



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

62nd Session

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Official Report

WEDNESDAY, MAY 18, 1977

Speaker The Honourable David H. Searle, Q.C.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES.

WEDNESDAY, MAY 18, 1977.

MEMBERS PRESENT.

Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Butters, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Pearson, Mr. Kilabuk, Hon. David Searle, Hon. Dave Nickerson.

ITEM NO. 1: PRAYER.

---Prayer

SPEAKER (Hon. David Searle): Item 2, replies to Commissioner's Address.

Item 3, questions and returns. Are there any returns?

ITEM NO. 3: QUESTIONS AND RETURNS.

Return To Question W9-62: Outpost Camp Policy.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I have a number of returns. To Question W9-62 asked by Mr. Pearson, the outpost camp policy.

In reply to Mr. Pearson's question, we submit copies of: outpost camp policy, criteria and outpost camp program.

Under the outpost camp program the funding policy is:

Funds are allocated for cabin building, the amount varies between the tree line where logs are available and the Barren Lands where all materials and insulation must be supplied. Funds for transportation of cabin materials, food and supplies and camp participants. Funds for procurement of fuel oil above the tree line. Funds in the form of a grant for food and supplies. This grant is made to the camp proper. Loans to camp participants may be made from these grant funds. The loan recipients repay their loan back into the fund so that it may be maintained on a revolving basis. Normally this grant is a one issue deal, unless there are unforeseen circumstances whereby it may be replenished the second year.

One prerequisite required in the outpost camp program is that the camp have a person or group to maintain the accounting and rational usage of the funding supplied. This first year, we have found that there are instances of non-rational usage of the funds, consequently camps may be in financial difficulties in their revolving fund grant. This is one reason why Allen Island is in difficulty. The other reason was the funding was allocated too late to enable the camp to transport their total requirements by boat, consequently extensive use of aircraft had to be arranged. In early May we arranged to extend an additional \$2000 to this camp for food and supplies to tide it over the spring breakup period and allow the camp to be assessed, and their application for continued support reviewed. As far as we can ascertain no requests for support have been ignored and we have assisted when asked.

It is not the intention of the Fish and Wildlife Service to control the usage of the funds allocated to camps, rather we desire the camps to rely on self-management. We are requesting that new applications and applications for continued support contain provision to hire administrative assistance if necessary.

Funding for continued support of the Allen Island camp will be supplied on the recommendation of the regional director, Baffin region. Mr. Speaker, the documents that I referred to will be placed in the books together with the answer.

Further Return To Question W22-62: NTCL Discontinuation Of Service On Bear River

In answer to Question W22-62 asked by Mr. Fraser, Northern Transportation Company Limited discontinuation of service on Bear River.

The following information has been received from NTCL: For 1977 we will continue to provide this service. However, we are endeavouring to find a solution to our problem. Having encountered a constant loss in this area over the years, \$423,000 in 1976 to be specific, we are no longer able to cross-subsidize internally from one area to another since the company is also suffering from operating losses due to the reduction in tonnages over the total system as well as the fact that increases in rates are running behind the inflationary pressures. We are hoping that the Canadian Transport Commission, following the recent hearing, will see fit in their wisdom to recommend to the Canadian government the payment of subsidies during this deficient period.

Return To Question W24-62: Fishing Quotas In Cambridge Bay Area

In answer to Question W24-62 by Mr. Lyall, fishing quotas in the Cambridge Bay area.

Fishing quota requests for 1977-78, for river systems and inland lakes in the Cambridge Bay area were submitted to the Fisheries and Marine Service, Environment Canada, on April 5, 1977. At that time, indications were favourable that the total quota requests would be granted. The Fish and Wildlife Service is presently awaiting confirmation of the variance order to schedule five of the Northwest Territories fishery regulations before informing the field.

Return To Question W25-62: Native Unemployment On Mackenzie River

In answer to Question W25-62 by Mr. Lafferty, native unemployment on the Mackenzie River:

In response to Mr. Lafferty's question with respect to the necessity for northern natives having to go to Vancouver to join the Seafarers' International Union. We were unaware of this situation and contacted the Northern Transportation Company Limited in Edmonton and they advised that: Their contract with the Seafarers' International Union is a closed shop contract.

HON. DAVE NICKERSON: Shame!

DEPUTY COMMISSIONER PARKER: "All labour requirements must go to the hiring hall for placement. If the hall is unable to find suitable candidates within a reasonable time frame the company may approach other sources to fill their labour requirements."

We are attempting to contact the Seafarers' International Union of Canada in Vancouver and negotiate a more favourable position with respect to hiring of northerners. Mr. Speaker, I regret that time has not permitted us to be able to canvass the other operators on the river to see if their situation is the same or not.

Return To Question W28-62: Regulation Changes, Great Slave Lake Fishery

In response to Question W28-62 asked by Mr. Stewart, regulation changes, Great Slave Lake fishery:

The following changes will take place this summer:

| | <u>1976</u> | <u>1977</u> |
|-----------|-------------------|------------------|
| Quota | 4.78 million lbs. | 3.4 million lbs. |
| Mesh size | 5.5 inches | 5.25 inches |

Return To Question W29-62: Status Of N.W.T. Labour Standards Ordinance

In response to Question W29-62 asked by Mr. Butters on the status of the Northwest Territories Labour Standards Ordinance:

There is no problem with the Labour Standards Ordinance which is in force at the present time. It is presumed that the Member refers to the Labour Relations Ordinance. It is true that the promulgation of this ordinance will require an amendment to the Canada Labour Code, at least in the opinion of the Department of Justice. The matter has been under discussion for some time. It is hoped that some agreement will eventually be reached.

Further Return To Question 031-62: Hon. Warren Allmand's Whereabouts

Mr. Speaker, an oral question was asked last night with regard to the travels of the Minister of Indian and Northern Affairs. I am advised that the Minister will be back in his office in Ottawa on the morning of the 25th day of May.

MR. SPEAKER: Are there any written questions? Mr. Lafferty.

Question W32-62: Encouragement Of Native Employment.

MR. LAFFERTY: Mr. Speaker, since there are more native people gaining employment or are in the employ of the Government of the Northwest Territories and some of them have been in the public service and should have gained seniority in their craft, skills and professions and in other areas in which they may be employed, is the administration encouraging native Metis, Indian and Eskimos to seek leading positions in their trades and professions and in other areas in which they are employed?

Return To Question W32-62: Encouragement Of Native Employment.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the answer to that question is yes, most assuredly.

MR. SPEAKER: Are there any further written questions? Mr. Evaluarjuk.

Question W33-62: Fishing In Cape Dorset.

MR. EVALUARJUK: Mr. Speaker, I have a question of the administration. There is now in Cape Dorset and they have talked about it, where the fishing area is, will fish and wildlife take it over? The people in Cape Dorset were told that they should have a licence if they were going to go fishing in that area. The people in Cape Dorset are not very happy about the whole thing, the way they organized the fishing area there, and they would like to go fishing on their own as in the past. I wonder if you know anything about this and if you can not answer me right now, I would like to have a written answer before July because in August I might be going to Cape Dorset and I would like to have an answer. That is my question of the administration.

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W33-62: Fishing In Cape Dorset.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will seek the information that Mr. Evaluarjuk requires and provide it to him.

MR. EVALUARJUK: Just one minute.

DEPUTY COMMISSIONER PARKER: Sorry. Mr. Speaker, we will seek an answer to Mr. Evaluarjuk's question and provide the information to him just as soon as we can and most certainly by the end of June.

MR. EVALUARJUK: Thank you.

MR. SPEAKER: Are there any further written questions?

Question W34-62: School Bus, Pangnirtung.

MR. KILABUK: Mr. Speaker, I have a question. When the Commissioner was in Pangnirtung we were told, since we were asking for a bus, if they could replace the bus in Pangnirtung, the school bus. Have they talked about this and if so could you tell me when they will replace the bus? Now, for the airport, if they are not going to use the airstrip, the school is so far and if they do not have the bus the children would have to walk quite a way. Has the administration dealt with this yet as the hamlet has asked about this in Pangnirtung. I would like an answer now or later before this session is over. Thank you.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I will have to seek an answer to Mr. Kilabuk's question and will supply it to him as soon as we possibly can.

MR. SPEAKER: Further written questions?

Item 4, oral questions. Mr. Stewart.

ITEM NO. 4: ORAL QUESTIONS

Question 035-62: Transcript Of Fort McPherson Settlement Council Meeting

MR. STEWART: Mr. Speaker, I have a question of an emergency nature. There was a news broadcast reported by CBC yesterday under the authorship of Mr. Larry Sanders I understand. I did not hear this broadcast but the rumours from it would indicate that there is a great possibility of a great breach by the Fort McPherson settlement council and I would like it placed before this House immediately, if it can be obtained, a transcript of the action of the Fort McPherson settlement council of their last meeting.

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, for clarification was that a transcript of the radio broadcast or a transcript of the results of the Fort McPherson settlement council meeting?

MR. STEWART: It would be a transcript of the settlement council's meeting to verify whether indeed they voted in a manner that would suggest they do not recognize the territorial government.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, we will seek that transcript and provide it as rapidly as we can.

MR. SPEAKER: Mr. Whitford.

Question 036-62: Transfer Of Committee Of The Whole Item, CNT Representative, To Fall Session

MR. WHITFORD: Mr. Speaker, I have got a rather important question. We had asked for someone from Canadian National Telecommunications such as the vice-president to appear in front of this House to ask him questions concerning what is happening regarding telecommunications in the western part of the Northwest Territories and unfortunately I gather he is out of town and we are going to be in a meeting with the area manager. With all due respect, sir, I would rather that we not see this but transfer this thing over to the fall session so we can at that time be able to meet with the vice-president of CNT or someone of that senior nature so we can get some answers to the problems that we are having, such as happened in the East when we were there in Rankin Inlet, the vice-president from Bell Canada arrived and we gave him the problems that we were concerned with and the problems were cleared up very soon after.

MR. SPEAKER: Mr. Whitford, the item for consideration in committee of the whole respecting CNT operations in the Mackenzie district I believe was asked to be on there by yourself?

MR. WHITFORD: That is right.

Return To Question 036-62: Transfer Of Committee Of The Whole Item, CNT Representative, To Fall Session

MR. SPEAKER: Presumably therefore, if you do not want that matter discussed now because of the person who would be here, I doubt that the rest of the House would have any objection to putting that over to the fall session.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Is it agreed?

---Agreed

Thank you, Mr. Whitford. Anything further?

Question 037-62: Transfer Of Committee Of The Whole Item, Environmental Conditions, To Fall Session

MR. WHITFORD: Mr. Speaker, if I may I would like to ask one more very important concern, that of the report of Mr. Grainge. I gather that Mr. Grainge himself has again decided to leave for Greenland on another trip to review the conditions in Greenland, so I ask that this too, the environmental conditions of the proposed development as well be deferred to the fall session when we will be able to ask Mr. Grainge as well as get some of our witnesses to discuss this whole matter that is of a very important nature to the people in our area.

Return To Question 037-62: Transfer Of Committee Of The Whole Item, Environmental Conditions, To Fall Session

MR. SPEAKER: Mr. Whitford, again since that is a matter that you wanted discussed in committee of the whole I assume that the rest of the Members have no objection to that. Agreed?

---Agreed

MR. WHITFORD: Thank you, Mr. Speaker.

MR. SPEAKER: Are there any further oral questions? Mr. Lafferty.

Question 038-62: Fort Smith Trapping Licences

MR. LAFFERTY: Mr. Speaker, it has just been brought to my attention on my way up here that there are some practices which are presently exercised in the North that should not be allowed. It disturbs me a great deal and as far as the comments I did receive I did not have time to go through them but the gentleman appears to be an honest man. One of the things is that this guy is a trapper and he holds a registered trapline in the Fort Smith area and right in the middle of his trapline is where the Department of Economic Development and Tourism have licensed and planted something. As I said I have not had time to really look at it but nevertheless he told me quite a story and I am wondering what this is all about and if such a thing has happened I wonder if the Deputy Commissioner has any knowledge of it?

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I have no knowledge of the subject.

MR. SPEAKER: Are there any further oral questions? Mr. Evaluarjuk.

Question 039-62: Change In Length Of School Year, Igloolik

MR. EVALUARJUK: Mr. Speaker, I simply want to ask the administration or the Minister of Education if they have any remarks as to the procedures that are being used in Igloolik. School will start September 6th and end on May 31, 1978. Now, if the administration or the Minister of Education is not going to answer to my question before then, could the people do it the way they want to do it?

MR. SPEAKER: Hon. Arnold McCallum.

Return To Question 039-62: Change In Length Of School Year, Igloolik

HON. ARNOLD McCALLUM: Mr. Speaker, I think that when the question by the Honourable Member from Foxe Basin was brought up first the Commissioner indicated to him then that he would be supplying some information to him before this session was finished.

COMMISSIONER (Mr. Hodgson): Excuse me for just one minute, please.

HON. ARNOLD McCALLUM: Mr. Speaker, I apologize for taking the time to just set it straight. As I indicated, the Commissioner attempted to answer this question when it was first raised. At the present time I can only indicate that the department is still looking to see what can be done. The request was from the Igloolik people through their Member to reduce the school year by one month, to have a three month summer recess and to have, I think, the number of days was 175 or somewhere in that area and so I can only indicate to you as the Commissioner did at the beginning, that the department will look to see whether they can in fact come up with that kind of an answer for the request. They are asking in Igloolik that the school year instead of being 190 or 195 days in the ordinance, that the school year be 177 days. So I am afraid I can not offer any more than that at the present time.

MR. SPEAKER: Further oral questions? Gentlemen, I should remind you that these questions should be of an emergency nature under this item. Do you have an emergency question, Mr. Pearson?

MR. PEARSON: A supplementary question, Mr. Speaker, in response to the reply given my colleague from the Foxe Basin constituency. Surely under the new Education Ordinance the responsibility of setting the school days would be that of the community and not of the central government in Yellowknife.

MR. SPEAKER: I do not think that I will permit it to go any further than that. That was not a question, that was a statement.

Are there any further oral questions? Mr. Pearson. Do you have a question, Mr. Pearson?

Question 040-62: Power To Change Rules Under New Education Ordinance

MR. PEARSON: With all due respect on a point of order, that was a question and does the community now have or will it have the responsibility to set its own powers under the new ordinance?

MR. SPEAKER: Now that is a question, Mr. Pearson. Your previous comment was a statement.

MR. PEARSON: I misphrased the question. Thank you, Mr. Speaker.

MR. SPEAKER: Hon. Arnold McCallum, do you want to answer that?

Return To Question 040-62: Power To Change Rules Under New Education Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, under the proposed ordinance, the Education Ordinance, a community education authority does indeed have the authority to set the hours within the day. The request from the Igloolik people not only contained a request to alter the hours of schooling in a day, but they requested that the school year be 177 days long and under the ordinance there are a set number of days to the school year. As well it gives the authority to the local school committee or society to say that it may have students in school for longer periods of time in the day and I think that was part of the request as well from Igloolik. So to answer the Member's question, yes, it does have that authority to alter the length of a school day.

MR. SPEAKER: Are there any further oral questions? Mr. Fraser.

Question 041-62: New Game Ordinance

MR. FRASER: Mr. Speaker, I would like to know, or like to ask the administration when we could expect the new Game Ordinance that is being printed and could we have it passed out to the communities in plenty of time before it comes before the House?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question 041-62: New Game Ordinance

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the new Game Ordinance was tabled yesterday in the House by Hon. Peter Ernerk and there is planned a substantial distribution of that document.

MR. SPEAKER: Presumably it would be in your tabled documents book, Mr. Fraser. Are there any further questions? Mr. Evaluarjuk.

Question 042-62: Distribution And Translation Of New Game Ordinance

MR. EVALUARJUK: Mr. Speaker, I have a question concerning the Game Ordinance. Before we have our meeting, before October, I would like to know if the Game Ordinance will be distributed to the communities. For the communities I would like to know if they would be distributed, that is my question.

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question 042-62: Distribution And Translation Of New Game Ordinance

DEPUTY COMMISSIONER PARKER: Mr. Chairman, yes, the new ordinance will be distributed and I am also pleased to say that it has been translated into Inuktitut together with the regulations or proposed regulations.

