, if this Legislature were to bring a motion forward recommending that you table that report in the Legislature, would you be prepared to do so at the direction of the Legislature?

MR. SPEAKER: Mr. Minister.

Return To Question 14-81(3): Willingness To Table Report On School Board

HON. DENNIS PATTERSON: Mr. Speaker, I have answered this question to the press and to the honourable Member for Yellowknife Centre. My position would be no different if a motion came from this House. I do feel that one way in which this problem might be solved is if the board of education itself decided to release the report, either the present board or perhaps a board of different composition which might result once the elections are over. Thank you.

MRS. SORENSEN: Supplementary.

MR. SPEAKER: Thank you. Supplementary, Mrs. Sorensen.

Supplementary To Question 14-81(3): Willingness To Table Report On School Board

MRS. SORENSEN: Mr. Speaker, I wonder if I could have a legal opinion from our Law Clerk with respect to the report itself. Does the report belong to the Minister and does the Minister have the right to make a promise or does that report belong to the government, in which case it then belongs to the Executive Committee and the Commissioner or does the report belong to the public through the Legislative Assembly?

MR. SPEAKER: Mr. Law Clerk, would you like to take that as notice and bring back a written submission?

LAW CLERK (Mr. Fuglsang): Yes, Mr. Speaker. I will take it as notice. Thank you.

MR. SPEAKER: Thank you. Oral questions. Mrs. Sorensen.

Question 15-81(3): Public Meetings On "Our Land Our Future"

MRS. SORENSEN: Thank you, Mr. Speaker. I have a question for Mr. Wah-Shee, the Minister of Constitutional Development. Mr. Wah-Shee, your discussion paper entitled "Our Land Our Future" has been released to the public and is being read and considered by the citizens of the Northwest Territories. The Dene Nation has also released a paper entitled "Denendeh Our Land". My question is, does the Minister have any plans to hold meetings such as the recent public meeting held in Yellowknife by the Dene Nation to consult, explain and discuss his paper with the people of the Northwest Territories?

MR. SPEAKER: Mr. Minister.

Return To Question 15-81(3): Public Meetings On "Our Land Our Future"

HON. JAMES WAH-SHEE: Mr. Speaker, the paper that I have tabled outlines the intention of holding a full-scale consultation in all of the communities and also that we may be holding regional meetings as well and what we would urge is that all the various groups, non-native groups and native groups, would participate in the meetings so that we can get a contribution of comments from all the northern residents of the Northwest Territories which would hopefully lead to a consensus on the constitutional direction for the Northwest Territories.

MR. SPEAKER: Thank you. Mrs. Sorensen.

Supplementary To Question 15-81(3): Public Meetings On "Our Land Our Future"

MRS. SORENSEN: A supplementary then, Mr. Speaker. Mr. Minister, do you have a time frame for the public consultations?

MR. SPEAKER: Mr. Minister.

Return To Supplementary To Question 15-81(3): Public Meetings On "Our Land Our Future"

HON. JAMES WAH-SHEE: Mr. Speaker, I was going to look forward to being advised by my honourable colleagues in this area and I would hope that when the House debates the paper, perhaps we can arrive at a mutually acceptable time frame whereby we can arrive at a consensus.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions.

Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Are there any written questions? Mr. Pudluk.

Question 16-81(3): Widening Road, Arctic Bay To Nanisivik

MR. PUDLUK: Mr. Speaker, my question is to the Executive Committee Member responsible for the Department of Public Works, the Deputy Commissioner, Mr. Pilot. In view of the fact that this House passed a motion May 25, 1981, recommending the Department of Public Works take measures as soon as possible to widen the road between Nanisivik mine and Arctic Bay, would the Deputy Commissioner advise this Assembly as to what steps have been taken to date to improve the highway, making it safer for vehicle traffic?

MR. SPEAKER: Thank you. Written questions. Are there any returns today?

Item 5, petitions.

Item 6, tabling of documents.

ITEM NO. 6: TABLING OF DOCUMENTS

Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I wish to table the following document: Tabled Document 7-81(3), Supplementary Appropriation No. 1, 1981-82. I am informed that the document has been translated.

MR. SPEAKER: Thank you. Tabling of documents.

Item 7, reports of standing and special committees.

ITEM NO. 7: REPORTS OF STANDING AND SPECIAL COMMITTEES

Mr. MacQuarrie.

Report Of Standing Committee On Legislation

MR. MACQUARRIE: Mr. Speaker, the standing committee on legislation has examined the following bills: Bill 2-81(3), Bill 4-81(3), Bill 5-81(3), Bill 7-81(3), Bill 8-81(3), Bill 9-81(3), Bill 11-81(3), Bill 12-81(3), Bill 13-81(3), Bill 14-81(3), Bill 15-81(3), Bill 19-81(3) and recommends that these bills be referred as presented to committee of the whole for consideration.

MR. SPEAKER: Thank you, Mr. MacQuarrie. Reports of standing and special committees. Ms Cournoyea.

First Report Of Special Committee On The Constitution Of Canada

MS COURNOYEA: Mr. Speaker, I wish to bring the First Report of the Special Committee on the Constitution of Canada.

---Applause

May I proceed?

MR. SPEAKER: Proceed, please.

MS COURNOYEA: Mr. Speaker, in accordance with direction provided under Motions 2-81(3) and 3-81(3), your special committee wishes to report on the reinstatement of aboriginal rights in the proposed Constitution Act of Canada. Members will recall that in Motion 2-81(3), the Assembly expressed its general support for the recognition and protection of aboriginal rights for all native peoples of Canada in the constitution of Canada.

However, because the Assembly felt this may not be possible because of provincial opposition or lack of agreement among national native organizations, it instructed your special committee to urge the Canadian Prime Minister to: "Reinstate aboriginal rights of the native people of the Northwest Territories in the proposed Constitution Act in the category of matters, amendments to which may be made only by proclamation issued by the Governor General under the Great Seal of Canada when authorized by resolutions of the Senate and the House of Commons and all the legislative assemblies of all the provinces." In attempting to respond to both the general and specific objectives, your special committee travelled to Ottawa and spent 10 days meeting with federal politicians and senators and representatives of native organizations. In particular, your committee is pleased to report that it met with the Prime Minister of Canada, many Members of the federal cabinet and the leader of the New Democratic Party.

It became apparent, Mr. Speaker, very early in our trip that the primary objective of the federal government was to have aboriginal rights reinstated for all the native peoples of Canada. This would be accomplished by putting back into the proposed Constitution Act the same wording that was contained in clause 34, which was taken out early in November during negotiations between the Prime Minister and provincial premiers. In order to do this the federal government would need approval of all provincial premiers.

Prime Minister's Alternative To Reinstatement Of Section 34

If this could not be accomplished, the Prime Minister indicated he would be prepared to entrench aboriginal rights for native people living on lands which are under federal jurisdiction. This would include the Northwest Territories, the Yukon and reserves set aside for native people in the provinces. In order to achieve this objective, the federal government felt that it needed only the support of national native organizations.

Mr. Speaker, your committee wishes to report that it continually expressed its general support for all the native people of Canada while maintaining that if progress could not be made at the national level, we were ready to join with the federal government to have aboriginal rights entrenched in the Northwest Territories. This position was presented during meetings with the national native coalition in support of aboriginal rights.

New Wording Of Section 34

Early this week the federal government obtained the approval of all provincial premiers to have an aboriginal rights clause, similar to section 34, put back into the proposed Constitution Act. The new clause differs because the word "existing" was inserted. It now reads: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."

Members of your committee who remained in Ottawa received legal advice on the possible implications of this word "existing" and wish to report that it makes clearer or explicit what was left to be understood or implicit in the previous wording. On the basis of this understanding, preliminary support was sought from committee Members, many of whom had returned to their constituencies. I am pleased to report, Mr. Speaker, that expression of support has been unanimous to date.

Recognition Of Aboriginal Rights Received Unanimous Vote In Favour

On Tuesday, November 24th, the Hon. John Munro moved in the House of Commons that a clause recognizing the aboriginal rights of the native people of all Canada be put back into the proposed Constitution Act. I am pleased to report, Mr. Speaker, that on Thursday, November 26th, the House of Commons voted unanimously in favour of this motion.

---Applause

In conclusion, Mr. Speaker, it can be reported that your committee has achieved more than what was set out in Motion 2-81(3). Canada will have in its future constitution a provision recognizing the aboriginal peoples of this nation. While much work needs to be done to further define aboriginal rights, a significant and major step has been taken. A representative of the special committee will be moving a motion this afternoon requesting formal House acceptance of the direction being taken by the federal parliament. In addition, your committee will be tabling more detailed documents and statements later in this session.

Finally, your committee's co-chairmen wish to express their sincere appreciation to all committee Members and staff for their hard work. All Members of the House will join with us, as well, in expressing our gratitude for the expressions of support which came from our constituents.

---Applause

Not only were they helpful in maintaining our momentum in Ottawa, they also were a clear demonstration to Canada of the deep feeling all northerners have concerning these issues. Mr. Braden, will you continue, please.

