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LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

9th Session

9th Assembly

HANSARD
Official Report

MONDAY, NOVEMBER 22, 1982

Pages 593 to 634

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

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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, NOVEMBER 22, 1982

MEMBERS PRESENT

Mr. Arlooktoo, Hon. George Braden, Hon. Tom Butters, Mr. Curley, Ms Cournoyea, Mr. Evaluarjuk, Mr. Fraser, Mr. MacQuarrie, Hon. Arnold McCallum, Mr. McLaughlin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pudluk, Mr. Sibbeston, Mrs. Sorensen, Hon. Don Stewart, Hon. James Wah-Shee

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Monday, November the 22nd.

Item 2, replies to the Commissioner's Address. Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

Mr. MacQuarrie.

Question 98-82(3): NWT Role In Decision On Slave River Hydro Project

MR. MACQUARRIE: Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources and Energy. I believe, Mr. Minister, I heard a radio report on Friday that seemed to indicate that you were accepting that it would be Alberta alone that had the right to make a decision with respect to the Slave River hydro project. Does the Minister not agree that because there is a flow of waters across boundaries, that legally the federal government will participate in that decision?

MR. SPEAKER: Mr. Minister.

Return To Question 98-82(3): NWT Role In Decision On Slave River Hydro Project

HON. RICHARD NERYSOO: Mr. Speaker, I thank the honourable Member for giving me notice of the question. What I did indicate is that, if the people of the Northwest Territories did not get together on a position with regard to the Slave River project, that we would probably find ourselves in a situation where the Alberta government would in fact find themselves making a decision that did not reflect any of the major concerns that the people of the Northwest Territories had with regard to that particular project. It is my position that we do play a major role in this particular project, and we play a major role in negotiating the terms by which that project would go ahead. I should make the Member aware that the recent agreement signed by the appropriate governments, provincial, federal and territorial, with regard to the Mackenzie River basin study reflects some of the concerns that he has, and that we will be playing a major role in any kind of arrangement or agreement that has to do with its influence on the Mackenzie River basin.

MR. SPEAKER: Thank you. Mr. MacQuarrie, supplementary.

Supplementary To Question 98-82(3): NWT Role In Decision On Slave River Hydro Project

MR. MACQUARRIE: Thank you. In view of what could be very serious implications later on for the proposed Liard River project, as I said earlier I feel it is important that any precedent that is set by way of decision making is one that this government can accept, and so I ask the Minister further, what steps he is taking to try to ensure that this government actually has a seat at the table when the decision with respect to the Slave River hydro is made?

MR. SPEAKER: Mr. Nerysoo.

Further Return To Question 98-82(3): NWT Role In Decision On Slave River Hydro Project

HON. RICHARD NERYSOO: Mr. Speaker, as I indicated, the Mackenzie River basin agreement indicates that we do in fact play a major role in any kind of negotiations with regard to interprovincial, interjurisdictional basins in Canada, particularly in western Canada. The other point is that I have had numerous discussions with the ministers in the Alberta government, prior to the particular government now in existence, and as well had discussions with the federal ministers responsible for any kind of interjurisdictional waters, and have had indications from them that they see us as playing a major role in the negotiation process.

MR. SPEAKER: Thank you. Oral questions. Ms Cournoyea.

Question 99-82(3): NCPC Power Poles

MS COURNOYEA: I have a question to the Minister of Local Government. Many of the communities in my region are in a conflicting position with the relocating of power poles. NCPC advocates that it is not their problem that the new town plans have dislocated their poles. I wonder if the Minister would indicate if his department is dealing with the problem, and if the government would be forthcoming with some funds to the small communities to deal with the relocation of the power poles?

MR. SPEAKER: Mr. Wah-Shee.

Return To Question 99-82(3): NCPC Power Poles

HON. JAMES WAH-SHEE: Mr. Speaker, I want to thank the Member for the Western Arctic for giving me some notice in regard to this question. We have an understanding with NCPC on this subject. When it is necessary to move existing power poles as a result of changes in the community development plan, the territorial government pays. When it is necessary to put up new poles to extend services into a new area, then it is up to NCPC to take care of the expenses. My staff is not aware of any difficulties which have arisen in Paulatuk or Tuktoyaktuk, but the Member can be assured that the Department of Local Government will deal with NCPC on behalf of these communities.

MR. SPEAKER: Thank you. Oral questions. Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Written questions. Mr. MacQuarrie.

Question 100-82(3): Nursing Profession Ordinance

MR. MACQUARRIE: Thank you, Mr. Speaker. My question is for the Minister of Health, who is not here, but I assume someone will report the question to him.

Is the Minister of Health aware that there are people in the NWT rendering nursing services who are not complying with the registration provisions of the Nursing Profession Ordinance? Why is this problem occurring? What is the extent of it? What steps is the Minister taking to ensure that all persons who are rendering nursing services in the NWT, as well as all employers who employ them, abide by the provisions of the Nursing Profession Ordinance?

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

Further Return To Question 86-82(3): Years Maximum Assessable Remuneration Level

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I have a return to oral Question 86-82(3), asked by Mr. MacQuarrie on November 18th. It concerns the Workers' Compensation Board. The return reads:

In accordance with the terms of section 50 of the Workers' Compensation Ordinance, the Workers' Compensation Board reviewed the accounts of compensation payments being made and the amount of the years maximum assessable remuneration, YMAR, and made the following recommendation to the Executive Committee: 1) That the benefits payable as compensation to workers and other dependants be maintained at the existing levels. 2) That the amount of YMAR remain unchanged at the present level of \$23,200.

The board has provided the following information for clarification purposes. YMAR sets an upper limit to the earnings of workers which are used to calculate the benefits payable on disablement or death. It also sets a ceiling on the earnings of workers on which employers have to pay assessments to the board. Assessments are linked to the YMAR ceiling, in that as the level of benefits increase, so do the assessments to cover relevant costs.

In the case of industrial class 20 -- it includes non-renewable resource industries -- they would be affected by a raise in the YMAR as their employees' wages are high enough to increase the assessable payroll. This industrial class is very important to our accident fund, in that it contributes one half of the annual assessment revenue, over six million dollars in 1981. Industry in this class appears to be having economic problems. If the YMAR is increased, the level of assessments could increase to the point where it would affect the ability of employers to carry on business.

The YMAR is not tied to any specific statutory index, and it has been possible to allow changes to be made annually, bearing in mind the position of the accident fund and the state of the economy in the NWT at any particular time. In view of the current economic recession, the board feels care needs to be taken on our industrial employment base understanding that the YMAR in the future has to rise in a series of steps to meet the wage levels of our claimants. The recommendation made by the Workers' Compensation Board was approved by the Executive Committee. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Returns. Mr. Wah-Shee.

Return To Question 74-82(3): Water Truck Meters, Baffin Region

HON. JAMES WAH-SHEE: I have a return to oral Question 74-82(3), asked by Mr. Arlooktoo on November 17th, in regard to water truck meters.

Mr. Speaker, my officials are aware of the problem raised by the honourable Member for Baffin South about meters for the water trucks. However, a fully reliable water meter has not yet been found. Many conventional meters break down due to freeze-up. The meter tested in Igloodik has had a superior performance but problems have arisen because of incompatibility of design between the truck and the meter. Attempts to solve this problem are continuing. At the same time other types of meters are being investigated, including the possibility of individual building meters. Thank you.

MR. SPEAKER: Thank you. Returns. Are there any further returns for today?

Item 5 on your orders of the day, petitions.

Item 6, tabling of documents.

Item 7, reports of standing and special committees. Item 8, notices of motion.

ITEM NO. 8: NOTICES OF MOTION

Mrs. Sorensen.

Notice Of Motion 37-82(3): Registered Nurses Association Of The NWT

MRS. SORENSEN: This is to serve notice of motion that on November 24th I will move the following: Now therefore be it resolved that all registered nurses working in the NWT be registered with the Registered Nurses Association of the NWT.

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

Notice Of Motion 38-82(3): Hudson's Bay Company Witnesses To Appear Before The House

HON. DENNIS PATTERSON: Mr. Speaker, I give notice that on November 24 I will move: Now therefore I move that this Assembly invite a representative or representatives of the Hudson's Bay Company to appear as a witness or witnesses before the committee of the whole at our next session to discuss pricing and other policies in northern Hudson's Bay Company stores.

MR. SPEAKER: Thank you. Notices of motion. This appears to conclude notices of motion.

Item 9, notices of motion for first reading of bills. Item 10, motions.

ITEM NO. 10: MOTIONS

Motion 31-82(3), Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Speaker, I ask that this be deferred until tomorrow so that Members can absorb the response that Mr. Braden brought into the House today. Thank you.

MR. SPEAKER: Thank you. Motion 32-82(3), Mr. Kilabuk. Mr. Kilabuk is not here. Motion 32-82(3) will be set aside until Mr. Kilabuk returns. Motion 33-82(3), Rescind Motion 7-82(3), Mr. Curley.

Motion 33-82(3): Rescind Motion 7-82(3)

MR. CURLEY: Thank you, Mr. Speaker.

WHEREAS Motion 7-82(3) provided for the introduction of legislation at this session to allow the Commissioner to appoint an electoral boundaries commission to study the existing constituency boundaries and was narrowly passed in committee of the whole on November 17, 1982;

AND WHEREAS a desirable consensus was lacking on the issue of possibly increasing the size of this Assembly;

AND WHEREAS by plebiscite, on April 14, 1982, the people of the Northwest Territories indicated that their first priority for change to the existing government is dividing the Northwest Territories;

AND WHEREAS the nation is in a period of recession and this government has announced a policy of restraint in prices, public sector wages and government expenditures;

AND WHEREAS the proposed electoral boundaries commission could cost at least \$250,000 and there are other more important priorities for any new funding which may be available to this government, including the implementation of the recommendations of the special committee on education and a process of public consultation and consensus-building on new forms of government in the Northwest Territories, as proposed by the Constitutional Alliance;

AND WHEREAS Motion 7-82(3) imposes severe time constraints on the work of the proposed commission;

AND WHEREAS the original Motion 7-82(3) does not appear to be in order, in that it instructs the Executive Committee, which is beyond the jurisdiction of this House;

NOW THEREFORE, I move, seconded by the honourable Member for Western Arctic, that Motion 7-82(3) be rescinded.

Speaker's Ruling

MR. SPEAKER: Thank you, Mr. Curley. The "Now therefore I move" is in order. However, there is difficulty with one "whereas" clause and rather than delay your motion I will warn you and other speakers that the last "whereas" clause, "And whereas the original Motion 7-82(3) does not appear to be in order, in that it instructs the Executive Committee, which is beyond the jurisdiction of this House;" is a decision that has already been made by the Chair and it reflects on the Chair. If you wish to discuss this matter it must be made by substantive motion. It cannot be debated at this time under this motion dealing with rescinding Motion 7-82(3). So if this is understood and agreed to by the mover and the seconder, I will accept the motion as presented to be in order, but I warn that I will not allow debate with regard to that "whereas" clause. Mr. Curley.

MR. CURLEY: That is all right with me.

MR. SPEAKER: Proceed then, Mr. Curley.

MR. CURLEY: Mr. Speaker, I rise today because this is my last chance to try and put forth reasons why Motion 7-82(3) should be rescinded. Unfortunately, I do not wish to use that particular word, but under the rules, that is the only way that I can attempt to at least present my appeal case

to the Members here. Mr. Speaker, major political developments have, recently, during the life of this Assembly, been debated and, I think very responsively, have been carried out, in spite of the regional differences. I believe increasing the present size of the Assembly is a major political development and, therefore, should be studied further and analysed further by the government before proceeding with necessary legislation.

I state that clearly, because I think the Executive Committee, during the last plebiscite, was responsible and careful and cautious -- but to try and jump to the conclusion that the Territories ought to be divided immediately. Therefore the Leader of the Elected Executive, George Braden, issued a press release that the vote was pretty narrow, and therefore he had to analyse the results of that vote carefully. I would want to point to the Executive Committee, as being the leaders of our government, that I think equal consideration should be given to Motion 7-82(3), if it continues to be the case.

Strategy Of Executive Committee Is Responsible

I wish to state further, Mr. Speaker, that I am convinced that the Executive Committee, through this Leader, George Braden, and the Minister responsible for Constitutional Development, have established close relationships with major native organizations who have interests in political development of the Territories. I think that has happened because they were careful in planning the strategy for political development very responsibly, without moving too quickly, which would further polarize the people of the NWT, and the government has established committees that have begun to examine and explore how two territories would develop their major institutional, administrative and financial capability. I think this action, these steps taken by the government, are responsible, and I am pleased to say that they have the support of the people in the eastern part of the Territories.

These mandates require money. Presently, the committees that have been established are working without adequate funding. This is why, I think, we need to carefully again review what impacts, or implications, the Motion 7-82(3) would create to our present treasury funds in 1983. Because this is a restraint year -- which this Assembly supports, and the government has announced -- funding will continue to be difficult. There are many organizations, hamlet councils, that have approached myself and other Members because they do require more funding, but I am not absolutely sure that they will be able to get the money they have been asking for. So I am appealing today to reconsider the position, and the kind of difficulty we are really going to be posing, and the impact that we will be giving to the people of the NWT, if Motion 7-82(3) proceeds to try and set up a boundaries commission.

Again, the Executive Committee, through its effective leadership, Mr. George Braden and his deputy minister, are making significant impact on the federal government -- more than ever before, during the history of this government -- in defending its right to take part in the Canadian constitution. I think this is very important, and we have the support of the people throughout the NWT that this decision and this mandate presently decided by the Executive Committee is a very responsible one; it continues to at least have the support of the people from my riding and from myself. These federal mandates will require extensive concentration, particularly during the next three months leading to the First Ministers' Conference. I believe they will be extensive, and I think they will require careful concentration of the Ministers responsible and the deputy minister. I just want to try and establish a scenario, if and when the First Ministers' Conference is held in Yellowknife, which this Assembly supports, and the people of the NWT wholeheartedly support, right across the Territories. Supposing the First Ministers' Conference is held here in Yellowknife, sometime next March -- and I really hope it will; for the first time in the history of Canada, such a junior partner like the NWT would all of a sudden become the important place, and centre of attention -- this would probably contribute to fair and equitable resolution of aboriginal rights of native peoples of Canada. I certainly would like to see that happen. I think it is the kind of contribution that this government and people of the NWT should strive for.

NWT May Be Perceived As Divided

I would think most of the participants would, at the same time, be observing the state of the NWT from the political, economic and sociocultural point of view. They will be wondering what the people and what the Northwest Territories are all about. How will the NWT be perceived next March? Will it be seen divided, like we are now? If Motion 7-82(3) is not rescinded, I think we will be seen as divided. The electoral boundaries commission would likely be holding its first hearing somewhere in the Eastern Arctic. It would likely not have the same kind of attention as the First Ministers' Conference likely will have, because the press will not likely be interested

in the electoral boundaries commission hearing in the Eastern Arctic when the First Ministers' Conference is going on. By next March, the report of the boundaries commission would have been made public, if Motion 7-82(3) is not rescinded, recommending, at that time, to increase the Assembly to 25 Members. What kind of impact will that have throughout the Territories? How will the NWT be perceived by the provincial premiers, representatives of the federal government, and the national press that would likely be here to cover that conference? I hope that we will not be seen to continue the split, and therefore be inconsistent and contradictory in our position for political development -- which we have already stated to the public, to the government, to the people of Canada -- that our desire, first priority, of the political development, is based on April 14, 1982. We have informed the people of Canada that we wish to divide the Territories, and that we are now waiting for the federal government to make the first move. I think that would be inconsistent with the major priority of this Assembly, that the federal government of Ottawa now has to make the first move; and we should not pre-empt them further by attempting to increase the size of the Assembly, which is a major political issue.