MR. EVALUARJUK: Thank you.

MR. SPEAKER: Are there any further oral questions? Hon. Peter Ernerk.

HON. PETER ERNERK: If there are no further questions I wonder if I could have the unanimous consent of this Legislature to return to Item 3, as I have a couple of returns.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Is it agreed?

---Agreed

REVERT TO ITEM NO. 3: QUESTIONS AND RETURNS

Proceed, Hon. Peter Ernerk.

HON. PETER ERNERK: With regard to a couple of questions that were asked on May 12, 1977, first of all by Mr. Lafferty.

Return To Question W13-62: Figures On Sawmill, Fort Resolution

In response to Mr. Lafferty's question concerning the contributions made by the Government of the Northwest Territories, the following is an annual breakdown of expenditures since 1974: 1974-75, \$68,000; 1975-76, \$138,500; 1976-77, \$153,300 for a total of \$361,800.

Return To Question W12-62: Customers Of Sawmill, Fort Resolution

With regard to Mr. Lyall's question on May 12 concerning the Slave River sawmill I wish to respond with the following information:

One, the mill is operating on a line of credit of \$200,000, guaranteed by the Government of the Northwest Territories through the Canadian Imperial Bank of Commerce with an additional \$125,000 line of credit at the Canadian Imperial Bank of Commerce.

Two, to date the mill has operated on revenue generated through sales to various companies such as Weber Homes, Noranda group, northern wholesalers and retailers and contractors. A review of annual sales since 1974 shows approximately \$813,900 total revenue received. For example: 1974, \$19,800; 1975, \$211,500; 1976, \$439,500; 1977, \$143,100, for a total of \$813,900.

MR. SPEAKER: Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion. Mr. Lafferty.

ITEM NO. 7: NOTICES OF MOTION

Notice Of Motion 16-62: Union Activity, Transportation System

MR. LAFFERTY: Mr. Speaker, I give notice that I will move that we go into committee of the whole to discuss some of the problems arising from native employment in the transportation systems of the North, and I will take this opportunity or privilege to seek unanimous consent to see if I could move that motion today, Mr. Speaker.

MR. SPEAKER: Mr. Lafferty, you would have to wait until you got to Item 9, motions, but if I may say so, it would probably help you getting that unanimous consent if the motion you are planning to move were in writing and distributed before we get there.

MR. LAFFERTY: All right, Mr. Speaker.

MR. SPEAKER: Are there any further notices of motion? Hon. Dave Nickerson.

HON. DAVE NICKERSON: Mr. Speaker, I request unanimous consent for waiver of Rule 43 in order that I might be able to give notice of three motions. I would point out that most of these motions deal with government business.

MR. SPEAKER: Rule 43 says: "No Member shall give more than two notices of motion on any one day." Hon. Dave Nickerson would like unanimous consent to give notice of three motions instead of the two he would otherwise be restricted to. Are there any negative feelings? In that case, is it agreed?

---Agreed

Hon. Dave Nickerson, proceed.

Notice Of Motion 17-62: Appointments To Territorial Hospital Insurance Services Board

HON. DAVE NICKERSON: I give notice that on the next business day of this House I will move a motion dealing with appointments to the Territorial Hospital Insurance Services Board.

WHEREAS amendments made to the Territorial Hospital Insurance Services Ordinance made at the 59th session of the Legislative Assembly increased the Territorial Hospital Insurance Services Board from three to not less than five members;

NOW THEREFORE, I move that this House recommends to the Commissioner that Mr. Mike Kusagak of Rankin Inlet and Mr. David Emery of Yellowknife be appointed to the Territorial Hospital Insurance Services Board.

Notice Of Motion 18-62: Supplementary Benefits To The Elderly.

Secondly, a motion dealing with supplementary benefits for the elderly.

WHEREAS the Government of the Northwest Territories was requested at the 61st session of the Legislative Assembly to devise a scheme for supplementing the incomes of old age pensioners in the Northwest Territories;

AND WHEREAS the government has duly carried out that assignment;

NOW THEREFORE, I move that at a suitable time to be set by the Speaker, this House resolve itself into committee of the whole to discuss the proposals put forward by the Government of the Northwest Territories on the subject of supplementary benefits to old age pensioners.

Notice Of Motion 19-62: Treatment Of Young Offenders.

Thirdly, a motion on the treatment of young offenders.

I move that at a suitable time to be set by the Speaker, this House resolve itself into committee of the whole to study the following: "Highlights of the Proposed New Legislation for Young Offenders", a publication of the Solicitor General of Canada; and to debate the following motion:

WHEREAS this House is concerned with the problem of juvenile offenders in the Northwest Territories;

NOW THEREFORE, I move that this House:

- 1) Supports in principle the Legislative proposals outlined in the publication of the Solicitor General entitled "Highlights of the Proposed New Legislation for Young Offenders";
- 2) Specifically supports those proposals dealing with:
 - a) Jurisdiction with respect to offences
 - b) Jurisdiction with respect to age
 - c) Dispositions
 - d) Due process and procedural matters with the possible exception of matters relating to the "screening agency" which is inadequately defined and special concerns encountered within the Northwest Territories on account of our difficulties with transportation and lack of facilities;
- 3) Supports the concepts of diversion, community service sentencing and restitution where these are applicable;
- 4) Supports the strengthening of juvenile court committees within the Northwest Territories and notes that legislative provision for such committees is not provided for in the proposals.

MR. SPEAKER: Are there any further notices of motion?

Item 8, motions for the production of papers.

Item 9, motions. Motion 14-62 by Mr. Butters is the next motion but Mr. Butters is not in the House. Motion 15-62 is also Mr. Butters' motion and he is not in the House. Did you wish, Mr. Lafferty, to seek unanimous consent of this House to move the motion you just gave notice of under the previous item?

MR. LAFFERTY: I just sent my motion up for typing so I have not had time to distribute it and perhaps I could do it later.

MR. SPEAKER: You may wish to ask to return to the item later.

MR. LAFFERTY: Thank you.

MR. SPEAKER: Item 10, tabling of documents. Hon. Dave Nickerson.

ITEM NO. 10: TABLING OF DOCUMENTS

HON. DAVE NICKERSON: Mr. Speaker, I have three documents to table. Firstly, I would wish to table the following document: Tabled Document 25-62, Highlights of the Proposed New Legislation for Young Offenders.

Secondly, I wish to table a document, Tabled Document 24-62, Supplementary Benefit Program For Old Age Pensioners.

Thirdly, Mr. Speaker, I wish to table a draft ordinance, Tabled Document 23-62, An Ordinance To Amend The Medical Profession Ordinance. In keeping with the wishes of the Legislature this is to be tabled at this session and brought forward as a bill at the following session.

MR. SPEAKER: Are there any further documents to be tabled? Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, I would just like to table two documents. One with regard to the question that was raised earlier this year, during the January session, concerning prefab housing in the Northwest Territories, my answer to that question that was raised during the 61st session with regard to prefab housing in the Northwest Territories, I would like to table at this time for Members' information, Tabled Document 27-62, Prefab Facilities in the Northwest Territories.

Secondly, I would also like to table some figures on I believe it was Hon. Arnold McCallum's query regarding funding for the co-operatives in the Northwest Territories. Tabled Document 26-62, Funding of Co-operatives. This will also be for the information of Members.

MR. SPEAKER: Thank you, Hon. Peter Ernerk. Are there any further documents?

Item 11, consideration in committee of the whole of bills, recommendations to the Legislature, information items and other matters. What is the wish of the House respecting the first item?

ITEM NO. 11: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE, INFORMATION ITEMS AND OTHER MATTERS.

HON. PETER ERNERK: I would suggest we get into Priorities For The North, the constitutional committee's work, I believe it is Bill 4-62. Pardon me, Mr. Speaker ...

MR. SPEAKER: The report of the special committee on constitutional development?

HON. PETER ERNERK: Yes.

MR. SPEAKER: This House will resolve into committee of the whole for consideration of the report of the special committee on constitutional development, Tabled Document 17-62, Priorities For The North, with Mr. Stewart in the chair.

--- Legislative Assembly resolved into committee of the whole for consideration of Tabled Document 17-62, Priorities For The North, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 17-62, PRIORITIES FOR THE NORTH

THE CHAIRMAN (Mr. Stewart): To discuss the Tabled Document 17-62, Priorities For The North. Has everybody got their copy? Does the chairman of this committee wish to make a general opening statement? Mr. Minister.

HON. ARNOLD McCALLUM: Thank you, Mr. Chairman. Mr. Chairman, I would first of all like to say that the committee met extensively a great number of times and discussed the input in terms of the three basic areas that were outlined to us by Hon. Warren Allmand in Ottawa. I should also, Mr. Chairman, say how grateful I am to the Members of the committee, and of course to other Members who entered into the discussions and preparation for this paper at various times. Of course, I can not emphasize enough the contribution of the people, on the staff side who had to work long and hard to get the document prepared.

Most Important Document Produced

I believe, Mr. Chairman, that this document is the most important document that has been produced by any committee of this House and past Legislatures. It is, Mr. Chairman, our answer, our position on the future of the territorial government. I think it is a blueprint for the pursuit of the goal that we have of attaining fully responsible government. It not only outlines to Hon. Warren Allmand what we would like to see in his northern policy statement, but it indicates to everybody just how we feel in terms of the economic development of the Northwest Territories, how we view the settlement of native land claims and, of course, as I have indicated it is the way we see ourselves moving towards future constitutional development. Also, it is a demand to have that kind of government given to us. We have for the first time representative government but we do not have responsible government and, it is that goal that this paper sets out.

I think as well, Mr. Chairman, it is an answer to those inquiries,

commissions and organizations who would polarize northern peoples. At the risk of taking too much time, Mr. Chairman, I would still like to have read into the record of this committee's proceedings the preamble to the paper, and I would suggest, following that, sir, that we then deal with the specifics as laid down in the general recommendations. So, with your concurrence, Mr. Chairman, I would like to remind Members that at an historic meeting in Ottawa on March 11 this year the Hon. Warren Allmand, Minister of Indian Affairs and Northern Development invited the Legislative Assembly of the Northwest Territories to participate with him in the preparation of a major policy statement on the North, for presentation by him to cabinet for approval and thereafter to be made public early in July. The Minister's invitation to northerners to contribute to the formation of northern policy is a unique recognition by the Government of Canada of the Legislature's position under the constitution of the Northwest Territories as the principal political body in the North, duly elected and representative of all people in the territories.

Subsequent meetings and correspondence between the Minister and this Legislature have promoted a new and vital relationship between the two governments, notable for its openness in discussing areas of conflict, in defining mutual objectives, and in determining various means for attaining the territories' ultimate goal of responsible government. An atmosphere of candor and mutual respect has gradually developed in the 1970's, replacing the paralyzing sense of remoteness and unconcern which too often in the past has characterized relations between the federal and territorial governments.

Political Contribution Toward Policies By Members

The Minister has recognized this Assembly's constitutional authority to speak for the people of the territories, but he is also aware of the important political contribution which individual Members of the Legislature are in a position to make toward the execution of government policies through their travels and consultations with residents in their own constituencies.

The predominantly native population of the Northwest Territories is reflected in its Legislature; of 15 Members, nine are of native extraction. Electoral boundaries have been carefully drawn to assure natives of the political representation to which their numbers entitle them. Having attained commensurate political status, it is now proposed that the cultural rights of native people be guaranteed in the constitution of the Northwest Territories. Such an enshrinement of native rights will have a twofold purpose: to preserve native languages and cultures in some form of immutable legislation, and to guarantee those rights of native people which touch on their traditional use and enjoyment of the land, waters, animal and bird life.

The goal of government in the territories with respect to all native peoples is to equip them to make a viable choice between following their traditional way of life on the land, entering into the mainstream of Canadian society, or a compromise involving the best features of both. Such a choice is an illusion if the means of attaining either goal are not within reach. Education is the first requirement. Native peoples must be brought beyond the minimum level of basic literacy so that they can participate in a modern world. Only when a competency has been developed to live in either the old world or the new can there be said to be an authentic choice, for the essence of choice in native society is capability. Until they have the opportunity of acquiring competitive skills it is empty rhetoric to speak of uneducated and impoverished native peoples having a choice at all.

Subsistence Programs Not Alternative To Development

The other requirement for the exercise of real choice is economic. Native people must have the prospect of employment in their own regions and this means a vigorous and dynamic development of the economy, ranging from local enterprise to full development of renewable and non-renewable resources. Government subsistence programs, no matter how elaborate are not a satisfactory alternative to development. The native people of the Northwest Territories have achieved full political maturity, as reflected in the present Legislative Assembly. But there must be an overwhelming involvement by native people in the institutions of government at every level if their true aspirations are to be realized, and we are dedicated to achieving that end.

Of parallel importance to the realization of the native goals is the recognition and protection of minority rights. There can be no

institution of government in Canada which denies minorities that freedom of movement within and without the territories which Canadians enjoy in other parts of the country. Nor can any person living in Canada be denied the right to participate in local political institutions in his country, having fulfilled a reasonable residency requirement in his region. This is why the "native state" concept is, and always will be, totally unacceptable to the people of the Northwest Territories. To speak of "our political right to self-determination, to self-government, through institutions of our own choosing" and for recognition "as a people and as a nation" and at the same time to wistfully claim membership in confederation is, put quite simply, a contradiction in terms. The creation of separate enclaves, which divide people on the basis of race alone and which deny minorities their political rights, is a concept that is contrary not only to Canadian political tradition but repugnant to the Canadian constitution.

Declaration Of Rights From Carrothers Commission

At this point it may be well to consider the first postulate of the Carrothers Commission published in 1966 and I quote: "Every citizen of Canada has a claim to participate in the institutions of responsible government under the Canadian constitution; it is a goal of political development of the Northwest Territories that the optimum number of Canadian citizens resident in the territories should, at an optimum speed, participate in government as fully as Canadian citizens resident in the provinces."

If this declaration of rights was true in 1966, it is doubly valid now that the institutions of government have been brought to the hamlet and settlement level. The local governments are in place; the mechanisms for utilizing them are in place, as are the powers and responsibilities for carrying out programs; what remains is for all northern people to participate fully in managing their own affairs. Substantial modifications of traditional southern type municipal structures have taken place to adapt to our peculiar local circumstances; such adaptation has been and is a part of the official policy of the Government of the Northwest Territories as noted in Appendix "A".

The first principle governing any modification of existing political institutions is that complete fulfilment of the aspirations of all must be achieved within the framework of confederation. All groups are urged to participate in the political life of the Northwest Territories in order to make their social, cultural and economic aspirations a reality. The institutions through which they can express their deepest ambitions, which will enable them to maintain and enhance their various cultures, are already in existence throughout the territories. Hamlet and settlement councils will continue to adapt to the needs of individual communities as the people make their wishes known through their elected representatives at every level of government. The devolution of power and responsibility from the territorial government to local councils must be coincident with a transfer of provincial type responsibilities by the federal government to the territorial government. Areas of jurisdiction suitable for transfer are presently being defined and the appropriate requests for transfer made.

Commitment To Objective

This Legislature is committed to completing certain objectives outlined by the former minister, the Hon. Jean Chrétien in his report on the government's "Northern Objectives, Priorities and Strategies for the '70's" presented to the standing committee on Indian affairs and

northern development in 1972 and again I quote: "In the North, as in other parts of the country, the native peoples want to participate fully in economic and social evolution. They want to have clear choices about their lives and their role in Canadian society. They want the education, the training, and any other preparation and assistance they may need, for engaging in wage employment, for following professions and trades, for participating in government at all levels, or for following their traditional pursuits. They want jobs, not welfare. We are determined that they shall have solid opportunities for making real choices while retaining their distinctive identity and taking pride in their cultural heritage."

The recommendations constitute the Northwest Territories Legislative Assembly's contribution to the Hon. Warren Allmand's forthcoming northern policy statement. At the Minister's request, this paper is addressed for the most part to a statement of general principles which represents the views of this Legislature. These are arranged under the headings of Constitutional Development, Land Claims and Economic Development. However, a number of specific areas are presently under review for future negotiations with the Department of Indian Affairs and Northern Development.

Pressures From Many Directions.