MR. SPEAKER: Mr. Braden.

Legislature Took Lead In 1979 And Nation Has Followed

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I will read the remainder of the report. I would like to say, just in conclusion to the part dealing with aboriginal rights, that this Legislature, in the fall of 1979, took the lead in Canada to recognize that aboriginal rights existed for the native people of the Northwest Territories. This Legislature stated in November 1980, before the joint House of Commons-Senate committee on the constitution, that aboriginal rights must be recognized in any future Canadian constitutional document.

Mr. Speaker, we supported the Liberal government's constitutional package as adopted in 1981 and maintained the support until November 5th, when aboriginal rights were dealt away. Mr. Speaker, it was this Legislature's commitment to aboriginal rights and its determination to see these entrenched that prompted our historic decision to carry our case to Ottawa when section 34 was lost. Members of this House and northerners can be proud of their major contribution on an issue of historic significance to these Territories and to the nation. This contribution was recognized, Mr. Speaker, by John Munro, when he moved an amendment reaffirming aboriginal rights in the Canadian constitution. I would say, in conclusion to this section, Mr. Speaker, that I think we can all be proud as Canadians that the rest of the nation has finally agreed to follow our example.

---Applause

MPs Not Aware Of Inclusion Of Paragraphs 41(1)(e) and (f)

Now, turning to our other concern, Mr. Speaker, your committee learned when it first arrived in Ottawa that many federal Members of Parliament were not aware that paragraphs (e) and (f) of subsection 41(1) were in the proposed constitutional resolution. These Members did not appreciate the enormous implications for Canadians that lay in these two clauses. Generally speaking, the federal representatives did not recognize that the inclusion of these two clauses constitutes firstly an abdication of responsibility of the federal government for the Territories and a violation of a trust assumed by the federal government for territorial peoples under the provision of the Rupert's Land Act.

Second, the inclusion of the clauses brings about a fundamental change in the nature of confederation by giving provinces, for the first time in Canadian history, extra-territorial jurisdiction.

Third, the clauses contravene the wishes of most Canadians, including myself, Mr. Speaker, who want to maintain a strong central government.

Finally, inclusion of these clauses endangers the fundamental democratic right of territorial peoples to look forward to full responsible government and eventual provincial status under the same terms and conditions as those enjoyed previously by all other Canadians. While your committee, Mr. Speaker, has not yet succeeded completely in achieving the objective it set for itself in this matter -- the deletion of these clauses prior to the adoption of the resolution -- it is pleased to report some measure of success. Your committee made representations to the government leader in the Yukon and the Leader of the Opposition, asking them to support our position. It is pleased to report that these representations were successful. On Monday, November 23rd, the Legislative Assembly of the Yukon unanimously passed a motion in support of our position.

Measure Of Success With MPs And Senators

While in Ottawa, Mr. Speaker, your committee put its position very forcefully to scores of Members of Parliament and senators of all political parties and it did so with a reasonable measure of success. Your committee is extremely pleased to report:

1) That the Conservative party in debate on the resolution yesterday, moved an amendment to delete paragraphs 41(1)(e) and (f);

---Applause

2) That the New Democratic Party had moved a motion under standing order 43 the day before asking for the deletion of those clauses and spoke in support of the Conservative amendment yesterday;

---Applause

3) That some Liberal Members, including Ministers, understand the committee's concerns and are sympathetic, although they may be prevented by party discipline from expressing that sympathy in the vote. The Minister of Indian Affairs has promised his support and co-operation in helping to overturn the provisions of (e) and (f) after patriation. Unfortunately, the Prime Minister and the Minister of Justice, Mr. Chrétien, have decided to go ahead with (e) and (f) in the resolution because, regardless of implications, they are determined to preserve the accord.

Your committee, Mr. Speaker, has also been in touch with the attorneys-general of many provinces, but cannot report much progress resulting from these representations.

Lack Of Interest Due To Lack Of Comprehension

On the negative side, as well, it is apparent that the southern media and Canadians generally are not particularly interested in this issue because they are as yet unable to comprehend the implications involved in it for the whole of Canada. Your committee hopes, and will try to take measures to ensure, that the seriousness of this matter will dawn on them before the resolution is passed.

SOME HON. MEMBERS: Hear, hear!

---Applause

HON. GEORGE BRADEN: In respect of 41(e) and (f), Mr. Speaker, your committee has not yet finished its work. It is proud to report that it has not yet given up and will continue to fight with strength and enthusiasm. It is presently examining options to arouse awareness and to enable it effectively to continue its fight to prevent passage. If passage should occur, despite its best efforts, your committee is also examining options to enable it to overturn (e) and (f) in the post-patriation period or, alternatively, to secure the next best advantage for the people of the Northwest Territories. Thank you, Mr. Speaker.

Motion To Consider First Report Of Special Committee On The Constitution Of Canada In Committee Of The Whole, Carried

I would ask for the consent of this House to have this report moved into committee of the whole this afternoon as the first item of business we deal with. Thank you.

MR. SPEAKER: I have a motion asking for unanimous consent to put this committee report into committee of the whole this afternoon. Is there any disagreement? You have the concurrence of the House.

---Carried

Reports of standing and special committees.

Item 8, notices of motion for first reading of bills.

Item 9, notices of motion.

ITEM NO. 9: NOTICES OF MOTION

Mr. McLaughlin.

Notice Of Motion 5-81(3): Waiving Of Time Limit On Replies And Debate To
Commissioner's Address, Sixth Session

MR. McLAUGHLIN: Thank you, Mr. Speaker. I will be seeking unanimous consent, at the appropriate time later today, to move the following: That the item, "Replies to Commissioner's Address", appear on the orders of the day for all remaining sitting days of this session.

MR. SPEAKER: Thank you, Mr. McLaughlin. Notices of motion. Mr. McLaughlin.

Notice Of Motion 6-81(3): Extension Of Sitting Hours, Sixth Session

MR. McLAUGHLIN: Thank you, Mr. Speaker. I will also be seeking unanimous consent later today, at the appropriate time, to move the following: That this Legislative Assembly authorize Mr. Speaker to set such additional hours as may be required throughout the remainder of this session in order to conclude the business on December 4th.

MR. SPEAKER: Thank you. Notices of motion. Mr. Patterson.

Notice Of Motion 7-81(3): Witness To Appear Before Assembly

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would like to give notice that on Monday, November 30th, I will move, seconded by the honourable Member for High Arctic, that this Assembly resolve into committee of the whole during this session to consider matters relating to the Arctic Pilot Project, at a time and date to be set by Mr. Speaker, and further, be it recommended that John Amagoalik, the president of Inuit Tapirisat of Canada, Simon Awa, president of Baffin Region Inuit Association, and François Bregha, of Canadian Arctic Resources Committee and a consultant to ITC and BRIA be invited to appear as witnesses, at the expense of this Assembly, when this subject is considered in committee of the whole. Thank you.

MR. SPEAKER: Thank you. Notices of motion. Motions.

ITEM NO. 10: MOTIONS

Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Speaker. I would like to seek unanimous consent at this time to move ahead with my motion regarding replies to the Commissioner's Address.

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: You have unanimous consent, Mr. McLaughlin. Go ahead.

Motion 5-81(3): Waiving Of Time Limit On Replies And Debate To Commissioner's Address, Sixth Session

MR. McLAUGHLIN: Thank you, Mr. Speaker.

WHEREAS it is desirable that Members of this Legislative Assembly be provided with additional opportunities to reply to the Commissioner's Address during this session;

NOW THEREFORE, I move, seconded by the honourable Member for Yellowknife South, that the provisions of Rule 34, which limit to five the number of days for the debate on the Commissioner's Address, be waived for the remainder of this session;

And further that the item, "Replies to Commissioner's Address", appears on the orders of the day for all the remaining sitting days at this session.

MR. SPEAKER: Thank you. To the motion. Your motion is in order.

SOME HON. MEMBERS: Question.

Motion 5-81(3), Carried

MR. SPEAKER: Question. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. McLaughlin.

MR. McLAUGHLIN: Yes, Mr. Speaker. I would also like to seek unanimous consent to move ahead with my motion authorizing Mr. Speaker to change the hours of sitting of the House as required.

AN HON. MEMBER: Agreed.

MR. SPEAKER: Unanimous consent being requested. Are there any nays? You have unanimous consent, Mr. McLaughlin.

---Agreed

Motion 6-81(3): Extension Of Sitting Hours, Sixth Session

MR. McLAUGHLIN: Thank you, Mr. Speaker.

WHEREAS it is desirable to conclude this session as originally planned on Friday, December the 4th;

AND WHEREAS much business still remains to be done;

NOW THEREFORE, I move, seconded by the honourable Member for Yellowknife South, Mrs. Sorensen, that this Legislative Assembly authorize Mr. Speaker to set such additional sitting hours as may be required throughout the remainder of this session in order to conclude the business on December 4th.

MR. SPEAKER: Your motion is in order. Proceed, Mr. McLaughlin.

AN HON. MEMBER: Question.