My appeal today is why not wait until Ottawa responds to our requests? We have already given them our notice to proceed with major constitutional development, such as dividing the Territories, such as studying the present institutional, political and administrative structures these two governments would have. Mr. Speaker, in spite of our regional differences in this chamber we have, I think, taken positions and embarked on major issues and prioritized them, which I think will at least have convinced the federal government that we are responsible. I know for one thing that Ottawa may not respond positively to some of the positions we have taken, but I am sure that they will analyse them carefully and respond fairly. It may be that the division is not possible within the next two years -- I do not know -- but at least I think the response will be responsible. So, therefore, Mr. Speaker, why should we, through this Legislative Assembly, continue to develop and polarize ourself, particularly east and west, when we could prevent it by delaying for the next few years the decision to increase and exercise real political politics in this chamber?

Keeping Unity Intact

I think we have remarkably been responsible in formulating our political development strategies, even though we have regional differences in handling the political development so far. I think now is the time to keep at least that part of the unity that we have accomplished in terms of our strategy intact. We should not attempt to destroy it any further. I would urge that we should at least try to remain united until the case for division actually is happening and is before us. We should agree to remain united and that is why I have to use the words that "Motion 7-82(3) be rescinded", but I am not expecting that we further exercise a permanent split by again voting east and west. I think this would permanently harm the unity that we have established.

So, therefore, Mr. Speaker, I am urging the Members of the Assembly here to see if we can attempt to find another solution to this particular -- possibly will harm our relationship. As I said before, we have already been able to support each other in terms of major political development, major legislation that has been introduced into this House. We have given the Executive Committee and the government continuing support and I am pleased to say that we have not ever turned down a bill or major policy as a result of our disagreement. So, therefore, Mr. Speaker, I am urging all Members to really think on this motion seriously and react responsibly. Thank you.

MR. SPEAKER: Thank you, Mr. Curley. As seconder, Ms Cournoyea, do you wish to speak at this time?

MS COURNOYEA: Mr. Speaker, as seconder of this motion, I too would like to appeal to the good sense of this Legislative Assembly. It may be that there were certain arguments given in relationship to increasing the number of Members of this House to 25, but in asking ourselves the question of "How can we better represent our communities?" perhaps there were two areas that were not fully explored. The first is with more hard work and the second one possibly would be, "What do communities really want?" In developing community associations, community governments and regional governments, many of the concerns that come before us are on a lack of funding to do such a thing, but yet, time and time again, when we are increasing our bureaucracy or our government, it comes in a higher level of the bureaucracy, generally in more major centres and generally at a higher political level.

Our population in the Northwest Territories is approximately 45,000 people. The majority of those people living in smaller communities are native people, working for community councils, working for housing associations and working for suborganizations under this government. All these associations and community governments do not have the same benefits nor the same recognition as the large regional offices and the bureaucracy in Yellowknife. When we go to represent those people, what they are asking for is a new roof on their school, more road development and perhaps

some of the benefits to compete in their wage and salary benefits they are giving to their own community councils, as well as infrastructures in those communities and recreation facilities. I do not believe that increasing the membership of this Legislative Assembly will do any of the things that the communities would want. All we are doing is taking money and paying another three people, which comes, ultimately, out of the budget.

Some figures that were explained were \$250,000 for the inquiry to go around the Northwest Territories, but yet, today, in increasing to the additional Members, I would believe that \$75,000 a year for each Member is not beyond reason. It concerns me greatly that we are being asked to pass two bills in this House which will severely impede the development of the community governments. One bill would indicate that the community associations are not public servants and the other is asking them to restrict themselves to a six and five. The people that we are asking to restrict themselves are the majority of people who are at the lower scale of salary, but here we are making a decision to expend a great deal of money that would probably allow these community associations to increase -- to a fair return in giving incentives to their community representation. Most of the community councils and the housing association members do not have benefits. They do not have northern benefits, neither do they have a paid trip to Edmonton and back once a year.

MR. SPEAKER: Ms Cournoyea, would you please stay to the motion, please? I have been very lenient with you so far, but you really have been wandering around. Would you please stay with the motion?

A Contradiction In Funding

MS COURNOYEA: Mr. Speaker, the relevancy to my argument is in terms of the cost benefit of increasing to 25, as opposed to how much money is going to the communities. I am sorry if I am out of order. However, I believe that in addition to the community responsibility we have, we also have a responsibility of motions passed in this House toward division and the constitutional development of the Northwest Territories, which require a great deal of funding. I would ask the other Members of this Legislative Assembly to think carefully about that contradiction. Thank you.

MR. SPEAKER: Thank you, Ms Cournoyea. To the motion. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Speaker. I voted against Motion 7-82(3), but I noted when that motion was discussed over three days almost all Members of the Assembly were present. All of the arguments that are being made in Motion 33-82(3) were raised at that time, and they were not sufficient to persuade the majority to change its mind about supporting Motion 7-82(3). I do not approve of attempts to wait for numbers and circumstances to be right in order to overturn what was obviously the will of the Assembly. Therefore I will vote against Motion 33-82(3), vote against the motion to rescind, Mr. Chairman.

MR. SPEAKER: Thank you, Mr. MacQuarrie. To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I do welcome a chance to take a sober second look at this very difficult question, and I say that because I really do regret that last week the debate turned on personal feelings and emotions. I do regret that on both sides of the question there may well have been Members who were simply not any longer listening to what was said. I can say this myself because I, too, became quite torn apart over this issue. I think that it is recognized that there are very, very strong feelings on this issue on both sides of the House, and I think that we should welcome the opportunity to objectively and openly take another look at it, with, hopefully, the healing passage of time able to take some of the edges off our feelings.

Advisory Committee Essential

I do agree that last week there was some feeling on my part, at least, that I wished there would be a way of putting off the vote or having this issue go away. I also feel that, on the other side, there was a certain degree of intolerance. For example, I was very hurt when I was assured that my motion to establish a committee -- which I do believe is utterly and absolutely essential to the proper functioning of a boundaries commission -- would be assured unanimous consent if the motion to establish a boundaries commission went ahead. This consent was withdrawn, and I still would hope that this House would, if the bare majority is determined to impose its wishes on the eastern Members of the House -- I do sincerely hope that this House will agree that the advice of a committee is absolutely essential if this boundaries commission is going to do its work.

Mr. Speaker, I do feel convinced that this issue contains the seeds for our destruction over the coming year. I really am very concerned that it will tear us apart. The boundaries commission will be set up for an impossible task. The motion will live to haunt us, I believe, Mr. Speaker, because I am afraid that at every turn there will be a real possibility that the recommendations of the commission will be rejected or that the legislation to implement the work of the commission will be rejected, and I say this looking at the history of the movement to establish new boundaries.

Members will recall that it was discussed at length in caucus over a year ago, and at that time we received very carefully considered advice that unless we began to act at that time, we would run out of time; we would simply not have time to do a proper job. Some Members have suggested that caucus continually voted to defer this issue, but I want to say clearly here and now that I have always been against the move to increase the seats and redistribute seats in this Assembly. I thought that the last commission did a fair and proper job, and that the next major constitutional change in the Northwest Territories should be division of the Northwest Territories. I always took that position in caucus, and I think those of us who were able to persuade caucus that we should not go ahead with this move felt satisfied that the matter had been put to rest when we passed the deadlines recommended to us at those meetings. So I was very disappointed that the matter was resurrected at caucus at the last minute and has been forced on an unwilling, an unprepared public by a bare majority of Members who perhaps have taken advantage of a resignation from our Members in the eastern caucus. I cannot help but observe that had Mr. Noah been here last week, the one vote margin might well have been lost. I cannot also help but observe that this issue seems to be a matter of passing interest for some Members, who choose not to be here during important votes. I cannot help but wonder, for example, where the seconder of the motion is today, and why some of the strongest advocates of the motion have not been present here at other crucial points in this debate.

Not A First Priority Of The Public

Mr. Speaker, I am very concerned, again, to appeal to Members that this is not a first priority of the public of the Northwest Territories. I recognize what Mr. Sibbeston and Mr. Tologanak have said, that their ridings might be a little too large, but I would personally appeal to them, if they were here, that I would be more than happy to see their constituency allowances doubled, if necessary, to make it easier for them to get around in their ridings, but I would like to ask them just whether or not their constituents feel this is the first priority for change.

Educational Reform More Urgent

We have just had a very lengthy and important debate involving full public consultation on the future of education in the Northwest Territories, and I would like to know whether the constituents of Mackenzie Liard or the constituents of the Central Arctic, if faced with a choice between establishing divisional boards, for example, and having another Member in their area, just what their first priority might be. I cannot help but notice that Mr. Sibbeston recommended a divisional board during the education debates, which includes the community in his constituency that he thinks should be dealt with separately, Fort Providence. I cannot help but observe that in the Central Arctic a regional education authority has been composed consisting of all the member communities in the Member for Central Arctic's constituency. I wonder if the people of those constituencies were given a choice about, for example, establishing a divisional board or a new MLA, what they really would say, because, Mr. Speaker, I believe it may well come down to that. I know that this item of a boundaries commission has not been budgeted in the coming year. I know that there is going to be a scarcity of funds for new programs, and, quite frankly, as an MLA and as a Member of the Executive Committee, I certainly see that there is a much more urgent call for educational reform than there is an urgent call for reform in our constituencies, although that undoubtedly is inevitable.

I would draw to the attention of Members of the House, Mr. Speaker, that the motions on educational reform, the motions on constitutional reform, and the motions on division of the Northwest Territories, were carried almost unanimously in this House, by very high margins. I believe it was 18 to one that we decided that the federal government should be approached to divide the Northwest Territories; now a few months ago in Inuvik. Now, by a bare majority of 10 to nine, we are suggesting that half a million dollars -- and it is going to be half a million dollars, Mr. Speaker; the last commission spent under \$250,000 when costs were much cheaper, travelling to a much more limited number of communities than this commission will have. If we are going to spend half a million dollars, should we not put it where the people of the Northwest Territories, through their elected representatives, have been able to achieve some consensus on priorities?

Mr. Speaker, much has been made about consensus and the breakdown of consensus, but I would like to say here very clearly, now, that one of the reasons I came into this House was because I wanted to work for a fundamental change in constitutional development in the Northwest Territories through dividing the Northwest Territories. If this House had followed Mr. MacQuarrie's committee's recommendations that the vote on this division of the Northwest Territories should be confined to Eastern Arctic communities, we would have had a much more significant degree of popular support than 56 per cent. Last week it came up, "Well, where is the boundary between the East and West?" when the amendment to eliminate the principle of balance between East and West was defeated. One honourable Member said, "Well, I do not know where the difference is between East and West -- I do not know where the boundary is." Well, Mr. Speaker, the results of the plebiscite on division very clearly show that feeling of East and West. I would just observe to Members of this House that if you want to know how the people felt, what they said, let me observe this. If you exclude Coppermine and Cambridge Bay from the results, and confine the plebiscite results to communities east of those communities, you have an 83 per cent vote to divide the Northwest Territories.

It is no coincidence that the Members from this side have stood up to oppose this motion, and I have done so, not without some difficulty, in that I clearly have been divergent from my colleagues on the Executive Committee. But the reason for that, Mr. Speaker, is the first priority in the Eastern Arctic for political change is division of the Northwest Territories, and a very, very high proportion of our constituents said that.

Consensus May Be Destroyed

So I feel we must avoid taking this step. It is going to tear this House apart. It is going to dissolve the consensus and good will that we have been able to achieve to date, and I believe that it is going to colour the work of this Assembly in the future. Although I will co-operate if this motion is pushed upon us, I sincerely believe that for many reasons I explained last week the commission has an impossible deadline. We will be promoting more confusion than enlightenment on the people of the Northwest Territories and I sincerely fear that all the work may well come to naught. So, Mr. Speaker, without trying to be as antagonistic as I may well have been last week, I would sincerely appeal to Members to reconsider this move, because I fear it could be the seeds of our destruction rather than the kind of renewal that Members from the other side seem to hope for. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. To the motion. Last call to the motion before I ask the mover to close debate. Does anybody else wish to speak to this motion?

MR. FRASER: Question.

MR. SPEAKER: Mr. Curley, do you wish to close debate, or are you ready for the question?

MR. CURLEY: Mr. Speaker, yes, I would like to just remind the Members what I said about the government's responsibility and of setting priorities of the government, and I would just like to remind the Members that when the plebiscite results were issued, came in, the government stated in their press release -- and I quote from one, the third paragraph of the press release in April. It states that, " 'It is imperative that before we start thinking about how we move toward actual division, we cautiously examine first what factors made significant numbers of people in the West vote no or abstain,' says James Wah-Shee, Minister of Aboriginal Rights and Constitutional Development." I think this was a responsible position, that implications must be studied by the government, but in the case like this, just by mere majority, why take the opposite position? Why does the government not, as a government, as a cabinet, consider that issue a little further in presenting its own position to the Assembly?

If I were on the Executive Committee, I would want them, as a result of their majority that resulted last week in a vote -- if I were in the Executive Committee, I would ask the Leader of the Elected Executive to allow us to sit down and discuss the issue and analyse it like we said we would analyse the plebiscite results, because it is going to create very difficult restraints on many people, not only the members of the commission, Mr. Speaker, because I really feel this issue is one that I do not think we ought to repeat in terms of splitting ourselves. But I am going to withdraw the motion. Thank you.

MR. SPEAKER: Mr. Curley, did I understand that you said you were withdrawing the motion?

HON. TOM BUTTERS: Secunder.

MR. MacQUARRIE: Point of order.

MR. SPEAKER: Ms Cournoyea, you are the seconder of this motion. Do you consent to the withdrawal of this motion?

MS COURNOYEA: Mr. Speaker, I do.

Motion 33-82(3), Withdrawn

MR. SPEAKER: It is the right of the mover and seconder to withdraw the motion. The motion has been withdrawn. Motion 35-82(3), Adoption of the First Report of the Standing Committee on Rules and Procedures. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Sorry.

MR. SPEAKER: Mr. Wah-Shee, do you have a point of order?

HON. JAMES WAH-SHEE: Mr. Speaker, I would like an explanation from the Chair. If the mover and seconder of this motion agreed to withdraw the motion, could the Speaker indicate to this House how many times they can introduce the same motion while they are sitting here and it can be withdrawn? In other words, can the mover reinstate the motion before this session is terminated and just how many times can a person do that? That is all. So we know the rules.

MR. SPEAKER: Thank you. Just one moment, please. Mr. Wah-Shee, I am going to use one of your tactics. I will take that as notice and give you an answer later, after further investigation.

MR. MacQUARRIE: Point of order.

MR. SPEAKER: Mr. MacQuarrie, on a point of order.

MR. MacQUARRIE: Yes, Mr. Speaker. Could I raise the point of order, then, which you may consider at the same time, as to whether, once a motion is moved and seconded and debated, it is not the property of the House as a whole at that point, and it would require at least a majority of Members to agree to withdraw it? I raise that point for your consideration, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. MacQuarrie. We shall take that under advisement and give you an answer. We are now on Motion 35-82(3). Mr. McLaughlin, are you ready to proceed?

Motion 35-82(3): Adoption Of The First Report Of The Standing Committee On Rules And Proceures

MR. McLAUGHLIN: Yes, thank you, Mr. Speaker.

WHEREAS the need for certain changes to rules and procedures of this House is self-evident;

AND WHEREAS the standing committee on rules and procedures has received the advice of MLAs concerning necessary changes to the Rules of this House;

NOW THEREFORE, I move, that the first report of the standing committee on rules and procedures, attached as Appendix A, and the recommendations contained therein, be adopted by this Legislative Assembly.

Thank you, Mr. Speaker.

MR. SPEAKER: Your seconder, Mr. McLaughlin?

MR. McLAUGHLIN: Mr. McCallum.

MR. SPEAKER: Mr. McCallum. Your motion is in order. Proceed.

MR. McLAUGHLIN: Thank you, Mr. Speaker. I proceeded with this after a meeting was held with Members of the Assembly, and with the rules and procedures committee, on the understanding that these were rules that Members wanted to be changed immediately, before the next session began, and that the committee would, between now and the next session, also work on a major undertaking of the whole Rules of the Assembly. These particular rules, Members all seemed to want to have take place immediately. If Members would like to debate these, the committee would not be against going into committee of the whole in order to go into detail, but I think they are all straight-forward recommendations, that all of the Members have brought to the attention of the committee. I believe there is nearly unanimous consent that these changes should take place. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. As seconder, Mr. McCallum, did you wish to speak?