With the full knowledge that economic and social changes, for better or for worse, have been part of the fabric of northern life for many years, and bearing in mind the very high proportion of the native population which is either in school or approaching school age, we sincerely question whether or not a distinctly slower pace can be accommodated by this growing population. We understand well the need for time for the native people to gain experience and confidence. The dilemma lies in the choice of that period, given the pressures and restrictions imposed from so many directions.

Mr. Chairman, I believe that we should now deal with the very specific recommendations that are outlined on the following pages, beginning on page eight.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Chairman, Hon. Arnold McCallum, the chairman of the committee who put this document together. It is the wish of this committee to follow the procedure as indicated by the chairman or would you rather make general comments on the first section of this paper before proceeding. Could I have your direction please?

SOME HON. MEMBERS: General comments.

THE CHAIRMAN (Mr. Stewart): Is it agreed, general comments before we go into this by section? Is it agreed?

---Agreed

The Chair will accept general comments. Hon. Dave Nickerson.

HON. DAVE NICKERSON: The only real reason I wanted to engage in general comments, Mr. Chairman, is that on behalf of the Members of the Legislature who were not on Hon. Arnold McCallum's committee, I think we owe him a vote of thanks for the excellent work that he and the committee Members and staff have done. I think they have come up with an excellent document that will withstand all the criticism that can be hurled at it. I think it will withstand the test of time and it will be an equivalent of the Carrothers Commission report of ten years ago, and I think it will provide the foundations for what might happen in the Northwest Territories within probably the next ten years. I would like to congratulate Hon. Arnold McCallum and the Members of his committee for doing a very, very good job.

THE CHAIRMAN (Mr. Stewart): Thank you. Any further comments of a general nature? Mr. Butters.

Meeting With Minister.

MR. BUTTERS: First, Mr. Chairman, a question of Hon. Arnold McCallum.

Yesterday evening I inquired of Hon. Warren Allmand's travels over the next two weeks. I understand he will be back at his desk in Ottawa on May 24 and is presently in Greenland and Scandinavia. The reason I inquired as to where he might be is because my recollection of our discussion with the Minister and his people in Ottawa was that once this paper has been put together, discussed, tabled and accepted by this House and the public, that we would then meet with the Minister and go over the specific details. To date there has not been any discussion between the two parties, in this case, a member of the federal government, Hon. Warren Allmand, and the Members of this House on the contents and directions that are contained in this paper.

Why I say that is necessary is because the Minister left no misunderstanding in my mind on March 11 or 13, whenever it was, when he told us that he would accept our contribution but that was as far as it went. We had no guarantee that our recommendations would form his paper. However, to ensure that our position was received by the cabinet, he did insure that there would be one to four pages in his document in which our position could be carried if it turned out it was the minority position or was contrary to that position which he intended to present to the cabinet. So, all this preamble is to say that the Minister is back at his office on May 24 and I understand that he will be available, or will be in the West on or about May 27, and I am wondering if it is the committee chairman's intention to arrange at that time to take either his committee or a subgroup of this committee to sit down with the Minister and go over these particular points and determine those points which he can wholeheartedly endorse and those points which he may reject so that we can have, if we have to, a minority opinion in the report.

Areas Of Endorsement By Minister

HON. ARNOLD McCALLUM: The answer to Mr. Butters' question is very simple; yes, we intend fully to meet with him, the Minister, Hon. Warren Allmand and to attempt to inquire of him, in fact demand of him if you like, what he is going to endorse. At a meeting we had with the Minister in Yellowknife we pressed for the point, to identify those areas that he would not endorse. We would like to know so that if we are serious about the attainment of responsible government we will have to peruse other avenues of getting our point across. So, yes, we will be arranging a meeting for him, we will make sure that he has that document, that he has in fact read it, and that he has in fact understood what we are attempting to do.

THE CHAIRMAN (Mr. Stewart): Mr. Butters.

MR. BUTTERS: Supplementary, I imagine he has read it as it appeared in the Globe and Mail last Monday, but the reason I asked the question is that "whizzer Warren" as he is becoming increasingly known in the territories should be in the West on May 27 and I would just suggest to the chairman of the committee that it might be a good time right now to indicate that the Minister might consider blocking in time during his visit to the West to meet with Members of Hon. Arnold McCallum's committee, to determine where we stand, because until the Minister looks at this and says yea, nay, yea, nay, yea, nay, this document is just a proposal.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters. Are there any other comments of a general nature? Hon. David Searle.

HON. DAVID SEARLE: Assuming this House gives approval to the paper, which I suggest we should really be spending our time at, but assuming that happens, then it seems to me that maybe the last act that the committee would perform, or even the caucus as a whole if they wish, would be to meet some time toward the end of this month with the Minister of Indian Affairs and go through the document, point by point to make sure that he understands exactly what we mean by each and every section. I think that would be as I say the last act, the follow-up that would be required.

Need To Deal With Specific Points

It seems to me that before, however, we can do that, we must, in the time we left to us in this session, go through the items, and they are numbered for convenience' sake and deal specifically with each and every one of them and seek the concurrence of this House, openly and publicly, and the comments of this House openly and publicly on each and every one. Although I by no means am suggesting we cut off general comments, it would seem to me that once we have had all the general comments that are necessary that we should go through the thing in point form, one by one, and agree to the headings on the paper starting with the area of constitutional development. The chairman of the committee might be called upon to just briefly paraphrase each of those sections, although of course, we have gone through this several times before. I guess what I am saying is that after having done that, the very last matter for discussion would be the paper as amended, how it will be presented to Hon. Warren Allmand. It seems to me that we might, of course, send it to him in the mail, that is, so it gets into the departmental mill, so to speak, but obviously that is not where we would stop. We would want to be sure to meet with him so he understands exactly what we say.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other comments of a general nature? Mr. Steen.

MR. STEEN: Mr. Chairman, I would like to congratulate the committee on the effort it has made for developing this paper. I want to say that the paper is a paper that accepts, or is part of the Canadian way of thinking. It does not deal with specific racial groups, it does not support other forms of government on a racial basis, and when I say that I support it most strongly because of this because the people of the Northwest Territories are one people when it comes down to sharing everyday life. The people are all becoming one people just as in any other part of Canada and in every other part of Canada, you name it, there is just about every nationality in the country who call themselves Canadians. That is pretty well the same concept in the North.

System In Hamlets

I say that for a long time now, for instance I have been working with this type of constitution ever since I became a settlement councillor of Tuktoyaktuk, ten years ago. I worked under the constitution of -- first I think it was called the community association, and the community association was working under a federal administrator and boy, did we ever have trouble working under an administrator. We could not get the things we wanted. So, in order to get our say we went from community associations into an advisory council to the federal government and found that that was just as bad or even worse. So, we had to try and get more of our feelings put through the system of joining the present system. So, we requested to become a hamlet where we would have more control, more say in determining which way we wanted to go. So, we requested it and as a result of that we were the first hamlet in the Northwest Territories to accept the present system and other communities in the Northwest Territories, since Tuktoyaktuk has had success, and they saw what steps we were making and getting the things we wanted done, so they applied, they began applying for the same system. It seems to me that they are accepting the hamlet's way, or the way of getting, being taken into the present system in the country and are still applying for more positions to become hamlets because they realize that that is the way to go.

I can not see the country going any other way after I have been through that mill of dealing directly with the federal government because the federal government is so far away and they do not know what is going on in this land, not as much as the territorial government. So if you see the different races of people who are applying for different types of government, they tend to deal directly with the federal government which is another similar system to the territorial government here. I say that if the present system is no good to the different native groups who are applying to the government why should they do the same? Why should they apply to the same system of dealing directly with the federal government?

Document Has Non-racial Basis

So, really I would like to say that I support this document because I think it is based on non-racial grounds and I can not see the people of the Northwest Territories after they have been intermarrying with each other they will be so confused whether they come under this government or that government and it is going to be a stage of confusion, an era of confusion and if this system is rejected, this one we have here, if it is rejected in favour of anything else, the only people who will be suffering will be the people of the North. The rest will be sitting back and laughing. So, that is one of the reasons why I really feel that we should all stick together and come under one system where we will not continue to fight with one group of people over another group of people.

I can not see any other way of it working. As you see now the communities, not the communities, but the different races or groups are screaming at each other and fighting with each other, saying "This is wrong and we are right and you are wrong" and we will continue to have this trouble if one system is not adopted by the federal government. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature. I have heard from you once, Mr. Butters, I will give someone else a chance. Anyone else? Mr. Fraser.

MR. FRASER: Mr. Chairman, I would at this time like to commend the chairman and his committee for this well prepared document. I also would like to recommend that the chairman and his committee go to Ottawa and present this paper personally to him in Ottawa, if at all possible. They have put a lot of work in it now and I think they should try and get together with the Minister and some of the head people in Ottawa after we have gone through it piece by piece and corrected it. I do not think there are going to be too many corrections or deletions and then the chairman of this committee and committee Members should go to Ottawa to present this paper to the Minister.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Fraser. In view of the hour, this committee stands recessed for 15 minutes for coffee.

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The Chair recognizes a quorum and calls this committee back to order.

Are there any other Members who wish to speak? Comments of a general nature. If there are no other Members wishing to speak at this time, the Chair recognizes Mr. Butters. The Chair recognizes Mr. Butters. You indicated previous to the recess that you wish to speak.

MR. BUTTERS: Are we still on general comments, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): That is correct, Mr. Butters.

MR. BUTTERS: I would like to just say a few words on general comments relative to the committee and the work done by the committee under Hon. Arnold McCallum. I recollect the membership was Mr. Lafferty, Mr. Lyall, Mr. Whitford, Hon. Arnold McCallum, Hon. Peter Ernerk and Hon. David Searle and yourself, sir, so that I think the views of many of the diverse parts of the large territory which we represent have been built into this paper.

Valuable Assistance In Preparation

As a Member of the committee I would also like to compliment our Speaker, Hon. David Searle, for the very valuable assistance and advice he has provided to us as we worked over the last two or three months to put this paper together. Thanks are due also to Mr. Terry Daniels who worked along with us and our own Clerk of the House, Mr. Remnant. I think too often in our debates we forget that these things do not get developed by themselves but require much input. We had a lot of help too from Dr. Walter Kupsch and Mrs. Shirley Milligan, both from the University of Saskatchewan, people who have ably served this Assembly and have done very, very excellent work in setting down the suggestions that we have made to them. So, as a Member of the group I think if we are successful in presenting it we must thank the many people who have contributed to it, I for one am pleased to have played a small part in it. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature. Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, first of all I would like to say that I think this paper which we prepared, which I had some input into, is basically a well laid out paper and I would like to comment on just one item which is the native rights which must be protected in the Northwest Territories.

Stronger Position For Communities

In this particular paper, at least some parts of it, if it is accepted by the Minister of Indian Affairs, I think it would give the communities in the Northwest Territories a much stronger position in terms of having input into their local affairs. I think it will give the community councils, the hamlet councils, a chance to improve projects which they have, such as sewage and water and sanitation and things of that nature. I could even go as far as saying that they could go beyond that type of responsibility if given more responsibility, so I think it is very important that we in this Legislature realize that aspect of it.

We state here, I believe on page five, "The devolution of power and responsibility from the territorial government to local councils must be coincident with a transfer of provincial type responsibilities by the federal government to the territorial government." I believe this particular paper is almost in line with the devolution paper which the territorial government is trying to establish at this time. Basically those are the very few comments of mine at this time, Mr. Chairman. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Peter Ernerk. Are there other Members with comments of a general nature? If there are no other comments of a general nature shall we proceed then ...

Disagreement With Some Views

MR. PEARSON: Mr. Chairman, I would like to make a comment of a general nature on this very important paper before us and I do so with some trepidation because of the nature of the comments I shall make, again a dissenting view, I suppose, but that is nothing new around here, is it?

There are some views expressed in the paper which I wholeheartedly endorse and there are some which I disagree with. The dilemma that I find myself in, is disagreeing with one of the basic, fundamental thoughts made and this therefore throws me out of kilter with the remainder of it. I am concerned about the very concrete statements that are made in it, the very bold statements, particularly on page two and especially on page three, paragraph three: "The native people of the Northwest Territories have achieved full political maturity, as reflected in the present Legislative Assembly." I can not honestly support that view. I do not feel it is true and, therefore, I am in conflict with the rest of the paper.

I endorse some of the views held in it with regard to responsibility, with the territorial Legislature having the responsibility for the areas that it outlines, but I do question again the constitutional development on page two and why this Legislature would demand the powers and responsibilities that it does and not demand the subsurface rights. If we in the territories are to have full responsibility then as I pointed out in my Berger comments yesterday, that would be one of the first things that I would want to see, which would be the complete carte blanche control of all resources because that would be, in my opinion, the key or our key to provincial status or, rather, to the provincial status of the Northwest Territories.

Division Of Territories

It is in that area where there could be the funding for the economic development or other economic developments within the Northwest Territories. One of my reasons, going back then to the comments that this Legislature, as it wishes to be called, represents the people of the Northwest Territories, all of the people of the Northwest Territories, when we came to the matter of education recently, at the last Legislative Assembly session, it became obvious to me and to other Members of this Legislature that there was very strong evidence that some Members, or Members from the East of the Northwest Territories represented a different view than the Members from the West. Now, in the paper the question is asked, or is mentioned, whether there should be a division of the Northwest Territories and having changed my mind since 1963 when I vehemently fought against division because it is common knowledge that I have changed my mind again and I am fully in accord with division, I feel that certainly for the sake of development in the Eastern Arctic, and for the sake of the native people who are there and the special needs of the native people in the Northwest Territories, particularly in my constituency, that division should occur.

The paper also says that local government is a reality and that people are participating and everything is hunky-dory, or at least that is the impression I get from it. I disagree entirely with that view. I am very concerned with the development of local government and I, like many of the people in the Eastern Arctic, am very concerned with recent developments in local government and we at the municipal level, in my other capacity as chairman of the council of Frobisher Bay wonder where this will lead, and where we can expect people taking a real hand in running their own affairs, not the roads and dumps and dog problems but the other affairs, being responsible for social programs within that community, for education within that community, and, for those matters, for economic development and for those matters which are of vital importance to the municipality.

In light of the recent developments in local government and the shutting down of the training aspect of it, or rather the elimination of it for the time being, one feels that unless we get some form of training program, some form of communicative methods, some dialogue between the territorial government and municipalities and communities, whatever you want to call them, people will never learn to take on these responsibilities. Now, the danger of us all turning overnight into a bunch of communists, or radicals, I think is highly unlikely, we just want to take on that responsibility, more responsibilities, run our own show, get our fingers burned if necessary. I feel that this paper makes a statement that I do not fully agree with on the evolution of local government. So, as general comments, Mr. Chairman, I would make those comments for now.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. Are there any other comments of a general nature? Hon. David Searle.

Positive Suggestions Anticipated

HON. DAVID SEARLE: Well, Mr. Chairman, having together with others in this committee spent a considerable length of time and effort on this document I guess it is my sincere wish that Mr. Pearson had gone through the experience as well. Notwithstanding that however, I wait with eager anticipation to all of the positive comments that I am sure he will be making and the positive suggestions, appreciating as I know he does that the easiest thing in the world to do is play the critic. So, I look forward to his positive input and suggestions as to how we can better improve the paper.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

MR. BUTTERS: I just have a brief comment on the remarks made by the Honourable Member from South Baffin. It sure changes one when one sits in the driver's seat. I can remember the Member, and I could probably find his motions too, but I can recall in a number of his replies to the Commissioner's Address and in discussions on local government saying "We are going too fast, it is going too fast". Now, that he is mayor of Frobisher Bay, it is not fast enough. So, it depends upon where you are sitting when you regard the speed of things.

THE CHAIRMAN (Mr. Stewart): Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I am a Member of this committee which put this paper together dealing with and using on it all the particular knowledge I had to offer. It could be argued perhaps that there was not enough, or whatever, but nonetheless I was one of the Members of it. I perhaps am different than Mr. Pearson. I was born and raised in the Northwest Territories and I was in charge of a native organization at one period in time and have certain feelings about certain things and one of them, of course, is that after getting educated to a degree we have to work within an economic society. We can no longer hunt and trap and that is not just my idea, there are others who feel the same way, but on the other hand, we must protect those who want to carry on in the same traditional way. The other people who come into the Northwest Territories are as much Canadian as myself and they too have the right to travel free within the country of Canada. I do not think that I want to be a participant in telling people that they can not do this or can not do that, but rather we should give them the same right to be able to reside in the country, or in particular in the North.