Motion 6-81(3), Carried

MR. SPEAKER: Question. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

I believe that then would conclude the motions for today. Are there any other motions?

Item 11, introduction of bills for first reading.

Item 12, second reading of bills.

ITEM NO. 12: SECOND READING OF BILLS

Mr. Butters.

Second Reading Of Bill 1-81(3): Supplementary Appropriation Ordinance, 1981-82

HON. TOM BUTTERS: Mr. Speaker, I move that Bill 1-81(3), An Ordinance Respecting Additional Expenditures for the Public Service for the 1981-1982 Financial Year, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for additional expenditures for the public service for the 1981-1982 financial year.

MR. SPEAKER: Do I have a seconder? Mr. Patterson. The second reading of the bill can be debated in principle.

AN HON. MEMBER: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? The motion is carried. The bill has had second reading.

---Carried

Are there any other second readings of bills?

Item 13, consideration in committee of the whole of bills, recommendations to the Legislature and other matters. If it is your request, then, we will put the special committee's report on the constitution on the floor at this time with Mr. Fraser in the chair.

ITEM NO. 13: 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 the First Report of the Special Committee on the Constitution of Canada, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER THE FIRST REPORT OF THE SPECIAL COMMITTEE ON THE CONSTITUTION OF CANADA

CHAIRMAN (Mr. Fraser): The committee will come to order. I believe we are dealing with the report. Has everybody got a copy of the report? I do not think we have one here at the chair. Are there any extra copies of that report? Mr. Braden, how do you propose to deal with this report? Do you want any opening remarks and then we will just leave it open on the floor?

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I am prepared to make some general comments but I think there are, in fact I know there are, some other Members who want to put before this House, I guess what you could call their impressions of the trip to Ottawa and the work that we did respecting aboriginal rights and extension of provincial boundaries. So I would propose, Mr. Chairman, that we encourage Members to provide some general comments and then as indicated in our statement, one of the co-chairmen will be moving a motion respecting aboriginal rights.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. The floor then is open for general comments dealing with the First Report of the Special Committee on the Constitution of Canada. Mr. Butters.

Hon. Tom Butters' Comments And Vote Of Thanks To Co-Chairmen

HON. TOM BUTTERS: Mr. Chairman, I think at the outset, a very great vote of thanks is due our co-chairmen, George Braden and Nellie Cournoyea.

---Applause

Members will recall my reservations when Mr. Curley first raised the motion to adjourn, that if we go to Ottawa, we would have to know what we were going to do and whom we were going to see. I think that that concern was met in many ways by the leadership provided by the two chairmen. If we were successful, and I think we were successful beyond our wildest expectations in Ottawa, that success can be directly related to the very hard work, the planning, the long hours that went into the operation by, as I say, our chairmen and the staff that served them long into the hours of the night. The other thing I would wish to say -- I guess it is in the form of a question. We all know the old saying that "politics is the art of the possible". Well, what I think we witnessed last week was the art of the impossible because this committee and the 22 legislators of the Northwest Territories influenced and effected decisions at the federal level. The influence that we had in the area of section 34 has already been demonstrated. I know that it was not only the effect and the influence of this Assembly for there were many, many other people that were adding their voice to that initiative. But in the area of the provincial boundaries and the extension of provincial boundaries, I think this Assembly was speaking as a lone voice in the wilderness yet behold today, there is a motion, which we just applauded, from the opposition, to accede to our request and our aspirations. It would appear that we have come very close to achieving that impossible goal. I guess I would ask, in view of the fact that apparently that achievement is still under discussion and consideration, whether there is any last thing we can do further to bring that eventuality, that hopeful eventuality, about. Possibly the chairmen or one of the chairmen of the committee might answer that question.

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

HON. GEORGE BRADEN: Thank you, Mr. Chairman. In reference to my colleague's question, I think it is accurate to say, that because of some of the information we brought to the federal officials and politicians, it is recognized that something has to be done with the two provisions that are still outstanding. Mr. Chrétien, the Minister of Justice, in meetings we had with him as well as federal officials, indicated that they had to attend, at some point in time, to some of the problems that we had raised. These are not just political problems. I think we are all aware that there are some technical and legal problems as well. I understand that my colleague, Mr. MacQuarrie, is going to talk further on these subjects this afternoon, but I got the impression from Mr. Chrétien that he knew he was going to have to spend some time on the phone with some of his provincial counterparts.

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

Mr. Sibbeston's Comments

MR. SIBBESTON: Mr. Chairman, I just want to make a few general comments, to say that I am very pleased to be able to be back here in Yellowknife after that historic trip to Ottawa and I think succeeding. I think the trip to Ottawa has been very historic and I believe we contributed in a large way to having aboriginal rights re-entrenched in the constitution. In my view, by this Assembly standing up for the people of the North, in both the matter of aboriginal rights and future constitutional development of the Northwest Territories, this Assembly has taken a giant step in being truly representative of people of the North and also a government of the people of the North. I want to pay special tribute to all Members of the Assembly for their boldness and the enthusiastic way that they approached the whole journey to Ottawa and once there approached the matter of lobbying politicians very vigorously. I also want to say something about the staff. I think Mr. Remnant, Mr. Hamilton, the legal advisers, Mr. Lal, I think did an exceptionally good job for all of us and made the whole trip.

---Applause

I would also like to commend Mr. Braden and Ms Cournoyea again. That has been said a number of times but I thought that they showed outstanding leadership abilities and with their concentrated effort, co-ordination and planning, it made the lobbying the likes of which Ottawa had not seen for a long time. I think they have to be commended for that. I also want to thank Mr. Parker for his support. I suppose as Commissioner of the Northwest Territories and as a representative and employee of the federal government, he could have stayed behind in Yellowknife begrudgingly, not wanting to be tainted by our radicalism, or could have dampened our efforts by giving contrary advice to the Ministers or Prime Minister, but he did not and as the saying goes, he was right in there with us and in doing so, I think gained our respect. I would venture to say, better he have our respect than that of Ottawa.

---Applause

I must also mention a number of people. I have on my paper a number of names here but I will not mention them lest I embarrass them. I feel that there were some Members who showed some initial reluctance to going to Ottawa but I felt when there, showed a great deal of enthusiasm toward achieving our goals and I appreciate that. I would also like to thank Mr. Speaker who, I thought, opened a lot of doors for us in Ottawa -- in the Ottawa government entanglement.

---Applause

Finally, I just want to publicly thank Georges Erasmus, president of the Dene Nation, who went to Ottawa, in fact one week ahead of us all and who led a successful coalition of native organizations in Canada. I heard him on CBC's "Cross Country Check-up" on Sunday and I thought his performance was outstanding. I am very proud of him, as my leader anyway.

So, Mr. Chairman, I hope that the whole event has and can contribute to all people in the North working together. I also hope that it can contribute to us as leaders knowing what is possible when we put our minds together, when we put our efforts together. I hope too that it can open up our minds to try new things and different approaches in dealing with the problems unique to the North and in this I mean we have a task before us in the next few days to deal with constitutional development for the North. There are a number of proposals before us, one of them being the Dene Nation's Denendeh proposal, and I hope that this trip to Ottawa has shown that when we put our minds together and are determined and have a certain openness of mind that a lot can be achieved for the people of the North. Mahsi cho.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Any further comments?
Mr. Noah.

Mr. Noah's Comments

MR. NOAH: Qujannamiik. (Translation) Thank you. Since I am Inuit, I will be speaking in the Inuktitut language and thanking the people, especially in the Keewatin area. I would like to thank personally some of the MLAs. We have to bear in mind the interpreters did a great deal of work and that they were helpful to MLAs who did not speak English.

---Applause

Also we got very tired sometimes and I think it would have been very impossible if they did not understand who was communicating with the federal government about aboriginal rights. When we were dealing with interpreters concerning aboriginal rights, maybe the federal government thought that the Inuit up here lived in snow houses, but also maybe the federal government thought we were not concerned about the aboriginal people so I do not think many Members who do not speak Inuktitut -- I am very thankful that we happened to meet with the Prime Minister and also the Leader of the Opposition and Mr. Broadbent. If we had not made it to Ottawa, the MLAs up here in the Northwest Territories, the Inuktitut Members I think would be very upset. For example, it would have been impossible to bring back the aboriginal rights if we had not gone to Ottawa. I would like to thank too, the ITC president and Peter Ittinuar and he also acted, of course, in the House of Commons during the question period to the Prime Minister. I thank him very much that we met with the Prime Minister in Ottawa and if there was no Peter Ittinuar, then it would have been very impossible to do it with the Prime Minister. Also we were well aware that we were working as a team and we were speaking for our Territories and for the people who are the leaders of the Northwest Territories. We were all aware that we can work as a team between different races and seeing that personally, it seems like we have a stronger voice consisting of different races and we worked very hard and I was satisfied with that, so I wanted to speak this in Inuktitut. Thank you very much, Mr. Chairman.