HON. TOM BUTTERS: Point of order.

MR. SPEAKER: Point of order, Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, I just wonder whether or not the word "adopted" is correct. Should not the motion be "be accepted by this Legislative Assembly"? Is it not the practice that such a report would be made available, moved to be accepted, and then referred to committee of the whole for discussion?

MR. SPEAKER: Mr. Butters, you are correct in that, normally, reports of this nature I handle that way, but this basic report basically came out of caucus, and is being handled as such; quite often other caucus matters have the consent of the House. Now, if you wish, if you feel that it should go in committee of the whole, it would be quite proper for you to move it into committee of the whole, and do it that way, if you feel that more discussion is necessary on it; or we could proceed, then take a vote, and see whether or not it is accepted or adopted. I do not think there is too much -- according to whether it is accepted or adopted. Mr. Butters, your point of order.

Motion To Refer Motion 35-82(3) To Committee Of The Whole, Carried

HON. TOM BUTTERS: No, just to take action on your suggestion, which I think is a good one -- I think the past practice has been that it is referred to the committee of the whole, and I would therefore move that this motion be referred to the committee of the whole for discussion and approval, or consideration by that committee.

MRS. SORENSEN: Seconded.

MR. SPEAKER: Seconded by Mrs. Sorensen. To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I just have one concern about these recommendations, and perhaps I should have asked this in caucus, but I would like to have a clarification of one recommendation, number two.

MR. SPEAKER: Mr. Patterson, to the motion on the floor now, to refer it to the committee of the whole. This is the motion on the floor now. You will speak to that motion, please.

HON. DENNIS PATTERSON: Right, I will...

MR. SPEAKER: All those in favour? Opposed? The motion is carried.

---Carried

Motion 35-82(3) will be referred to committee of the whole. Motion 36-82(3), CBC Witnesses to Appear at Winter Session. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, with your permission, I would like to defer this matter until tomorrow.

MR. SPEAKER: Thank you, we will defer that matter, Motion 36-82(3), until tomorrow.

Item 11, introduction of bills for first reading.

Item 12, second reading of bills. Item 13, consideration in committee of the whole of bills, recommendations to the Legislature, and other matters.

ITEM NO. 13: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Tabled Document 37-82(3), Tabled Document 25-82(3); Bill 18-82(3), Bill 2-82(3), Bill 5-82(3), Bill 19-82(3), Bill 6-82(3), Bill 12-82(3), and Bill 22-82(3). We will have Mr. Pudluk in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 37-82(3), LETTER FROM ARCTIC CO-OPERATIVES LIMITED; TABLED DOCUMENT 25-82(3), ABORIGINAL RIGHTS AND THE CONSTITUTION

Tabled Document 37-82(3), Letter From Arctic Co-operatives Limited

CHAIRMAN (Mr. Pudluk): Now, this committee will come to order, on Tabled Document 37-82(3). Does this committee agree to invite the witness from Arctic Co-operatives Limited, Pat Moore?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Mr. Moore, welcome to the House. I wonder if you could make opening remarks and after that there might be some questions to be asked.

MR. MOORE: Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): We are only going to have half an hour on this subject. So please remember that and when you talk, could you please talk slowly?

MR. MOORE: Yes, Mr. Chairman. Mr. Chairman, honourable Members, on behalf of the president and board of directors, Arctic Co-operatives Limited, I wish to thank you for the opportunity of addressing the Legislative Assembly regarding the co-operative system of the NWT. I recognize and appreciate that you have set aside one half hour of your valuable time for discussion of the NWT co-operative system. You will no doubt want to use a substantial portion of the time to seek clarification and discuss your concerns. For this reason, I will keep my remarks brief.

The co-operative membership of the NWT is made up of a large proportion of your constituents -- over 4500 members in 35 different communities. These constituents own and control their local co-operatives, the main form of community owned business in the NWT. Last year these co-operatives accounted for over \$20 million in gross revenue, a significant portion of the NWT economy. Through wages, arts and crafts purchases, and fishing and fur revenue, these same co-operatives have returned over six million dollars to NWT residents in the 1981 year. In addition, the over two million dollar savings generated by co-operatives over the past four years have been retained in the communities through share capital to build better facilities or in cash dividends. Our organization, Arctic Co-operatives Limited, is a service organization, developed and controlled by the 35 community co-operatives. We provide purchasing, marketing, audit, accounting, education and management advisory services to the co-operatives under the direction of the 12 elected members of our board.

Functions Of Organization

We see our function as twofold; to provide business services on a cost recovery basis and to provide educational and development services to ensure competent local control and management. Over the years our organization has developed and implemented an extremely effective training and development program for co-operative boards of directors and staff. The results of this can be seen in the fact that five years ago there were no native managers in the co-operatives. Today there are 11 and an additional six are in senior departmental management positions in the co-operatives. Five years ago many boards saw their role as an advisory body to the manager. Today they control their co-operatives. We accomplished this through the desire and commitment of native people to work toward self-determination and control over their economy, through financial support from the territorial and federal governments and through the dedication of our own staff.

Support For Funding Negotiations Requested

Funding for the education and development services are coming to an end; part of it in December of 1982 and the other part in March of 1983. These services are beyond those normally associated with a business enterprise. Our purpose for being here today is to request the support of this Assembly, to request your recognition of the importance of co-operatives to the economy of the NWT, and to the development of business skills and knowledge at the local level. We have local boards of directors anxious to develop their knowledge and understanding of business, anxious to take control over their business. We have native managers and trainees working to continually develop and upgrade their skills to take control of positions that have been traditionally filled by southerners. We have a dedicated staff and organization to deliver the services and programs.

We request the moral support of this Assembly in our negotiations with both the territorial and federal governments for funding to continue delivery of these developmental services. Thank you, Mr. Chairman and honourable Members, and should you have any questions or need clarification on any of the points I have raised, I would be pleased to answer them.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Moore. Are there any questions -- clarification? Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. Mr. Moore, I understood that the Arctic Co-ops Limited wished to appear at this time because apparently the movement is facing difficulties which they had not encountered before and your brief did not really give us an indication as to the nature and scope of those difficulties. Could you perhaps elaborate a little bit on that at the present time?

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Moore.

MR. MOORE: The situation we are in at the present time is that we have had the education program running to train native managers and get them into management positions and boards of directors, developing their skills so they...

CHAIRMAN (Mr. Pudluk): Just a moment. You are going too fast now. Could you slow down a bit? Thank you.

MR. MOORE: ...program to develop boards of directors so that they can understand the dollar-base economy that we live in and exercise control over the co-operatives that they own. The funding for this program has been coming, to a large extent, from Special ARDA and we have indications that that funding will be terminating in the coming year. Certainly any support that this Assembly can give us in promoting the program, in promoting the development of these manager trainees and boards is important.

Training For Management Is An Integral Part Of Co-op Business

It is our feeling that these activities are outside the normal scope of a business, but they are not outside the scope of a co-operative, in that the responsibility of a co-operative is to not only run an effective business from the bottom line, but to ensure that it responds to the needs of the local people, the people that run it and own it. The training and development of boards and manager trainees cannot take place outside of the business itself. It cannot take place by an outside agent coming in and delivering a program. It must be considered an integral part of the business and so, therefore, we feel that the programs we are running cannot be supplanted or replaced outside of our organization, outside of the business itself by, for example, individuals from the Department of Education or other sources and yet, we do not have the funding to carry on those programs. They are extremely expensive, as can be seen and understood in terms of travel costs, etc. So in order to respond to the wishes of our membership, we have approached the federal and territorial government for funding of those programs under this proposal that we have submitted. Lack of funding will result in termination of a number of advisory positions which help the native managers, themselves, in these co-operatives and will also result in the termination of the education program and its delivery to the community level. We feel that this would be a severe setback to the development of the people in the communities and to the development of the skills that they not only use in the co-operative, but in other aspects of their community enterprises, whether it be school boards that may be coming up, hamlet councils, etc.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Moore. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, and could you tell me, Mr. Moore, what amount of funding we are talking about; you say you have made specific proposals to both governments. Could you provide us, not necessarily at this moment, but very soon, with copies of those proposals so we are aware of what you are seeking?

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. Mr. Moore.

Amount Of Funding Requested In Submissions

MR. MOORE: Thank you, Mr. Chairman. Certainly we can provide copies of the submissions that we have made to the territorial and federal governments to the Assembly if that is a request. In general terms, what we are asking is support for the delivery of an education program which

involves approximately \$350,000 next year. This would be for three positions, plus the costs of travel and the costs of bringing together boards of directors and native managers to locations in the communities where they can share their experiences and develop their skill. An additional part of our program has been the provision of management advisory services to the native managers at the local level. We have developed a proposal wherein one individual is responsible to support three co-operatives at the local level. We feel this is critical, in that, rather than having on-site southern management, the native managers themselves can manage the operations on a day to day basis, with professional help coming in on an irregular basis to provide them with assistance, and that involves approximately 14 staff covering all of the communities in the NWT. The dollar value of that would be in the neighbourhood of a million dollars, in that area.

CHAIRMAN (Mr. Pudluk): Thank you. Mrs. Sorensen.

MRS. SORENSEN: You say that you have made proposals, Mr. Moore, to both governments. Have you had a response to those proposals? If so, what has been the response?

CHAIRMAN (Mr. Pudluk): Thank you, Mrs. Sorensen. Mr. Moore.

MR. MOORE: Thank you, Mr. Chairman. Preliminary discussions took place earlier this year, and then a draft submission was put in in August, to a representative from the Department of Economic Development in the territorial government, and in the federal government, to people with whom we have been dealing over the past four years. The response was positive to the approach that we were taking and supportive. In terms of dollars, there was no commitment. We have since submitted a revised and more detailed proposal, providing additional back-up. The response we are getting now is, well, funding will probably be available from the federal government if the territorial government provides support for it. The dollars, at the present time, cannot be nailed down; the source of those dollars cannot be nailed down -- and the program, in the process of negotiations, would not take effect until probably April 1st of next year. That leaves us with a three month gap; January, February, and March of next year.

Effects Of Three Month Gap In Funding

The cost of delivery of our current level of service, for those three months, for those programs, amounts to approximately \$200,000. Our organization cannot afford to carry that kind of a load, and would end up in a serious loss position next year. As a result, we have had to provide notice to some of our staff, that we cannot continue unless funding is in place. The real concern we have is that, while we may be able to recruit new staff in March, should funding not be available for January, February and March, we lose consistency in program delivery and in the people that are delivering the program. There has been an investment in time and the organization to develop their skills and understanding of what is required at the local level, and our concern is that we will not be able to replace that part. We can replace the people, but not their experience.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Moore. Mrs. Sorensen.

Viability Of Co-operative Movement

MRS. SORENSEN: Mr. Chairman, I would really like to hear from the government at this point. I am not sure whose department co-operatives fall under; Mr. McCallum's, I understand. As I read it, the co-operative movement, it seems to me, is at a crossroads and unless it does obtain the territorial government's support and support of this Legislature we may in fact see the co-operative movement go down the tube. I am wondering whether the Minister has given consideration to this, and what steps he has taken to ascertain whether, number one, the co-operative movement is indeed a viable and needed movement in the Northwest Territories and should be nurtured or whether the government has made the decision that it is not a viable movement and perhaps is going to stand by and see it go down the tube?

CHAIRMAN (Mr. Pudluk): Thank you, Mrs. Sorensen. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, we have an authority and responsibility for the co-operative enterprise in the Territories, in the ordinances. We are there to encourage and to assist in the development of a sound co-operative enterprise. The co-operative development program has continued through a number of years. There are a number of active co-operatives now in operation. Some others are inactive. Some have dissolved. We recognize that there is a dual role between the federal government and our government. The government has been involved in the role of service training, and in fact helping to contribute to the funding of the movement. The federal government's

primary responsibility now and I guess, for some years, has been clearly a responsibility for training and developing native people in the operation and management of co-ops. We have Dr. Stager's report that was conducted for Indian Affairs and Northern Development, and we looked at the numerous recommendations made by him. Some of them are very specific, such as the federal government should continue to back loans, the federal government should continue to support the training.

We are now in the process of taking a look and trying to reassess our particular position on it. One of Dr. Stager's recommendations is that we increase our resources by allocating more people to the co-operative and increasing the functions of the supervisor of co-operatives. I think what we are talking about here is an in-depth study of the recommendations of Dr. Stager, but we have not come to a clear resolution of those particular recommendations. But, at the same time, we are not talking about relinquishing any responsibility, or taking away any kind of support that we may be able to give.

We recognize, now, that there is a difficulty in the trainee situation, as has been outlined by the witness, and in talks with Mr. Lyall. We hope to be able to resolve it. We are, at the present time, dealing with the whole question of co-operatives, but I cannot give the Member, or the committee, any specific answers to questions of just where we are going, save to say that we will continue to be supportive of the movement in and by itself, because it does have a following within the Territories, a very real following within the Territories.

CHAIRMAN (Mr. Pudluk): Thank you. Mrs. Sorensen.

Position Of Government On Interim Funding

MRS. SORENSEN: Mr. Chairman, the Minister has said that the government "will continue to be supportive of the movement". I wonder, then, if the government is prepared to look at the interim budgets that have been proposed by the witness today, that of \$202,000, to get them through the period January 1 to March 31st, 1983 -- with the understanding that, during that time, the government will review Dr. Stager's recommendations, and will come to terms with whether this government is going to nurture co-operatives in a way that will make them viable in the North, as opposed to struggling entities that always must come with their hands out.

CHAIRMAN (Mr. Pudluk): Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, there are a great number of demands being made upon government funding, not the least of which may be an electoral boundaries commission, but there are other demands as a result of particular motions or recommendations that have been made to the House. I indicated in my remarks that I cannot give a particular positive answer at the present time to each and every recommendation of the Stager report, or to recommendations here. Certainly we would, as a department and as a government, review the concerns that have been noted and the concern here; the result of dealing with the particular paper that I tabled on Mr. Lyall's behalf. I cannot indicate to the Member now that we would be in a position to do something specifically for them; we will be reviewing that request as well as other requests. We are attempting now to deal with an economic development agreement that may be a possibility for some help there, through Special ARDA. I know that the Canadian Arctic Producers will have approached DREE, Special ARDA program, with a three year request for funding. We would attempt to do what we can to help, but I cannot definitely indicate to the Member that we are in a position to respond quickly to the demand, to such an extent as has been indicated here, 200 and some thousand dollars. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I wonder if the gentleman would like to relate to this House the amount of funding that they have received from Special ARDA over the last three years, as well as the Local Employment Assistance Program two prior years to that for the training and development of co-ops.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Moore.

Past Funding From LEAP And Special ARDA

MR. MOORE: Thank you, Mr. Chairman. The LEAP program; we have only received funding under that program this current year, and that was to provide three positions to assist nine native managers at the local level. The amount of that funding came to approximately \$275,000 for the current year. That was for costs that were directly related to salaries, travel, and benefits for those positions, less contributions by the co-operatives themselves of \$500 per month toward the cost.

Under the Special ARDA education program, I believe it was in the neighbourhood of slightly over three million dollars over the four years of the program, and that was to work with boards of directors and native managers in developing their skills in running the operations more effectively in carrying on seminars, bringing them together for seminars, in delivering on-site programs, and also in the development of resource materials. The resource materials themselves, I am aware, have been used by the Department of Education and the Department of Personnel as models for other programs that they have been developing.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, would the gentleman say that the funding that is received from Special ARDA and LEAP programs are basically the money that is paid to keep the co-ops alive in terms of subsidizing their salaries?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Moore.

MR. MOORE: Thank you very much. Certainly not. As I was stating earlier, the moneys from those programs are accountable in terms of the delivery of services to the co-operatives. The only dollars that have flowed directly into the co-operatives have been for trainee subsidies toward salary costs at the local level. Those subsidies varied from \$600 to \$800 per month per trainee, which is quite a bit less than most programs. No direct funding from the Special ARDA program or the LEAP programs has gone into the co-operatives other than that. So they certainly have not contributed to the business end of the co-operatives. It has been strictly a training and development program which would not have been carried out without the funding. The contribution to the bottom line of the co-operative or the business end of the co-operative has been in the development of competent people, as in the development of competent boards. That certainly has been a direct contribution and has shown up on all of the statements and in the results of the operations, in the co-operatives run by our native managers.