I would have hoped that in this paper that I would have been able to show that or express that particular view in my support of the make-up of this particular paper. I do not think that all of this paper will be accepted by the government but a great deal of it perhaps will. I do think there are people in the Northwest Territories, native people, Indian, Metis or Inuit, who feel much the way I do in this kind of an expression, on this paper.

I also feel that now is the time perhaps when one can look back and see some of the mistakes and it could be argued who was at fault or whatever, but the Northwest Territories at this point in time is in an economic disaster and, because of it, there are going to be a lot of people who suffer, not just the people who are native people, if you want to term them that way, who are in business or otherwise, but as well the Indian people as well as the Inuit. The kind of thing that this paper describes to me is trying to get a solution, to try and pull it together.

Constituencies Should Be Broken Down

This describes in here that we want to increase this Assembly so that we get a much better or much broader input from the communities. I do not think that my particular constituency, having as many settlements as it has, should be as big as it is, I think it should be broken down, but at the same time it is very difficult in these communities to have people to come here to read and express views, etc., and to say what the people in the communities feel and to compare that with what the other organizations say, which is entirely different. I hope that because of these things that the things in the paper, which I support, will be understood.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Whitford. Are there any other comments of a general nature? Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I suppose that because of many pressures that we may feel from the differing opinions that it does become very easy for us to criticize, but when there are too many criticisms directed at my colleagues who participated fully in this Legislative Assembly on its representative bodies, and have experienced the long working hours that the Members of the committee have dedicated to this paper, and knowing myself the 15 or 16 hours a day that I put in, while Mr. Pearson was minding his business, I take exception too, to that kind of criticism. Again, on the other hand, I look at it this way. I do not feel so bad when I look at it on the positive side. In order to get a kick in the ass you must be out front.

---Laughter

Native People Have Reached Political Maturity

I think in my personal opinion the native people in this country have reached if not full maturity, they have reached some kind of maturity and they certainly did reach political maturity. If not, why the native political claims instead of representing the land claims that were presented in the first place? If they have not reached political maturity then why is everyone across the nation joining political groups? Yes, my fellow colleagues, they are mature for good or bad. I think that this piece of paper before us into which many of us have had great input, and on which we have had many exchanges and debates and arguments and many of us had to give and each person I know of has given, I believe, it is a document that reflects the views of individual people that comprises our society in the North. I think in the area of natives, we went even further by enshrining those rights to which they have a legitimate claim, either by inheritance or by ethnic origin. I look at this paper as probably the only vehicle which will unite the people...

MR. BUTTERS: Hear, hear!

MR. LAFFERTY: ...because, contrary to the popular statements and articles, or statements that are made and articles that are written, even the ethnic or racial Indian groups in this country are divided by ethnic and language differences. It is easy for them to put on paper of their unity, of their one united front, but among the membership there is still deep resentment and hatred between tribes and mistrust. The sooner that we bring this moral to the public eye the sooner these people will take their proper place in society and then they can govern their own affairs.

There are many good things in this document as Mr. Pearson points out and there are also bad things in this document but I believe so is life. I am not all good; there are a lot of bad things about me. Everytime I point my finger I see three more pointing back at me and I think the idea is to get the good points in and hopefully by doing these things eventually people can guide themselves and grow into maturity as the people of the North, not just as an ethnic group. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lafferty. Are there any other comments of a general nature? Are you ready then to proceed to study the paper section by section? Is it agreed? Mr. Pearson.

Native People Should Examine Paper

MR. PEARSON: Mr. Chairman, at the risk of getting people upset, the one dissenting view seems to certainly cause a lot of furor amongst my colleagues, one which surprises me, but anyway what I was going to say was that if this document supposedly speaks for all of the people I would have thought that before the paper was tabled in the House or rather before it goes to the Minister that the people in the North be given an opportunity to look at it, our constituents, that in particular the native people and the native Members of the House be given an opportunity to examine it carefully so that they can fully understand the implications. It is only in the last few days they have been given a copy that is at all comprehensive, that there are other people in the territories who claim that they have a say in things. There are the Indian people who are of the view that they have certain rights and I can not help but think that it would be to our advantage if we made an attempt to meet with the native organizations to discuss this paper with them before it goes to the Minister. Now, that is a positive comment that I would like to make in reply to those rebuttals to my comments.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. Hon. Dave Nickerson.

HON. DAVE NICKERSON: Mr. Chairman, Mr. Pearson's point is of course well taken and maybe I should explain perhaps, because the Honourable Member for South Baffin has not been listening too well, what the intention of this paper is and what is to become of it and how the people of the Northwest Territories will have every opportunity to put their personal input into what is the final policy position of the Government of Canada. As we are all aware, with the possible exception of the Honourable Member for South Baffin, this paper has been prepared very much at the request of the Hon. Warren Allmand. Hon. Warren Allmand wants to come up with a policy document for the North, something that will answer a lot of the questions which are hanging in the air, something that will provide the framework or the backbone on which we can build in the next few years in the Northwest Territories. He has requested this of us and this meets with our approval and what we all want to do and we are very pleased to co-operate with the federal government. Because of time constraints Hon. Warren Allmand has imposed something of a deadline on when he will be able to receive our submissions for inclusion in his document.

This Paper Should Not Be Circulated

Therefore, of course, it is a very silly suggestion to say that we should circulate this particular paper widely throughout the Northwest Territories at this time. When we have submitted this to Hon. Warren Allmand, he and his staff will look at it and hopefully will include much of what we say in his policy document which will then go before cabinet. I would suspect that Hon. Warren Allmand's proposed document will receive careful scrutiny by the cabinet of the federal government and will come away from cabinet in an amended form.

It is then the intention that this policy document, the one prepared by the federal cabinet with our input be circulated very, very widely throughout the Northwest Territories. Indeed, the Hon. Warren Allmand has said that he intends to appoint a special representative whose sole task it will be to travel with this document throughout the whole Northwest Territories soliciting people's views and comments so that eventually we will, and I say "we", that is both us and the federal government and all the people of the territories will come up with a document which will represent the majority view, hopefully the consensus and we know there will never be a

complete consensus, but as far as is possible the views and wishes of the people of the Northwest Territories. It will obviously include some of what the federal government will see as being the priorities of the North based on the whole national picture and obviously that will have to come into it too, but we have been assured and obviously have no reason to doubt that Hon. Warren Allmand's policy paper will receive the widest possible distribution for comment in the Northwest Territories. I am sure that now the Honourable Member for South Baffin realizing this will not employ his usual delay and defer tactics, but I am sure he will now, if he has anything to say he will say it now and amend this document or attempt to if he feels it is necessary and I am sure he will let us get on with the job and let the federal government also get on with the job.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Dave Nickerson. Mr. Butters.

MR. BUTTERS: Thank you, Mr. Chairman. I think that all Members of this House share Mr. Pearson's concern at being -- well maybe railroaded is too strong a term, in this matter. The Honourable Member recalls as I think we all do that our hope was and the intention of this House was to go to the people over an extended period of time, some 16 months so that we could find out and consult and take the time that is required to get a real consensus from all of the people of the territories. I know Mr. Pearson was in strong support of that view as I am and as were other Members, but unfortunately he did not share the shock that the rest of us had on March 13 when the Minister said, "I can not wait for you guys. I am expecting the Berger submission and I have got to answer Judge Berger. My answer is going to be on the three areas, constitutional development, land claims and economic development. I am going to present the paper to cabinet and if you want to come along with me, hop on, if you do not, I can not wait. You can be thrashing around a year from now consulting but you will not have any input into the future blueprint of the North." So there we were sitting with our mouths open. There was really not much we could do except agree and attempt to meet the time constraints that were imposed on us. We would agree with you that time is very short, but if we do not attempt to do that the Minister will not include in his paper to cabinet the knowledge and the experience of at least the Members from this House.

THE CHAIRMAN (Mr. Stewart): The Chair recognizes Mr. Evaluarjuk.

Meeting With The Minister

MR. EVALUARJUK: Mr. Speaker, I would like to say a few words. We have a Legislative Assembly and we have to travel anywhere in order to meet and just before we leave our constituencies and constituents they have to be aware and they have to know what we are going to meet about. Right now towards this paper, first in Ottawa and when we were meeting there they never said anything at all about this paper to the Minister. I did not make any comments and I was being asked towards this again and I replied that I was not told by the Inuit people and I do not know how the paper should be written, but this paper -- I have read it but I did not see anything wrong with it.

When we had a meeting in Ottawa I heard a really good comment from Hon. Warren Allmand. Starting today towards the Northwest Territories is he going to put up any kind of paper and the Ottawa people said that the Northwest Territories will have an input towards anything that is happening. We have tried very hard in order to have more authority within the House and representing our constituencies or our hamlets and we have

given advice and also we have always said that we want more authority within the House. In this paper I understand it fully and they have a two fact meeting, such as saying we want more authority over the Northwest Territories and also within the House.

One thing I do not really like about this paper and I will talk about it later but I want to say a few more things before I say that. The Inuit people probably will agree with this paper, but some groups might not like the idea of this, I do not know for sure. One major thing that I did not really like about it was in the Inuktitut paper, section II, towards Economic Development. It says the Legislative Assembly of the Northwest Territories is supporting the pipeline in the Northwest Territories and you can read that in the paper.

However, I really did not like what it was saying in the Inuktitut syllabics. For myself, being a Member, I was never told by my constituents to support the pipeline but will this happen, or if the people see this, our constituents, and they ask about this paper, I do not know how I would answer them back and so, I could not tell them to support the pipeline and if we lie to them we could even be taken to court. So, how would we go about this?

Interfering With The Nunavut Proposal

I know I am not in a position of supporting the pipeline but I was elected myself, I was, but on the other hand, we could put our hands up and agree with anything. I also want to say one more thing, and that is, as Members of the Legislative Assembly, Northwest Territories, of course, we are not trying to hide anything, we are not against each other. I have never heard of anyone from here speaking on land claims but is this true, whether you are elected or not, I would like to find out about your ideas, if we are going to interfere with the Nunavut proposal. Now, I do not know if I can help the Assembly, and I have heard a bit about it from Members of the Assembly, but maybe we are interfering with the Nunavut proposal and I have heard this being said but I am just putting that forward to you as my own idea.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Evaluarjuk. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, I wanted to just comment as a few other Members have with respect to this matter of how desirous it would have been to have been able to take this paper around the North and consult with all of the people of the Northwest Territories. That, of course, was the essence of our proposal, for a major inquiry, constitutional inquiry, which we had mapped out would take about 16 months; it was not of our choosing that we could not do this. Members will recall that the Minister instructed the Commissioner not to give that bill first, second or third reading, not to recommend it to this House, not to fund it. The Minister sent out to us from Ottawa his own timetable and invited us to instead as a Legislative body, to put our views to him, in a time frame which was of his choosing, in a time frame which did not permit the wide consultation of the public that we would have preferred, and was the essence of our previous recommendation.

We said in response to the Minister that we would participate with him in this three month exercise and hold merely in abeyance our constitutional inquiry to see how far we got with this. At least to my mind that meant that we have not abandoned that view.

MR. BUTTERS: Hear, hear!

A Blueprint For The Future

HON. DAVID SEARLE: To my mind, we would see how effective the pre-consultative course, which is what we are doing, in other words, his pre-consultation with us was. We would wait to see how effective his post-consultation as he referred to it went, and that is the consultation after he made his paper public through his special representative in travelling throughout the whole of the North. You may know, for those Members who have been involved in this all along, that part of the plan is for Members to travel with this special representative to make sure that our proposal and the paper get wide public discussion. As I understand it from the Minister, it is only after all of this is done that he will then cast in concrete, so to speak, a blueprint for the future. However, his initial statement which we expect in July will simply be a statement of things as he sees it, but very much for wide public discussion.

It seems to me therefore, that we should see what his paper says, secondly, making sure it is widely discussed, together with our own, and whatever thoughts of course come from the public before there is anything which you would call firm government policy.

As this, however, is the area of wide consultation, how many times do you go around and around the process? So, if we are going to do it, following July, if that is the way it must be because we can not in this House put forward expenditures of our own choosing, that is the constitution that is imposed on us by parliament, it seems to me that that is the way it has to go. Now, I suggest that we participate to the extent we have agreed to, keeping our options open, as I think we have tried to for other courses of action should this thing not be going the way we think the people of the Northwest Territories would like it. Unfortunately through this whole debate we are invariably in the position of having to support a course of action which is not of our own choosing...

MR. BUTTERS: Hear, hear!

Supporting A Position Not Of Our Choosing

HON. DAVID SEARLE: ...having to support a position, even a constitution, the political entity of the Northwest Territories which is not of our choosing. We do so with the reasonable expectancy that with a proper commitment to a form of evolution all of the people in a reasonable length of time will be full partners in this country of ours and, in confederation. The worst thing that could happen, the worst possible thing that could happen, would be for the Minister and the Government of Canada to say on the one hand that we can not expect to do that within a reasonable length of time and, on the other hand as well, refuse any unique, special or different type of native state approach.

In other words, the worst thing that could happen to us it seems to me is for the Government of Canada to say to the people of the Northwest Territories "You can not take part in a normal sense or in a different sense" and that is what we have to make sure does not happen.

So, I would love to cast myself, Mr. Chairman, in the role of a critic, in the role of someone who does not put forward anything positive or does not take the responsibility to make the best out of a bad deal, and that is the easiest route, but unfortunately what we have to do surely is try and achieve the best we can for our people within this system as it is imposed currently upon us. Now, that is in essence what this exercise is about. If it does not work out then I for one am prepared to adopt, if I may say so, without any disrespect to Mr. Pearson, but to adopt the Pearson tactic of being negative and defeat all the legislation and all the budgets for the next two years if this does not work out. If we were to do that, the other 14 of us we would have a united House. That, of course, is the ultimate weapon I suppose.

For my part I am prepared to see how far we get with the Minister, I am prepared to engage in the post and the pre and all the other consultations in the hope that things will work out because of the pressure on the Government of Canada, generally, to come up with something workable. Surely we must be optimistic that there is a possibility of that happening and it is because of that optimism that I have engaged in this exercise, although it is not an exercise, I repeat, of my choice, the time frame is not of my choice, and the lack of initial wider consultation is not of my choice. If you want to criticize that, do not criticize this committee's report, do not criticize this House, criticize the Minister. Criticize him for not letting our inquiry go ahead, criticize him for the instructions he gave the Commissioner.

MR. BUTTERS: Hear, hear!

HON. DAVID SEARLE: Take the battle to him, but not to this House.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. David Searle. Any further comments of a general nature? Is there anyone who has not spoken who wishes to speak? Mr. Kilabuk.

The Power Of The Federal Government

MR. KILABUK: Mr. Speaker, I would like to say a few things about this paper. When we had a meeting in Ottawa concerning this paper the Minister of Indian Affairs wanted support, and also in the Northwest Territories, we recognized or he said he recognized the Northwest Territories Assembly, and I know he is trying to work well with us concerning the Northwest Territories. He also wanted support concerning development in the Northwest Territories. So, we agreed together, those who were on the committee for constitutional development would be elected. So, a report, and it seems the report was written well, it was pleasant to read some things and there was a very understandable translation in Inuktitut. We have been working very hard on constitutional development and in that case, right now, the constitutional committee, we tried hard to establish this paper and to get support for it but I think the Legislative Assembly should show that we want to have this power, as it states in the paper.

Also the ones who do not like it, where we are getting people in Ottawa telling us what to do up in the North, concerning wildlife and other programs, they are being helped from Ottawa and we do not now know who is stronger because we know that the federal government has the strongest power in the whole of Canada. The Northwest Territories government can hardly have any say about national laws and it seems to me the things that are being done in Ottawa should be moved to the Northwest Territories. If this paper is passed I think it will happen except as Mr. Evaluarjuk said there is a section in the paper which I do not agree with, especially about the pipeline. Also what it said about the pipeline in the paper I do not agree with because when they were dealing with pipelines they even wanted to have a vote on it, whether we wanted it or not. So, like Hon. David Searle said we should have another meeting but the constitutional committee should have another meeting and I would like to see it done that way instead.