---Applause

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

Hon. Dennis Patterson's Comments

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I think many Members have already given credit to our staff and to the Members of the Legislative Assembly who made it possible for this moving experience to have taken place in Ottawa. I would like to say that I think we must particularly thank the people of the Northwest Territories for their support and their confidence in us which made it possible to persevere as they did when at several points things looked very bleak. We were aware when we were in Ottawa of the intense feelings of frustration and disappointment and anger that resulted from the surprising decision made by the provincial premiers to remove section 34 and add these inexplicable

provisions limiting our constitutional development. I think we should commend the people of the Northwest Territories for the restraint they showed and the confidence they showed in us in giving us a chance to fight for them in Ottawa; and while the battle is not yet over on the very important constitutional aspects, I think we can feel proud of what has been accomplished with regard to section 34. I think we can indeed take some credit for having seen movement take place with regard to section 34 going back in the constitution.

I must say I am terribly relieved that that matter at least is resolved because it became very clear to me that the depth of feeling and concern that had resulted from the action of the federal government in the Northwest Territories would have made it difficult, if not impossible, for us to continue our work of government and difficult, if not impossible, to preserve order in the Northwest Territories. So I am immensely relieved that the Government of Canada and the people of Canada did what so clearly they had to do.

Effectiveness Of Consensus Government

One aspect I would like to just comment on briefly, Mr. Chairman, that has not been mentioned and I do not want to get terribly political about this, but I feel that since the issue of parties and politics is now very much alive in the Northwest Territories, it is appropriate to observe that this week was an example, to my mind, of what can be accomplished with consensus government. I have asked one of the older or more senior Members of this Assembly when we were in Ottawa whether this was -- sorry Arnie...

---Laughter

...whether this week was indeed, in his view, the finest hour of the Legislative Assembly, and he said he would reserve judgment on that. Perhaps he will give us an answer this afternoon, but regardless of how this action relates to the history of the territorial Council, Mr. Chairman, I would like to say that, to my mind, it demonstrated conclusively that we have a unique form of government and an effective form of government and that perhaps we were able to do something that no other government could have done. Certainly the somewhat confused actions of the Yukon government, particularly on the constitutional issue, proved the difficulties that party politics sometimes provoke, namely that party politics seem to sometimes invite opposition and debate, even where there is no reason for there to be such division and debate. I was pleased that even the Yukon government in recent days not only came around to supporting our position but did so unanimously and perhaps they will now begin to reconsider the curious experiment they embarked on in going into party politics some years ago.

I would like to say, Mr. Chairman, that it was especially satisfying for me to have been part of this experience, because of the sense of unity that was evident throughout our deliberations and I hope that this spirit of unity will continue. I think it is proof that we should not discard our notion of consensus government too casually.

I believe that this government now has a place in confederation. I believe that we have won respect from Canada as a government as a result of our actions in the last week. I think we have won a place in the constitutional deliberations which will take place in the future. Although our system of consensus government needs refinements and although there will be a new territory in the East, which may be more inclined to pursue consensus government than whatever territory is created in the western part of the Northwest Territories, I feel that this week has demonstrated conclusively that consensus government does work. I hope that Members who have considered injecting the distraction and divisiveness inherent in party politics in the next election have seriously reconsidered that position and will, instead, work toward making this government even better and making the unique experiment which we are offering to Canadian confederation successful and enduring. Thank you, Mr. Chairman.

---Applause

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

Mr. MacQuarrie's Comments

MR. MacQUARRIE: Thank you, Mr. Chairman. The special committee on the Canadian constitution has had some measure of success and because of that many thanks are due, but I will save those for later, because the battle is not yet won.

AN HON. MEMBER: Hear, hear!

MR. MacQUARRIE: In this very hour, Mr. Chairman, while we sit in the relative calm of this House, and while Canadians everywhere go unmindfully about their business, and while the national media are blithely unaware of the deep significance of (e) and (f) in the proposed constitution, the very nature of confederation in Canada is in the balance.

AN HON. MEMBER: Hear, hear!

MR. MacQUARRIE: The question is, with respect to paragraphs 41(1)(e) and (f), whether Canada will continue to be a country that has a strong central government which is dedicated to serving the needs of all Canadians or whether, on the other hand, if (e) and (f) are included in the proposed resolution, we will begin to see a country something like the United States, where state governments will begin to assert more and more power vis-a-vis the central government and begin the fragmentation of the country; that is what is involved in (e) and (f), nothing less. That important perspective on (e) and (f) is something that all Canadians should have been aware of and should be having input into, right at this moment, while the Conservative amendment to delete (e) and (f) is on the floor of the House of Commons.

Unfortunately, they are not aware. Unfortunately, there has not been that massive kind of input and, consequently, the danger still exists that (e) and (f) will be lost, and if they are we must continue the fight to overturn them because of the far-reaching implications they have for us in the Northwest Territories and for our people. We will continue to fight to, first of all, prevent passage and if we cannot manage that, then to overturn it.

In pursuing our work with respect to those two clauses in the constitution, we uncovered information that is important and weighty and has to be brought to bear in resolving this problem. Our legal adviser discovered that in 1867, December of 1867, within five months after confederation, the federal Houses of parliament passed a resolution begging the British government to combine the North-Western Territory and Rupert's Land together and turn those lands and their peoples over to the legislative authority of the Government of Canada -- not to the provinces, but to the Government of Canada -- so that the Government of Canada, in trust, could legislate for the welfare and good government of the people in those territories and promised, at that time, to assume -- and we must understand that it was to fully assume -- the duties and obligations of government toward territorial peoples.

So, if (e) and (f) are included as part of the proposed resolution, what it means, again -- nothing less than this -- is that it is an abdication of that trust. It is a violation of the trust upon which the land transfer was made, because we find that the Rupert's Land Act, which made the land transfer, says that it was made upon the terms and conditions that had been set out in that resolution.

It is shameful that the federal government would violate such a trust without even asking the people of the Territories whether that was acceptable or whether they had anything at all to say about it, because we must remember that when that secret meeting was held on the night of November 5th, nobody from this Assembly was there to speak about our interests, and that is shameful.

Contradictions In The Constitution

We also discovered something that is very shameful as well. We discovered that very likely the federal government overlooked the fact that (e) and (f) were part of the accord that had been signed by the premiers last April. The evidence for that is that without question, if the resolution before the House of Commons now passes as it is, it will contain two elements that are directly contradictory to one another, and if that is not an oversight, I do not know what is.

In section 41(1)(e) and (f) you will find that in the future the establishment of new provinces will be a matter for consideration of the federal government and seven provinces, but at the same time, in another part of the same constitution, there is a clause, specifically the 1871 amendment to the BNA Act, which says that to clear up any confusion about the matter, that the creation of new provinces out of the territories is solely a matter for the federal government to decide. So, in one and the same constitution you have those two contradictory elements.

It is because of things like this -- well, that one specifically -- if it was a mistake, if the federal government made an error in allowing those to get in, but is determined to run with them anyway, just in order to preserve the accord, what that amounts to is that they are willing to allow the fundamental nature of confederation to be altered as a result of a mistake, simply in order to preserve the accord, and I say that that is scandalous and absolutely unacceptable.

AN HON. MEMBER: Hear, hear!

MR. MacQUARRIE: It is because of this type of factual information -- not just opinion, but factual information -- that if (e) and (f) are not deleted in that amendment today, that I think Members of this House -- and I cannot speak for them all at this moment, but I am sure that it will come close to unanimity -- will continue the fight to have those elements removed. I think that is all I want to say about it at the moment. As I said, we did have some measure of success and there are many thanks due, and I will take some opportunity later in this session to express those specifically. Thank you, Mr. Speaker.

CHAIRMAN (Mr. Fraser): Thank you.

---Applause

Thank you, Mr. MacQuarrie. Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I have the results of the vote taken in the House of Commons on the amendment to delete paragraphs 41(1)(e) and (f). The amendment was defeated...

MR. MacQUARRIE: Shame!

HON. GEORGE BRADEN: ...117 to 85. I understand there are a few empty seats on the opposition side. As was agreed in our meeting earlier this morning, Mr. Chairman, I would move that we break for a few minutes to meet in caucus and then we will come back and continue the discussions.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): We will break then and go into caucus for 15 minutes and then come back. Thank you.

---SHORT RECESS

CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum. We are still dealing with the First Report of the Special Committee on the Constitution of Canada, and we are still working on comments of a general nature. Any further comments? Mr. McCallum.

Hon. Arnold McCallum's Comments

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to make some comments and terms to follow along with those that have been made by Mr. MacQuarrie, and I have some trepidation in following Mr. MacQuarrie with his -- well, eloquence; I was going to say even more his Churchillian eloquence, but, all right, I will not say it.

Mr. Chairman, I think that in light of the information on the result of the vote in the House of Commons today that certainly we have a very grave concern; not just people in the Northwest Territories, but, as Mr. MacQuarrie said, people throughout Canada. We have heard -- provinces have raised that spectre all the time of the federal government infringing upon provincial powers. Now, for the first time, we have a situation where the federal government is allowing provinces to infringe upon their authorities. What was, prior to the resolution that was tabled on November the 18th, a federal responsibility is now a responsibility of the federal government and the provinces.