CHAIRMAN (Mr. Pudluk): Ms Cournoyea. The time is running out now.

MS COURNOYEA: Okay. I have one other question, Mr. Chairman. Has the gentleman looked to the Manpower grants for any salaries and help that they can receive? I would like to ask another question. How much did the co-op pay for the turnover of the Inuvik Sewing Centre?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Moore.

MR. MOORE: Thank you. As far as the second question, I am afraid I am not in a position to answer that question. Certainly I can bring an answer back if that is required and present it to Ms Cournoyea. Regarding the first, there are approaches that have been made to LEAP and Special ARDA. The indication is that the moneys are not there for the programs, that they do not fall under their specific criteria; and that has been the main problem. Yet we feel we have a program that certainly is contributing to the development of people, and that is why we have approached the territorial government and the federal government for input and support.

CHAIRMAN (Mr. Pudluk): The time is up right now unless this House agrees that we can extend the half hour, but the time is absolutely gone. Do you want to have a coffee break and then come back to this?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): This House is recessed for 15 minutes for coffee. Thank you.

---SHORT RECESS

CHAIRMAN (Mr. Pudluk): Now this committee will come to order. Tabled Document 37-82(3). Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would just like to ask one question. I am aware of your management training program. It has been going on for a number of years. I am not just sure for how long. Could you indicate what sort of success the program has had in producing native co-op managers and specifically how many are now in place as a result of that training program?

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Patterson. Mr. Moore.

MR. MOORE: Thank you, Mr. Speaker. Yes, we have 11 native managers currently operating alone in their co-operatives and running those co-operatives. We have six additional native trainees in senior department positions, where they are totally responsible for running the specific section of the co-operative. Then we have other trainees that are in the training process, that do not have any departmental responsibility, but we have been successful in training the 11 full-time managers and six department managers.

CHAIRMAN (Mr. Pudluk): Thank you. Any further questions? Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I do not have any questions. I just want to indicate possibly to Members of the committee that the difficulty here is, I think, basically when the various governments' assistance to co-ops runs out -- the federal government financing ends in December of this year, whereas our agreement runs to March -- what is being requested here is interim financing, as has been indicated, for the training program and other management services. I think there has been a proposal worked out, but I think it is in the process now of going through a rewrite. I do not know when it would be able to take place or be put in place, but it may not be until January or February, because of a number of situations that will arise. I would hope that the committee, in considering this letter that the president, Mr. Lyall, wrote to all Members, would recommend that our government could take a look at this, but as I had indicated to Mrs. Sorensen, I cannot tell the Members of the committee that we can do something, because, in point of fact, I guess we have not really received that kind of a request. All I would like to say is that we would honour our commitments to the co-ops. Our problem will be whether we can identify funding on an interim basis, until such time as another agreement is arranged between DIAND, DREE and this government, and that is the make-up of a future proposal. So again, I think that all I can say is that I would recognize that there is a problem here and if there is any recommendation from this committee, I could only respond by saying that we would take a look at it, but I cannot give any kind of full commitment to it.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. McCallum. Are there any more comments? Ms Cournoyea.

Marketing Of Products

MS COURNOYEA: Well, Mr. Chairman, I have one fundamental concern about certain producing co-ops and that is in the ability of the co-operative marketing policy. I believe it is fine to have training programs, but at the same time, if products cannot be sold and they cannot find a market, then maybe the thrust should not necessarily be on training, but rather, trying to find a solution to the product development and the marketing of their products.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Moore.

MR. MOORE: Thank you, Mr. Speaker. Certainly, as in any business, the first concern of the co-operatives has to be to maintain an effective business operation and it is our opinion that the co-operatives in the NWT for the last five years have been doing that. In terms of the total co-operative system, approximately five years ago we were looking at a \$200,000 loss. Since that time we have had net savings of all of the operations over those years. The problem commented on here is the marketing situation. Certainly the marketing situation is serious in the area of arts and crafts because of the economy in the South. The co-operative system is and has responded to that by cutting back on some of the purchasing, in order to cut down on inventory build-ups. I believe we are responding to the market situation in a positive and an aggressive manner.

Financing For Local Development Aspects

What we are putting forward here and what we are requesting is support of something separate from the business end of the operation and that is the development of the people at the local

end. The moneys that we will be and have been approaching the territorial and federal governments for are for those ends. They are not to go in and subsidize any specific operation or any specific business aspect of the federation or the member co-operatives. The two aspects that we are really looking at in terms of support from the Assembly here are both the interim financing of the program over January, February and March and the continued commitment of the territorial government to support, in our applications to them and in our applications to the federal government, funding for the non-business, the development aspects of co-operatives.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. McCallum.

HON. ARNOLD McCALLUM: Just a comment on the question of Ms Cournoyea. In the Stager report, one of the recommendations was to do a study on the subject of arts and crafts and particularly carvings. The federal government is doing that, as I understand it, and they are examining the role of carving in terms of the interest of the general public and what it is, the meaning of it for carvers, the economic, cultural value of carving, the market for those products and, of course, the soapstone supply and what mechanisms can be developed for the purchasing and marketing. Arts and crafts, I guess, are about the only exportable product that would be common to all peoples and the co-operatives, including the Canadian Arctic Producers, control the vast majority of that market, but not on a unified basis. We have been supportive of an amalgamation that would give a unifying control over the product and to use the marketing to gain a greater measure of economic independence. I think that this amalgamation was maybe approved about a year ago or more, and we have made changes to our Co-operative Associations Ordinance, to allow for that amalgamation. We continue to support that, as does the federal government. I just offer that as a comment, that there is a study going on in the arts and crafts, and I think the federal government is doing that particular study.

CHAIRMAN (Mr. Pudluk): Are there any more comments and questions from the floor? If not, I would like to thank Mr. Moore for appearing in this House. Thanks very much.

---Applause

The matter is concluded, agreed?

---Agreed

Tabled Document 25-82(3), Aboriginal Rights And The Constitution

CHAIRMAN (Mr. Fraser): The committee is dealing now with Tabled Document 25-82(3), Aboriginal Rights and the Constitution. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I wish to make a few preliminary remarks prior to discussion of Tabled Document 25-82(3). First, it should be understood at the outset that the paper is intended to generate discussion on those aboriginal rights items which may be considered for inclusion in Canada's constitution. As the Members of this committee will appreciate, meetings of officials in working groups, leading up to the formulation of the actual agenda to be considered by the first ministers, are currently taking place. In fact, one took place just last week in Ottawa, and there was one about three weeks ago or a month ago in Winnipeg. At this time, it is too early for us to accurately predict the nature of the agenda, or the issues which it will contain, but we have what I could call a general idea. Therefore, I believe that it would be premature for this committee and the government, at this time, to adopt hard and fast and inflexible positions, with regard to those aboriginal rights matters referred to in this document. The issues discussed in the paper are ones which, as I said, we believe are likely to find their way, in some form, onto the aboriginal rights agenda. There is a possibility that some may not, and that there may be other issues raised at subsequent meetings of officials, and recommended for inclusion on the final agenda.

The recommendations contained in this paper should be seen as broad objectives which might be attained at the First Ministers' Conference, and this of course assumes that this Legislature and the committee agree that they are of significance. They do not represent the only solution to the points discussed, nor are they intended to suggest the final position. As the meetings of officials continue, the issues obviously will become clearer, and it is hoped that by the winter session it will be possible for us to come back with a final paper containing more definitive suggestions on the government's position.

Mr. Chairman, Members have no doubt read the paper. It contains some background which many of you are familiar with, because this has been an issue before us for many, many months now. There are

references to the aboriginal rights process, and then there are a number of other sections dealing with the issue of aboriginal rights, a preamble within the constitution, land claims, enforcement of aboriginal rights, the amending formula in the Canadian constitution, the issue of culture and language, and also of political representation, and finally of an ongoing process. Now, with respect to all but the first two items, parts one and two, there is a recommendation contained in this document. If the committee feels that it wishes to proceed with that recommendation at this time, that is fine with us. If they feel that more time is needed for consideration, we would appreciate your thoughts, your input, your suggestions, so that we can start formulating a position.

I would suggest by way of process, Mr. Chairman, that maybe we could start out with just some broad general comments from Members, and then move right into the specifics, if that is agreeable. Also, before we start, Mr. Chairman, I would like to recommend that Mr. Lal, my deputy minister be present to answer some of the detailed questions. If we need other witnesses, we can call them in as required. Thank you.

CHAIRMAN (Mr. Fraser): Thank you. I understand you want to bring in your deputy minister as a witness. Is that right, Mr. Braden?

HON. GEORGE BRADEN: That is correct.

CHAIRMAN (Mr. Fraser): Is it agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): We could then open Tabled Document 25-82(3) up for general comments. Mr. Curley.

MR. CURLEY: Thank you. Mr. Chairman, I welcome the Minister for tabling this document for discussion by the committee. I think it is a very important document, because the provincial and federal representatives are now meeting at the officials level, to start preparing for the First Ministers' Conference, and I was wanting to ask the Minister, Mr. Braden, if he would maybe allow his deputy minister to just give us a short overview of what has been happening and what is likely to happen in the next few weeks, and months, prior to the First Ministers' Conference. What stages are required to be dealt with, from the deputy minister's level? I think that would be useful for us to consider as well. Thank you.

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

Review Of Process Leading To Constitutional Conference

MR. LAL: Thank you, Mr. Chairman. There have been to date two meetings of officials. The first meeting, Mr. Chairman, was held on the 14th of October, 1982, in Winnipeg. It was chaired by Mr. Michael Kirby. It was a meeting of deputy ministers charged with the responsibility of aboriginal rights or native affairs in the various provincial governments and the federal government. At that meeting, Mr. Chairman, the process to be followed leading up to the constitutional conference in the spring of 1983, as contemplated under the provisions of the constitution, was discussed. It was proposed at that time that four working groups be established to deal with the various matters that would be raised leading up to the constitutional conference. The conference also had representatives from the Inuit Committee on National Issues, and the Native Council of Canada. Both of those native organizations had the opportunity to put forward their initial position to Mr. Kirby and the rest of the delegates.

A subsequent meeting of the working groups was held earlier last week, in Ottawa. At that time the Inuit Committee on National Issues and the Native Council of Canada put forward their position in respect of the 12 items that had been put together at the October meeting. The process essentially was for the native groups to speak to each one of those items, to answer any questions that were raised by the provincial delegates or by the federal government, and the territorial delegations. I say that in plural because the Yukon Territory was also present at this conference.

The role that we have played so far is to provide broad support to the native groups, by way of either supporting their position or by way of assisting in the explanation of some of the concepts that they are putting forward at this conference. Mr. Chairman, it is proposed to follow this

process up with a meeting in early December in Montreal, at which time the process of fine-tuning the positions put forward by the aboriginal groups will continue, and it is hoped that the issues will be crystallized for Ministers, charged with the responsibility of native affairs, to deal with in their meeting in January, 1983.

It is also proposed that the Ministers then would make appropriate recommendations for the First Ministers' Conference. The federal government has undertaken, as a result of the last meeting, to submit to all the jurisdictions their summary of the issues involved, so that the provinces, the territories and the federal government could make further comments on those issues. The Assembly of First Nations, which is, as I understand, representing the status Indians, has so far not participated in the meetings, though I understand that there is a very distinct possibility that they will be attending the Montreal meeting. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you. General comments. Mr. MacQuarrie.

Independent Approach Commended

MR. MacQUARRIE: Thank you, Mr. Chairman. Having read through the paper presented by the government, I can say that broadly speaking I approve of the approach that is being taken, although at particular points I have specific concerns which I will express when we reach them. I note that in the paper there are initiatives being taken which are, in a sense, unique and independent from those positions taken by native associations, specifically, and no doubt different from positions that will be taken by provincial governments. It appears that the government does want to take sort of an independent approach, not merely an approach that is a carbon copy of the approach taken by native associations and not merely trying to win support from native associations. I believe that that is an important kind of initiative. As I said earlier in my reply to the Commissioner's Address I feel that that really is important, that we try to take an independent and enlightened role, because it could be that we would have an opportunity at that conference to play the role of a mediator, if we are seen to have an independent approach. I suggest that if that kind of an approach were successful it might very well be advantageous to native people in the long run. So I would therefore ask all Members, but particularly those who have direct personal affiliations with native associations, to appreciate that this government might very well have a useful role to play if it has somewhat of an independent position and, therefore, to support the initiatives of the government.

As to how to deal with the paper, my own preference would be to discuss thoroughly each section, but not necessarily at this session to vote on the recommendations -- rather, to give the government a chance to hear what Members are thinking about various items that are in the paper and perhaps to make needed revisions and then to bring the paper back to the winter session. At that time we cannot and should not any longer avoid taking specific positions and at that time it would be appropriate to vote on the recommendations, so that our government, when it attends the First Ministers' Conference, has a mandated position, very clear and specific, from this Assembly.

As I said, that is my own preference and I hope that other Members will agree to that. I do know that when this paper was prepared it was sent to native associations for comment and I think it is only appropriate that we take steps to hear what those associations have to say with respect to this paper. I know that personally I probably will not agree with some of the comments they might make with respect to it, but I still believe that it is important to hear those concerns. I am aware, as the result of having attended the western constitutional forum meeting this morning, that the Metis Association of the Northwest Territories and the Dene Nation have both prepared brief responses to this paper and, therefore, at an appropriate time, I would move that we invite them in as witnesses, giving them sufficient time at least to make their comments with respect to this position paper. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. General comments. How does the committee wish to proceed with this tabled document?

MR. MacQUARRIE: Section by section.

CHAIRMAN (Mr. Fraser): Recommendation? Mr. Patterson.

Recognition And Protection Of Special Rights

HON. DENNIS PATTERSON: I would just like to make one general comment, Mr. Chairman. This House earlier passed Motion 2-82(3) in formal session, which acknowledged that aboriginal peoples have special rights which should be given further recognition and protection in Part II of the Constitution Act, 1981. We went on to specify that those rights might include recognition of aboriginal title, recognition of the collective culture, history and identity of the aboriginal peoples, their political and civil rights and rights to protection of their traditional livelihoods and to economic benefits from the development of their homelands. I would just like to say, generally, that my understanding of this paper is that it is in line with the approach taken in this motion, and further, that I understand this is the approach which has been taken by the Inuit Committee on National Issues and that they are seeking consensus from the other major native organizations of this country. I think it would be most desirable if the Assembly of First Nations and the Inuit Committee on National Issues and this government, at the very least, if not more parties, could come forward with this approach at the forthcoming conference. I guess I would just like to confirm my understanding with the Minister of Justice, the government leader or with Mr. Lal, whoever would care to answer through you, Mr. Chairman, that in fact broadly the approach that has been taken in this paper is that we do proceed to entrench aboriginal rights in Part II of the Constitution Act, 1981, as suggested in the earlier motion approved by this House. Is that correct?

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

HON. GEORGE BRADEN: Well, Mr. Chairman, in reading back over the Member's motion of November 4th, the motion makes references to aboriginal title, collective culture, history and so on and so forth, but we have recognized generally that it is necessary to have a preamble which would be entitled, "Charter of Rights of Aboriginal Peoples of Canada", and that the intent of this preamble is to recognize, obviously, that the aboriginal peoples are the indigenous peoples of Canada, that they possess certain fundamental rights and that these rights are recognized in the constitution of Canada. Now, I suppose with reference to the variety of points listed in the "now therefore" clause of the motion, it would be possible under various provisions, either in the preamble or a listing associated with the preamble, to identify certain specifics, but as we suggest in the paper, we did not see that, at this conference in March, that list is going to be completed. There should be some flexibility. It should be open to further items being identified in the future. I could say generally -- and I will let Mr. Lal comment on it a little further if he likes to -- that we see the spirit or intent of the motion passed by this House a week or so ago reflected in various provisions of this paper. Mr. Chairman, I would ask Mr. Lal if he has further comments that he would like to make.