Now, also concerning the general discussion or the discussion on general comments, they would have more idea or have more input into constitutional development and I do not see many problems, any problems in the constitutional paper. The only thing I do not like about it is what it says about the pipeline.

Beginning To Be Recognized

We as Members of the Northwest Territories Assembly we are beginning to be recognized by the Government of Canada, and it will not be a problem for the other associations. I would not mind it, however, land claims, if they agree to them, I would not see any problems but there may be some problems, I do not know. That is what I think.

We will probably have to put some input in for the land claims, that is what I think. I do not think there will be any conflict with land claims if it is settled, but we should try and seek some more information if there will be any conflict with organizations.

I like the written paper. I like it very much but the only thing I do not like is about the pipeline and I say that once again. Right now we are having general comments and the constitutional committee should try and get some more input as to what they have heard from the Legislative Assembly, the Members, especially what they want to hear about the general comments. Thank you.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Kilabuk. Hon. Arnold McCallum.

Simply A Recommendation To The House

HON. ARNOLD McCALLUM: Mr. Chairman, the background and conditions for the timing of this report, they have been well gone over and I do not intend to pursue that avenue. I think that we should remember that this is simply a recommendation of a committee to this House. It should get careful scrutiny by every Member. In order to receive either endorsement or rejection the recommendations of this report had to come to this House and that presented a problem because the final draft was to go to the Minister, Hon. Warren Allmand. The report is such an important report for all of the territories that there had to be, there just must be open debate within the House.

Notwithstanding that the remarks I read used the term "the Legislative Assembly's stand or position" or in fact it purports to indicate that, it undoubtedly will go through some revision when we all discuss it, but we could not prepare a document of such importance and not put it open, keep it amongst a group.

Therefore, Mr. Chairman, I again suggest that we deal with the recommendations which are put forward by the committee, the constitutional committee, to the committee of the whole.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other comments of a general nature? Everybody I believe now has spoken. Are you ready now to go through this paper section by section?

SOME HON. MEMBERS: Agreed.

---Agreed

Constitutional Development

In the second section I direct your attention to page one, Constitutional Development. I am sorry, they have renumbered it, it is page eight, Constitutional Development. Hon. Arnold McCallum, would you like to make some comments to start off discussion on this section?

HON. ARNOLD McCALLUM: Mr. Chairman, I think the general statements that are made, there are three of them, they indicate what we eventually are seeking and that of course is responsible government. I have no further comments to make in reference to those three statements.

THE CHAIRMAN (Mr. Stewart): Thank you. Page eight. Constitutional Development. Comments? Hon. Dave Nickerson.

HON. DAVE NICKERSON: Mr. Chairman, on A, General, the three general

parts there, I would like to comment briefly, Mr. Chairman, on the first of them. Part (1) says: "The structure and technique of government should not be foreign to the Canadian political tradition.", and if we are to take that view then it means that the native state concept must of course be rejected. I think this deserves a certain amount of consideration. I do not think we should just discard out of hand the native state concept. I think it deserves a certain amount of investigation.

Now, from reading through proposals such as the Nunavut proposal and listening to organizations such as the Indian Brotherhood, it appears to me that what they want is something analogous to the homeland in South Africa and that would appear to be what they want. Now, as a practical person, more so than a philosophical type of person, my first question is, would it work? Here again we have to look to South Africa and I must admit that most of my information as to what is happening in that country comes from official sources such as the Government of South Africa itself and organizations such as the Johannesburg Chamber of Commerce, but judging from this it would appear that in many respects these native states do work. So, that is one point that maybe if we were to have them we could live with them or Canada could live with them because they would be able to work.

Problems In South Africa

Nevertheless, I would tend to reject that system for a number of reasons. In South Africa apparently it has not really solved the problems of native people in that country. Their problem is people who live outside of the native states and people are very reluctant to leave the major centres of population and places they call home. They do not like to be shepherded into the homeland. They would much prefer to live in cities like Johannesburg and Pretoria, and that type of thing rather than go back to the areas that have been designated as homelands.

I guess from the point of view of the leaders of the organizations, ethnic organizations, it might have advantages for them personally in that they would be able to be premier of this native state or premier of the homeland or whatever you want to call it and it would obviously give them a great deal of importance and influence and I guess everybody likes to be important. This occurred to me, that that might be one of the reasons why people are pushing for that type of situation.

I do not like the apartheid system or the homeland system, I do not like it at all. I would hope that we should not have to have this division amongst the people of Northwest Territories. It would seem to me much more preferable if we could come up with a system of government or a system of distribution of resources or distribution of the land where everybody can compete on equal terms and co-operate on equal terms. We do not have to engage in this continuous division of people in the Northwest Territories.

I think that in the long run that is the only real workable solution, for everybody to get together and forget these differences which to a great extent have been imposed on us. I think in many respects they have followed what has always been the attitude of the people of the Northwest Territories over the last few years. This attitude or polarization has increased and especially since what has happened in the South and the attitude of Ottawa and all the various southern people coming into the territories and telling us what we should do and telling sectors of our population how they have been exploited and how you should fight against the other guy and all this type of thing.

In my view it is just not right and I fully subscribe to the point of view as laid down by Hon. Arnold McCallum and his committee, that the really only workable solution is one of co-operation between the peoples of the territories, regardless of their origin.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Dave Nickerson.

Page eight, Constitutional Development. Mr. Butters.

Political Incarnation.

MR. BUTTERS: Sir, commenting on part (1) with reference to what Hon. Dave Nickerson suggested could be the homeland concept. I have always rejected and continue to reject the idea that these communities of which I have spoken, whether they are linguistic or ethnic could seek political incarnation. That is an awful line and by the way it is not mine, it is Rt. Hon. Pierre Elliot Trudeau's and when the Prime Minister of our country makes that kind of statement I think that the concept that we have stated here would be very much acceptable to him.

I am quoting from a document signed by the Commissioner of April 22nd where he goes on to say and also in the April 4th Globe and Mail, he quotes the following remarks of the Prime Minister:

"Recently Prime Minister Pierre Elliot Trudeau threw cold water over this self-determination issue in rejecting a Quebec claim for self-determination based solely on ethnicity, Rt. Hon. Pierre Trudeau said 'that is why I oppose the idea of certain Eskimos who want a nation of Inuit or certain Indians who want a nation'."

So, it seems that the Rt. Hon. Pierre Trudeau has been very specific in his rejection of the homeland concept. So, I would take it from that that the position is as developed by Hon. Arnold McCallum and his committee, and now being discussed, and it would appear to be generally accepted by all Members is one that meets with the wholehearted support of our Prime Minister and one would expect by extension, of his cabinet, which includes our Hon. Minister Warren Allmand.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Steen.

Native State Concept

MR. STEEN: Mr. Chairman, referring to page eight, what the Honourable Member for Yellowknife North said, I think what he said there that the native state concept should be investigated, whether or not it could work, I do not quite agree with that because some parts of this paper refers to another, for instance, on page nine. I think it is the attempt of this House, this Legislature, to try and pull people together and the attempt is shown on page nine under part (7): "The Northwest Territories Legislative Assembly should be empowered to establish the number of its Members and this number should not be less than 15 Members, nor more than 25, ..."

Now, to give you a little history of this House, a few years back the elected Members in the House were very few and when we in the territories decided there should be 15 Members it certainly pulled in a lot of native Members and, if we continue on this, on this idea we should be able to pull in some more native people. Therefore, the majority of the people represented on this Legislative Assembly should be way over, should be the real majority of the country, showing as the country is. So, strong emphasis I think should be placed on increasing the membership of the Legislative Assembly so that everyone will have an equal chance on the Legislative Assembly. I think we can get away from the idea of native states and this is emphasized very strongly.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Steen. Page eight. Mr. Pearson.

MR. PEARSON: Well, I just wanted to comment, Mr. Chairman, that the motives and intention behind the clause, on the page, is fine, and Mr. Steen's comments are well taken as are Hon. David Searle's. However, it is not quite as simple as that, and the example we can look to, of people wanting to do their own thing so to speak is the situation in Quebec today. It is not a simple matter.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Pearson. Any further comments from the committee? Are we agreed to page eight?

MR. BUTTERS: Mr. Chairman ...

THE CHAIRMAN (Mr. Stewart): Mr. Butters.

MR. BUTTERS: Could we go through each one, generally parts (1), (2) and (3) so we are sure that every specific has been dealt with and approved? That is just a suggestion, sir.

THE CHAIRMAN (Mr. Stewart): Are we agreed on that approach?

--- Agreed

On page eight, Constitutional Development, A, General. Part (1), is it agreed?

---Agreed

Part (2). Agreed?

---Agreed

Part (3). Agreed?

---Agreed

Under B. Specific, part (4). Agreed?

---Agreed

On page nine, part (5) under B. Agreed?

---Agreed

Part (6). Agreed?

---Agreed

Part (7). Mr. Butters.

Constituency Boundaries.

MR. BUTTERS: Yes, I would like to comment briefly on that as I am chairman of the committee that seeks to establish, or works to establish new constituencies and the Members of the committee are Mr. Steen, Mr. Evaluarjuk and myself. We recognize that the present boundaries that exist in the territories, the boundaries are very difficult for some Members. The three Members who serve on the committee feel that there should be some changes in the present constituency boundaries and I think we are very pleased to see this section in here and will be strongly urging the Minister and strongly urging the full support of every Member of this House to have that incorporated into the new Northwest Territories Act. The Yukon Act as amended two years ago did have such a provision incorporated. The very first Northwest Territories Act in 1875 contained that provision. It will be very good to see some of these unwieldy constituencies broken down, enlarged and increased. As Mr. Steen said the people of the North will be better represented than we are able to represent them at the present time.

THE CHAIRMAN (Mr. Stewart): Thank you. Part (7) on page nine. Agreed?

---Agreed

Part (8) on page nine. Agreed?

---Agreed

On page ten, part (9). Hon. Dave Nickerson.

HON. DAVE NICKERSON: Just one question on part (9) in the last line where it refers to a general election. Is that to mean the next territorial election or the next federal election?

HON. ARNOLD McCALLUM: Territorial, it is a territorial paper.

HON. DAVID SEARLE: Territorial.

THE CHAIRMAN (Mr. Stewart): Would you like to have the word put in so that there is no doubt?

HON. DAVE NICKERSON: I think it might make it a bit clearer. It is not really a very important point.

Motion To Amend Section 1, Part (9), Carried

THE CHAIRMAN (Mr. Stewart): Shall we add the word "territorial" in front of "general"?

---Carried

Mr. Steen.

MR. STEEN: I would just like a bit more clarification on that. I believe that there are going to be two federal representatives in the next federal election and if there is no division before that would it still be possible to have representatives for the East and for the West as I understand is going to be happening in the next federal election?

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum, would you like to field that?

HON. ARNOLD McCALLUM: We are recommending that at the time of the next territorial general election that the subject of division be referred to a referendum at the time of it. So, eventually within the life of the succeeding House the negotiations if you like, or the mechanisms to get a division would be one of the prime responsibilities of that House. We at the same time in this recommendation are saying that we do not support the geographical boundaries of the federal constituencies. So, if in fact the division of the Northwest Territories takes place along different geographic lines, there could be the simple expedient of changing the federal boundaries. The Minister, the Hon. Warren Allmand in a meeting with us suggested to us that federal boundaries have been changed in the past, they can be changed in future. So, it is conceivable that instead of having a north and south federal representative in the House of Commons it could be east and/or west or it could be whatever boundaries would be established then.

THE CHAIRMAN (Mr. Stewart): Mr. Steen.

MR. STEEN: Just a short question. I understand that the next federal election will be before the territorial election and that was really the question I was asking.

HON. ARNOLD McCALLUM: Well, I am not privy to any knowledge of the next federal election but I know that the next territorial election will be in 1979. I believe it will be March, 1979. As to when the next federal election is to be, I have heard the same thing, but I do not think that will effect it, the principle we are looking at in this recommendation.

THE CHAIRMAN (Mr. Stewart): Part (9). Mr. Pearson.

Concerning A Referendum

MR. PEARSON: What would be the mechanism, who would initiate the referendum, how would the Legislature or the Minister determine that it was necessary to hold a referendum?

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I think that we have had a recommendation to the House that we discussed yesterday talking about the next territorial election, in that there would be a change in the present practice carrying on territorial elections. I would suggest, sir, that when the time comes for the next territorial election the simple way to bring this about would be to simply include in a ballot a question along the lines, "Do you favour a division of the Northwest Territories," and once having determined the answer by a general ballot the actual way in which it would be divided would then be up to the next membership of the next House, the next Legislative Assembly. I would not hazard a guess of how they would go about the division.

THE CHAIRMAN (Mr. Stewart): Mr. Pearson.

MR. PEARSON: Well, the question is, and I repeat, who will determine if there is to be a referendum or a plebiscite, will this House, this particular body determine prior to the next election of this House, or will you leave that to the responsibility of the Minister?

HON. ARNOLD McCALLUM: I would only say in response to that that if the principal recommendation that we propose here is accepted then it would be up to this House to then say that the question of a referendum should occur at the next territorial general election because we are suggesting here that the subject of division might possibly be referred to a referendum. It may as well, sir, be a question that the Minister's special representative could discern as he travelled throughout the Northwest Territories accompanied by Members of this House.

THE CHAIRMAN (Mr. Stewart): Mr. Butters.

MR. BUTTERS: Mr. Chairman, the section is quite clear. The question must be brought within the terms of reference of the Minister's special representative.

THE CHAIRMAN (Mr. Stewart): Thank you. As the hour is now 5:30 o'clock p.m. we will stand recessed until 7:30 o'clock p.m. or do you wish to report progress so the business of the House might be terminated? The House recesses until 7:30 o'clock p.m.

---DINNER RECESS

THE CHAIRMAN (Mr. Stewart): I call the committee to order. The Chair recognizes a quorum. Prior to recessing for dinner we were dealing with Tabled Document 17-62, Priorities For The North. We were on page ten, part (9). Are we agreed with part (9)?

---Agreed

Part (10). Are we agreed with part (10)?

---Agreed

Part (11). Agreed?

---Agreed

Part (12). Mr. Fraser.

Territorial General Elections

MR. FRASER: Mr. Chairman, part (11) maybe "general election" should read "territorial election" in the first line on part (11).

HON. DAVID SEARLE: That is implied, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): The indication is that that is implied wherever we are speaking of a territorial general election. Does that satisfy you, Mr. Fraser?

MR. FRASER: Yes.

SOME HON. MEMBERS: Agreed.

MR. PEARSON: Is that part (11), Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): Yes.

MR. PEARSON: "The Deputy Commissioner, after the next general election, should be chosen from the ranks of elected Members..." Is it not conceivable that the so-called premier would run for election?

HON. ARNOLD McCALLUM: Not under this.

MR. PEARSON: Why not? Is there a reason for that, Mr. Chairman?

HON. DAVID SEARLE: The reason for it, Mr. Chairman, is that that is not the system under which we operate in Canada. That is the American system where the premier runs for election as premier. In the Canadian system the elected members run in a riding and the premier is chosen by the House, by the party in power. I would have thought even Mr. Pearson knew that.

MR. PEARSON: Flattery will get you everywhere! No. We are assuming then that there will not be any party politics, are we? Is that the premise for this?

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum, would you like to answer that?

HON. ARNOLD McCALLUM: Mr. Chairman, we do not say anything about party politics in the recommendations that we are putting forward. It may well be that party politics will evolve, but under this we are not assuming anything, that there will be or that there may not be.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

Party Politics

HON. DAVID SEARLE: Mr. Chairman, it is irrelevant in that it works in any case. In other words, if there is party politics the leader of the party who has the most members would assume the role of Deputy Commissioner. If there were not politics then the persons chosen by the House, as Executive Members have been chosen by this House in the absence of party politics, and he would assume the role of Deputy Commissioner.

THE CHAIRMAN (Mr. Stewart): Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Chairman, when we discussed these recommendations which are before us it was my understanding that there would not be any party politics in this particular report.

HON. ARNOLD McCALLUM: Agreed.

HON. PETER ERNERK: Simply because I do not even know the difference between the New Democratic Party and Liberals these days.

---Laughter

MR. BUTTERS: The Conservatives and the NDP.