If I may, for a very brief time, Mr. Chairman, refer to the journals of the old North-Western Territory -- and I have to go back to about 81 years ago, to 1900, to refer to it -- but at that time, when the old North-Western Territory was applying for provincial status under the leadership of Premier Haultain there were the same concerns being raised at that time as we are raising now, as we have tried to represent to the federal government, and, indeed, to all the other provinces. We have to go back into time when the Rupert's Land Act -- and I say 1868, but it may very well be 1870 -- but I think it is 1868 -- at that time, the privileges, the lands and territories that belonged to the Hudson Bay -- the Adventurers of England, if you like -- these were surrendered, and in the ensuing kinds of discussions in years that went by, the parliament of Canada, when it was formed with the founding provinces, they indicated to the British government, in the form of Queen Victoria, that the parliament of Canada was willing, then, to assume the duties, the obligations of government and legislation for the Territories, for that part of Canada that was then not in a province.

In 1870, and on after, up until November 1981 -- 80 years later, or 111 years later -- on the 15th day of July, 1870, when Rupert's Land and the North-Western Territory were admitted into the Dominion of Canada, the privy council and Her Majesty of the time granted the power and authority to the parliament of Canada to legislate for people in the Territories, and a year later, the parliament of Canada, with an amendment to the BNA Act, was further given power to make provision for the administration of the POGG Agreement, the Peace, Order, and Good Government, of the Territories.

Mr. MacQuarrie is quite correct, with what we have now, there is a very disturbing difficulty in the resolution: On the one hand, we have the amendment to the BNA Act of 1871 which says it is a federal responsibility, and it is a responsibility that was willingly taken on by the parliament of Canada, whether in consultation or consent of the then provinces of Canada, it did not really matter. Now we have the situation where the parliament of Canada is giving that responsibility, or sharing the responsibility with two thirds of the provinces of Canada, or 50 per cent of the population. Not only was the parliament of Canada, 111 years ago, willing to take on the legislation, but they set up the political institutions; they gave the kind of funding that was necessary for the people in the Territories to carry on local self-government; and they gave, as well, the expectation of the people in those Territories that they would, indeed, be able to join the club, be able to become a province. That has been taken away from us by the inclusions of sections 41(1)(e) and (f) of the resolution that was tabled on November 18 of this year.

Provincial Status Should Be Requested

I think that we have to take varying kinds of actions, not the least of which one I would suggest to you, Mr. Chairman, and to Members of this Assembly or this committee -- not the least of which may very well be a request by this House to ask for provincial status.

---Applause

We have that now in the present constitution. We are able to do that. The time may be very short, but there is no reason why we cannot make an address requesting the federal government, or the Governor General, or the British parliament to grant us, now, provincial status, for one or more parts of the Northwest Territories.

AN HON. MEMBER: Hear, hear!

HON. ARNOLD McCALLUM: And if we have that kind of a right today that will be taken away from us, if sections 41(1)(e) and (f) are to remain, as we know now that they are, where we cannot amend that, we are not in a position to amend the resolution, we have to use all the kinds of avenues that are open to us, and I say to you, Mr. Chairman and Members of this committee, that that is one avenue that is open for us now. If it was done in 1870, or in the 1900's, surely it can be done today. Surely the kinds of responsibilities that we have as a Legislative Assembly -- the authority, the responsibility that we have now is even more so for people in the Territories. We have made, in this last week, a tremendous stride in terms of recognizing peoples of the Northwest Territories. We have recognized all aboriginal peoples, and at that time, years ago, they were not all recognized. If we can make those inroads, then I think that we can make inroads under the present provisions of our constitution before it is changed and get in on the ground floor, before the thing is taken away within a day or two or the first of the week to the British House of Commons, and I think that that is one of the avenues that we should be pursuing. If it was all right on May 2nd, in 1900, surely it is all right on November 27th, 1981, because we are looking for the same things. Thank you.

---Applause

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

MR. McLAUGHLIN: I did not know I was going to speak, Mr. Chairman. Thank you. I did not indicate I wanted to, but I will.

CHAIRMAN (Mr. Fraser): I am sorry. Then maybe it was Mrs. Sorensen. Mrs. Sorensen.

MRS. SORENSEN: I shall speak.

CHAIRMAN (Mr. Fraser): I knew you would.

Mrs. Sorensen's Comments

MRS. SORENSEN: I am very challenged by what Mr. McCallum has just said, Mr. Chairman. I think that perhaps the time is right for provincehood. Going back a little ways, I have heard twice now our Prime Minister say, once to me, personally, and once in a meeting, that the North or parts thereof would never gain provincehood, and I believe his exact words were, "Never in my lifetime".

MR. McLAUGHLIN: That can be arranged.

MRS. SORENSEN: I think that, more than anything, challenged me: His own words were what I took as a personal challenge, and I think that when the time comes, and maybe the time is right now, that we should use Mr. Trudeau's own

words again: I love quoting the man, because you can turn his quotes back on him. We can use his own words when he said, at the time he was having all the problems with Great Britain about whether or not they would patriate the constitution, he said, "Just let them dare to try and stop us", I think maybe that should be our motto with respect to provincehood. Let us get it on the record, that that is what we are after, either as the Northwest Territories, or as parts of the North.

Appeal To The People Of The Provinces

Mr. Chairman, I would like to respond to something that Mr. Butters said earlier, and something Mr. MacQuarrie referred to as well with respect to the fact that the battle not being won yet, that there is still time to make some progress, even in light of the defeat of the Conservative motion. I am not sure quite how we are going to do that just yet, but I think we have got some ideas. I think that the time might be right to make an appeal from the people of the Territories to the people of the provinces, particularly those provinces whose premiers are holding out; an appeal from not only the adults in the North, but the children as well, because if section 41(1)(e) and (f) remains in there, the provinces are taking away not only your and my future, but the future of our children, and our children's children. I think that is an appeal that can be made by the people of the North to the people of the South; and perhaps that can turn our premiers around. Now, I cannot let the opportunity go, Mr. Chairman, without responding very briefly to what Mr. Patterson had to say about party politics and consensus government, particularly because I think that those remarks were directed most assuredly to me, since I have been quite a proponent of party politics.

MR. McLAUGHLIN: Now, he would not do that.

MRS. SORENSEN: Mr. Patterson, or through you, Mr. Chairman, I would say to Mr. Patterson that I would never wish to discard consensus government if what we really had in this Legislature was true consensus government. I think we have come a little bit closer to that on the issue that has been facing us over the past couple of weeks. Certainly we have come a little bit closer again today, on that same issue. However, a little bit earlier today, Mr. Patterson, you refused to release to me a document that is not a secret document; it is not a document that is going to hurt the national interest or the territorial interest if you release it, but you have chosen to take a party line...

CHAIRMAN (Mr. Fraser): Mrs. Sorensen, I think you have to get back onto the...

MRS. SORENSEN: And so, Mr. Chairman...

CHAIRMAN (Mr. Fraser): We are not into question period, now. I think we are dealing with the constitution.

MRS. SORENSEN: But the point that I am trying to make, Mr. Chairman, is that you cannot have consensus government one day and try to work along a party line another day. So, Mr. Patterson, I think that those who believe in consensus government have to truly convince me over the next two years that we really can work together in this Legislature being very cognizant of each other's interests, and really talk things through until we come to a consensus, and not operate by majority vote, which is what has been happening in the past. So I think, yes...

MR. McLAUGHLIN: What do you want to operate by? Minority vote?

MRS. SORENSEN: I think that we have an opportunity here to create a new style of government, but only if we all co-operate, and so the first thing that has to go out the window is the Eastern Arctic caucus, and its party lines. We have to work together being very aware of the sensitivities and rights of others that are also in the Northwest Territories. I think if we can begin to do that, then maybe consensus government will work, and we can make it work; but only if you are willing to co-operate, as I am -- but you are on trial right now. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Very appealing. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I trust that those disrespectful remarks made by the honourable Member for Yellowknife South about the leader of the Liberal party in Canada were not made in her capacity as president of the Liberal party of the Northwest Territories.

MRS. SORENSEN: Which shows I do not take a party line, see?

HON. DENNIS PATTERSON: Mr. Chairman, I would like to speak, or I would like to stick to the topic, unlike other Members, and I would like to suggest, very briefly, for the consideration of the committee, that we must seriously consider drastic action to try to take steps to remedy this very serious news that we have just received about our constitutional development opportunities having been eliminated this afternoon by the federal parliament. My first reaction is to recommend to this committee that we take immediate steps to seek the same remedy that the provinces sought when their rights were threatened, and that remedy would be to immediately seek legal advice on what legal steps we can take to stop this resolution -- or at least, to stop the resolution from going forward with the offending sections therein. I think we all agree that now that section 34 has been put in the resolution, that we would be very happy to see that section preserved; but I think I would recommend to the committee, and to other Members, that we take what legal steps we can immediately to have sections 41(1)(e) and (f) stricken, have them declared unlawful, have them ordered deleted from the resolution as being contrary to the BNA Act, and I would recommend that we mount a legal assault if our legal advisers determine it is possible. Thank you, Mr. Chairman.