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

Proposed Changes To Part II Of Constitution Act, 1981

MR. LAL: Thank you, Mr. Chairman. I would just like to reinforce my Minister's comments. Yes, essentially the paper proposes the same scheme as was proposed in Motion 2-82(3) which was adopted by this House. Essentially it is proposed that the present Part II of the constitution, which recognizes aboriginal rights, should be expanded to incorporate a more detailed list of items that could be included under the heading "aboriginal rights", and, as Mr. Braden indicated, we propose that it should begin with a preamble that should recognize the contribution of the indigenous peoples of Canada to the formation of Canada as a nation. Thank you.

CHAIRMAN (Mr. Fraser): Any further general comments? There are 10 different parts to Tabled Document 25-82(3). Do you wish to start with part one, continue on to 10, and ask for comments on each one? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Part one is background. Mr. MacQuarrie.

Motion To Invite President, Metis Association, To Present Response To Tabled Document 25-82(3)

MR. MACQUARRIE: I note, Mr. Chairman, that the president of the Metis Association of the NWT is in the House, and so I would move that a half-hour maximum be set aside for the Metis Association president to present that association's response to the paper.

CHAIRMAN (Mr. Fraser): A motion on the floor. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: The reason I have moved the motion, Mr. Chairman, is simply that I am aware that the government sought specifically to circulate the paper so that groups concerned would be able to know what was in the wind and respond to it if they wish. As I said earlier, while it is quite possible that what they have to say is not something I would agree with, I still would like to hear what their responses are, and that is why I have moved that motion, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston, to the motion.

Amendment To Motion To Invite President, Metis Association, To Present Response To Tabled Document 25-82(3)

MR. SIBBESTON: Mr. Chairman, I was not listening all of the time that Mr. MacQuarrie was talking, but I am advised that Mr. Georges Erasmus is also to be here later on, and so I think that motion should be inclusive of both persons. I think if it were amended to that effect then I would certainly support it.

MR. MacQUARRIE: A half hour each, then.

CHAIRMAN (Mr. Fraser): Just a minute. We will get this amendment straight here. The amendment is to allow Mr. Erasmus an additional half hour. Is that agreed? To the amendment, Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I do not see why we are inviting people in here. Certainly, to my knowledge, in the communication with the other native organizations, they were not told that their presence was required at this Legislative Assembly, and I do not believe that it is fair, at the last minute, to introduce such a motion without other organizations having the same opportunity to make their response in this House. After all, just because we have representatives living in Yellowknife, it should not exclude the same opportunity for other associations, so I certainly do not agree with inviting representatives into this House unless all have an equal opportunity.

CHAIRMAN (Mr. Fraser): Thank you, Ms Cournoyea. To the amendment, Mr. Patterson.

Equal Opportunities For All Native Organizations

HON. DENNIS PATTERSON: Yes, I was going to say more or less the same thing, Mr. Chairman, in that while I do not ever object to native organizations appearing before this House and this committee of the whole, and I think it is most desirable that we have a very co-operative working relationship, I do not think Members should lose sight of the fact that there are major native organizations in the Northwest Territories whose headquarters do not happen to be in Yellowknife, who cannot drop into the House on short notice or invitation. So while I certainly would not oppose this motion of Mr. MacQuarrie's, I do think that this committee should resolve as well to give an opportunity for comments to other concerned organizations who may not have their headquarters across the street. That may require that we not hear from them until the next session, looking at it practically -- but I would just like to confirm what Ms Cournoyea said, that we should give all an opportunity to be heard if we are going to make it available to some today. Thank you.

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

MR. CURLEY: Mr. Chairman, I was going to express the same feelings here, because I think the government has done pretty good consultation work with all the various native organizations, and we certainly have encouraged them to do that through other formal directions that we have given the Minister. I think it would be a bit short notice, to try and include all the other organizations, all of a sudden, to invite them as witnesses here. If we are going to do that, I would propose that it might be best to defer this document until the later part of the week so that they can all appear. At this time I find it difficult to support the amendment because I think it is important that if we are going to invite these groups, that we give them an equal opportunity.

A further point that I would like to make is that I really am not convinced that this document might be in conflict with their position. I am not at all sure that the government will table a document that would, in a way, have implications to the native groups, or any other groups in the Territories. They have analysed it, studied it, through their legal people, and that is

probably a pretty good base to start the discussion with the federal and provincial representatives. So I could not see what Mr. MacQuarrie is so excited about. You know, he may think there might be conspiracy here to take advantage of the non-native people, but I am not sure that is the case. I think the government is doing pretty decent work these days. They consult with all the groups. I am confident that they are doing that, so I cannot support the amendment at this time, but I would be in support of deferring it so that we can at least give them an equal chance for the later part of the week. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. To the amendment. Mr. Sibbeston.

Opportunity To Hear Preliminary Views Should Be Taken

MR. SIBBESTON: Mr. Chairman, I think the way I look at it is that I think the quicker that this government obtains input from all native organizations, the better. As I see the situation today here, we are just having a very preliminary look at what the government has come forward with, and the sooner we get input from the important aboriginal organizations in the North, the better. I believe we are in a situation where we are perhaps able to take advantage of both the Metis and the Dene Nation coming forward, to give us what would be their very preliminary view of the government's document, and I certainly welcome that opportunity. I do agree that all of this should be seen as a very preliminary type of discussion, and that surely the matter will be dealt with again in the wintertime. There should be an understanding that, at that time, all native organizations should be invited to come and give their views on this document. I must say that, as an individual MLA, it is important for me to obtain the views of the organizations that represent both the Metis and the Dene, and so I am very anxious to have their views at this early stage on this document.

It is unfortunate that other native organizations do not have their headquarters in Yellowknife. Some of them have them in Ottawa. Maybe we do not have the same advantages as they do, sometimes, when it comes to being able to see the Prime Minister and important government officials. It is a fact that there are some native organizations headquartered here that are very close to us, they are next door, and we should take advantage of it. We should not say, "Well, everybody is not here, so let us not hear anybody." I do not think that is the right approach.

CHAIRMAN (Mr. Fraser): To the amendment. Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. In speaking to the amendment, I wonder if I could ask the mover, if we were able to get all the representatives of the northern native organizations here, say, perhaps, Friday morning, so that we could have a couple of hours where they could appear before this committee, would the mover of the amendment be agreeable to proceed this afternoon for about an hour, an hour and a half, with the commitment that we will definitely, this session, have representatives of native organizations give us their thoughts?

CHAIRMAN (Mr. Fraser): To the amendment. Mr. Curley.

MR. CURLEY: Mr. Chairman, you know, with all due respect to everybody, I think we should have gone ahead and discussed this paper anyway, because we can invite the groups anytime. We could set a day to invite everybody, but let us discuss the document for a while. Just because you are dealing with the aboriginal rights issue does not mean that the views of the MLAs should not be heard...

MRS. SORENSEN: Hear, hear!

MR. CURLEY: ...or certain positions be taken. The government has developed a very flexible document.

CHAIRMAN (Mr. Fraser): To the amendment.

MR. CURLEY: To the amendment, Mr. Chairman, the point that I am trying to put forward, is that just because you are dealing with an issue of aboriginal rights does not mean you have got to have the witnesses each time. You have experts on the native organizations. Nick Sibbeston certainly is. He is in touch with them every day; he lives for them; he represents them. Therefore, Mr. Chairman, I really am thinking that we may not be able to have that time left. Thank you.

CHAIRMAN (Mr. Fraser): To the amendment. Are you ready for the question? Mr. Clerk, read the amendment, please.

CLERK ASSISTANT (Mr. Hamilton): The amendment is to add to the motion: "Also allow an additional half hour for Mr. Erasmus of the Dene Nation."

CHAIRMAN (Mr. Fraser): To the amendment. Are you ready for the question?

AN HON. MEMBER: Question.

Amendment To Motion To Invite President, Metis Association, To Present Response To Tabled Document 25-82(3), Carried

CHAIRMAN (Mr. Fraser): All those in favour? Down. Opposed? The amendment is carried.

---Carried

To the motion as amended? Mr. MacQuarrie.

MR. MACQUARRIE: I would just like to say that I made the motion, Mr. Chairman, knowing that the leaders of both of those associations would be away later in the week, and this was an opportunity for them to come. Also I make it on the same basis as when we were dealing with the educational issue and there was a group here from the Eastern Arctic ready to speak. I feel when that situation arises that we ought to make arrangements to hear them, and that is why I have moved this motion, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you. To the motion as amended. Mr. Nerysoo.

HON. RICHARD NERYSOO: Yes. I guess I am of the same opinion as Mr. MacQuarrie, but I do say one thing; that the point that Mr. Curley raised is a valid one, that at some time the organizations have to respect the fact that we can make decisions as well...

AN HON. MEMBER: Hear, hear!

HON. RICHARD NERYSOO: ...and in fact reflect some of the concerns that the native people in the communities express, and we do not have to go back every time to the organizations. We do not have to have them in this forum every time to speak on behalf of those people. I think that is not necessary, but, as well, one of the things that has to be pointed out is that this document is at the discussion phase, and that some changes may in fact take place in this discussion, and that some of the points that are raised by the Dene Nation or the Metis Association after the discussion here may not be valid. So, on one hand I do wish to hear them; on the other hand, I think that they have to respect the fact that we can make decisions and in fact reflect some of the concerns that people at the community level have as well.

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. Curley.

MR. CURLEY: Mr. Chairman, I really do not want to tear us apart here, because I think this issue is too important a document to get into political disagreements. I am not at all sure why the Member for Yellowknife Centre is trying to do this. It may be that he has some reservations about the document. If so I think it would have helped us if he had expressed his strong feelings about it before we involved the other groups to present their case, because I really think that it is important that the government through their deputy minister at least have support from the Assembly, because the discussions are already underway. So because of that, Mr. Chairman, without trying to complicate anything further, I cannot support the amendment because it involves only two organizations, and I really think that in order to do justice to the native organizations, we have to give them ample time, and we have not done that. On that basis I am not going to support the motion as a whole.

CHAIRMAN (Mr. Fraser): Thank you. To the motion as amended. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I raised this point once before. I do not have any objections to the Dene and the Metis appearing today; I always like to hear them speak and enlighten myself as to their viewpoint, but I said there are other major native organizations involved in this debate in the Northwest Territories who I think should have an opportunity to appear. I have not heard from the mover of this motion or from anyone else who has spoken an acknowledgement that they should have an opportunity to appear. I am just wondering whether there is going to be some kind of procedural battle to get the Inuit representatives to have an opportunity to give their views before this House. I would really like to have some assurances

from Members from the West that there will be an opportunity for other concerned native organizations to appear. Thank you.

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. MacQuarrie.

No Intent To Preclude Other Organizations

MR. MACQUARRIE: Thank you. In response to Mr. Patterson's concern, the motion was made because these people are here and available, and it is not meant at all to preclude anyone else, and personally I give the undertaking that at an appropriate time when such an initiative takes place, I would support what he is suggesting.

CHAIRMAN (Mr. Fraser): Thank you. To the motion as amended. Ms Cournoyea.

Responsibility As Members To Deal With Issues

MS COURNOYEA: Mr. Chairman, I cannot support the motion. I believe it is premature. I believe that at some time Members of this Legislative Assembly should consider with due respect that we cannot just, on an ad hoc basis, invite people into the House without due consideration to other groups who may fit into that particular category. It seems to me that certain Members of this Legislative Assembly do not seem to be talking to their constituents as much as they should, and always have to have them brought into the process in order to get a point across. Surely...

MR. CURLEY: Hear, hear!

MS COURNOYEA: ...surely Members of the Legislative Assembly must be talking to these individuals. Surely the Minister of Aboriginal Rights must have had a discussion with them on this particular piece of paper. I certainly have had a discussion with a number of people who would be particularly concerned, and I have not asked to have anyone brought into the House to give their concerns. At what point of time as elected people do we take on our responsibility and bring forth the issues? Are we so laid back that we are not able to understand the organizations or the issues as it applies to our people? You know, why have a Legislative Assembly at all? Have a big meeting and everybody puts up their hand. I cannot support this, because I believe it is a motion on an ad hoc basis, and other people have not even been invited or given an indication that they would be wanted in the House to give their position on this particular paper. Thank you.

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Thank you, Mr. Chairman. I am not the one that brought the issue to the floor, here, and the request to appear has not been made to me. However, I would like to indicate to Members that the paper that we are dealing with today has been made available to all the major native organizations, with the message that this paper is a draft, and that further changes can be made to the paper, and that we will fully consult them; so they do have the paper. However, I will support an amendment to the motion that, if Members would like to see an invitation extended to ITC and COPE, I am sure that we will get in touch with them and set an appropriate date when they will be able to appear before this committee. I also find it rather awkward with this motion, because it should extend an invitation to all the major native organizations. Thank you.

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. Joe Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I would like to hear from the Dene Nation, too, but our organization or the members of our organization would not be able to come here, and Friday we will not be here, so I cannot support this motion. I think the people on this side might be leaving by Friday, so this is the reason why I will not support the motion. I am not trying to go against the Dene Nation or the Metis Association, but for this reason I will not support the motion. Maybe the next time we meet, we could invite them to speak with us. Thank you.

CHAIRMAN (Mr. Fraser): Thank you. To the motion as amended. Are you ready for the question? Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I just want to urge everybody again to support the motion. Both Mr. Stevenson and Mr. Erasmus are here and available, and the quicker we talk about it and get on with it, the better I feel and, Mr. Chairman, of course there is general support for other

native organizations to be here. It just happens that they are not here today, but as soon as they can be, certainly -- at this session or the next session -- I will be the first to support such a move to have that happen. Mr. Chairman, you know, I cannot understand why sometimes some people say the things they do. In the case of Mr. Curley and Ms Cournoyea, for some reason they seem to be opposed to both the Dene and Metis Association making presentations here today, as if there was an exclusion or an attempt to not have other organizations here.

Native Organizations Already Well Represented Here

If I may say, the Inuit people are very well represented here. As I understand it, Mr. Curley is one of the co-chairmen of a group that is going to be representing all Inuit in Canada, so in a sense the ITC or the Inuit representative on a national basis is here. As for Ms Cournoyea, everyone knows she is a founder and in a sense the brain of COPE, and she is here. So COPE and ITC are here. I do not know if any of us other persons that are involved with the Metis and Dene Nation are as closely associated with those organizations as they are so I urge everybody to support the motion.

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. MacQuarrie.

MR. MacQUARRIE: Yes. Just finally I would like to say that I very much appreciated the approach that Mr. Curley and Ms Cournoyea and Mr. Nerysoo are taking, and I hope that, in the final analysis, we will have a position that is determined by Members of this Assembly, because I think that is so important. As I said earlier, I had moved the motion because I am aware that the government circulated the document for comment, and I think it is only reasonable, if that is done, that you hear what the comment is, and once we have heard it, then we get on and determine ourselves what the Assembly's position will be.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. Curley, to the motion. To the motion as amended. Are you ready for the question?

AN HON. MEMBER: Question.

Motion To Invite President, Metis Association To Present Response To Tabled Document 25-82(3),
Carried As Amended

CHAIRMAN (Mr. Fraser): Question being called. All those in favour? Down. Opposed? The motion is carried as amended.

---Carried

Take a 15 minute coffee break.

---SHORT RECESS

CHAIRMAN (Mr. Fraser): We will call the committee back to order. Is it agreed that the witnesses come into the witness box?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed. Mr. Erasmus and Mr. Stevenson. Sergeant-at-Arms Mr. Williamson, would you see that the witnesses are in? It was agreed by the motion that was passed that each witness gets a maximum of a half an hour for their presentation. I will remind you that you talk slowly and address the Chair. We have the interpreters in the booth here. So which one of you wants to start off? Mr. Stevenson? Mr. Stevenson, go ahead with your presentation.