HON. PETER ERNERK: So, let us not get these things to confuse us as to where we are going. My understanding was that there would not be any party politics played in this particular report.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: I was going to say that was right, that there would not be party politics or that they would not exist, but as to Hon. Peter Ernerk's comment about not knowing the difference between the Liberals and the NDP these days, I do not see any difference between some people who call themselves Conservatives and the NDP.

SOME HON. MEMBER: Shame!

HON. ARNOLD McCALLUM: Shame! Slow down!

SOME HON. MEMBERS: Agreed.

---Agreed

Part (12). Agreed?

---Agreed

Part (13). Agreed?

---Agreed

Part (14). Agreed?

---Agreed

On page 11, part (15), Mr. Butters.

A Firm Commitment

MR. BUTTERS: Mr. Chairman, part (15) in the second line, when the committee says, "The Assembly requires a firm commitment," what does the chairman of the committee suggest or what form does the chairman of the committee suggest that firm commitment might take?

HON. ARNOLD McCALLUM: Mr. Chairman, if we can just hold on for a moment I have page ten and then two pages numbered 12. Mr. Chairman, I have four copies of this submission each of which has two page 12's and no page 11.

THE CHAIRMAN (Mr. Stewart): Do you particularly like page 12, Hon. Arnold McCallum?

HON. ARNOLD McCALLUM: I must. Make that five copies. May I ask Mr. Butters to repeat that question, Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): He was asking for an explanation of what was meant by the term "a firm commitment" on the second line of part (15).

HON. ARNOLD McCALLUM: Mr. Chairman, I can only offer that which Hon. David Searle referred to earlier, that instead of paying lip service to the evolution of political development or constitutional development that has to a great degree taken place in the past, that we are asking the federal government to indicate to us in no uncertain terms that we will get responsible government. That we will have the members of the Executive Committee made up of membership from this Assembly and responsible for administrative departments and that they would be in that position, if you like, so long as they are doing the job in the eyes and in the opinion of the Assembly at large.

We say that there must be a determined, purposeful evolution to responsible government, that the movement towards responsible government from what we now have as representative government will in fact not be simply lending lip service to it, that the ultimate goal is not only responsible government but the transfer of the provincial type of responsibilities to this Assembly so that we can really play a part in confederation. We would like to have that, those responsibilities and that form of government within a definite timetable and not simply a time span. I do not know how better to say that unless there is somebody who is more eloquent or would be able to explain it any clearer.

The Concept Of Governing In The N.W.T.

MR. BUTTERS: Mr. Chairman, I have a supplementary question. It seems to me that part of the problem experienced in the Northwest Territories with regard to who governs or who is the government can be placed at the door of the federal government in that there has never been any firm statement of who governs. I think that the Commissioner is to be complimented on his memorandum of a month ago in which he stated clearly, concisely and unmistakably the concept of government under which his administration functions and under which he has accepted and carries out his responsibilities as the senior administrator of these territories under the Northwest Territories Act.

I think, as Mr. Kilabuk mentioned when referring to the meeting in Ottawa, Hon. Warren Allmand did say to us "Yes, you the Northwest Territories Council are the principal political body in the Northwest Territories". I remember, sir, your expression of pleasure when the Minister said that in the railway building, that is good, that is the first time we have heard that statement and we think that is good.

As Mr. Kilabuk said, I think you expressed the feeling of all of us when we heard Hon. Warren Allmand say those words.

Now, I think that a great deal of ambiguity would be removed if the Minister might even go further. Let me explain. On Saturday last, Sunday I think it was, Mr. Georges Erasmus, the president of the Indian Brotherhood was on Cross Country Check-Up and he seemed to me, when replying to one questioner, to say that the Government of the Northwest Territories is not the government of the Dene. He repeated the statement which was contained in the Dene Declaration at Fort Simpson and he said this on the radio as recently as last Sunday.

Only One Government Of The N.W.T.

I would like the Minister to say that the Government of the Northwest Territories is the Government of the Northwest Territories and that it is the only government there is and it is here to stay. I feel that a statement such as that by the Minister of Indian Affairs would do a great deal to enable people to get together and participate in this Assembly, as Mr. Steen suggests, collectively without concern for their ethnic background, without representing an ethnic position, but working for the totality of all the people in the territories. I think if the Minister would just say that and recognize the Government of the Northwest Territories as the Government of the Northwest Territories we would be making a major step ahead.

THE CHAIRMAN (Mr. Stewart): If I could comment, I think that may be one of the reasons we have so much confusion in the Northwest Territories amongst our people because they do not know if it is the Indian Brotherhood, the Northwest Territories Legislature or the Inuit Tapirisat of Canada, who is running the territories. I think your point is well taken. Are there any other questions on part (15)?

HON. ARNOLD McCALLUM: I think that the following sentences within this paragraph, as Hon. David Searle has said on different occasions indicate what we are attempting to do. It simply says that we support the present system of Government in the Northwest Territories on the great expectation that we will have responsible government, that we will be responsible because, if we are placed in that position of defending the present institution, on

that expectation, and if we were not to receive those responsibilities in short order then we can not be placed in a position that would reject, on the one hand what the native state concept says and, on the other hand, have our hopes of responsible government destroyed by the inactivity or inaction of the federal government. We are in the position now. We have to defend our present system of government in high hopes that we will attain responsible government and, if we do not attain that form of government it is pretty difficult, even worse than that, to try to reject the native state concept.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Arnold McCallum. Are there any other comments? On part (15), are we agreed?

---Agreed

Land Claims

Now, on page 12 and this is section II, Land Claims, are there any comments of a general nature? Hon. Arnold McCallum, have you any comments you would like to make of a general nature on section II?

HON. ARNOLD McCALLUM: Mr. Chairman, I think that here, in this particular section, we are saying to the federal government what we have said to the Berger Commission, to the National Energy Board, that we recognize that there must be a just settlement of land claims. However, because the land claims involve and have something to do with constitutional development because if you look at the land claims they are a request for political or constitutional change. If you look at Mr. Justice Berger's report, he is talking about constitutional change and, as it has been said, if you are for the moratorium you lend support to the implication of the principle of separate national development. We have as well indicated that this body should be represented on a land claims commission and for three reasons. One, because we are concerned, very much concerned with what lands will be left following the settlement; not only are we concerned with the residual lands but we are concerned with what lands will be involved in a settlement. The committee believes that in order to have the settlement accepted by all peoples of the Northwest Territories we believe that this body can play a role in making that acceptance more palatable, more pleasing to all residents. For those reasons, Mr. Chairman, we believe that we have to take a stand, a position on the land claims. We are saying that though they intertwine they should be separate from the economic and constitutional development, to deal with each of them effectively.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments on the Land Claims, section II? Hon. Dave Nickerson.

HON. DAVE NICKERSON: The whole thing is becoming very, very confusing. I was just looking through the Committee for Original Peoples Entitlement land claims settlements here and we do not have the whole proposal, we have the preamble to it and the preamble to the various sections. In this proposal what it says here is that the COPE organization which until just a very few days ago was one of the most radical of all the ethnic organizations. What they are proposing is that compensation be made to those living in Inuvialuit and it says here: "In exchange for the exchangement of Inuvialuit land rights" and presumably what this organization is proposing is that compensation be paid now and after that compensation has been made the Inuvialuit will then become for all intents and purposes the same as any other Canadian citizen or citizen of the Northwest Territories and would have the same benefits and the same duties of citizenship. What we are proposing, Mr. Chairman, is that the Inuit, or the western Inuit and other native peoples special rights be enshrined and kept forever and ever and not extinguished. I find it very hard to find out who are the good guys and who are the bad guys any more.

THE CHAIRMAN (Mr. Stewart): Thank you. Are there any other comments of a general nature? Mr. Lafferty.

Enshrinement Of Native Rights

MR. LAFFERTY: Mr. Chairman, I do know that there is a lot of confusion, I have been trying to keep up with this kind of thing for years and the longer the time unfolds, or the longer that we delay the more time will unfold and various interests from within the rank and file of the native organizations -- this is not really applicable only to the Northwest Territories but I think if we look at the native movements on the national scene we will find that this is quite true.

In my view I think that this suggestion of enshrining the native rights is perhaps one of the ideals because in the enshrinement of these native rights it also allows groups such as COPE and God knows who they represent because I know some Eskimos, Indians and so on, native members and who they represent, and also the membership is claimed, the Indian Brotherhood also claims representation of these same people and so on. So, it is very confusing.

However, because of this confusion, I think that the simple statement of saying that we are enshrining native rights and giving them a choice, and there are a great number of native people particularly in the Mackenzie Valley with which I am very familiar, not only in the Mackenzie Valley but in the Northwest Territories but in the Mackenzie Basin in general, there are a lot of people who consider these little communities their homes. By enshrining native rights, and probably we will get into the ethnic identification of these people, the defining of who is native, and all these can be negotiated in future, I feel that regardless of whatever organization or positions there may be we have to think of the individual who is in our communities. I think it is individuals who comprise this body and so the same applies to our communities, not the organizations, they only represent their own interests. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lafferty. I wonder if you would mind pulling your microphone in a little closer, we could hear you, but just barely. If you want to speak again, could you pull your microphone in just a little bit? Are there any other comments of a general nature?

Defining Certain Groups

HON. DAVE NICKERSON: Following up on what Mr. Lafferty has been saying I would tend to agree with him that whenever we say that one particular group of people have to be treated differently from another group of people you have to be prepared to make that definition. Now, many years ago the Indian Act tried to make that definition and now we have families where one brother is a treaty Indian and the other brother is not; he is just an ordinary Canadian citizen. I think that however good we are in defining who shall constitute this special group, several generations down the road, we are going to run into difficulties. It is almost impossible to come up with a definition that will stand. What happens in the case of adopted children? What happens with intermarriage? All this type of thing. It may be that at the present point in time this is the way we should go, we should write special legislation in there, but I think eventually by doing so we will be heading for difficulties. To my mind it would be preferable if we could come up with a once and for all settlement which would as COPE envisages, result in the extinguishment of special land rights as they say. I think that if we try with the best of intentions to give one group of people different rights to another group of people in this country, eventually down the road this will be looked upon as some kind of discrimination. I think there is a great danger we have to be aware of here. I am beginning to think that maybe the attitude, or the apparent attitude of COPE, because I have not read the legalese, just what they propose, I have just read the summary, and the summary might not be quite accurate, but if it is true what they say I suspect that they may be taking a more mature attitude to this sort of thing than we ourselves are.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Lafferty.

We Must Think About The Future.

MR. LAFFERTY: Mr. Chairman, I would agree with Hon. Dave Nickerson's comments because it is the future we must think about. To quote from some of the articles that have been published about our Prime Minister and to quote what he said, what you do in your bedroom is your business and that is the only area where the government has no control, but that happens to apply here in the Northwest Territories. We have a society which is interacting racially, culturally, there is truly social intercourse. If this is the case then the population in the future will not be what we envisage it to be and, looking at the statements that Mr. Georges Erasmus makes, publicly, he talks about the Dene which is merely a Slavey or Chipewyan, or Dogrib, the Hareskins and that type of people, the way of saying "people".

Even a white man is referred to as a Dene. So, if this is the case what they are truly attempting to do is to set up a society which reflects the four principal races of people or ethnic groups of people in the Northwest Territories, namely the Chipewyan, the Slavey, the Dogrib and the Hareskin or the Loucheux, but apart from that these people again as Mr. Erasmus and many of the chiefs in the North, their ancestral roots also cross in that they are the descending people from the settlers. However, they are treaty. So looking at that in the event that there is an abolishment of the Indian Act and Mr. Erasmus' own grandchildren they would no doubt be Caucasian Canadians. I do not think they would be Indian Canadian or an Aboriginal Canadian and maybe for that reason he has said he would like to see them Dene Canadian.

So, there are all kinds of reasons why we should be enshrining the rights of the Indian people. In defining the Indian, if he is an Indian, and probably they are a race originating from the cross-races and they too have a great history in the founding of the western provinces and their involvement in the economic expansion westward and there are many things to be considered and because of that type of thing I very strongly support the words as they were suggested and adopted by the committee that the native rights be enshrined. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: No comment, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Any other comments of a general nature on section II, Land Claims? Mr. Steen.

Participating In Political Activities

MR. STEEN: Just a point of clarification on the bottom of page 12: "...all Canadians will be able to participate fully in all political institutions,..." Could someone elaborate for me what they mean by all Canadians will be able to participate fully in all political institutions? Does that include Dene or is it federal institutions or just territorial institutions or what is the meaning of that?

THE CHAIRMAN (Mr. Stewart): Hon. David Searle.

HON. DAVID SEARLE: I think what it means, Mr. Chairman, is that any Canadian who chose to live in the Northwest Territories, after having been here for a reasonable period of time could take part in political activities, whether at the local or municipal level or at the territorial or federal level. But subject of course to the rights enshrined for native people. In other words, he could not enjoy the rights to hunt and trap, etc., but the answer is, no, it does not imply that he could take part in a form of Dene government or Dene state because we say in that paragraph that we do not support that kind of a state or kind of government and if we had our way there would not be a Dene nation or a Dene state.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments of a general nature? Mr. Steen.

MR. STEEN: I just brought it up so that if it ever comes to their minds, the people who are going to be discussing in this paper that they will know exactly what we mean.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments of a general nature? Are you ready to go this section by section?

SOME HON. MEMBERS: Agreed.

---Agreed

THE CHAIRMAN (Mr. Stewart): Part (1). Agreed?

---Agreed

Part (2). Agreed?

---Agreed

On page 13, Land Claims, continued. Part (3). Are you agreed on part (3)?

---Agreed

Economic Development

On page 14, Economic Development. Comments of a general nature.
Hon. Dave Nickerson.

HON. DAVE NICKERSON: How about part (4), Mr. Chairman?

THE CHAIRMAN (Mr. Stewart): I am sorry. I am very sorry, I missed part (4) on the bottom of page 13 under Land Claims. Part (4), Hon. Dave Nickerson.

HON. DAVE NICKERSON: The way I see it we would read this, Mr. Chairman, where we say "speedy" I think that what we mean is that an agreement in principle would not be negotiated in an expeditious manner. I think we would have to realize that if for instance there is a land selection process to take place such as took place in Alaska it might be a number of years before that could be complete. That part of the process does not involve what is this argument that we are going through now or what everybody in the Northwest Territories is going through. I believe what we are saying here is that we should get the agreement in principle worked out and maybe the intricate balance of details could be worked out at a leisurely pace thereafter.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments on part (4)? Mr. Butters.

MR. BUTTERS: The Honourable Member from Yellowknife North mentioned or referred to the fact that the Minister had received the document from the Committee for the Original Peoples Entitlement last week. I have misplaced mine but it seems to me that in that document there is a speech of the Hon. Warren Allmand that he gave when he received it. It seemed to me he indicated that members of his department would be sitting down with people from COPE in the very near future. I was just wondering, in keeping with our request that there would be involvement of this body, if the administration or is the administration going ahead to see if some arrangement can be made to have such participation at the first meeting or as soon as possible thereafter?

THE CHAIRMAN (Mr. Stewart): Thank you. Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I do not have anything really to add to any comments. I think the committee came up with the wording and I do not know what to add to it.

THE CHAIRMAN (Mr. Stewart): Thank you. Mr. Butters.

Concerning Assembly Involvement

MR. BUTTERS: Why I ask is that our position will go to cabinet if it is accepted by the Minister, will go to cabinet and then become part of the responsibility of the special representative chosen by cabinet to travel around the territories and listen to representations made by residents. So that by the time any decision with regard to our paper, our participation in such claims hearings were resolved, the COPE agreement in principle would already have been signed. All I was trying to say: I have found the place where Hon. Warren Allmand says: "My officials and I look forward to meeting in the very near future to verify the proposals you have presented to the federal government today. I know how anxious you are to begin the actual negotiations on the settlement of your proposal."

I direct this question to the Commissioner through you; is the committee making any approach to Hon. Warren Allmand outside of this document to ensure or determine whether or not representations from this House will be welcome at the negotiations I referred to here? I see the Commissioner is cutting paper dolls and maybe he could answer that.

THE CHAIRMAN (Mr. Stewart): Mr. Butters, were you asking that question of Hon. Arnold McCallum or of the Commissioner?

MR. BUTTERS: I thought that possibly the Commissioner would be the one best able to reply as he is the senior administrator of these territories but if Hon. Arnold McCallum has the answer I would be just as happy to hear it from him.