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

Mr. McLaughlin's Comments

MR. McLAUGHLIN: Thank you, Mr. Chairman. Looking at this whole thing from the historical perspective, the lands and the people in the North-Western Territory and Rupert's Land were turned over to the federal government in their trust, and now, that trust, I think, has been broken by the federal government. A few people have commented that maybe we should ask the British government if they want us back as a colony, because that is what we are going to be, a colony, and I am beginning to believe that we would be safer in the hands of the British Crown than we would in the hands of the 10 provinces, or seven of them, anyway. The problem we are facing is that we are going to be really a territory forever, or really a colony: We are going to have government from afar, which is going to be Ottawa, and we are going to have the big problem of convincing eight bureaucracies that we should become a province, rather than just one. So that is an obstacle that I think is just incredible that should be imposed in front of us.

The other thing is clause 3, I think it is, in the new constitution, proposes that all people in Canada have the right to vote for members of the assembly, to be represented in assemblies, to belong to assemblies. And really, a person has to say that the people in the Northwest Territories are losing that right,

because you cannot assume that this is any kind of Assembly that has any vestige of responsible government left in it if this goes through, or even the possibility of ever having any responsible government, so the very basic rights laid down in the earlier part of the constitution, I think, are being denied to people in the Northwest Territories and the Yukon, if this constitution goes ahead with 41(1)(e) and (f) still in it.

I really think that what we have to do is pull all the plugs and do whatever we have to, to put a legal question before the Supreme Court, if need be, to find out if the earlier sections contravene the later sections of the bill, if some of the early parts of the bill override statements made later. I think we have to certainly not take a backwards step and allow this to continue. I think we have to do what the people in Alberta and Saskatchewan did in 1905 and go after provincial status. I think it is not an unrealistic thing to ask for, because surely, when the Canadian parliament passed the resolutions to create the provinces of Alberta and Saskatchewan, they did it in advance of July 1st, 1905 -- they obviously did it on a specific day, two or three months in advance, and named a specific day when they would become provinces. So I would not say that it is unreasonable to ask the parliament to suggest that the Yukon and the Northwest Territories, or two new territories in the Northwest Territories become provinces in three years from now, or five years from now, and named a specific date, and we could work toward those dates with a transition period allowing for the turnover of more of the responsibilities from the federal government to the territorial government.

Party Politics An Obstacle To Good Government

Then, I think the debate, Mr. Chairman, on party politics is relevant to this issue, because Mr. Munro, I believe, at various times has implied that you cannot have responsible government unless you have party politics. I would like to point out to Members the experience that yourself, and Mr. Patterson and myself, had in Halifax when we were debating with various members of the legislatures from across Canada, and the parliament of Canada itself, on the rules of committees, private members' rights, how backbenchers can get things done in a parliament, how the executive arm of governments are taking away power from the ordinary members and from the various parliaments and legislatures themselves by orders-in-cabinet taking precedence over the parliaments themselves; and what we found in that debate was that the party politics was an obstacle in a lot of cases, that members on the Government side were forced to toe the party line and were not able to be honest advocates of what the people really wanted. Whereas in our House, right now, there is very seldom any times that I can think of where Members did not have the sincere best intentions for their own constituents at heart when they have tried to put forth various motions and ideas in this Assembly. On occasion, what Members wanted for their constituents might have gone against what some others of us wanted, but I do not think that there has been any severe cases of malice that have occurred, and I think that consensus government in the Territories right now is the only thing to have, and it may be consensus government that is going to be the method that we can use to request the federal government to turn over provincial status to the Territories, or at least name a certain date in the future which we could take over that.

So, I guess in closing, I would like to say that we should take the bull by the horns now and, for a change, get one step ahead of the Yukon, and its government of Mr. Pearson, and be the first of the existing territories to ask formally for provincial status.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. You should have put that in the form of a motion. We could all discuss it maybe. Mr. Braden.

Hon. George Braden's Comments

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I guess what I am going to say is perhaps a little bit out of character for me. I have been noted over the last few years, I suppose, for saying nasty things about federal institutions and federal ministers, but I think that we have to give some serious consideration to the mood of provincial governments and provincial premiers and how that mood has been reflected in the clauses 41(1)(e) and (f), the business of aboriginal rights. They had to be, in some cases, sort of dragged kicking and screaming into agreement, and that I think is something that we have to reflect upon over the next few years. I do not think it is any secret, Mr. Chairman, that provincial premiers and provincial governments are very concerned about the situation as it exists now, where the federal government and one province could get together and make a deal on extension of provincial boundaries. I would assume that there are a lot of provincial governments who are paranoid about the creation of super provinces. So what they did is they introduced this particularly offensive concept of extension of provincial boundaries into the constitution of Canada knowing full well that really what it was going to do in the end was to provide a check on any province extending its boundaries into northern Canada.

Provincial Interest In NWT Resources

We have seen the other side of the coin over the last few weeks in that if there is a federal government that does not particularly have too much strength and seven strong provinces, well maybe they could carve the whole place up or maybe they could make some more deals in the back rooms. I know this maybe sounds paranoid but if you take a look at the situation today, we have provincial crown corporations who have interests in the resource base of the Northwest Territories: Uranium in the Keewatin, water flowing into Great Slave Lake, and there are some pretty disturbing things that Premier Lougheed is having to answer to in his House today about diversion of water systems to southern Alberta. I think there are plenty of indications on the table today that provincial governments have their eye on northern resources.

MRS. SORENSEN: Hear, hear!

HON. GEORGE BRADEN: I do not think as time progresses in the future that that interest is going to get any less. In fact, given the actions of some of these provincial crown corporations and some of the western Canadian industries that we know are tied very closely to provincial governments, I think we have to look very cautiously and with a great deal of concern at this mounting interest of the provincial governments in our resource base. You know, there have been expressions of this interest over the years. I believe former Premier Bennett in British Columbia had a fantasy of extending BC borders all the way to the Beaufort Sea to take in the Yukon. There is some fellow in Quebec who speaks for the PQ party, not necessarily the government, who made a rather alarming statement about a year ago on the radio where he talked about Baffin Island becoming part of Quebec. So no doubt these views are indeed held by some people in the South.

I guess the point I am trying to make, Mr. Chairman, is that I think the failure of 41(1)(e) and (f) to go through today does reflect provincial interest in either maintaining a territory here forever so that between them and the federal government, there is easy access to resources, or alternatively, there are others who are so concerned that the balance in the club they have, could be shifted one way or the other and they do not want to see any new participants. So we effectively end up with kind of a stalemate and we end up with the status quo.

I find this particularly disturbing because, as Mr. MacQuarrie said earlier on, for the last two years and following the constitution debate, we have had these provincial governments indicating how abhorrent or how upset they are every

time the federal government seems to make a move to do something that they think is within their jurisdiction and now they have clearly won a temporary victory, if I can say that, to extend their authority and jurisdiction into an area where they have no bloody business at all. We have, as a committee, stated in very strong terms our opposition to what the provinces are seeking through 41(1)(e) and (f).

Constitutional Conference In The NWT

As far as the future is concerned, I am wondering in terms of another option if maybe what we should do is convene our own little constitutional conference up here. The feds are useless anyway. We have seen what they dealt away. So why do we not invite the 10 premiers...

AN HON. MEMBER: Hear, hear!

HON. GEORGE BRADEN: ...or nine or whatever to a little meeting here in the Northwest Territories and maybe we can make some backroom deals. Maybe Prince Edward Island will support us for a trillion cubic feet of natural gas. I do not know. Maybe we can make some deals. Maybe it is something that we have to give some serious consideration to because we have got a lot of work to do. Whether or not we meet our objective prior to patriation, we have to keep working and we have got a lot of work to do between now and when the first constitutional conference is held. Maybe we should issue an invitation. I am not going to put that in the form of a motion, Mr. Chairman. It is just a suggestion. That is all I have to say. Thank you very much.

---Applause

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

Raising Level Of Awareness Of Canadian People

MR. MacQUARRIE: Thank you, Mr. Chairman. If I may be allowed to speak again after hearing the depressing news from Ottawa that the Conservative amendment was defeated. This committee does now have to look at whatever options are still available to it to try to prevent the passage of that resolution or, if it passes, to overturn it later on. I certainly agree with some of the suggestions that were made earlier with respect to looking at provincial status, with respect to mounting a legal case to stop the resolution from going, with respect to making appeals to the Governor General or to the parliament of the United Kingdom, if that is necessary. But another option that we must consider as well, Mr. Chairman, is doing everything we can to raise the level of awareness of Canadian people as to just what is happening here, as to just how important and serious are the implications connected with (e) and (f). I am very well aware that the existing provincial governments could point to the kinds of concerns that they have about future changes in confederation. They are concerned with watering down confederation by adding new provinces, but in the final analysis, Mr. Chairman, those concerns and those arguments are not weighty enough to dissuade us from our purpose because it is very clear, Mr. Chairman, that the rights of existing provincial governments do not and must never, never be allowed to supersede the fundamental rights, democratic rights of people in a democratic society.