Presentation By Mr. Bob Stevenson, Metis Association

MR. STEVENSON: Honourable Members, once again I would like to thank you for the opportunity to make our comments known, especially in relation to the paper, Aboriginal Rights and the Constitution. Listening to the discussions or the debates on the motion, all I would like to say to that is we were informed of the existence of the paper about November the 16th, and we had to respond in a short time. As a matter of fact, we were both out of town at the time. In any event, I have prepared, through our office, a letter to Mr. Wah-Shee and a paper with the title: "Comments of the Metis Association of the Northwest Territories on Aboriginal Rights and the Constitution", basically in relation and in response to that particular document. I will read the letter and the comments and attempt to answer any questions you have. However, it is meant for study by the various MLAs rather than probably for a debate on the whole question. The letter is dated today, addressed to Mr. Wah-Shee:

"Dear Mr. Minister: A copy of the paper, Aboriginal Rights and the Constitution, tabled in the Legislative Assembly on November the 16th, has been received and examined by the Metis Association. I have enclosed with this letter a statement of some of the concerns of the association which arise from that paper. No doubt they will be considered in any discussions of these matters. I would not want the enclosed statement to be seen as critical of the efforts of your government and its activities in this area. Of all governments present at officials' meetings, the Northwest Territories has been the most responsive and articulate in supporting aboriginal interests. Mr. Stien Lal, deputy minister of Justice and Public Services, has been an able representative of the people and the Government of the Northwest Territories. His comments have often taken delicate issues and stated them in a clear and concise manner which assisted everyone at the table, and I hope that he will be permitted to continue in this role during the months ahead. Yours truly, Bob Stevenson, president."

We based that on the past couple of working group meetings with the federal government and the provincial organizations: one meeting was held in Winnipeg, and the most recent one last week in Ottawa. The background paper, Aboriginal Rights and the Constitution, prepared for the NWT Legislative Assembly is a supportive statement and one which is generally acceptable to the Metis Association. The activities of the Government of the Northwest Territories have been very useful to date and have been appreciated by aboriginal groups. This paper is another positive step. However, there are some specific statements in the paper which require some comment and explanation.

The paper says on page one that "The native organizations took their case to the British courts." It would be more accurate to say that some native organizations took their cases to the British courts. Certainly none of the native organizations in the Northwest Territories chose that route. It should also be pointed out that the Native Council of Canada will be attending at the conference to represent the Metis as an aboriginal people without excluding the non-status peoples they also speak for.

The Issue Of Aboriginal Rights

In part three of the paper, the issue of aboriginal rights, it states: "The question remains as to whether aboriginal rights are inherent or whether they are what aboriginal peoples have received or will receive as a result of past treaties or past or future land claims settlements." No doubt this was not meant to imply that the source of aboriginal rights is either one or the other of these, but not both. It should be made clear that there are a variety of sources of rights discussed in the charter. The section 37 provisions include "the identification and definition of those", aboriginal, "peoples..." but also other constitutional matters that directly affect the aboriginal peoples of Canada.

On page three, the paper speaks of "subsisting hunting and trapping rights". The choice of the word "subsisting" to refer to hunting and trapping rights is not appropriate for many parts of Canada. A general reference to gathering rights, rather than to "subsisting" rights, would be more appropriate to describe the concerns of aboriginal groups.

The recommendations for part three suggest "That the constitution of Canada enumerate as many aboriginal rights as can be agreed upon at the First Ministers' Conference...." If general agreement can be reached at the conference on the nature and extent of rights, this might be an acceptable recommendation. If there is no such agreement, there are dangers in listing rights: they may be stated in terms so narrow that they limit aboriginal rights and the land claims agreements; they may fail to mention some rights which then become somehow "less valid" than the rights included; or they may take away from the diversity of aboriginal peoples and cultures in Canada. A more flexible approach would be one which includes the possibility of defining the relationship between Canada and the aboriginal peoples in terms of rights, principles or commitments.

Land Claims

The idea of an aboriginal rights commission in each jurisdiction as suggested on page five of the report is only one of a number of mechanisms and institutions proposed for the enforcement of aboriginal rights. Other proposals have included aboriginal courts, tribunals or arbitration bodies. It may be slightly early to make a decision on the form of such a mechanism, although it could be stated that any mechanism should: 1) ensure the protection of land claims and aboriginal and treaty rights; 2) be responsible to the provincial-territorial as well as the federal level; 3) provide for native representation or appointment. Again, there is the question of whether a new body should be created to become involved in the existing, direct relationship between aboriginal peoples and the government. In the paper's recommendations on page six, the idea of collective rights and a collective means of enforcement might be a worth-while addition.

On page eight, the paper discusses political representation. Again, a variety of ways have been suggested to provide for aboriginal representation. The political expression of aboriginal rights could be achieved in a number of different manners, and the NWT position should be stated in a way that is flexible enough to provide for different approaches.

Finally, I would like to urge this Assembly to give to its representatives, and especially to Mr. Stien Lal, a mandate to respond to changes as they occur in the process leading up to the First Ministers' Conference. A great deal of discussion, debate and consideration will be taking place over the next months, and the contribution of the Northwest Territories representatives, based on a flexible mandate from this Assembly, could be of substantial assistance to the aboriginal peoples across Canada.

That is the written comments that we have prepared from our office. We have to follow up on it, of course, with the board of directors of the association. These are the initial remarks by myself. The only other addition that I would like to make at this time is, as far as we are concerned, there is the question of the two seats. I know that it states that elected representatives of the territorial government will take part; however, I would like to express at this time that we would like to be a part of that team. If there is a working group, then we offer our assistance at the First Ministers' Conference. We also will have the opportunity through the native organizations such as the Native Council of Canada to express our concerns. However, it would be an additional support, if you will, if we are on-stream or on-site with our territorial government, because in the provinces there are those kinds of arrangements being made with the provincial native organizations and the provincial governments. Those are our comments at this time. Thank you very much.

---Applause

CHAIRMAN (Mr. Fraser): We have some time left. Are there any questions on the presentation you have just heard from the Metis Association and Mr. Stevenson? Are there any questions? There being no questions, Mr. Erasmus, you have a maximum of half an hour for your presentation.
Mr. Erasmus.

MR. ERASMUS: Thank you, Mr. Speaker. Before I begin, I would just like to express my opinion that the Dene Nation would strongly support any move to include the possibility for opinions from other major organizations in the NWT, and precisely, COPE and the Inuit Tapirisat of Canada. By the Metis Association and the Dene Nation making presentations today, neither organization is by any means attempting to exclude any of the other native organizations.

You will have to bear with me, but we have not had a lot of time to prepare a presentation to the Assembly. It was only on Friday that we actually discovered that the Assembly was possibly going to be discussing this paper. Mr. Stevenson wishes to thank the Assembly for the opportunity. He must leave at the moment.

MR. STEVENSON: That is all I wanted to say. Thank you very much. I have a meeting going on in my office and I hope it is not an attempted coup that is going on.

---Laughter

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Stevenson. Proceed, Mr. Erasmus.

Presentation By Georges Erasmus, Dene Nation

MR. ERASMUS: The Dene Nation is pleased that the Government of the Northwest Territories has brought the question of aboriginal rights and the Canadian constitution to the Legislative Assembly for debate and discussion. Any positions the Government of the Northwest Territories takes or supports will be stronger if they have been aired before and backed by the Assembly. If in addition the Government of the Northwest Territories can gain support of the organizations which represent its own native people it will even be a stronger position. We make our comments in the spirit of helpfulness and in hopes of extending the possibility of alliance between the Government of the Northwest Territories and the peoples both in the North and in southern Canada, at the working groups which are preparing for the conference and at the conference itself. We are hopeful that the conference will be held in Yellowknife. Our comments are in five areas: 1) the charter of aboriginal rights; 2) the proposed aboriginal rights commission; 3) the trilateral negotiations of aboriginal rights claims; 4) the guarantee of seats at the federal and provincial or territorial levels; and, 5) the ongoing process.

Charter Of Aboriginal Rights

We are not optimistic about agreement, let alone amendment of the constitution which will guarantee a charter of substantial and important aboriginal rights. Therefore, to recommend a charter which is not exhaustive be included may mean that only minor rights are entrenched. There is no guarantee of further process under section 35 after April, 1983 and we cannot count on the list being expanded. There are certain rights without which the aboriginal rights inclusion would be meaningless. These, if any, should be included. These would have to include renewable as well as non-renewable resource interests. We have a discussion paper which has been circulated to Mr. Braden and his staff. A copy is attached to this submission.

Proposed Aboriginal Rights Commission

The Dene have proposed a senate to protect aboriginal rights in Denendeh. We have agreed that the nature of the institution is open to discussion. The matter has been discussed at the NWT constitutional level, or the alliance, and the western constitutional forum. It is still before them. In some provinces there may have to be a variety of institutions, especially where a difference between treaty and non-treaty people is strongly felt. To propose similar institutions at the federal level may have a divisive rather than unifying effect. The Government of the Northwest Territories, we believe, should be more general in its recommendation about institutions.

Trilateral Negotiations

Even though the recommendation has been made in a very general way in the paper, the Government of the Northwest Territories has stated its opinion that the comprehensive claims should be a trilateral process between the native organizations, the federal government and the provinces or territorial governments. In the Northwest Territories, with the policies of the Ninth Assembly, native organizations could possibly live with the recommendations, but to recommend some form of constitutional recognition of the three parties -- for want of a better term -- as the only method to reach agreement, without considering that this would impose upon the native peoples in the provinces or the Council for Yukon Indians in the Yukon would be very unpopular. If this government sees itself as an ally of native peoples because of the political majority we now enjoy here, it will have to look beyond its borders at the possible effect its recommendations will have. It will also have to look beyond the Ninth Assembly in its own jurisdiction before proposing constitutional changes with such far-reaching potential consequences.

Guaranteed Seats

The Government of the Northwest Territories has proposed a formula be found for guaranteed seats for aboriginal people at the federal, provincial, territorial levels of government. No formula is actually proposed in the paper. In the Denendeh discussion paper such a proposal has

been advanced for the territorial level only. The implications of this recommendation could be advantageous or disadvantageous to native people, depending on the formula and the implications for other representative institutions. To recommend this in such general terms seems premature and possibly dangerous. In general, we are concerned about the Government of the Northwest Territories analysis which led to the recommendation of elevating any entrenched aboriginal rights to the status of those which are enjoyed in the Charter of Rights and Freedoms, better known as Part I of the Canada Act. The rights in Part I can be overridden by the "notwithstanding" provisions in that part. Rights guaranteed under Part II do not appear to be subject to that override provision. Why should aboriginal people wish to take such risks if the rights they have, however limited, cannot be tampered with in legislation?

Ongoing Process

We agree with the intent of the recommendation dealing with the ongoing process, but wish to make sure that this includes the possibility for detailed negotiations. A process similar to the comprehensive claims negotiations must be applicable across the country for all outstanding rights questions.

Thank you for the opportunity to appear before you. I hope we can continue to work together with the Government of the Northwest Territories in this forum, in the Constitutional Alliance and the western constitutional forum and at the aboriginal rights negotiation table on the many issues your discussion paper has raised. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Erasmus. Are there any questions on the presentation that you have just heard? Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like to thank Mr. Erasmus for an excellent presentation, and ask him through you what the involvement of the Dene Nation is with the Assembly of First Nations? Secondly, what is the current position of the Assembly of First Nations toward participating in this conference? I will say that I understand fully why there were some reservations initially about getting involved in a conference whereby the provinces would have the opportunity to get involved which are primarily between the aboriginal peoples and the federal government. I understand that their position may have changed recently, and I wonder if Mr. Erasmus could explain where they now stand, at the moment. Thank you.

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

Involvement With Assembly Of First Nations

MR. ERASMUS: Thank you, Mr. Chairman. The Dene Nation is a member nation of the Assembly of First Nations. We have status on its executive. All of our chiefs vote in the Assembly of First Nations. The involvement of the Dene Nation specifically in the past couple of years since this constitutional issue has arisen, in the Assembly of First Nations has been to continue to try and get an agreement in the First Nations Assembly that we work very closely with the Inuit Committee on National Issues, and the Native Council of Canada, so that we may approach the constitutional issue in a unified manner. I am pleased too, that the assembled people here know that, after a number of years of attempting to pass resolutions within our organization, last week the Dene Nation sponsored a resolution to indeed form such an alliance. It was finally passed -- unanimously, I would like to add -- and a first meeting of the three major native organizations will take place in a couple of days in Winnipeg. We will have representatives of the Inuit Committee on National Issues, the Native Council of Canada, and many of the member organizations of the First Nations Assembly.

The status of the First Nations vis-à-vis the actual section 37 conference itself -- again, I am pleased to announce that it is an area in which, once again, the Dene Nation and member nations were successful in passing a motion to be involved with that conference, and we intend to be fully involved when that conference takes place. We also were successful in passing a motion -- unanimously again -- that the assembly take place in the North, and specifically in Yellowknife. I hope that that answers your question.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Erasmus. Any further questions? Mr. MacQuarrie.

MR. MacQUARRIE: With respect to establishing a charter and defining certain rights -- you seem very leery about that, and you do say that there is no guarantee of further process. If it becomes apparent, during the course of the conference, that there is a consensus that there should

be an ongoing process, that will not be the end of meetings on aboriginal rights. Would you then be prepared to see the entrenchment of whatever has been agreed upon up to that time? Or is it the general position that you simply do not want to see that happen until things are finally defined?

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

The Approach For A Series Of Agreements

MR. ERASMUS: Yes, Mr. Chairman. The approach we prefer -- rather than shooting for trying to get within the Canadian constitution a totally all-inclusive charter of rights, and risking an all-or-nothing situation next March, we would prefer the approach of general principles and the ability for the charter of special rights for aboriginal people to be contained in a series of agreements, smaller agreements, that native people negotiate with governments -- in comprehensive claims, and other negotiations similar to it -- so that we avoid the possibility of next spring shooting for the charter, losing out, and really having no fall-back position. We think that we have a better opportunity to allow native groups, over a period of years, to negotiate specific smaller charters that will be particularly applicable to themselves. In the South, the issue of what rights native people have had -- should have, has been a question that has long been before us, but has never been answered. The provinces in fact have been the clear enemies, in most cases. We have the ability in the North, I think, though, for some progressive settlements. It is very unlikely that these same provinces that have been giving native people such a hard time in the South will be very receptive to sitting down and entrenching a large, all-inclusive charter.

It is our feeling, it is our analysis, that the conference would not even be taking place if a year ago the federal government had not promised the aboriginal people that their rights would be, indeed, included in the constitution, through the process of a conference. So what we would like in the Canadian constitution is the possibility for ongoing detailed negotiations for smaller agreements, wherever possible; if a province is positively inclined to sit down with native organizations, that they do so; and then those agreements would be then recognized by the constitution, and over a period of time we will indeed have our charter of rights, but it will be embodied in a series of agreements. In fact, we would fear, to a certain extent, the premiers and the federal government next spring saying, "Well, this is a very complex issue. We are going to need a series of meetings before this is all resolved," and agreeing to some sort of further process at the premiers level which really is a way for them to avoid making any decisions next spring.

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

MR. MacQUARRIE: Am I clear that you would not seek either the entrenchment of a statement of general terms such that -- in the matter of guaranteed seats or something? For example would you like to see a statement entrenched that says that aboriginal people have political rights? Because to me that would be -- you say you have concerns on the one side; I have concerns on the other side. I personally would not want to see that kind of statement entrenched, although, as an outcome of the conference, I would not be concerned if, in a general way, that is what the conference agreed to; if there were no move to entrench but, subsequent to that, there were as you said a series of smaller meetings and so on where specific measures were negotiated and then the move were made to entrench those. That approach I could accept, so could I ask: Am I clear on that, that you would not be asking for the entrenchment immediately of any statements in a charter?

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

A Broad Agreement Wanted

MR. ERASMUS: I am hoping that you have copies of our draft discussion document in front of you. In the draft document, we outlined, for instance, further agreements which should be recognized, and we outlined some of the agenda items that should be included in these other agreements, and that the negotiations for these agreements should be started within a year. What we are hoping to get out of next spring's conference, for instance, is commitments across Canada to actually sit down with the native organizations and do the work that is necessary so that, for once and for all, this is dealt with very seriously.