THE CHAIRMAN (Mr. Stewart): Mr. Commissioner, would you care to make a remark on this?

Arrangements To Meet With The Minister

THE COMMISSIONER: Mr. Chairman, perhaps I should mention that we have had consultation with Hon. Arnold McCallum and Hon. David Searle and have made the arrangements for you to appear before the Minister later this month to present your paper and to give the Minister the benefit of the House's opinion and I suppose while you are in Ottawa anyone else who you would like to talk to and that is entirely up to the committee.

We have no plans of our own to do other than that with the Assembly's paper, because it belongs to this Assembly and it is this Assembly's to do with it what they want. With reference to the administration, we have made arrangements internally within the administration to meet with Hon. Warren Allmand in June, at which time we propose to express the views of the administration on two points: one, the constitutional items with reference to his proposed policy statement and secondly, the administration's views with respect to the Berger report.

Now, whether those views will ever become public knowledge of course is up to the Minister inasmuch as the paper is meant for him. The reason we have taken this course is that we have not been able to make any presentation to Mr. Justice Berger on the Mackenzie Valley pipeline hearings themselves.

In the original instance it was decided by the federal government that the federal government would not make a presentation nor appear before the Berger Commission and the same thing was applied to the territorial government. We were aware that certain people made representations, but it was difficult to see if they made them as individuals or as officials. I noted that the Commissioner of the Yukon made representations. On July 8th of last year I as Commissioner appeared before the then minister and recommended that I be permitted to appear before the Berger Commission because I felt that I had as much knowledge on the subjects as anyone in the Northwest Territories, particularly if the Honourable Judge was going to wander into things that were not necessarily dealing with the pipeline.

However, the minister of the day turned us down and said no, that I was not to appear. I think that the judge may very well have been interested to hear what I had to say, but in any event that did not happen. Now, whether it would have had any influence on him or not I do not know either.

Deputy Commissioner's Appearance Before Berger Inquiry

Finally however on my own authority I authorized the Deputy Commissioner to appear to answer certain views of commission counsel and I realize it is a very narrow line but in the narrowness of the line I felt that he was not necessarily commenting on the Mackenzie Valley pipeline but rather he was commenting on commission counsel's view on the Mackenzie Valley pipeline.

The theme that went through all of these discussions were that the Government of the Northwest Territories was going to advise the Minister once the report came in. I recognize that this is only one report, and there are two more to come, and so we thought we would lump the two issues, pipeline and constitutional government, together and perhaps our presentation to the Minister on constitutional changes, on his policy paper, may very well be our answer to Mr. Justice Berger's recommendations. So, other than that that is the only thing we plan as an administration to do and again I repeat we do not plan on releasing any of that material, it will be internal material. With reference to this Assembly as to the steps they take to publicize, prepare and present their material we will continue not to take an active role in it, although we will continue to finance it as per the instructions of, or agreement, that Hon. Jean Chrétien when he was minister, reached with the Assembly and was subsequently confirmed some time later by Hon. Judd Buchanan.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Commissioner. Part (4), is it agreed?

---Agreed

Page 14, Economic Development. Any points of a general nature on this section? If there are no comments of a general nature, are you prepared to go section by section through this? Is it agreed?

---Agreed

Part 1. Agreed?

---Agreed

Part 2. Agreed?

---Agreed

Part 3. Agreed?

---Agreed

On page 15, Part 4. Agreed?

---Agreed

Part 5. Mr. Steen.

Volume Two Of The Berger Report

MR. STEEN: Mr. Chairman, in view of the fact that Mr. Justice Berger has come out with his first report, Volume One, it makes it very difficult for some of us to make up our minds whether or not it is a good thing to support the pipeline. We would like to see the terms of reference as far as building the pipeline is concerned, to see if the communities along the Mackenzie corridor, if the communities along there will benefit from feeder

lines. I am wondering why the second version, or Volume Two was held back. Can anyone answer whether or not the second volume is already printed?

THE CHAIRMAN (Mr. Stewart): I do not know who might answer that question. I do not suppose anyone can. Does anyone know if there is a second volume being printed?

MR. STEEN: I wonder if it is another trick of the NDP?

HON. DAVE NICKERSON: I do not think we have to wonder about that at all, Mr. Chairman, I think it is quite apparent. It is pretty obvious what Mr. Justice Berger has done. His first report, Volume One, the one with the flashy pictures is the political report. It has all the socialist political views in it. This is the one with which he is going to make all the noise. Obviously the second volume is going to be the report on the subject which his mandate from the Minister of Indian Affairs covers, that is, that is the technical document that is going to recommend the terms and conditions under which a pipeline should be built. That is what he has to do, that is what he was paid for. It is pretty obvious that he did not want to confuse the two, he wanted to come out with this big political release and then after the furor has subsided a little he will come out with the document he was actually paid to produce. I think it is fairly simple to see what he and his colleagues are up to.

THE CHAIRMAN (Mr. Stewart): Mr. Steen.

MR. STEEN: I was advised this afternoon that the second report will come out, or be made public in September or October, which is after the date as to whether the pipeline will be built.

THE CHAIRMAN: (Mr. Stewart): Mr. Butters.

In Reference To Pipelines

MR. BUTTERS: Just by way of question, sir, maybe of the chairman, I was interested in the remarks of the Honourable Members from Foxe Basin and Baffin North relative to their concern about a pipeline in the Economic Development section. Did I understand the Members to say that there was reference to a pipeline here because I can not see one or has it been removed, or what? There is no reference to pipelines in the Economic Development section that I can see.

HON. ARNOLD McCALLUM: That is correct.

THE CHAIRMAN (Mr. Stewart): That is not under the section of Economic Development.

MR. BUTTERS: If it is not there, is it in another section?

THE CHAIRMAN (Mr. Stewart): It is under part 4, on page 13, under Land Claims.

MR. BUTTERS: I understand the reference now, thank you.

THE CHAIRMAN (Mr. Stewart): We are on page 15, part 5. Is it agreed?

---Agreed

Then, we move to page 17, part 6, is it agreed?

---Agreed

Appendix A of the attachments.

MR. BUTTERS: Before you go on to Appendix A might I comment on the Economic Development, as I can not find what I was looking for in here.

HON. ARNOLD McCALLUM: What are you looking for?

Success Related To The Pipeline

MR. BUTTERS: Well, when Hon. Warren Allmand was in Inuvik on February 27, the people in the community told him how the Government of Canada three years ago had indicated to the people of the Mackenzie Valley particularly, that the Mackenzie Valley pipeline would be built, how it was deemed to be in the national interest and that many people on the encouragement of that promise, if you will, or that expectation, invested, borrowed money or became involved in businesses and service industries whose success was directly related to the fulfillment to that expectation.

People asked Hon. Warren Allmand "If the pipeline is not built, what will happen to these people who went ahead on the expectation of the government's statement?" He indicated that they would not be left holding the bag. I am just wondering, as I think it is a reality or a possibility now, that the major development that the pipeline would bring might not occur that we should get some indication from the Minister what the federal government intends to do, not only for such individual entrepreneurs but also the municipalities which have gone heavily into debt on the expectation of such economic development.

I think many of us will agree with what Mr. Whitford said a little while ago, that political independence is directly related to economic independence. If we do not have economic independence I think the federal government should take a look both at the entrepreneurial people who have been caught up in these expectations and pipe dreams of the government, and also the municipalities. There is nothing in here about that.

Hon. Warren Allmand indicated that from his point of view he is very willing to give such consideration, serious consideration to assisting these people. Mr. Steen will corroborate what I have said.

Gainful Employment In The Homeland

The second thing is that as Members have mentioned, there are many young people in the Northwest Territories who will not find meaningful, gainful employment in their homeland, to use the word coined by the Mackenzie Valley pipeline Commissioner. I have heard these young people say that they will not go back to the land that they will go outside seeking employment. If there is an exodus, an out-migration of young people, I do not think it is right that they should just get on the airplane and be dropped off in Edmonton, Vancouver, Regina, Winnipeg, Toronto or Montreal. There is such a thing as cultural shock and I think we will lose a lot of our young people who are forced away from home because there is no economic development in their home community.

I think what we should look at is if this out-migration takes place, somewhat like an internal immigration policy, where we have adjustment centres in our large communities for young people who are moving out into the larger urban centres to the South, places where they can go and find accommodation and food while they seek decent quarters, decent rental quarters, decent jobs, and not just be dropped off the airplane with a suitcase in their hand and be down on 96th street in Edmonton or some of these other places as found in Winnipeg or Regina. If our young people are forced to leave the North because there is no economic future for them here we should be sure that they get the best chance possible when they hit the pavements in the southern urban centres.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Butters. Appendix A?

The Young People Will End Up With Nothing

MR. STEEN: I just want to take a slightly different view of what Mr. Butters outlined. It is true that the young people are saying that they will not have any type of work or any kind of work and they will have to leave, but when you look at it in the other way, where Canada has almost one million people out of work, just today I heard of a group of young students coming into Yellowknife to seek work in the Northwest Territories. Now, if they are coming into the North then there must not be any jobs in the South, so in the end I think that the young people are going to end up with absolutely nothing, where it is not even worthwhile to go to the South to pick up work.

THE CHAIRMAN (Mr. Stewart): Appendix A. Agreed?

---Agreed

The paper as a whole as amended? I think there was one amendment with the inclusion of the words "Northwest Territories". Mr. Butters, I have been most lenient in letting you speak but even I will get pushed only so far and have to start ruling you out of order.

MR. BUTTERS: I will not stretch your patience and I will save it for tomorrow.

Motion As To The Position Of The Assembly On Input Into The Northern Policy Statement

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to move a motion that the principles contained in this paper constitute the position of this House as regards its input to the Minister of the Department of Indian Affairs and Northern Development on the northern policy statement.

THE CHAIRMAN (Mr. Stewart): I have a motion on the floor. May I have a copy of that motion, please? To the motion.

SOME HON. MEMBERS: Question.

THE CHAIRMAN (Mr. Stewart): The question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

HON. DAVE NICKERSON: Unanimously, Mr. Chairman, was it?

THE CHAIRMAN (Mr. Stewart): There was one hand that was not showing. There was one abstention.

HON. PETER ERNERK: Mr. Chairman, I wonder if we could have the motion read again, please?

THE CHAIRMAN (Mr. Stewart): I do not have the motion here. I have it now. The motion reads: "The principles contained in this paper constitute the position of this House as regards to input to the Minister of the Department..."

HON. ARNOLD McCALLUM: Mr. Chairman, may I rephrase that in just one moment? There is nothing different to it. I move that the principles contained in this paper constitute the position of this House as regards its input to the northern policy statement of the Minister of the Department of Indian Affairs and Northern Development.

THE CHAIRMAN (Mr. Stewart): To the motion?

SOME HON. MEMBERS: The question.

Motion Carried

THE CHAIRMAN (Mr. Stewart): The question being called. All those in favour? I note that the motion was carried unanimously.

---Carried

May I report this paper to the Speaker?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Tabled Document 17-62, Priorities For The North

MR. STEWART: Mr. Speaker, your committee has been studying the Tabled Document 17-62, Priorities For The North, a paper to be submitted to the Hon. Warren Allmand and with the exception of one small amendment to the paper as presented which was the inclusion of the words "Northwest Territories" on page 10, part (9) which now reads: "The subject of division might possibly be referred to a referendum at the time of the next territorial general election." The word "territorial" is the amendment. At the conclusion of the paper the following motion was unanimously accepted: "I move that the principles contained in this paper constitute the position of this House as regards its input to the northern policy statement of the Minister of the Department of Indian Affairs and Northern Development."

Motion Of Concurrence As To The Position Of The Assembly On Input Into The Northern Policy Statement

That, sir, is my report. Mr. Speaker, I would now move that the report of the committee of the whole be adopted by this House and I request that the vote be recorded.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Any discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question is being asked that the vote be recorded and as I call the question would Members stand and remain standing until their name is recorded by the Clerk of the House. The question being called. All in favour?

CLERK ASSISTANT OF THE HOUSE (Mr. P.F. de Vos): Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Butters, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Kilabuk, Hon. Dave Nickerson.

Motion Carried

MR. SPEAKER: May the record show that those are all of the Members in the Chamber and the vote is unanimous. Gentlemen, may I be excused if I express the fear of sometime tomorrow possibly losing a quorum. With that being so and if that might be a reasonable fear I suggest we go to Item 12 and give third reading to bills and then we can go back and if there is time remaining in committee of the whole this evening continue with committee of the whole and tomorrow. In other words, I would not want to run the risk of for instance not getting third reading done. Is that agreed?

---Agreed

ITEM NO. 12: THIRD READING OF BILLS.

Mr. Deputy Commissioner, I am not going to be able to call Bill 4-62 because that is not out of committee yet. So, should I call the third reading of all bills but Bill 4-62 and then go into committee?

DEPUTY COMMISSIONER PARKER: Yes.

MR. SPEAKER: Third reading of bills, Bill 1-62, the Hon. Peter Ernerk.

Third Reading Of Bill 1-62: Economic Development Agreements Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 1-62, An Ordinance to Authorize Agreements Between the Northwest Territories and the Government of Canada Respecting Economic Development, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Any discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 2-62, the Hon. Arnold McCallum.

Third Reading Of Bill 2-62: Municipal Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-62, An Ordinance to Amend the Municipal Ordinance, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Whitford. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 3-62, the Hon. Arnold McCallum.

Third Reading Of Bill 3-62: Science Advisory Board Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 3-62, An Ordinance to Amend the Science Advisory Board Ordinance, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Evaluarjuk. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 5-62, the Hon. Dave Nickerson.

Third Reading Of Bill 5-62: Social Assistance Ordinance.

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 5-62, An Ordinance to Amend the Social Assistance Ordinance, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Whitford. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 6-62, the Hon. Dave Nickerson.

Third Reading Of Bill 6-62: Tribunal Procedures Ordinance.

HON. DAVE NICKERSON: Mr. Speaker, I move that Bill 6-62, An Ordinance to Provide Procedures Governing the Exercise of Statutory Powers Granted to Tribunals, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Discussion? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, as I have indicated previously there are certain principles that I believe many people in this country have and which may be affected by this bill simply because many people do not understand the underlying breadth to which such ordinances as this one would be reaching.

I can not understand this bill to its fullest and I feel if I do not after having studied it a little bit and discussed it, I feel that Bill 6-62 should be deferred to the fall session or the next session. Therefore, Mr. Speaker, I move a motion that this Bill 6-62 be deferred until the next session.

MR. SPEAKER: Mr. Lafferty, a motion to defer at this point in time would have obviously the effect of defeating the bill in that it would be reintroduced at another session and it would have to go through first, second and third readings. Therefore, it seems to me that I am unable to accept a motion to defer. Surely the thing you have to do is simply to persuade Members to defeat the bill on third reading which has the effect of deferring it. Do you follow me?

MR. LAFFERTY: Would you repeat that again?

MR. SPEAKER: A motion to defer at the time of third reading would cause the bill to die on the order paper and hence at any subsequent session be reintroduced and it would have to be given first, second and third reading again. In other words, you can not hold the bill over to the next session and start off at third reading. So, what you have to do is simply persuade the Members to defeat the bill which has the effect of deferring it because it may be introduced by the Executive again at the next session. In other words, I can not accept your amendment but with that explanation, I will give you an opportunity to stand up and encourage the Members to defeat it because that has the same end.

MR. LAFFERTY: Thank you, Mr. Speaker.

MR. SPEAKER: Do all the Members understand that? I do not want there to be any confusion.

MR. LAFFERTY: Mr. Speaker...

Unanimous Consent Granted To Speak Twice

HON. DAVE NICKERSON: Mr. Speaker, a point of order. I am very sorry, but to be fully in compliance with the Rules and procedures of this House, seeing that the Honourable Member for Mackenzie Liard has already spoken once to the motion before the House, would it not be in order for him to request unanimous consent to speak twice to this motion?

MR. SPEAKER: Well, I suppose maybe that would be appropriate. I indicated that I would let him speak to defeating the bill because it seemed he misunderstood the Rules. Is there anyone who would deny Mr. Lafferty unanimous consent to continue? No? In that case is it agreed that Mr. Lafferty can continue to speak?