MRS. SORENSEN: Hear, hear! Hear, hear!

MR. MacQUARRIE: And if (e) and (f) pass that is precisely what will happen and we must get the people of Canada to understand that that is what is at stake, because if they pass through parliament, paragraphs 41(1)(e) and (f), what it means is that we will not have the right to look forward to the development of responsible government and provincial status under the same terms and conditions that all other Canadians have had the right to look forward to them under, and

that is intolerable, because that is a fundamental democratic right and it does supersede the claimed rights of any existing provinces. I would like to believe, Mr. Chairman, that there is in all Canadians a fundamental sense of justice and, if they understood the implications of what is happening, that they would be on our side, that they would say, "The people in the Northwest Territories, no matter how far down the road, do have the right to look forward to full responsible government and provincial status under the same terms and conditions as the rest of us." That is why we must mount to the greatest effectiveness possible a campaign of public awareness to bring that message home to them so that they can in turn bring that message home to the leaders of the provincial governments and to the leaders of the Government of Canada.

Fundamental Nature Of Constitution Altered

There is one other very important reason that we must mount a campaign of public awareness as well and that is to help Canadians to understand, as I said earlier, that these are not insignificant little clauses. If they pass they alter the fundamental nature of this country. For the first time in history, in the history of this country, provincial governments will have extra-territorial jurisdiction. They have, up until now, been sovereign within their own boundaries, but these clauses give them powers beyond their own boundaries and I say that that is a foot in the door for provincial governments that will give them ever greater powers in this country in the future. Because of that, what we see is the nature of the country itself being changed, and as I said earlier, being changed while most Canadians go about their daily business unaware that it is being changed, while the national media seems to be unaware that the fundamental nature of the country is being changed by the inclusion of these clauses. So I would strongly urge that in any options that we pursue in the coming days, that that campaign of public awareness be a very important part of what we do. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. McLaughlin -- Mr. Butters, I do not believe you have spoken yet. We will recognize you before Mr. McLaughlin.

HON. TOM BUTTERS: Just to express my distress, too, at the results of the amendment in the House. However, turning that around, we must look at the results and note that 85 Members of Parliament supported our position.

---Applause

Eighty-five Members of Parliament, representing I do not know what percentage of the people of this country, supported our position. Now, I am convinced that had that vote been taken 10 days ago, you would not have 15 or probably, more realistically, there would have been no amendment made at all. The difference in the 10 days is that this Assembly collectively went to Ottawa and made the case for not only this territory but also our sister territory, the Yukon. I think that what is required now is a regirding of our loins as it were, a reaffirming of our determination to continue our fight to have these two clauses removed from the amending formula. I think that we have reaffirmed, not only to ourselves but to our committee chairmen, that we are not finished as a result of this vote and that we have -- somebody else said this -- we have only just begun to fight.

MR. MacQUARRIE: Hear, hear!

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

Proposed Territorial Congress

MR. McLAUGHLIN: Thank you, Mr. Chairman. With the paper now in the public hands as produced by the Hon. James Wah-Shee as to aboriginal rights and constitutional development, I think it is appropriate that we have talked about having a territorial forum on this. I think that if we come to a situation where we find that the federal government is immovable on this thing, maybe it is time to do what Mr. Drury suggested in his report. We should have a territorial congress up here with all the native organizations and the other organizations in the Territories meeting with this Legislative Assembly, the leaders of different municipalities, the Yukon government as well, and to come up with a consensus on what should be done in the Northwest Territories and hold our congress and declare a bunch of rights that we want to have and should expect to have, and send them to Ottawa.

Maybe we should take this federal government we have who is always talking about these North-South agreements and talk about some sort of a South-North talk with them. Maybe we should embarrass this Prime Minister who travels around the world talking about the third world and the people who do not have rights, and go to the United Nations and let them know that Canada has passed a constitution which is going to prevent the people that occupy about 35 per cent of its land from ever having the opportunity to have full rights and participate in our democracy, because a bunch of greedy provinces want our resources or the federal government wants the resources in the Northwest Territories to pay off its \$70 or \$80 billion national debt they have built up in the last dozen years.

So I would like to suggest that the two co-chairmen of our committee should reconvene our committee and look at this whole item and consider the congress on constitutional development that Mr. Drury suggested be one of the items that we consider as a ploy to making some advancement toward the federal government on this issue. Thank you, Mr. Chairman.

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

Responsibility A Qualification For Provincial Status

HON. ARNOLD McCALLUM: Mr. Chairman, I would just like to indicate that we have heard a number of suggested ways in which we can pursue the goal that we have. I would like to say that one of the factors that should give us this goal, that is for our own determination to govern ourselves, should be responsibility. I think that over the last week or two weeks we have shown responsibility; responsibility to the people governed; responsibility for those people and responsibility by those of us within the Territories.

There have always been, I believe, three factors bandied about for joining the provincial club. One has been size, the immenseness of the Northwest Territories, a huge part of Canada, but size has never been a determining factor to becoming a province. If it were, then Manitoba when it was first set up and Prince Edward Island, obviously, would not be in the club. Population has never been a determining factor either, although it has always been one of those three things that have been suggested, because again we have many large cities in Canada and small populated provinces. A third one has been always the ability to look after yourself, the ability to pay your own way, but that has been the fundamental characteristic of confederation. Those that have, give to those that have not. To suggest that we could not be another province, we would not be able to pay our way does not hold any water as well as the other two factors of size and population.

I suggest, Mr. Chairman, that one of the fundamental factors should be this responsibility for people, the responsibility of people who govern, the responsibility of people to be governed by a legislature, a democratically

elected legislature. I suggest to you, Mr. Chairman, and Members, and to the people of the Territories, that we showed more responsibility a week ago than any other legislature ever has in Canadian history. We had a great enough concern that we moved down there and pressed our case. That, in my opinion, Mr. Chairman, should be a fundamental reason why we deserve the opportunity to get into the club, the opportunity to get our own true self-government. I think that the action we took by going down, showed that kind of responsibility and I would hope that that responsibility, as Mr. MacQuarrie has said, has been clearly demonstrated to the rest of Canada. We care about what is happening. We raise the concerns while others simply go their own way and I think that to suggest that to other people of Canada, to suggest that to the federal government is one of the factors that we have to put more and more to the fore rather than the other three that have been bandied about. I think that we are now capable and responsible enough to press for our own place in confederation, not just to be part of Canada, but to take our true place in confederation.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McCallum. Any further comments?
Mrs. Sorensen.

MRS. SORENSEN: I do not think this point has been made yet but I think Mr. McCallum alluded to it and certainly other Members have said it before outside this House. The ironic and interesting thing about this whole issue, Mr. Chairman, is that here we have Quebec doing everything in its power to get out of the club, to get out of confederation, and here we are, a people who are doing everything we can to get into confederation. That is what is so sad about what is happening in Canada today. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Any further comments? I do not see anybody else that wants to speak. We will break for 15 minutes for coffee and then we will resume.

---SHORT RECESS

CHAIRMAN (Mr. Fraser): The Chair recognizes a quorum. We will call the committee together and Ms Cournoyea, I have next on the list here.

Motion That Assembly Conveys To Government Of Canada Acceptance Of Provisions
On Aboriginal Rights, Carried

MS COURNOYEA: Mr. Chairman, I would like to present a motion.

Whereas this Legislative Assembly, by the adoption of Motion 2-81(3) on November 14th, expressed its unanimous support of the inclusion of provisions respecting aboriginal rights in the federal constitutional resolution;

And whereas the parliament of Canada has now amended the constitutional resolution by inserting provisions respecting existing aboriginal rights for the native people of all Canada;

And whereas the legal advice available to this Assembly to date has indicated that the inclusion of the word "existing" in these provisions would not significantly alter the meaning of these provisions for the Northwest Territories;

Now therefore, I move that this Legislative Assembly conveys to the Government of Canada its acceptance of the provisions respecting existing aboriginal rights inserted into the federal government's constitutional resolution.

AN HON. MEMBER: Hear, hear!

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

---Applause

Could we have copies of that motion, please? We have a motion on the floor. Everybody has copies. Question.

MR. McLAUGHLIN: Question.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): Question is being called. Did you want a recorded vote, Ms Cournoyea?

AN HON. MEMBER: No.

AN HON. MEMBER: Unanimous.

CHAIRMAN (Mr. Fraser): No recorded vote. All in favour? Down. Against? The motion is carried, unanimously.

---Carried

Thank you. Mr. MacQuarrie.

Motion Expressing Regret And That Co-Chairmen Seek Alternative Means For
Deletion Of Paragraphs 41(1)(e) And 41(1)(f)

MR. MacQUARRIE: Mr. Chairman, I would like to introduce a motion at this time.