So we are trying to find a middle ground. We know we must have the ability in the Canadian constitution for somebody to see the constitution and walk away from it, saying, "Oh, that is what aboriginal rights are," but yet we do not want to try and take the shopping list approach,

where you list out from A to Z every possible contortion that aboriginal rights can take in Canada. We want the ability for a native organization and any specific government, over the next evolving years, to sit down and to perhaps imagine something new in a specific agreement, so that rights in BC may not be exactly the same rights in the Prairies or in the Maritimes, or even in the North, and that there will be specific rights that apply differently in different places. The approach to the constitution would then be, you know, general enough and precise enough that one received a clear impression of it. We are hoping that this approach can be something that provinces can live with, because if there will be agreements later on in certain specific provinces, the provinces will have to be part of those agreements, and only if they are part of those agreements will there be specific agreements reached. But if it takes five years in BC to arrive at that -- or 10 years -- whenever they arrive at their agreement, it will revert back immediately to the constitution. That agreement will then embody what specific rights the groups will have in that specific province. So that is how we are approaching it. We want it broad enough that if in five years a native group is at the negotiating table and they are imagining something new that prior agreements did not conceive, there is room for that.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Erasmus. Mr. Nerysoo.

HON. RICHARD NERYSOO: Yes. Just a further question. There is a possibility that some jurisdictions in Canada may decide that what aboriginal rights should be defined as in the North, is not necessarily the right that should be defined for a province, and in fact would want to -- and could -- conclude rights in the North were for people in the North and would not be reflected in the provinces. Would you then be open to that kind of a discussion?

CHAIRMAN (Mr. Fraser): Thank you, Mr. Nerysoo. Mr. Erasmus.

Different Agreements With Different Native Groups In Different Provinces

MR. ERASMUS: Yes, this is exactly the approach that we are taking. We feel that because we have a fairly positively-inclined government in the NWT, that it is more than likely possible for native organizations North of 60, in the Northwest Territories, to arrive at agreements which the territorial government would support, but if the same agreement arose in any province, the provincial government of that province might not support it. So what we have to allow for is different agreements with different native groups in different provinces.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Nerysoo, supplementary?

HON. RICHARD NERYSOO: I just raised that point because there may be a number of issues that could be resolved prior to even sitting down at the negotiating table. You might say, at the First Ministers' Conference, at least, to raise specifics, the issue of spring hunting, of migratory birds, or the resolution of an agreement on wildlife management, stuff like that. That particular ability of, you might say, this government or future governments of the Northwest Territories may allow for those kinds of things to happen, but in the provinces at the moment you have a situation where they are pretty tough about their position with regard to spring hunting, for instance, and they themselves see themselves as an ally on that particular issue for people in the North, so I think that that is the reason I raised it.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Nerysoo. Any further questions? Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I would just like to get the reaction of Mr. Lal to the suggestion of the Dene Nation, because the approaches of the Dene Nation and the territorial government are really quite different. I am beginning to think about what the Dene Nation is saying in terms of just having the federal government agree that any aboriginal rights will be those that are eventually agreed to, and the rights that have existed in treaties, and that could come to exist through comprehensive claims. On the other hand, we have the territorial government saying that whatever these aboriginal rights are should be outlined in the constitution immediately, or as soon as possible. I would just like to hear from Mr. Lal, again, I guess the basis of his thinking, the basis of the territorial government's position thus far.

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

MR. CURLEY: Point of order, Mr. Chairman, I believe that question really should be directed to the Minister responsible. I do not believe that we ought to put the deputy minister on the edge of this kind of a question.

CHAIRMAN (Mr. Fraser): Mr. Braden.

HON. GEORGE BRADEN: Well, Mr. Chairman, the objective as we see it is to have, where possible, the identification of certain concepts or issues that are defined by the process. We realize that it may be pretty tough to get a comprehensive list at the outset, and, indeed, what we are advocating is that we do not close the door on this, but the objective of section 37 in the constitution is to hold a conference to do some defining. We would hope that at least a few things could be stipulated, as a start, in any list of what these rights or privileges or benefits are seen to be.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Any further questions of the witness, Mr. Erasmus, dealing with his presentation? If there are no further questions, could we thank the witness? Mr. Erasmus, do you have some wind-up comments?

A General Approach Wanted Not A List Of Conditions

MR. ERASMUS: I wonder if I could respond to what Mr. Braden just mentioned. First of all, I do not think that we are that far apart. I read the document a couple of times, and I must really applaud the general approach that is being taken. By and large, it is a very positive approach -- but the particular answer that Mr. Braden just gave worries us, particularly because our thinking is that if we were to take the approach that Mr. Braden just mentioned -- which was to try and include in the constitution all of those rights which we can get agreement on by March -- what we will probably find is that every time we try to get a certain right agreed to in the constitution we will have a list of conditions. Let me give you an example. If, for instance, by next spring, we tried to say: "Aboriginal people have special hunting rights", the provinces would try and make sure that all of the conditions that they could live with would be included in the constitution. Now, those conditions are generally a part of legislation; surely we do not need them in the constitution. We would hear things like -- conditional, that certain seasonal hunting regulation -- the list would be enormous. If we were to say that another aboriginal right is for aboriginal people to own a certain quantity of land in Canada -- again, the conditions upon which that ownership would be held would come forth, and under every specific right that we would try to put in the constitution, there would be a whole series of conditions.

So I guess this is the reason why we are taking a more general approach. and what we are hoping is that rather than actually going to the constitutional process -- to be involved in the constitution to try and include specific rights, we approached the conference with a strategy to define what rights could include -- and be broad enough that virtually any agreement in the future could be covered, and make sure that the ongoing process is at another level -- not necessarily at the Prime Minister level with the premiers, but in smaller agreements between specific native groups and specific governments. I thank you for this opportunity, Mr. Speaker and assembled peoples.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Erasmus. We have another question for you, I think. Mr. Curley.

Charter Of Rights Should Not Be General

MR. CURLEY: Yes, Mr. Chairman, I would just like to put on the record that my reading from Georges Erasmus' presentation is that it seems to me that you have already made up your mind what the constitutional process is going to accomplish -- that it is not going to accomplish very much, and it is doomed to failure. Well, I do not take that position at all. I think the Inuit position is much more optimistic, because now is the time that finally the Government of Canada, the federal government and the provinces have agreed to sit down in a very serious way to try and put something in there that would once and for all not be general. Because of the generalities of the positions of the way the laws have been interpreted, my view is that courts have never backed the positions that native people have taken before. Now, if we are going to try and be so general again in the constitution we are never going to accomplish anything. The courts will always side with the provinces or the major resource companies that have interest in the land.

So I am just wondering whether or not the kind of position that you are taking will only delay the eventual, desirable goal to tighten up, once and for all, in the constitution, the protection that native peoples of Canada require. One way to do that is, in my view, is the Charter of Rights and Freedoms. You cannot have a charter that is so general that nobody can interpret what it means. Otherwise it is not a right, it is not a charter of rights. So I am just wondering why, Georges, you would want to be so negative about the process, when you have never been given that chance before -- to entrench your rights in the Canadian constitution? Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Do you want to respond to that, Mr. Erasmus?

A Single Middle Position Desirable

MR. ERASMUS: Yes, I would like to, Mr. Speaker. I have exactly the same concerns as Mr. Tagak Curley in this area. Personally I would love to be able to feel that next spring we could sit down and be very, very precise, and walk away from the conference knowing exactly what our rights are in this country. But over the years I have come to understand that it is going to take a lot longer than that before that takes place. For instance, the people of BC, the aboriginal people, would like to go to the conference knowing that their aboriginal title to the land of BC will be recognized in the conference. They would like to go back to BC knowing that they are going back to aboriginal land. Well, there is no way in which the province is prepared to even sit down with native people by themselves -- to agree with -- to even negotiate. Nothing is going to transform that premier coming to a conference with native people across the country, to allow that to take place, but that same premier might agree that aboriginal rights could include a certain degree of land, which could be aboriginal title -- which might result from specific agreements that will be negotiated with that province. Otherwise, if we were to attempt to put into the constitution the recognition of aboriginal title, the premier of BC is going to make it very, very clear that it is conditional -- so many kinds of conditions that it will really mean very little, and we will have walked away from the conference with so many safeguards for the provinces that only with further changes in the constitution will we be able to actually negotiate our rights.

Mr. Curley brings up a very good point. If we are so general, so broad in our definition, it will be meaningless. Why bother with the exercise if virtually any interpretation can be taken? So we are hoping that there is some middle ground we can take, and we are hoping that at our meetings next week with the other native organizations, and further meetings, that we will be able to find terms that are acceptable to everyone. You will notice that on our document, we make it very clear that it is a discussion document. We are hoping that by March or April -- whenever the conference takes place -- that there is at least a meeting of the minds between the native organizations, and those governments, including the NWT government, that are acceptable to our position, to virtually a single position. So we are not closed, but we are highly sceptical that the same premiers that have been fighting native organizations for so long are going to have such a transformation.

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

NWT Should Take The Lead In Outlining Precise Aboriginal Rights

MR. SIBBESTON: Mr. Chairman, I too feel a bit concerned with the attitude of Mr. Erasmus, in the sense that it seems as if now we have a chance, for once, in Canada to have the aboriginal rights of the aboriginal people enumerated -- have it further defined than what has been provided thus far in the constitution. It just seems to me that in the present constitution there is already recognition to aboriginal rights that exist on such things as the royal proclamation of 1763 and treaties and, also, any of the rights that are gained through comprehensive land claims. The constitution already recognizes these rights. So I do not believe that one would be gaining very much by having it further stipulated or further outlined that aboriginal rights are to include any rights that are gained through comprehensive change further down the road. You know, section 25 already talks about rights that may be acquired by aboriginal peoples of Canada by way of land claims settlement and it just seems to me that we have a chance now in Canada and I think this government should take the lead in beginning to outline precisely what aboriginal rights are, in respect of political rights, economic rights, education, culture and so forth. I guess it concerns me a little bit to see that all we are now going to go for is just a general agreement that aboriginal rights are going to be whatever is agreed to in the future. It seems to me that we should now begin to say aboriginal rights do include political rights -- the right to be represented in the House of Commons, the right to have native people in the Senate and so forth. One can make these things fairly general.

I appreciate it is very difficult to agree specifically to all the things that native people think are aboriginal rights, but surely some start can be made. I think the paper that this government has thus far is a bit of a start toward that. I am quite frankly impressed with the things that are included, whereas a few years ago, a year ago, I guess the native people would have been thought as a bit outlandish and crazy to think that they should have guaranteed representation in any future government -- in Denendeh -- now this government says that that ought to be the case, not just for the native people here, but for all the native people in Canada. So, you know, we are making advancements in ideology and in setting certain moods and making people think that certain things are possible. I would like to see the government and the Dene Nation approach the constitutional conferences in a much more positive, much more optimistic note than has been seen

thus far. Maybe Mr. Erasmus has more experience than I have, in dealing with governments, but I would like to see our government, at least, take a very definite positive approach to what they think aboriginal rights are and go for having at least some of these entrenched immediately, with the possibility of eventually having them further defined or further added to. Would not this be the way to go, Mr. Erasmus?

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

Successful Claims In The North Can Affect The South

MR. ERASMUS: Well, I am really glad we are having this conversation, because we were perceiving the problem differently. Surely people in this room are not going to tell us that the kind of agreements we could reach with the territorial government for our comprehensive claims agreement -- with any particular native group in the Northwest Territories would be the same kind of agreement we could reach with any province in this country. In BC, they have been trying to get to the negotiating table for something like 115 years. The province is not even prepared to discuss, never mind sit down and negotiate. So the point I am making is this -- the kind of hunting and fishing and trapping rights, etc., and anything else that the territorial government is prepared to agree to for native people is not by any shape, size or form, the same possible rights that the provinces are prepared to give to native people. That is just not the case. So if we are going to try and put into the constitution those rights which are going to supersede any specific agreements, you are going to find that you are going to water down those rights to the lowest common denominator, and you are going to have to appease certain provinces which have absolutely no business deciding the specific rights of native people in northern Canada.

So this is why we are taking the approach that, "Sure, try to put into the constitution a general definition, but specific enough that it is clear what the rights could include and then those rights, in specific agreements, could be different." Surely you do not want us to hold native people in northern Canada to the same rights that the province in BC is prepared to give to their peoples? We can go a lot further here and this is what we are saying and if we can approach this in a manner in which it is possible for a different interpretation in different parts of this country over a period of years, with successful claims in northern Canada, these specific agreements will be able to spill over for a positive influence for further settlements in southern Canada. I do not know, there seems to be a certain kind of naiveté here that really needs to be addressed.

CHAIRMAN (Mr. Fraser): I would like to thank you, Mr. Erasmus. Your half hour is up. The motion was for a half hour presentation and question period, so thank you very much on behalf of the committee.

---Applause

Just while we are pausing for a moment here, I have Jon Einar Einejord, a Sami educator from Lapland who is doing research on northern education in Canada and in Greenland in the gallery. Please stand up.

---Applause

We are dealing with Tabled Document 25-82(3), on page one, part one, background. General comments, please. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, this is just background information that is provided to refresh the minds of the Members on the committee. If you require further background or information at this time, I would be pleased to provide it.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Part one, any questions? Part two, the constitutional aboriginal rights process. Mr. Braden.

The Constitutional Aboriginal Rights Process

HON. GEORGE BRADEN: Again, Mr. Chairman, this is by way of information, and Mr. Lal, at Mr. Curley's request earlier on, provided an accounting of the process as it has taken place up to the present and what is anticipated for the future so, again, this is purely as information.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Any questions on part two? Mr. Sibbeston?

MR. SIBBESTON: Mr. Chairman, I would just like to hear from the Minister responsible for this -- either Mr. Wah-Shee or Mr. Braden -- as regards the involvement of the territorial government at the constitutional conference. I appreciate that this government has been invited. Who is to represent this government at the constitutional table? How big a group are we likely to see? I would also like to hear comments on the idea of having native groups be part of the delegation representing the territorial government.

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

HON. GEORGE BRADEN: Mr. Chairman, the Prime Minister has invited representatives of the government. Given that I am the spokesman for the government and the Minister of Justice, and that I have two colleagues who share responsibility in the Aboriginal Rights and Constitutional Development, I would assume that we would make up the composition of the group, although I must admit we have not really discussed the matter in a lot more detail. The government is open to suggestions for the composition of the group, whether or not it should include Members from the Legislature. I think what we should bear in mind here is that the individuals speaking at the conference are representing the position of this Legislature and of the government. Hopefully, if we have other delegates in our group, that they are on side with us as well. I do not have any major problems with giving consideration at this time, or to accepting advice on other members of the delegation, but I would say at this point my primary assessment is that the two Ministers responsible for Aboriginal Rights and Constitutional Development and myself as the Minister of Justice would be the primary spokesmen.

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

MR. SIBBESTON: I take it, on the possibility of including native groups along with the territorial government's delegation, did I understand you that you are open to that, or did you address that?

CHAIRMAN (Mr. Fraser): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, as I said, we have not given that much thought or consideration up to this point, but as I indicated, I am open to giving it some thought, along with my colleagues. But as I said, the people represented in the Northwest Territories seat would be representatives of the government, and we are responsible to represent the views and the position of this Legislature.

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

Plans Of Provinces To Involve Native Organizations

MR. SIBBESTON: Mr. Chairman, I am interested to know the extent to which some of the provinces are having the native organizations involved as part of their delegation. Perhaps Mr. Lal is more familiar than Mr. Braden and does really know the plans of the various provinces to involve native organizations.

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

MR. LAL: Thank you, Mr. Chairman. I am not aware of what the intention of the provinces is in respect of involvement of native groups at the First Ministers' Conference, but at the working level and in the working groups, I believe, the Governments of Alberta and Manitoba brought representatives of their provincial native organizations. As far as I can recall it was only in the case of Manitoba that the representatives were allowed to speak at the table, and the Alberta delegation had members from the native groups, but they did not speak or take part in the conference directly.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Any further questions on part two? Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, this is a clarification from the Leader of the Elected Executive Committee. Would he name the other two Ministers who are responsible for Aboriginal Rights and Constitutional Development?

CHAIRMAN (Mr. Fraser): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, that is James Wah-Shee, the Minister responsible, and Dennis Patterson, the Associate Minister.

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

MS COURNOYEA: Would the Leader of the Executive Committee please indicate when Mr. Patterson was officially given that position?