---Agreed

MR. LAFFERTY: Thank you, Mr. Speaker, and my fellow colleagues. Somehow on many things I have a very strong stomach but in this case I feel a lot of uncertainty and a lot of fear. I am not in any way in opposition to the intent of this bill but I feel that we represent, as we usually do, that we represent all kinds of different people of different social and cultural values. One of these values is that we do have privacy even in our minds. There are certain things that I understand this bill will do. A body of people will be empowered by this legislation to call upon you and ask you questions that are in the nature of being private.

Of course, it has been heard in the debate that we have protection and assurances that this is in private but there are people who do not wish to disclose their personal feelings, some of their personal feelings, so, again to remind you of what Prime Minister Trudeau said several years ago what you do in your bedroom is your private business. In this case, if such power fell into the wrong hands because in the North there is all kinds of activity, God knows where we would end up, where the poor little individual guy in our community or wherever he may be may be forced to do. Because of these uncertainties and doubts in my mind I oppose this bill and I can not vote for it, I just can not. I would like to take it back to my constituents and if they agree to it, if they do not feel there is anything wrong with it, if it does not bother them, fine, but until that time, it is a personal thing. In some of the areas it would be reaching into things and I can not do it, it is against some of our principles that we believe in, those people of the North.

Viewpoints Of Northern People Must Be Reflected

I think our legislation as we say must reflect the values and viewpoints of northern people and this will just deny that. I seek your support in defeating this bill and, if it has to be reintroduced, it can be done, but at least people should have a look at it to see what it is all about. Thank you.

MR. SPEAKER: Is there any further discussion? Mr. Whitford.

MR. WHITFORD: Mr. Speaker, I was one of the Members who worked on the committee to make that bill possible but if Mr. Lafferty does not understand it properly and, at the same time if he feels that it will invade the private lives of people, people in the communities which he feels are concerned about this then I will definitely support Mr. Lafferty.

MR. SPEAKER: Is there any further discussion? Hon. Dave Nickerson.

Purpose Of The Bill

HON. DAVE NICKERSON: Mr. Speaker, I believe that Mr. Lafferty is probably somewhat confused on what this bill is all about. We have been very busy over the last few days, he probably has not had time to read it, but I can assure Mr. Lafferty that the very purpose of this bill is to cover those great concerns that he has. It is designed with this in mind. For a long time we have been passing legislation, professional legislation, we have been passing legislation setting up all kinds of various boards and committees and these all have delegated to them powers of a judicial nature. That means that it would be under the authority for instance of the Nursing Profession Ordinance for a witness to be called and to be interrogated or cross-examined. Now, unless we pass this type of legislation I have the same fears that Mr. Lafferty has that people will be subjected to questions which maybe they should not be asked, maybe the people who do the asking are unaware of their power, maybe they do not realize that it should be restricted.

This is the very reason why this House requested that the administration bring forth such a bill. It is not under the authority of this ordinance, the Tribunal Procedures Ordinance that the questioning which Mr. Lafferty objects to, and I am sure everyone else objects to it too, if it is not done in the correct and proper manner and under the due authority of law, it is not under this ordinance that that is done it is under existing legislation, legislation that we have made in the past. What this ordinance does is to control the manner in which it can be done, to put restrictions on the people sitting in judicial places. That is the whole idea behind it, and I am afraid that if this ordinance does not get passed then Mr. Lafferty's fears will be very well founded because there might be an abuse of privilege on the part of people who constitute these quasi-judicial bodies. Therefore, Mr. Speaker, I would hope that this House would see fit to vote in the affirmative on third reading, on third reading of the bill.

MR. SPEAKER: Mr. Butters.

MR. BUTTERS: Mr. Speaker, I would have preferred that the motion to defer remain in that I will have to indicate my disagreement with some of the principles and would have to vote against the bill as it is presently presented. While I may agree with the intent as expressed by the Member from Yellowknife North, I will vote in opposition to the bill at this time. As the Honourable Member said this bill is a bill, law that has been requested by this House. It would be my hope that laws that appear before us in future, not only government generated laws but laws we request would be tabled prior to discussion so that the public at large could examine them at length, have input and make suggestions to us before we sit down at this table to discuss them and turn them into law.

I would have hoped that this bill could be held over or repeated again at the fall session by which time such examination could take place and such public discussion could take place and that it would receive the whole-hearted support of all Members of the House, based on understanding and public awareness.

MR. SPEAKER: Is there any further discussion?

SOME HON. MEMBERS: The question.

Bill 6-62: Tribunal Procedures Ordinance, Defeated

MR. SPEAKER: The question being called. All in favour? Five. Contrary? Six. The bill fails, six to five.

---Defeated

Now, what is the wish, shall we go back into committee of the whole, I am sorry, Bill 7-62. Third reading of Bill 7-62, the Hon. Arnold McCallum.

Third Reading Of Bill 7-62: Supplementary Appropriation Ordinance No. 1, 1977-78

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 7-62, An Ordinance Respecting Additional Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st Day of March, 1978, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Fraser. Any discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Is there anything we can do with respect to Bill 4-62 in committee of the whole, Deputy Commissioner Parker?

DEPUTY COMMISSIONER PARKER: I can report in committee of the whole on the opinion I have received.

REVERT TO ITEM NO. 11: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE, INFORMATION ITEMS AND OTHER MATTERS__

MR. SPEAKER: This House will resolve into committee of the whole for continued consideration of Bill 4-62, and who was in the chair, was it you, Mr. Stewart?

MR. STEWART: Yes, Mr. Speaker.

MR. SPEAKER: With Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 4-62, Small Business Loans and Guarantees Ordinance, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 4-62, SMALL BUSINESS LOANS AND GUARANTEES ORDINANCE

THE CHAIRMAN (Mr. Stewart): Committee will come to order to study Bill 4-62; you will recall we set some sections aside on this for interpretation and I believe it was the committee's desire to change the word "Commissioner" to "Executive Member" in certain spots in this bill, but it was felt that because it involved money that this may not be possible and we had asked for advice in this regard before proceeding further with the bill. Mr. Deputy Commissioner, do you have such advice for us at this time?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I sought an opinion from the Department of Justice and although I do not have as yet a statement of their opinion in writing, I have a preliminary answer which was given to me by telephone due to the short time available. That opinion is that if the use of "Commissioner" was changed to "Executive Member" and a clause inserted similar to the clause that was used to describe the Commissioner's powers in the Education Ordinance, if a similar clause were used here the bill would be contrary to the Northwest Territories Act.

My suggestion to you in this case is this for your consideration: I have asked that the Department of Justice's position be reviewed with very great care and, while it is being reviewed I asked them if they would also look at it from the standpoint of producing for us a wording which might meet the requirements of this committee, and also fall within the purview of the Northwest Territories Act. My suggestion to you, for your consideration, is that the bill remain as it is in its present printed form and, on behalf of the administration we will give you a commitment that when the written opinion is received it will be provided to Members and, at the next session of Council, next Council session of this House, the matter can be brought forward again should Members so desire to either debate it further or if it seems sensible to make an amendment at that time.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. Madam Legal Advisor, do you have any comments to make?

LEGAL ADVISOR (Ms. Fliieger): Mr. Chairman, it occurs to me that until we have the specific complaint of the Department of Justice it is difficult to deal with it and the Deputy Commissioner's suggestion might be the best form.

THE CHAIRMAN (Mr. Stewart): Comments, gentlemen? We have actually concluded this bill with the exception of the short title, awaiting to see what might be done with regard to changing the words. What is your direction? Hon. Dave Nickerson.

Concerning Judicial Determination

HON. DAVE NICKERSON: Mr. Chairman, with all due respect this is the type of answer that you expect from the Department of Justice. We have had very similar comments from them in the past and in fact if I remember correctly the position of the Department of Justice when we were discussing the Education Ordinance was exactly the same, that we could not do it. Well, we did it. I am very reluctant to rely on the opinions of the Department of Justice. I think if you will check through the records of the Supreme Court they probably have not done that well when it comes to the judicial determination of who was right and who was wrong. Now, with my very inexpert legal knowledge I am sure that I can go through this particular ordinance and pick out at least a couple of spots where the authority could be quite easily given to the Minister rather than the Commissioner, such as in clause 5, the appointment of a loan director. I can not see any difference in the appointment of a loan director and in the appointment of a superintendent of education.

I also notice subclause (4) says: "The Commissioner shall report annually to the House of the Northwest Territories on the operations of the fund..." Now, there is no unearthly reason why that responsibility could not be given to the Minister. Obviously in certain parts of this bill, such as where the Commissioner is given authority to make the loan it might be quite true that in that particular instance it is not possible to delegate

the responsibility to any other person because of the Northwest Territories Act. With all due respect, Mr. Chairman, I would submit that this committee not take the advice of the Department of Justice.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I would not like to leave the matter in this fashion because in fact perhaps all of what Hon. Dave Nickerson says is true. In the short time available I was not able to determine from the Department of Justice whether they thought that in every instance the word "Commissioner" would have to stay. I would not want to mislead you. I do not think that they would consider that in every instance the title "Commisioner" would have to stay. I put the question to them and I believe it was Hon. Peter Ernerk's motion that where it read "Commissioner" it should now read "Executive Member" and that that be the change. So in responding very quickly to that broad question, the advice was that it should not be changed. I am not making my point very well, but I am sure if they were to look at it clause by clause then there would undoubtedly be those clauses which Hon. Dave Nickerson has outlined which could be changed.

As an alternative, if you wish, we could for tomorrow come forward with those changes which appear to be non-controversial and then leave the Commissioner named in those clauses which appear to be controversial and at a later Assembly session come back and discuss them again.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Deputy Commissioner. Hon. Peter Ernerk.

More Responsible Government

HON. PETER ERNERK: Mr. Chairman, when I suggested that some parts of this particular bill be changed to the Minister rather than the Commissioner I did not realize at the time that the Department of Justice was to be involved and that some of the responsibilities of the Commissioner I thought at the time should be given to the Executive Member and the Minister responsible for the Department of Economic Development and Tourism. This is just as we did with the Minister of Education.

My particular point here is that we have been trying to get more responsible government for the Northwest Territories. I am not going to ask a question or direct my statements to the Deputy Commissioner but to that of the Department of Justice. It simply seems to be quite frustrating to see that we are continually refused when it comes to major bills of this nature. Here we are, we now have a representative government, having had the two Executive Members elected to the Executive of the Northwest Territories in May of 1975 and later on another Executive Member was selected from this Legislature in December of 1976. It seems to me that we are going to continue to give advice but no action, so I am not going to get away from the thinking that we do not include the Minister of Economic Development's responsibilities out of this. I think he has to have some kind of a responsibility in there, but in the meantime my suggestion would be that we do not get away from the idea of putting it in there but perhaps we could just wait for some good words from Justice.

THE CHAIRMAN (Mr. Stewart): Thank you. Hon. Dave Nickerson.

HON. DAVE NICKERSON: I was very pleased to hear the suggestion of the Deputy Commissioner that between now and tomorrow when the House reconvenes it would be possible to turn to this area where there is obviously no conflict under the Northwest Territories Act. Out of the two alternatives that would certainly be preferable to my way of thinking and I am sure that would also be Hon. Peter Ernerk's preference, that we would come back to this bill tomorrow when this had been done.

THE CHAIRMAN (Mr. Stewart): Mr. Commissioner.

Opinions Of The Department Of Justice

THE COMMISSIONER: I think Hon. Dave Nickerson is right. We should have a look at it. As far as we are concerned, as I understand it you asked us to get you an opinion and that is the opinion expressed by the Department of Justice. We were not asked whether we agree with them or whether we do not agree with them. It is simply their view. I think it goes back to the original point made by Hon. Jean Chretien some years ago that you can not run with the ball until you have got the ball and you can not win your constitutional point through the side door and that is one of the fundamental things of the whole business, constitutionally if you want to make any yards you have got to go straight up the field. What you do, if you pass things on a basis that you are not sure of or under some doubt you run the risk of having them take away your bill and if you want to take that risk I do not know. It may seem to some like a significant point but the Department of Justice seems to take issue with it and might tell you that they are very seriously now looking at the Education Ordinance to see whether if

in fact it was properly done.

So, in these things I think Hon. Dave Nickerson is right and we should think it over. Neither Deputy Commissioner Parker nor I wish to throw any roadblocks in your path, but on the other hand you know you have certain powers and I do not think that really your work -- you should stretch it to the point where it breaks.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Commissioner. In view of the hour, is it agreed that we should ask our Legal Advisor to make the changes of the word "Commissioner" to "Executive Member" where she feels she has legal justification to do it and we will have a look at the bill tomorrow morning?

---Agreed

On that basis may I report progress?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 4-62, Small Business Loans And Guarantees Ordinance

MR. STEWART: Mr. Speaker, I wish to report that we have been studying Bill 4-62, An Ordinance to Authorize Loans and Guarantees to Small Business Enterprises, and wish to report progress and at the same time I would like to ask unanimous consent to return to the tabling of documents, Item 10.

---Agreed

MR. SPEAKER: Anyone expressing a contrary view? Proceed, Mr. Stewart.

REVERT TO ITEM NO. 10: TABLING OF DOCUMENTS

MR. STEWART: I would like to table Tabled Document 28-62, a Letter from Dr. Omond Solandt of the Science Advisory Board of the Northwest Territories.

MR. SPEAKER: Announcements for tomorrow.

HON. ARNOLD McCALLUM: May I have your consent or unanimous consent to return to agenda Item 7 and I would like to, if we are still on Item 10, tabling of documents, table a document at the same time, if I could have unanimous consent.

MR. SPEAKER: We are at tabling of documents now so you can table it now.

HON. ARNOLD McCALLUM: I would like to table Tabled Document 29-62, Regulations for An Ordinance Respecting Education in the Northwest Territories, for Members perusal, and individual copies will be made available to Members tomorrow, Thursday, May 19.

MR. SPEAKER: Now you want unanimous consent to return to Item 7?

HON. ARNOLD McCALLUM: If it would please the House, Mr. Speaker.

MR. SPEAKER: Unanimous consent requested to return to Item 7, notices of motion. Hon. Dave Nickerson.

HON. DAVE NICKERSON: Mr. Speaker, as an indication of the grief with which I saw a Member of the Executive, a Member of the Government of the Northwest Territories vote against a government bill, it must be the first time that this has ever happened in any Canadian ...

MR. SPEAKER: Excuse me, please be seated. There is no item on this order paper under which you could possibly raise that matter. That is a matter you can properly raise in an Executive meeting. I am sorry. Unanimous consent requested to return to Item 7, notices of motion.

HON. DAVE NICKERSON: Nay.

MR. SPEAKER: Turning to announcements. There is a Canadian Parliamentary Association executive committee meeting tomorrow morning at 11:30 o'clock p.m., room 303. In case the Members have forgotten who is on the executive of the Commonwealth Parliamentary Association, Northwest Territories branch, they are Mr. Stewart, chairman; Mr. Butters; Mr. Lafferty; Hon. Dave Nickerson and Hon. David Searle.

There is a standing committee meeting on indemnities and allowances and Members' services in the same room, 303, at 12:00 o'clock noon and the chairman is Mr. Lafferty and Members of that committee are Hon. Peter Ernerk, Mr. Fraser, Mr. Lyall and Mr. Stewart. Mr. Clerk, orders of the day.

Orders Of The Day

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, May 19, 1977, 2:00 o'clock p.m., at the Explorer Hotel.

1. Prayer
2. Replies to Commissioner's Address
3. Questions and Returns
4. Oral Questions
5. Petitions
6. Reports of Standing and Special Committees

7. Notices of Motion
8. Motions for the Production of Papers
9. Motions
10. Tabling of Documents
11. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature, Information Items and Other Matters: Bill 4-62, Report of the Mackenzie Valley Pipeline Inquiry, Matters Relating to Panarctic Oils Limited, Tabled Document 7-62, Matters Relating to CNT Operations in the Mackenzie District, Motion 10-62, Information Items 1-62, 2-62, 13-62, 18-62, 27-62
12. Third Reading of Bills
13. Assent to Bills
14. Time and Place of Next Session
15. Prorogation

MR. SPEAKER: This House stands adjourned until 2:00 o'clock p.m., May 19, 1977, at the Explorer Hotel.

---ADJOURNMENT

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