Whereas by Motion 2-81(3) this House resolved to seek from the Government of Canada the deletion of paragraphs 41(1)(e) and 41(1)(f) from the proposed Constitution Act, 1981, now being considered by the House of Commons;

And whereas the Government of Canada, through its ministers, has advised Members of this House that the Government of Canada is not prepared to seek the deletion of paragraphs 41(1)(e) and 41(1)(f), since to do so would amount to a breach of the federal-provincial accord of November 5th, 1981;

And whereas a motion was moved in the House of Commons by the Conservative party to have paragraphs 41(1)(e) and 41(1)(f) deleted from the proposed Constitution Act, 1981;

And whereas this House has been informed that the said motion of the Conservative party was defeated this afternoon in the House of Commons;

And whereas this House is committed to the constitutional development of the Northwest Territories to eventual provincehood and sees paragraphs 41(1)(e) and 41(1)(f) as an impediment to the constitutional development of the Northwest Territories;

Now therefore, I move that this House express its deepest regret and disappointment at the defeat of the motion by the Conservative party in the House of Commons to delete paragraphs 41(1)(e) and 41(1)(f) from the proposed Constitution Act, 1981;

And further, that it continue its resolve to seek with all vigour the deletion of paragraphs 41(1)(e) and 41(1)(f) from the proposed Constitution Act, 1981, prior to the date of patriation of the constitution or subsequent to the date of patriation;

And further, that this House direct the co-chairmen of the special committee of the Legislative Assembly on the constitution of Canada to:

a) Examine all avenues available to this House to achieve its stated goal of seeking the deletion of paragraphs 41(1)(e) and 41(1)(f) from the proposed Constitution Act, 1981;

b) Examine all legal alternatives available to this House and the Government of the Northwest Territories, including seeking appropriate court action to seek the deletion of paragraphs 41(1)(e) and 41(1)(f) of the proposed Constitution Act, 1981;

c) To seek legal advice from experts in the area of constitutional law on the alternatives available to this House to seek said objective of this House;

d) To examine and make recommendations on the possibility of taking appropriate steps to seek provincehood for the Northwest Territories prior to the Constitution Act, 1981, coming into force;

---Applause

e) To consider inviting provincial premiers to the Northwest Territories to explain their position on constitutional development and extension of provincial boundaries into the Northwest Territories; and

f) To examine such other and further alternatives available to this House to achieve its stated resolve to seek the deletion of paragraphs 41(1)(e) and 41(1)(f) and make appropriate recommendations to this House.

AN HON. MEMBER: Hear, hear!

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): Question is being called. Ms Cournoyea, to the motion.

MS COURNOYEA: I would like to speak on the motion. From the thoughts that were put forward by all Members prior to the motion being placed on the floor, there were just a few additional notes that I felt that should be recognized at this time.

Liberal Government Has Avoided Debating Economic Condition

In terms of the constitutional debate that has been going on in Canada, the Liberal government has been accused from time to time that the constitutional debate has been a cover-up to avoid dealing with the economic condition of Canada, and I believe that the Northwest Territories must move very quickly in attaining stature in determining that economic future; once the romance and the intrigue of the constitutional talks have gone away, I believe then the true meaning of 41(1)(e) and 41(1)(f) will come to full realization of the people of the Northwest Territories.

When decisions are made to put political control in the hands of various agencies, many times -- and it has often been demonstrated that the priority condition is economic -- I believe if the issue of constitutional development was not in the forefront of this nation's talks over the last couple of years, we would find ourselves dealing with a very severe economic condition that many of us would find extreme.

These economic restraints that are presently in the budget are only an indication of what we are going to face in the next couple of years. In making decisions on the economic future of Canada, we realize that the kind of issues that are being dealt with in funding development of the oil and gas industry are tied very severely to the federal coffers and the regime there, and into the provinces, as the situation exists and within the present proposed constitution. I believe that these conditions and the restrictions that have been put on the Northwest Territories will indicate to us that when these economic conditions are brought forward and decisions are made, we will have very little attention paid to us as a group of people who are seeking some political self-determination for the Northwest Territories.

These economic judgments are often the severest and often the political aspirations of people are left behind. I hope that with the development of what we have been doing in the last couple of weeks and the co-ordination of everyone's activities to meet a common objective, will be able to take us out of the strait jacket that we have been put in, and that strait jacket is not only 41(1)(e) and 41(1)(f), I believe it is Bill C-48 and the whole development of the Arctic islands and the land use policy that is being developed in the Northwest Territories.

Constitutional Development Has Been Debated Within Aboriginal Rights Discussions

The other problem that I see that works the provincial consent to our detriment may be in the position that this government has taken to entertain constitutional talks and constitutional development within the aboriginal rights discussions. I do not know up to this point how much that is going to determine our effectiveness in continuing to deal with the native organizations in a respectable forum, right now I do not believe that we really have the legal opinions, direction and strategy that will allow us to fully look at the total implications.

These two issues, I believe, have to have immediate attention coming back to the Northwest Territories Legislative Assembly to resolve as quickly as possible. I think we have only taken the first step and that step certainly, with the

other Members of the Legislative Assembly and the staff and the people who supported us, gives us, possibly, an avenue in the future where we might have to dissolve this Legislative Assembly and go back to our constituents to seek a mandate to seek provincial status or a way we can deliver to them, in this so-called respectable forum, the kind of development that they want to see in the Northwest Territories for the people of the Northwest Territories. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Ms Cournoyea. Question is called. Mr. Wah-Shee, to the motion.

HON. JAMES WAH-SHEE: I just wanted to have the opportunity to say very briefly my support for my colleagues regarding the disappointment of the lack of understanding and support from some of the provinces and I would hope that we continue our struggle. This particular issue is very important to all of us in the Northwest Territories. I heard someone indicate -- not from this House, but when we were in Ottawa -- that we were successful on aboriginal rights, something for the aboriginal people, however, for the non-native people we were not able to deliver, in the area of constitutional development, and I think that they are wrong. This issue is very crucial to the aboriginal people as well as the non-native people...

AN HON. MEMBER: Hear, hear!

HON. JAMES WAH-SHEE: ...in the Northwest Territories. I give my full support to my colleagues in our struggle toward self-government. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Any further discussion?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question. Mr. Patterson, to the motion.

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to briefly speak in support of this motion. I am particularly glad to see that the motion recommends that we direct the co-chairmen of the special committee on the constitution to do this work. Again, I would like to affirm -- I know, on behalf of all Members -- our confidence in this team. I know that they have demonstrated already, with support from Members, their ability to win on the issue of section 34, and we will win on the issue of constitutional development in the Northwest Territories as well. Thank you.

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Do I hear question?

SOME HON. MEMBERS: Question.

Motion Expressing Regret And That Co-Chairmen Seek Alternative Means For Deletion Of Paragraphs 41(1)(e) And 41(1)(f), Carried

CHAIRMAN (Mr. Fraser): To the motion. All in favour? Down. Against? The motion was carried, unanimously.

---Carried

---Applause

What is the wish of the committee now?

AN HON. MEMBER: Report progress.

CHAIRMAN (Mr. Fraser): Report progress. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF FIRST REPORT OF THE SPECIAL COMMITTEE
ON THE CONSTITUTION OF CANADA

MR. FRASER: Thank you, Mr. Speaker. Your committee has been considering the First Report of the Special Committee on the Constitution of Canada and wishes to report two motions were passed, unanimously. Do you wish me to read the motions, Mr. Speaker?

MR. SPEAKER: They are in the record, Mr. Fraser.

MR. FRASER: Thank you.

MR. SPEAKER: I have been requested that due to the urgency of work, on behalf of some of our Members, and we are just barely operating with a quorum, that I recognize the clock at this time.

SOME HON. MEMBERS: Agreed.

---Agreed

HON. ARNOLD McCALLUM: It is the last Friday of November.

MR. SPEAKER: The Chair will then recognize the clock. As authorized by due motion today, we will sit tomorrow, starting at 1:00 p.m. Mr. Clerk, the orders of the day.

ITEM NO. 14: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, Saturday, November 28, 1:00 p.m.

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: First Report of the Special Committee on the Constitution of Canada; Bills 1-81(3), 2-81(3), 4-81(3), 5-81(3), 7-81(3), 8-81(3), 9-81(3), 11-81(3), 12-81(3), 13-81(3), 14-81(3), 15-81(3) and 19-81(3); Report of the Special Committee on the Impact of Division; Interim Report of the Special Committee on Education; "Our Land Our Future" Discussion Paper on Political and Constitutional Development
14. Orders of the Day

HON. TOM BUTTERS: Mr. Speaker, point of order.

MR. SPEAKER: Mr. Butters.

HON. TOM BUTTERS: Did I hear or did I not hear that Bill 1-81(3) would be on the order paper for tomorrow?

MR. SPEAKER: I believe it was on there. Mr. Clerk, will you...

CLERK OF THE HOUSE (Mr. Remnant): Yes, Mr. Speaker. I am sorry. I omitted that. It should be on there. I will ensure it gets on the order paper.

MR. SPEAKER: Recognizing the hour to be 6:00 p.m., this Legislative Assembly stands adjourned until 1:00 p.m. tomorrow.

---ADJOURNMENT

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Yellowknife, N.W.T. at 50¢ per day, \$5.00 per session and \$12.50 per year.
Published under the Authority of the Commissioner
of the Northwest Territories