CHAIRMAN (Mr. Fraser): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, I cannot give a specific date. I believe it was last July, following the Inuvik session, and the persistence of Mr. Curley's requirements for an Eastern Minister to have some responsibilities in this area, that Mr. Patterson was named Associate Minister.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Any further questions on part two? Mr. MacQuarrie.

MR. MacQUARRIE: However the position is formulated, and from whatever sources we get input, I have no great concerns, but certainly I would expect that when our delegation goes to the conference, that it would be presenting the position that is taken by the Legislative Assembly of the Northwest Territories. There was a suggestion that representatives from native groups should be part of that delegation. I can only say that if they were willing to put forward the position of the Legislative Assembly without change, then I would not be concerned, but if they were not, I certainly would be concerned.

CHAIRMAN (Mr. Fraser): Part two, constitutional aboriginal rights process, any further questions? Can we go to part three? The issue of aboriginal rights. Mr. Sibbeston.

The Issue Of Aboriginal Rights

MR. SIBBESTON: Mr. Chairman, I would like to ask Mr. Lal or Mr. Braden, who are aware of the present meetings and, thus far on, in the preparations for the constitutional conference, does Mr. Lal or Mr. Braden see the possibility of the provinces and the federal government agreeing on a list of what constitutes aboriginal rights? Is it the intent of the officials thus far to try to definitely define aboriginal rights and end up at the end of a three or four day conference with a fairly comprehensive list of precisely what aboriginal rights are, recognizing, though, that they may sometimes have to be in fairly general terms?

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

HON. GEORGE BRADEN: Mr. Chairman, I will make a few comments and then let my deputy minister respond. The intent, obviously, as outlined in section 37 of the constitution, is to attempt to define aboriginal rights. Now, given that you have 11 governments -- the federal government, 10 provinces -- who do not seem to be able to agree on anything these days, and you throw in a couple of territorial governments and three national native organizations, it may be difficult in this two or three day conference to come up with a long list, or a short list. However, I think what we have to bear in mind, Mr. Chairman, is that there are a series of meetings leading up to the First Ministers' Conference, and what one could perceive happening is that through these meetings of officials and ongoing consultation with their governments or their respective organizations there may be a situation where there is general or broad agreement even prior to the First Ministers' Conference, that, "Yes, we think a preamble is a good idea" and that "We have agreed on a list of 12; we have agreed on three or four or five items that should be attached to that preamble." So I am hoping that through the prefatory meetings, Mr. Chairman, it will be possible to identify certain areas where there is consensus, and that the first ministers, when they do sit down in Ottawa or Yellowknife or wherever, will say, "Well, you know, we agree on these things, anyway, and let us sit down in public or private or whatever and negotiate on some of the others."

So in response to Mr. Sibbeston's question, and in conclusion, I think that there obviously is a desire, it would seem, to try to define -- perhaps in very broad terms -- the concepts of aboriginal rights. It would seem to me unfortunate if we came away from all this with nothing, but in that particular case our proposal is to try to achieve some kind of process for ongoing and continued discussion, because I think after six or eight months you have the ball rolling, so to speak, and you just want to keep it going and keep people working. I would ask my deputy minister now to make some comments to Mr. Sibbeston.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Mr. Lal, do you want to comment on that?

Constitutional Conference A Preparatory Stage

MR. LAL: Thank you, Mr. Chairman. Just to reiterate what Mr. Braden has said, and perhaps refer to the wording of section 37, which states, and I have paraphrased that up until now: The conference will deal with "constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada". I would submit that the wording is reasonably wide, and goes beyond simply definition of rights of aboriginal people, but is to address all constitutional matters that directly affect aboriginal people. My assessment is that so far the process has been fairly positive, but it of course is too early to say what position the provinces will adopt but there has been a desire to understand the concerns of the related groups that are present at the preparatory meetings, and also to share with them ways and means that those concerns could be addressed, and definite statements in the constitution included, entrenching those rights. But, as Mr. Braden said, this is too early, and it is a preparatory stage, really. We should be in a better position by the winter session, I would submit, to gauge more accurately what is going to be the outcome of the First Ministers' Conference.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Part three, the issue of aboriginal rights. Any further questions? Just to remind Members that there is a recommendation attached to part three. How does the Minister wish to deal with that recommendation?

HON. GEORGE BRADEN: Well, Mr. Chairman, a couple of the Members of the House have indicated that they are a bit cautious about delving into the specifics of the recommendations at this session. I guess from our perspective, while we would not so much require a motion in support of the recommendation, the spirit of it, or the intent of it, is something that is important to us. Given what the president of the Dene Nation said a few minutes ago -- and our basic objective that we are proposing here for this Legislature to give some thought to is that we attempt to enumerate or list as many aboriginal rights as can be agreed upon at the First Ministers' Conference, with the obvious caveat, or proviso, that the list is not exhaustive. Now, that is a pretty important first step, and it is the basis for a lot of other discussion in here. And further in the recommendation, as a fundamental point, we submit that the constitution further reflect the fact that constitutional protection be afforded to any rights which may be negotiated by native organizations with federal, provincial, or territorial governments.

Now, this gets back to the point which Mr. Erasmus was concerned about. It is a broad principle in here that we think that protection and recognition of these regional, provincial, or territorial claims has to be accommodated somehow within the Canadian constitution. I guess this is a specific point. It goes way back to the first major document between the British Crown and government and the aboriginal peoples of Canada, that the rights contained in the proclamation of 1763 are recognized and affirmed. So we have, in that first recommendation, some broad -- I guess broad objectives, and one specific one. Now, I would like to know, Mr. Chairman, whether this committee feels it is just too premature to deal with the specific recommendation, fine; or if they feel, generally, that without moving a motion of support, that these first two points should be the basis for further development of our position, I think that would be sufficient for us.

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

MR. SIBBESTON: Mr. Chairman, has this government in any way received instructions or suggestions from the federal government as to how it should proceed in this matter at the constitutional conference?

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

HON. GEORGE BRADEN: No, Mr. Chairman, we have not received instructions or suggestions. We did, however take certain points from the Prime Minister's letter which allowed us to conclude that there would be certain agenda items in this particular area, but we have not been told to do anything. Basically, we have developed this position paper and are coming to this Legislature to get feedback, reaction, and direction.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston.

MR. SIBBESTON: Well, I am glad to hear they are clean.

CHAIRMAN (Mr. Fraser): Do I understand, then, Mr. Minister, that at this time you do not wish to adopt any of the recommendations, but just deal with the paper in general? Is that the wish of the committee? Mr. Curley.

A Position Should Be Adopted By The House

MR. CURLEY: Mr. Chairman, I would think it would be difficult to have a representative, even at the official level of the government, involved in these discussions which are going on right now without having any direction from the government. I would think that it is important that we at least give them a broad enough position here. I think that the document is broad enough. It is not a detailed document. The detailed document which MacQuarrie is worried about would eventually come out only after the native groups or whatnot have formulated their positions, and when it is ready to be signed by all parties involved as well as this government -- I do not think this document is that. I would think that if all parties -- native organizations, federal, territorial -- are going to be a party to any agreement regarding aboriginal rights or charter of rights, then I think if they are going to have any force in this government's jurisdiction, I would think that this government would have to adopt them as well and that we would have to debate them here in the House, as well. So I do not really think that it is too late or too early to adopt a position. I would wonder how our officials, the deputy ministers, could be involved in those discussions without having at least the direction or position adopted by this House.

So I would be in favour of adopting a position here, because it would allow them at least some flexibility. If we walk away today without adopting that position, then I would not want this government at all to be engaged in these discussions that are going on right now. You might as well accept just the observer status, if you are not prepared to accept a position right now. Thank you.

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

NWT Government Has And Will Play Unique Role In Constitutional Process

HON. GEORGE BRADEN: Mr. Chairman, Mr. Curley makes some valid points. I think to date the role that we have played has been one of providing some very useful input to the other officials, because I think we are the one government in Canada which has deputy ministers who have very close and in daily contact with aboriginal people, with aboriginal organizations and with the kinds of issues that are of supreme and utmost importance to aboriginal people when we are dealing with the Canadian constitution. I do not mean to try and railroad Members into voting on this, but we have played a very, very important role thus far in the two preparatory meetings, because of the nature of our government and our territory. So, I would hope that we would be able to, in future meetings, indicate to representatives of other governments or organizations that these are the broad kinds of concepts or direction that we are working with. We are a bit unique, as well, in Canada in that here we are in a public forum, in a committee of our Legislature, discussing the government's position and perhaps a bit of strategy and you sure as heck do not see this going on in Peter Lougheed's legislature, which is what it is, or in the Ontario legislature.

So, I think we have to give some serious consideration to providing the government with some kind of direction in these particular areas. It does not necessarily have to translate into specific approval of a motion, but if we do not have violent opposition, then we can take it as a given that this committee is generally supportive of the broad principles, although I think in the final analysis some statement of support would be appreciated.

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

MR. MACQUARRIE: Yes, thank you. The last statement of Mr. Braden was sort of the way I had seen the process and it is not because I wish to avoid what is in the recommendations. If Members feel that specific votes are what are best at this time, I am willing to go along with that, but I thought that a very thorough discussion of all the recommendations, where you could see there is obvious consensus -- and I expect on quite a number there will be -- that that would give you the kind of direction that Mr. Curley is suggesting is necessary. However, I am willing to go along with a vote if it is understood -- and do I understand this correctly -- that there would still be a final position taken that we would have the chance to deal with that near the end of the winter session or something like that?

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

HON. GEORGE BRADEN: That is correct, Mr. Chairman. I indicated in my opening remarks that I would be returning to this Legislature with a much more detailed document which would be voted on or ratified by the House and would so decide our position.

CHAIRMAN (Mr. Fraser): Does this committee wish that we report progress? Mr. Sibbeston.

Motion To Accept Paper On Aboriginal Rights And The Constitution And Provide Detailed Position

MR. SIBBESTON: I would just like to make a motion dealing with the subject. Mr. Chairman, I would like to move that this Assembly accept in general the Government of the Northwest Territories paper, Aboriginal Rights and the Constitution, and that the Executive Committee provide a further refined, amended or detailed position for this Assembly's consideration at the winter session.

CHAIRMAN (Mr. Fraser): Thank you. Can we get a copy of that, please? Your motion is in order. Mr. Curley, a point of order?

Amendment To Motion To Accept Paper On Aboriginal Rights And The Constitution And Provide Detailed Position, Carried

MR. CURLEY: Mr. Chairman, I would like to amend the motion, to change the word "general" to "principle", if that is in order, Mr. Chairman.

CHAIRMAN (Mr. Fraser): If you can read it out, you are better than me. Go ahead. Mr. Clerk, would you read the motion?

CLERK ASSISTANT (Mr. Hamilton): The motion prior to the amendment would read: I move that this Legislative Assembly accept in general the Government of the Northwest Territories paper, Aboriginal Rights and the Constitution, and that the Executive Committee provide a further refined, amended or detailed position paper for this Assembly's consideration at the winter session. Mr. Curley's amendment was to change the word "general" to "principle".

CHAIRMAN (Mr. Fraser): To the amendment. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I wonder if it is possible to ask the mover of that motion and the amender, who I am sure is trying to accommodate this House -- I do not know if the mover of the motion feels it is just good enough to have heard from the Dene Nation and the Metis Association. He is making a motion and we have not even discussed it ourselves, so why is he making a motion to put something at rest, just because he called in his delegation? I would like to see what some of the Members who are elected have to say about it.

CHAIRMAN (Mr. Fraser): We have an amendment. To the amendment. Mr. Curley.

MR. CURLEY: Question.

CHAIRMAN (Mr. Fraser): Question being called. To the amendment. All in favour. Down. Opposed?

MRS. SORENSEN: We have not discussed the damn thing.

CHAIRMAN (Mr. Fraser): The amendment is carried.

MR. McLAUGHLIN: Three to two.

---Laughter

---Carried

CHAIRMAN (Mr. Fraser): To the motion as amended. Mr. MacQuarrie.

Motion To Defer Vote On Motion To Accept Paper On Aboriginal Rights And The Constitution And Provide Detailed Position As Amended

MR. MacQUARRIE: I move that the motion be deferred until we have discussed the paper, at which time it would be appropriate to vote on it.

MR. CURLEY: Agreed.

MS COURNOYEA: Agreed.

MR. McLAUGHLIN: Question.

HON. GEORGE BRADEN: Progress.

HON. RICHARD NERYSOO: Recognize the clock. Good night, Irene.

CHAIRMAN (Mr. Fraser): Good night, Irene.

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 37-82(3), LETTER FROM ARCTIC CO-OPERATIVES LIMITED, TABLED DOCUMENT 25-82(3), ABORIGINAL RIGHTS AND THE CONSTITUTION

MR. FRASER: Thank you, Mr. Speaker. Your committee has been considering Tabled Document 37-82(3) and wishes to report this matter concluded. Your committee also considered Tabled Document 25-82(3), Aboriginal Rights and the Constitution, and wishes to report progress.

Speaker's Rulings

MR. SPEAKER: Thank you, Mr. Fraser. We had a few points of order earlier today. We have studied the rules and would advise Mr. MacQuarrie, who questioned the propriety of a Member being permitted to withdraw a motion without the unanimous consent of the House: Rule 48 states a Member, if he has moved a motion, may withdraw the same with the consent of the seconder. There is no indication in the rules anywhere that would indicate that there is any time span on this particular rule and by way of precedent, it has been allowed at previous times, after lengthy debate, for the mover to withdraw his motion.

Mr. Wah-Shee questioned whether or not it would be possible for a motion to rescind Motion 7-82(3) to be introduced again during the session, as Motion 33-82(3), which sought to do this, was neither adopted nor defeated and therefore the question has not been decided. Mr. Wah-Shee, this is a hypothetical question and the Chair will reply when and if such a situation arises.

Mr. Butters questioned whether the procedure followed by Mr. McLaughlin in moving adoption of the report of the standing committee on rules and procedures under motions was correct. Rule 78(2) states a Member presenting a report shall move that the report be adopted by the Assembly. Rule 78(3) provides that a report from a standing or special committee may be adopted by the Assembly or it may be referred to the committee of the whole or back to the committee which presented it. I believe that the procedure followed this morning was within the rules of the House.

HON. DENNIS PATTERSON: Mr. Speaker.

MR. SPEAKER: Yes, Mr. Patterson.

HON. DENNIS PATTERSON: Could I humbly request unanimous consent to go back to notices of motion, please?

MR. SPEAKER: Notices of motion. Do I have unanimous consent?

SOME HON. MEMBERS: Agreed.

MRS. SORENSEN: Nay.

MR. SPEAKER: There is a nay. Sorry, I do not have unanimous consent.

MR. McLAUGHLIN: We do not trust you any more.

HON. DENNIS PATTERSON: I will not forget that.

---Laughter

MR. SPEAKER: Mr. Clerk, announcements, please, and orders of the day.

CLERK OF THE HOUSE (Mr. Remnant): Announcements. There will be a meeting of the standing committee on finance at 6:00 p.m. today in room 211.

HON. ARNOLD McCALLUM: You have got to be kidding.

CLERK OF THE HOUSE (Mr. Remnant): At 8:00 p.m., I am sure Members are aware of the Yellowknife MLAs dance at the Elks Hall. Tuesday, November 23rd, 9:00 a.m., Katimavik A, the standing committee on finance; 10:30 a.m., Katimavik A, a caucus meeting.

ITEM NO. 14: ORDERS OF THE DAY

Orders of the day, Tuesday, November 23rd, 1:00 p.m.

1. Prayer
2. Replies to the 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
9. Notices of Motion for First Reading of Bills
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: Tabled Document 25-82(3); Bills 2-82(3), 5-82(3), 19-82(3), 6-82(3), 12-82(3), 22-82(3) and 18-82(3); 17th Report of the Standing Committee on Finance; Tabled Documents 20-82(3), 22-82(3) and 23-82(3); Motion 35-82(3)
14. Third Reading of Bills
15. Assent to Bills
16. Prorogation

MR. SPEAKER: This House stands adjourned until 1:00 p.m., Tuesday, November the 23rd.

---ADJOURNMENT

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